

HB

168

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 6, 1998

FURTHER REFERRALS:

Date of Committee Action: 2/24/98

The STATE AFFAIRS Committee considered:

HB 168

HOUSE BILL NO. 168

TRADITIONAL ACCESS FOR TRADITIONAL ACTIVI

“An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes; and providing for an effective date.”

recommends it be replaced with the following committee substitute CSHB 168 (RES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) FTG

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Janette James</i>			✓	
<i>K. S. ...</i>		✓		
<i>...</i>		✓		
<i>...</i>		AAAA	✓	
<i>Fred ...</i>			✓	
<i>...</i>	✓			
<i>...</i>	✓			

CHAIR'S SIGNATURE *Janette James*

MAR-03-98 TUE 06:21 AM BURKHART, ROY-JUNE

907 495 6338

P. 02



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

Cliff Judkins, President

March 2, 1998

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

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

HB168 is necessary since Seventy (70) percent of our states population resides between Homer and Talkeetna, Alaska. The Game Management Units that this area covers includes GMU13, GMU14, GMU15, and GMU16. In these Game Management Unit areas there are Fourteen (14) state restricted areas that affect motorized access in one way or another. Many of these restrictions were orchestrated to benefit certain special interest groups. In some cases it allows a special interest group the exclusive use of an area. In other cases it benefits a special interest group financially. In the Fourteen (14) restricted areas hardly any restrictions were based upon game habitat protection and none were based upon the protection of the game resources. Example: In GMU13 the Tonsina Controlled Use Area is closed to using motorized vehicles or pack animals for hunting from July 26 to September 30. There is nothing prohibiting a person to use a motorized vehicle or a pack animal during this period of time in this area as long as they are not hunting. It should also be noted that these restrictions not only apply to motorized access, but in some cases, to non-motorized as well.

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

Page Two 2): ABA Letter to House State Affairs Committee, March 2, 1998

from using the area.

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

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

MAR-03-98 TUE 06:22 AM BURKHART, ROY-JUNE

907 495 6338

P. 04

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

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

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

Access

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

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

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

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

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

Yours truly



Elizabeth J. Burkhardt, Legislative Affairs Committee Member

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



Alaska State Legislature

Representative Beverly Masek

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

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

During Session:

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

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

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

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

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



FAX Cover Sheet

Date: 02/16/98

To: *Members - State Affairs Committee

Attention: HB 168

Number: _____

From: Roy and June Burkhart, P.O. Box 204, Willow, AK

99688-0204

VOICE:(907)495-6337 FAX:(907)495-6338

E-Mail: rjburk@alaska.net CELL-Roy:355-0303

Cell-June: 355-0404

Subject * Rep. Jeannette James 907-465-2381

Rep. Fred Doyson 907-465-4587

Rep. Ivan Ivan 907-465-4589

Rep. Mark Hodgins 907-465-2833

Rep. Al Vezey 907-465-3258

Rep. Ethan Berkowitz 907-465-2137

Rep. Kim Elton 907-465-2108

HAVE A GREAT DAY !



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

Donald Sherwood- President

February 16, 1998

To: Members of the House State Affairs Committee:

Representative Jeannette James, Chair

Members: Representative Fred Dyson

Representative Ivan Ivan

Representative Mark Hodgins

Representative Al Vezey

Representative Ethan Berkowitz

Representative Kim Eiton

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Page Two 2): ABA Letter to House State Affairs Committee, February 16, 198

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Yours truly,



Elizabeth J. Burkhart, Legislative Affairs Committee Member

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



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

TO: REP Bev Masek

4 Feb 1998

FROM: Don Sherwood

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

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

Don Sherwood

Legislative Officer



ALASKA OUTDOOR COUNCIL

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

Feb. 2, 1998

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

Dear Representative Masek:

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

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

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

Sincerely,

Rod Arno
President

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

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

February 10, 1998

The Honorable Beverly Masek
Alaska State Legislature
State Capitol Building, Room 432
Juneau, AK 99801-1182

Dear Representative Masek:

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

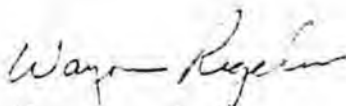
There is a wide variety in how Alaskans enjoy and use wildlife resources. For over forty years, the Boards of Fish and Game have provided Alaskans an opportunity to participate directly in making decisions about how Alaska's fish and wildlife resources should be used and enjoyed. The boards devote over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

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

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

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

Sincerely,



Wayne Regelin
Director

Author: nelsonw@ptialaska.net (Nelson Weidenbaugh) at CC2MHS1

Date: 2/13/98 4:24 PM

Priority: Normal

TO: Representative Jeannette James at LAA_TRANS, Representative Fred Dyson at LAA_TRANS,
Representative Ivan Ivan at LAA_TRANS, Representative Mark Hodgins at LAA_TRANS,
Representative Ethan Berkowitz at LAA_TRANS, Representative Beverly Masek at LAA_TRANS,
Senator Loren Leman at LAA_SLEM, Al_Vezey@legis.state.ak.us at CC2MHS1,
Representative_Kim_Elton@legis.state.ak.us at CC2MHS1

Subject: House Bill No. 168

House State Affairs Committee

Members of the State Affairs Committee: I would like to request your support and approval of H.B. No. 168. This will protect the rights of all Alaskans in using traditional means of access when pursuing outdoor activities such as fishing, hunting and all other means of recreation.

This bill is needed to ensure that all outdoor activities requiring some form of transportation can be enjoyed by Alaskans now and into the immediate future. This bill does not discriminate or favor any one type of transportation. This bill demonstrates that it supports all methods of transportation when in the pursuit of outdoor activities.

House Bill 168 clearly shows that there are safeguards established to protect Alaska's valuable resources.

The Department of Fish & Game, Natural Resources, Board of Game and Board of Fisheries should not be permitted to set policies which can restrict our traditional means of access which we now possess.

Legislators, Department heads and members of the Boards are constantly changing; that is why I consider this bill to be important legislation that will protect our rights in using traditional means of access which we have enjoyed in the past, the present and hopefully for many years to come.

If any member would like to contact me on this issue, I can be reached by E-Mail or at my home number of 907-249-9707.

Sincerely,

Nelson C. Weidenbaugh

Mr. Kevin
8050 Summerset Dr

E Hite - President
AK. STATE SNOWMOBILE ASSOC.

563-3990

Anchorage AK 99518 Distribution Affiliation Reg Voter
Anchorage Y

Date POM Sent	Constituency	Bill Number	Response	Subject
04/07/97	N	HB 168	Supports	

ON BEHALF OF THE MEMBERSHIP OF OUR CLUB, I STRONGLY SUPPORT PASSAGE OF THIS BILL. ALASKAN'S ACCESS SHOULD BE ENHANCED WITHIN OUR PUBLIC LANDS. STATE PARKS SHOULD BE ANSWERABLE TO O ELECTED OFFICIALS WHO ARE ELECTED BY THE PUBLIC LAND OWNERS!



ALASKA CENTER *for the* ENVIRONMENT

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

February 18, 1998

House State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: HB 168

Dear Committee Members:

Since I will be unable to attend the committee's teleconferenced hearing on this bill tomorrow morning, I would like to submit the following comments by fax for your consideration.

HB 168 restricts the ability of the Board of Fisheries, the Board of Game, and the Department of Fish and Game to regulate motorized vehicle use on public lands under their jurisdiction (including purportedly special and protected legislatively designated areas like refuges and critical habitat areas). Since we believe that such regulation is an essential management tool to protect fish and wildlife, soils, vegetation, and water quality; to protect home and cabin owners from the excessive noise of motorized recreational vehicles; and to provide a spectrum, or balance, of recreational opportunities on the public lands--and that more, not less, such regulation is called for--we strongly oppose this bill (as we did the two bills that were passed last year, SB 35 and HB 23).

This is the third in a series of bills which puts our fish, wildlife, and public lands at risk, and discriminates against property owners and non-motorized recreationists. We are not by any means against all motorized recreational vehicle use; we are, however, opposed to bills like this one that strongly favor particular types of users by perpetuating the gross imbalance on our state-owned public lands between those lands that are managed for motorized recreational vehicle use and those lands that are managed for quiet recreation and for the protection of home and cabin owners (for example, a recent DNR analysis concluded that in a southcentral study area of more than 34 million acres of both state and federal public lands, only 4.5% of them had been set aside for quiet winter uses (this 34 million acres included not only undesignated land but also state parks and designated federal lands like the Chugach National Forest and the Kenai National Wildlife Refuge)).

But that this bill is unfair is not its only problem. Where more than temporary regulations are required for areas of any significant size (more than 640 acres), fish and wildlife managers can regulate motorized vehicle use to protect fish, wildlife or their habitat only if it is "biologically essential" to do so. This is an impossibly high standard and would

prevent managers from exercising their professional judgment by implementing restrictions that they believe are both important and appropriate--unless they can prove that they are "essential." Fish, wildlife, and habitat will suffer from the imposition of this unrealistic standard.

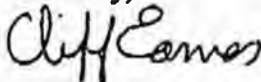
Furthermore, managers will be unable to protect local residents from the unfair competition provided by often wealthier individuals from outside the area who might have the advantage of greater access to motorized vehicles and therefore an increased chance of success. In fact, among the large majority of witnesses who opposed this bill before House Resources were the Tanana Chiefs Conference and three other Native leaders.

Finally, the legislature has more than enough important matters on its plate without taking on additional responsibilities that are better left to boards and agencies. These latter entities are experts in their fields; can devote far more time than the legislature can to these complicated issues; and can provide many more, and more accessible, opportunities for public involvement (for example, most non-legislative meetings and hearings are held in the evenings or on weekends, not during the work day, and are long enough so that everyone who makes the effort to attend can have a chance to be heard). The legislature is far too busy to be able to devote this much attention to these issues. Additionally, micro-managing the site specific regulation of motorized recreational vehicles is no more appropriate a legislative task than the drawing of specific oil and gas lease sale or timber sale boundaries.

Surely there is enough room on Alaska's 104 million acre land entitlement (much of it far closer to major population centers and roads than the federal lands) to provide for the enjoyment of all Alaskans, and all types of visitors, not just the minority that use motorized recreational vehicles. Many people still prefer to use truly traditional means of accessing our public lands, like hiking boots, skis, snowshoes, dog teams and canoes. In fact, Controlled Use Areas are some of our most popular hunting areas. We have a responsibility to accommodate hunters, fishers and others who recreate under their own power as well as motorized users, and to provide some level of protection for private property owners and local users of local fish and wildlife resources.

Thank you for your consideration of these comments.

Sincerely,



Cliff Eames
Issues Director



Alaska State Legislature

Representative Beverly Masek

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue
Wasilla, AK 99654
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During Session:

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907-465-4822 (fax)
1-800-505-2678

February 6, 1998

To: Representative *Jeannette* James, Chair
House State Affairs Committee
Fr: Representative Masek, *Beverly*
Re: Request for Hearing on CSHB 168 (RES)

Dear Representative James:

I am writing to request that you schedule House Committee Substitute for House Bill 168 (RES), "An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes; and providing for an effective date" for a hearing before your committee as soon as possible.

My office is working with the Department of Fish and Game on several amendments to the bill, which I will offer at the hearing before the House State Affairs Committee.

Eddie Grasser is my aide, who is working on this bill. Should you have any questions, please contact him.

Thank you.

2/19/98

To: Members of the House State Affairs Committee
Representative Jeannette James, Chair
Members: Representative Fred Dyson
Representative Ivan Ivan
Representative Mark Hodgins
Representative Al Vezey
Representative Ethan Berkowitz
Representative Kim Elton

HB 168

Madam Chairman and members of the House State Affairs Committee. My name is Cliff Judkins. I live in Wasilla. I am a 36 yrs. resident.

First I would like to thank you. Many of us are aware of the time you take away from your personal lives and families to serve the people of Alaska.


As president of the Alaska Boating Association and as an individual I strongly support HB 168.

Restriction of access to hunting and fishing motorized or otherwise should be based upon sound biological datum not emotions or personal likes and dislikes.

Adoption of HB 168 would give needed direction to the Boards of fish and game. They are now spending many hours listening to proposals and debate, concerning motorized access, that have nothing to do with fish and game management.

There will always be a debate between those that favor more efficient, modern technology and those who favor the old ways. That debate should not be carried on in arena of wild life management.

Again thank you for the time you give.



Cliff Judkins
Pres. Alaska Boating Assoc.

Name - age - 30 yrs - resident - X military disabled - 4488 short of being considered poverty. - 13 is my where my food for existence comes from.

I want to take this time first of all to personally thank, Rose - Jack - Scott Eden - Nick Kozick and Lyda Green for helping spontaneity of the valley to protect the rights already given residents of the state through the Constitution of the state of Alaska.

Bill 162 ~~is~~ that Gov. Masack is proposing is some thing that ~~has~~ ^{should} have been passed a long time ago.

This young lady deserves a lot of credit and thanks for this bill. I believe in no prejudice or conflict of interest of any special interests groups.

The U.S. Senate and Congress only have their minds on the big bucks of the Oil Co. and not of the people.

The Governor fights like hell for the tourists business and the million from Canadian visit with Maligina and the fishermen and Canneries not to mention the tour bus business - what has he done for ^{the people} the land?

We the people that live inland depend on the natural resources of wild life to put meat on our tables for our families.

We are required to only take 1 moose 50" or side fish and 1 Caribou.

The Federal government gives rural residents special permits to take any moose and as many Caribou necessary for subsistence in Glenn Allen Payson and those areas.

This is prejudice and conflict of interest to other residents of this state.

Unit 13 is bordered by Denali Hwy and 90° of the people want it unpaved and left alone as is. It's a waste of money by the state when there are 1000 geologists needing repairs.

The business is just another push for tourist lodges to run and the Trails in the area are supposedly damaging to the tourists.

There is a big lodge on this road about 2 miles from Big Lake.

The property on each side of the Hwy is either State Land or Federal except for some few privately owned. I have checked with Mat Su Borough and North Star Borough and I found out the owners of these parcels - except the big lodge with the air strip and float plane lake. Mat Su says it's not in their borough and North Star says it's not in theirs - Well in pushing for answer they say it's a legislative mix-up.

Mr. T. Valford I think this is your idea make your own. Can Clarify who it belongs to. We would like Unit 13 to be shut off to O.R.V. This would make it an ideal location for base camp for Guides and air taxi with its own private game refuge in all directions! - Could there possibly be a conflict of interest here?

Conflict of int and discrimination
 Most Federal Lands other wise known as the
 Peoples Land is restricted to ORV - But
 OK for air Craft to fly in and out of.

The air Craft is not allowed on a road
 and like ORV do not meet our road require-
 ments and receive a prefered priority
 status I guess. — Will it be

because the Board of Fish Game and
~~Wildlife~~ ~~Subsistence~~ ~~Management~~ is mostly of
 Guides - airstrip Services - and private
 Pilots as a majority?

They use ~~that~~ their wild life resource
 to make big bucks for themselves and all
 we are asking is to put food on our
 tables for our families. We — the ORV
 hunters are in the minority and have
 little or nothing to say about our
 restricted methods of taking game for food.

The officers in the field even object
 to the laws handed them but must enforce
 them.

Unit 13 is not only a way of life and
 means of subsistence to many of us but
 a Constitutional right pointed out in the
 state Constitution.

The thing we need — not in the seat
 of the Governor is some one who recognizes
 the needs of all the people of the state
 not just special interest and big bucks.

We are tired of the echo's of the black
 sheep in Washington our fearless leader.

I don't see much we can do now
our only hope is Davis Bill - But -
as everyone says the next election will
be a big one & I will be voted on for
what those in power have done and how
they voted on past & present items and
not what they promise they will do
Like the Bible says - Many will be
called but few will be chosen

RED DECKER
HCO1 Box 10486D
PALMER 99675
745-6784

Special interest groups - Priority Preference - Conflict of interest - Lack of Representation

Name - age - 30 yrs resident - X military disabled - 4488 short of being considered poverty. - 13 is my where my food for existence comes from.

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Bill 168 ~~is~~ that Bev Masak is proposing is something that ^{should} have been passed a long time ago.

This young lady deserves a lot of credit and thanks for this bill. She shows no prejudice or conflict of interest of any special interest groups.

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RED DECKER
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9500 Prospect Drive
Anchorage, Alaska 99516

February 19, 1998

House State Affairs Committee
Alaska Legislature
By Fax: 907/465-2381

Re: Testimony on HB 168

Dear Members of the Committee:

I am unable to testify by teleconference today on HB 168, but I wish to register my opposition to this bill, and to the erroneous concepts which seem to lie behind it.

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

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

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

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

I am particularly concerned with specific parts of HB 168 which, if enacted, can lead to long-term and irreversible resource damage. First, the burden

House State Affairs Committee
February 19, 1998
Page 2
Re: HB 168

on the Game and Fish Boards to demonstrate that a "traditional access" restriction is "biologically essential" for the protection of a species or its habitat is much too high. First, it assumes scientific or biological certainty, which any scientist can tell you is a near impossibility. Second, it almost invites resource damage (rather than before-the-fact prevention) as "proof" that a restriction is necessary. In many cases, once the damage is done (particularly to terrain and vegetation), it will last for decades, or even centuries.

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

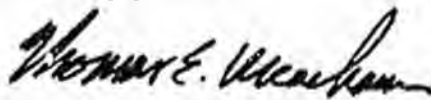
There is no maximum weight limit in HB 168 for motorized "recreation vehicles." It is very possible that under HB 168, the Boards and the resource agencies would be unable to control or prevent the "recreational" use of a D-8 Cat, for example, anywhere on state land for the purpose of "recreational mining"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

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

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

Thank you for your consideration of this testimony.

Sincerely yours,



Thomas. E. Meacham



DATE: 2/19/98

Please accept the enclosed original(s) of written testimony for the House St Affairs

for the HB 168 teleconference hearing that was scheduled on

2/19/98.

A copy of this testimony was transmitted to your committee via fax on 2/19/98.

Thank you .

Mat-Su Legislative Information Office

2/19/98

To: Members of the House State Affairs Committee
Representative Jeannette James, Chair
Members: Representative Fred Dyson
Representative Ivan Ivan
Representative Mark Hodgins
Representative Al Vezey
Representative Ethan Berkowitz
Representative Kim Elton

HB 168

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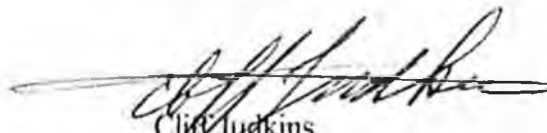
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Cliff Judkins
Pres. Alaska Boating Assoc.

FISCAL NOTE

Bill Version: CSHB 168 (RES)

(H) Publish Date: 2/6/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

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

Expenditures/Revenues (Thousands of Dollars)

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY98) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by Phil Koehl, Wildlife Biologist *PK* Phone 465-4190
 Division Wildlife Conservation Date 2/2/98
 Approved by Commissioner [Signature] Date 2.3.98
 Agency Alaska Department of Fish and Game

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