

SB

35

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/19/97

FURTHER: _____

3-19-97

DATE TURNED

IN TO OFFICE: _____

3-18-97

Finance Committee considered

SENATE BILL NO. 35

MANAGEMENT OF PARKS & RECREATIONAL AREAS

and recommends:

be replaced with _____ CS SB 35 (FIN)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR# _____

SIGNING DO-PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
LEFT		Red E. Kelly	✓		
		Sean Farnell	✓		
		W. Depey	✓		
		John Ferguson	✓		
Co-Chair: <u>True</u>	✓	Co-Chair:			
Co-Chair: <u>Paul</u>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

S-FIN (DNR)	3/14	✓	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#8 DNR	2-19-97	Ø	
#7 DNR	2-19-97		(1,100.0)
#5 DFG	2-7-97	Ø	
#4 DFG	2-6-97	Ø	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

REPORTS OUT OF
3-19-97

BILL NO. CSSB35(FIN)

*Pearce Moved
Adopted w/o*

Revision Date: 3-14-97
Title: Management of Parks and Recreational Areas

Dept. Affected: Natural Resources
BRU: Parks & Rec Management

Sponsor: Senator Green
Requestor: Senate Finance

Components: Parks Management
Serial #: 452.0

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

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

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)


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

POSITIONS:

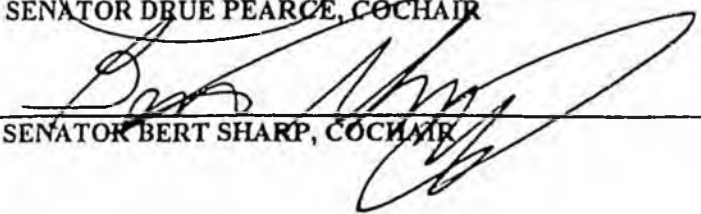
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared by: **SENATE FINANCE COMMITTEE**



 SENATOR DRUE PEARCE, COCHAIR



 SENATOR BERT SHARP, COCHAIR

Date: 3/14/97
 Phone: 465-4993

Date: 3/14/97
 Phone: 465-3004

FISCAL NOTE

No. 8

Bill Version: CS SB 35 (RES)

(S) Publish Date: 2/21/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. _____

3-19-97

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act restricting the Board of Fisheries, Board BRU: Resource Development
of Game, ADF&G and DNR from...traditional access Component: Mining Development
 Sponsor: Senator Green
 Requestor: (S)FIN Component Serial No. 442

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
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						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

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)

Under 11 AAC 86.145, a mining operator may restrict public access to a site only with the approval of the Division of Mining and Water Management, and only "to protect public safety" or to "prevent unreasonable interference" with the miner's rights. The proposed law appears to invalidate the ability of the state to allow this restriction to public access. Thus, it could force the Usibelli Coal Mine to let the public drive through its active mining areas, even during blasting operations (a violation of federal law). It might require the operator of Fort Knox to allow snowmobiles, dog mushers, pedestrians, and cars to compete with its 150-ton haul trucks for use of the road. While companies could ask for public access restrictions, the restriction would require legislative approval.

Please see continuation page.

Prepared by: Jules V. Tileston, Director Phone: 269-8600
 Division: Mining and Water Management Date: 19-Feb-97
 Approved by Commissioner: [Signature] Date: _____
 Agency: Natural Resources

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Fiscal Note, continued: CSSB 35 (RES)

The bill has little effect on the operations of the Division, but it could have a significant but difficult to calculate cost to mining operators – and thus an affect to the Alaskans employment and income, and to state royalties and rents. The cost to mining operators could increase due to increased insurance costs, increased management costs, decreased efficiency. In addition, the inability to restrict public access to operating mines could decrease the current attractiveness of the state to new mining development.

FISCAL NOTE

No. 7
 Bill Version: CS SB.35(RES)
 (S) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

BILL NO. _____

Revision Date: 19-Feb-97 Dept Affected: Natural Resources
 Title: An Act restricting the Board of Fisheries, Board of BRU: Resource Development
Game, ADF&G, and DNR from...regulation [of] traditional access.... Component: Land Development
 Sponsor: Sen. Green
 Requestor: Senate Finance Component Serial No. 431

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
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 (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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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)

Analysis assumes that the intent of Sec. 5 is to prevent any restriction or prohibition of access on state public domain land, including land offered for sale, surface lease, material sales, or rights-of-way. "Blanket" easements would be required instead of typical linear easements. Reduction of sale parcels' fair market value is estimated at 50% due to loss of exclusive use rights and perceived loss of privacy. Commercial/industrial lease bids and material sale prices are also projected to be reduced to account for higher insurance premiums charged for unsecured work sites. Projected revenue impact assumes no major new land sale offering to the general public; mostly preference-right sales, sales to current remote parcel lessees, homesiters, and homesteaders, material sales, and leases for commercial/industrial purposes. Also, figures do not attempt to reflect extra liability exposure for the state on land retained in public ownership. Analysis continued...

Prepared by: Jane Angvik, Director *[Signature]* Phone: 269-8503
 Division: Land Date: 19-Feb-97
 Approved by Commissioner: *[Signature]* Date: 2-19-97
 Agency: Natural Resources

Analysis continued...

Sec. 5, added by the Resources Committee, would enact a new AS 38.95.300 forbidding DNR to adopt a regulation that would prohibit or restrict "traditional access" (undefined). As with ADF&G and the boards, a DNR finding of a "compelling reason" may be forwarded as proposed legislation. Because the restriction is in AS 38, it would apply to public domain land management, not just park management. Temporary parkland closures under AS 41.21.020(e), added by Sec. 7 of the bill, would be excepted.

Sec. 5: Statutory intent is not clear. DNR does not adopt regulations prohibiting access to Title 38 land. It is in the business of facilitating access, not precluding it. However, since 1970 it has had regulations requiring a permit to use heavy equipment on state land, which might qualify as a "restriction" of undefined traditional access. Further, those regulations let DNR impose more stringent permit requirements on a site-specific basis. It did this for off-road vehicle use on the North Slope in 1970 (still in effect, and necessary to prevent resource damage on permafrost soils). Other designations since then that may affect "traditional uses" include two at the Poker Flats rocket impact zone to prevent public access during rocket launches; three allow public safety controls at ski area (Hatcher Pass, Thompson Pass, and Alyeska Resort), e.g. during avalanche blasting; another prohibits camping in the Nenana Gorge to control a problem with seasonal Denali Park workers' squatters' camps; another restricts access to a sea-lion rookery at Marmot Island to minimize the threat that the federal government would place the Stellar sea lion on the endangered species list (an action that would have caused great disruption to commercial fisheries). DNR closed road access altogether to two sites in Juneau (at Montana Creek and Eagle River) that were being used for illegal trash dumping, as it was not funded for maintenance and the cleanup costs were becoming overwhelming. And DNR has just been notified it must close access to about 1,000 acres near Gerstle River (Delta) because of the presence of hazardous nerve gas left over from military testing. The bill may intend to invalidate existing restrictions or prevent new ones in equally compelling circumstances.

Allowing DNR to request a legislative closure, months or years later, is no solution. The bill has no exceptions for closures needed to protect public safety or prevent resource damage, just as it has no exceptions for resource development and land disposal purposes. Every land disposal to a municipality or a private owner "restricts" previous public access, unless this bill intends DNR to reserve blanket easements allowing all previous uses to continue. (Even if DNR follows its traditional practice of reserving easements to protect existing trails, being confined to a trail is a "restriction.") On land subject to timber sales, mineral sales, mineral leases, and other less-than-fee disposals, DNR generally retains public access, but it must be able to allow necessary restrictions. For instance, DNR authorizes timber purchasers to close logging roads during breakup or heavy rain, when travel would damage the road surface, or at the logging site to prevent safety hazards and to protect equipment and cut timber against theft and damage. And it requires logging roads to be blocked and "put to bed" if there is no new operator to assume responsibility for road and culvert maintenance. Gravel pits and rock quarries are operated under similar rules to protect public safety and the gravel purchaser's property rights. Similarly, oil and gas leases are open to public uses that do not unreasonably interfere with the lessees' rights. Lessees are prohibited by their lease terms from blocking public access. However, exceptions are allowed within the immediate vicinity of drill sites and structures. On mining locations, the miner must apply for permission for any closure, and restrictions are authorized only to protect public safety or prevent unreasonable interference with the miner's rights. This bill could force the Usibelli coal mine to let the public drive through its active mining areas, even during blasting operations (a violation of federal law). And it could invalidate Alyeska Pipeline Service Company's authority to restrict public access to its right-of-way lease, forcing removal of the locked gates that keep vehicles off the work pad and pipeline. Who would pay for the liability of allowing the general public, including children, into the midst of industrial operations using heavy equipment? This section could slow or halt resource development on state land.

Restrictions as in the above examples are imposed not by "regulation" but by land use plans, land disposal decisions, forest land use plans for timber sales, oil and gas lease forms, wildfire management plans, etc. However, because "regulation" is so broadly defined in AS 44.62.640, a case can be made that all of these documents are in fact regulations (a suit now before the Supreme Court raises this question). That interpretation would open most of DNR's land management and disposal decisions to the charge that they will restrict "traditional access," giving disposal opponents new ammunition to use in court.

FISCAL NOTE

No. 6
 Bill Version: CS SB35(RES)
 (S) Publish Date: 2/21/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.

Revision Date: 19-Feb-97 Dept Affected: Natural Resources
 Title: An Act restricting the Board of Fisheries, the BRU: Parks & Recreation Management
Board of Game, the Department of Fish and Game,... Component: Parks Management
 Sponsor: Senator Green
 Requestor: (S)FIN Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	3.0	1.0	1.0	1.0	1.0	1.0
TRAVEL	8.4	8.4	8.4	8.4	8.4	8.4
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	11.4	9.4	9.4	9.4	9.4	9.4
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	11.4	9.4	9.4	9.4	9.4	9.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	11.4	9.4	9.4	9.4	9.4	9.4

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

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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)

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14). An additional \$2.0 is needed the first year to set up a reporting system that is easily tracked and prepared for annual submission to the legislature. No new position will be required for this, the personal services dollars will be used to extend the season of an existing position to prepare the report.

Closures of longer than 90 days would require annual trips to the legislature. We anticipate that up to six bills per session would be needed for construction, wildlife, disaster, public safety, seasonal and resource protection closures. We anticipate travel costs associated with each bill to be \$1.4.

Detailed analysis continued...

Prepared by: Jim Stratton, Director *[Signature]* Phone: 269-8700
 Division: Parks and Outdoor Recreation Date: 19-Feb-97
 Approved by Commissioner: *[Signature]* Date: 2-19-97
 Agency: Natural Resources

Analysis Continued...

Sec. 5, added by the Resources Committee, would enact a new AS 38.95.300 forbidding DNR to adopt a regulation that would prohibit or restrict "traditional access" (undefined). As with ADF&G and the boards, a DNR finding of a "compelling reason" may be forwarded as proposed legislation. Because the restriction is in AS 38, it would apply to public domain land management, not just park management. Temporary parkland closures under AS 41.21.020(e), added by Sec. 7 of the bill, would be excepted.

Sec. 6 of the bill amends AS 41.21.020 to require an annual report to the legislature listing each designation that DOPOR has imposed within the state park system that prohibits a "traditional means of access" for a "traditional recreation activity" (both terms are broadly defined). The report must include the reason for, site of, and duration of the prohibition or restriction. Division of Parks and Outdoor Recreation does not oppose this annual report requirement. From the original SB 35.

Sec. 7 of the bill has two parts. The first part (from the original SB 35) would add a new AS 41.21.020(d) that prohibits DNR from managing as part of any legislatively designated park unit any land "that is not within" the legislatively designated boundaries. The prohibition would thus affect additions, but not inholdings purchased by or given to the state; the latter could be managed as part of the park. Nor would it forbid the existing practice of transferring small, isolated tracts of Title 38 land via an Interagency Land Management Assignment so that they can be managed as wayside parks or mini-parks. However, during the legal review that led to last year's veto, concern arose that it did forbid that practice, impliedly repealing AS 38.05.295 and allowing only legislatively designated land to be managed as part of the state park system. If that interpretation was correct, it would drop more than 90 administratively created units out of the park system and associated coverage of park regulations, leaving DNR unable to collect fees and control disruptive behavior. This possible interpretation could be eliminated by a rewrite of section 7.

The enabling legislation for three park units, Chugach, Kenai River, and Pt. Bridget, specifically allows their boundaries to be expanded administratively. It is unclear how this bill would be reconciled with these earlier but more specific statutes. A simple "Except where otherwise provided by law" amendment would clarify the situation. Four units forbid expansion, but allow administrative additions of land within the designated boundaries. Enabling legislation for eight units, including the marine park system, currently has no language prohibiting boundary expansion, so for 26 years the park system has operated on the assumption that such authority existed. Three of those parks—Wood-Tikchik, Denali, and Chilkat—have administrative additions, including two new parcels (each under 10 acres) recently gained via a land exchange for a boat launch ramp/parking lot and other uses at Wood-Tikchik. This bill would cloud the status of the Wood-Tikchik and Denali additions, despite AS 01.10.090's requirement that retroactive intent be explicit, because it treats the third park differently.

The second part of Sec. 7, added by the Resources Committee, would create a new AS 41.21.020(f) forbidding any closure or restriction of "access" (not defined, but presumably distinct from "traditional access" or "access that has historically been used", terms used elsewhere in the bill). An exception is made for temporary closures (not more than 90 days per year), or interim closures that must be submitted to the next regular legislative session. The latter will expire at the end of the session if not "approved" by the legislature. The method of approval is not specified.

Analysis Continued...

This part of Sec. 7 is potentially dangerous, forbidding all but temporary (90-day) or interim restrictions of undefined "access" on parklands. With the annual legislative report requirement of Sec. 6, this section is unnecessary: the legislature could take action against any closure it questioned. This section will needlessly impair public safety and resource protection. Examples of restrictions it will forbid, or require to be brought to the legislature for enactment, include:

Construction closures typically last longer than 90 days, and the complete site must be closed for safety reasons. In the past couple of years, all of the following were closed for construction for at least one season: House of Wickersham, Alaska Veterans' Memorial, Kepler-Bradley State Recreation Site, Potter Creek Trailhead, Bird Ridge Trailhead, Deep Creek campground (east of highway). In the summer of 1997, McHugh Creek (Chugach), Worthington Glacier, parts of Lake Louise, and Castle Hill (Sitka) will be closed for construction for longer than 90 days.

Disasters such as oil spills, floods, and landslides happen quickly, but may take far longer than 90 days to repair. If the legislature failed to pass a closure bill, Parks would be forced to reopen the site, with resulting state liability for any accidents. Examples: the 1993 oil spill at Indian (Chugach, 37,000 gallons of jet fuel) caused Parks to close 14 acres for the duration of clean-up and mediation, which is still ongoing. Fall 1995 flooding caused extensive damage to the Eklutna Lakeside Trail, including culvert and bridge wash-outs, which took 18 months to repair. During this time the trail was closed. Damage to Bing's Landing on the Kenai River caused closure of much of the river bank pending work that is scheduled for the summer of 1997. Juneau's Perseverance Trail washed out in the fall of 1996 and has been closed since. Trail work is planned for summer 1997, pending legislative appropriation. Until that time the trail is dangerous. A local high school runner ignored the trail closure signs and fell to his death at Thanksgiving.

Parties and vandalism - Teenage partying and vandalism have required evening or seasonal park closures at numerous sites near urban centers, including: Upper Huffman trailhead (Chugach), which is open only in the winter for snowmobile use, then closed in the summer to deter partying; McHugh Creek (Chugach), closed at 10 pm in the summer and closed all winter to deter partying and vandalism; Potter Creek Trailhead (Chugach), closed during the winter to prevent vandalism; Bird Creek Valley (Chugach), where one-half mile of the access road is closed to displace a teen partying site; and all Sitka parks are closed at 11 pm in cooperation with local law authorities.

Swimming beaches - Parks closes or restricts boating (limiting speeds via a no-wake zone) within swimming areas to prevent safety hazards to swimmers. Examples include Big Lake North and South, Nancy Lake, and Captain Cook.

Over-use sometimes requires long-term closure to allow resource damage to heal. Examples include streambank closures on the Kenai River and Deep Creek to restore salmon rearing habitat, and trail closures at the Glenn Alps Trailhead (Chugach) to allow rehabilitation of damaged vegetation and erosion. Eagle Beach SRA was closed to off-road vehicles because of damage to beach grass habitat and wild strawberry beds.

Seasonal closures - In the spring when the snow cover shrinks to a certain level, snowmobiling is closed to prevent vegetation damage and is not reopened until the following fall when adequate snow cover is present. Parks also closes 75 campgrounds for the winter, along with day-use sites in Chugach, Mat-Su, Kenai, and Kodiak, for a combination of vandalism protection, lack of demand, and lack of winter maintenance budgets.

Management reasons - Some park units have been permanently closed for management reasons, usually declining budgets combined with increasing expenses due to vandalism or location, including Moose Creek SRS, Tolsona Creek SRS, Centennial Lake SRS, and Anchor River SRS. Before resorting to closure, Parks offers management opportunity to local government and evaluates the area for possible contract management. These four areas were either day-use sites that did not lend themselves to revenue generation, or did not qualify for charging campground fees because of the lack of water service.

Sec. 8 legislatively adds three parcels, totaling 10.85 acres, to Chilkat State Park. The affected lands were purchased with Land and Water Conservation Funds and added administratively. If Sec. 7 were interpreted as withdrawing them from recreational use, the grantor would require that they be replaced by similar lands of equal recreational value and utility. The length and complexity of this section—three pages of legislative legal descriptions, with all the attendant risk of errors, to add less than 11 acres to a park—is an inefficiency that Sec. 7 will cause.

FISCAL NOTE

Bill Version: CS SB 35 (RES)

STATE OF ALASKA
1997 LEGISLATIVE SESSION

REPORT
SFC 3-19-97

(S) Publish Date: 2/19/97

Revision Date: 2/7/97 Dept. Affected: Fish and Game
 Title: Management of parks and recreation areas BRU: Habitat and Restoration
 Sponsor: Senator Green Component: Habitat
 Requester: Senate Resources COMPONENT SERIAL NO. 486

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) 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: Janet Kowalski JK
 Division: Habitat and Restoration

Phone: 465-3065
 Date: 2/7/97

Approved by Commissioner: Frank Rue *Geron Bue for*
 Agency: Department of Fish and Game

Date: 2/7/97

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FISCAL NOTE

No. 3

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. Bill Version: CSSB35(STA)

(S) Publish Date: 1/31/97

Revision Date: 28-Jan-97 Dept Affected: Natural Resources
 Title: An Act relating to management of state land, BRU: Parks & Recreation Management
water, and land and water as part of a state park... Component: Parks Management
 Sponsor: Senator Green
 Requestor: S(RES) Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
	FY98	FY99	FY00	FY01	FY02	FY03
OPERATING EXPENDITURES						
PERSONAL SERVICES	3.0	1.0	1.0	1.0	1.0	1.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3.0	1.0	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	3.0	1.0	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	3.0	1.0	1.0	1.0	1.0	1.0

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

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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)

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14). \$3.0 is needed the first year to set up a reporting system that is easily tracked and prepared for annual submission to the legislature.

Prepared by: Jim Stratton, Director *Jim Stratton* Phone: 269-3700
 Division: Parks and Outdoor Recreation Date: 28-Jan-97
 Approved by Commissioner: *Jim Stratton for John R. King* Date: 1-28-97
 Agency: Natural Resources

FISCAL NOTE

2

Bill Version: CSSB35(STA)

(S) Publish Date: 1/28/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: 1/27/97 Dept. Affected: Fish and Game
 Title: Management of Parks & Recreational Areas BRU: Wildlife Conservation
 Sponsor: Senator Green Component: Wildlife Conservation
 Requester: State Affairs COMPONENT SERIAL NO. 473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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: Wayne Regelin, Director
 Division: Wildlife Conservation
 Approved by Commissioner: Georon Egan
 Agency: Alaska Department of Fish and Game

Phone: 465-4190
 Date: 1/27/97
 Date: 1/28/97

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FISCAL NOTE

No. 011

Bill Version: CSSB 35 (RES)

(S) Publish Date: 2/19/97

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/7/97
Title: Management of Parks & Recreational Areas

Dept. Affected: Fish and Game
BRU: Wildlife Conservation
Component: Wildlife Conservation

Sponsor: Senator Green
Requester: Senate Resources

COMPONENT SERIAL NO. 473 X

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) 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)

This FN is the previously published FN#2 (STA). This FN wasn't published.

*pub
FN
For
W.C
Game*

Prepared by: Wayne Regelin, Director
Division: Wildlife Conservation

Phone: 464-4190
Date: 2/7/97

Approved by Commissioner: Green Bruce for
Agency: Department of Fish and Game

Date: 2/7/97

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FISCAL NOTE

No. 1

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: SB35
BILL NO. (S) Publish Date: 1/24/97

Revision Date: _____ Dept Affected: Natural Resources
Title: An Act relating to management of state land, BRU: Parks & Recreation Management
water, and land and water as part of a state park... Component: Parks Management
Sponsor: Senator Green
Requestor: S(STA) Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
	FY98	FY99	FY00	FY01	FY02	FY03
OPERATING EXPENDITURES						
PERSONAL SERVICES	3.0	1.0	1.0	1.0	1.0	1.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3.0	1.0	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0


FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	3.0	1.0	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	3.0	1.0	1.0	1.0	1.0	1.0

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

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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)

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14). \$3.0 is needed the first year to set up a reporting system that is easily tracked and prepared for annual submission to the legislature.

Prepared by: Jim Stratton, Director Phone: 269-8700
Division: Parks and Outdoor Recreation Date: 22-Jan-97
Approved by Commissioner:  Date: 1/27/97
Agency: Natural Resources



The Alaska Boating Association

P.O. Box 210430

Anchorage, Alaska 99521

Donald Sherwood- President

TWENTY-FIVE LETTERS - DIFFERENT

SIGNATURES

DATE: 02/20/97

TO: Bill Sponsor: Senator Lyda Green
 Bill Co-Sponsors: Senator Drue Pearce and Senator Robin Taylor
 Members, Senate Resources Committee: Chair: Senator Rick Halford; Vice-Chair: Senator Lyda Green; Members: Senator Loren Lemay, Senator Bert Sharp, Senator Robin Taylor, Senator John Torgerson, and Senator Georgianna Lincoln
 Members, Senate Finance Committee: Chair: Senator Drue Pearce; Vice-Chair: Bert Sharp; Members: Senator Dave Donley, Senator Sean Parnell, Senator Randy Phillips, Senator John Torgerson, and Senator Al Adams

This letter is in response to Senate Bill Thirty-five (SB0035), relating to traditional means of access for traditional outdoor uses. 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 of our members livelihood.

I personally am concerned about the ammendments that have been added to the bill since it was introduced. Adding the ability for the Board of Game to adopt regulations and considerations within this bill is making the bill too cumbersome and is jeopardizing it's successful approval. While the proposed intent of the ammendments is positive and I can't disagree with the worthiness of that intent, the ammendments should be another bill addressed for those specific purposes. I understand that this bill was originally introduced last session with even stronger language supporting traditional access. Unfortunately, I also understand that some of that language was removed within committee last session.

I would ask that you support this fine piece of legislation and that you do whatever you can to see that the bill returns to its original intent, and then goes forward to your peers for their approval.

Thank you,

John Torgerson
P.O. Box 876013
Wasilla, Alaska 99687

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION

TONY KNOWLES, GOVERNOR

MAT-SU AREA OFFICE
MILE .7 BOGARD ROAD
WASILLA, ALASKA 99687
PHONE: (907) 745-3975

MAILING ADDRESS:
HC 32 BOX 6706
WASILLA, ALASKA 99654

February 6, 1997

Steven K. Van Troba
D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Ak. 99645

Dear Mr. Van Troba:

This letter is in response to your Commercial Use Permit application to conduct horse back trail rides in Denali State Park to Curry Ridge and to Blair Lake as proposed in your application.

After a thorough review of your proposal, I have determined that commercial horse back trail rides are not allowed by state park regulations in the areas that you have selected nor is it consistent with the Denali State Park master plan recommendations and guidelines. In addition, there are no existing horse trails or any record of traditional horse use associated with the requested area and activity.


Therefore, I must deny your application and will not issue you a commercial use permit to develop horse trails and/or conduct horse back trail rides in Denali State Park as requested.

A person adversely affected by this decision may appeal this decision, in accordance with 11 AAC 02, to :

Jim Stratton, Director
Division of Parks and outdoor Recreation
Department of Natural Resources
3601 C Street, Suite 1200
Anchorage, Ak. 99503-5921

Any appeal must be received at the above address within 30 calendar days after the date of "delivery" of this decision, as defined in 11 AAC 02.040. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources. If an appeal is not filed before the end of the period specified, this decision then goes into effect.

Sincerely,


Dale K. Bingham
Area Superintendent

cc: Jim Stratton, Director

D & S Alaska Trail Rides Inc.
P.O. Box 1337
Palmer, Alaska 99645
Tel/Fax (907)-745-2208

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ANS d.....

February 27, 1997

Jim Stratton, Director
Division of Parks and outdoor Recreation
Department of Natural Resources
3601 C Street, Suite 1200
Anchorage, Ak, 99503-5921

Dear Mr. Stratton,

D & S Alaska Trail Rides Inc. would like to exercise our right of appeal under 11AAC02 to conduct horse back trail rides in Denali State Park on Curry Ridge. In your Denali State Park Master Plan it states in chapter 2 under goals & objectives.

3. Provide Recreation Opportunities and Facilities for present and future Alaska residents. Denali State Park is a major component of the state park system, which exists primarily to serve Alaska residents. Non-resident and tourist recreation can be provided in Denali State Park to the extent that it complements but does not significantly is place recreation by residents.

*Provide those recreation facilities and uses that are most in demand given the regional status of the park and the existing recreation facilities in the area, including: campgrounds, campsites, and trail (hiking and cross-country skiing).

*Provide those recreation facilities and uses that take advantage of the special natural qualities of the park, such as views of Mt. McKinley, glaciers, wildlife, river corridors, lakes, and the Curry-Kesugi Ridge Landscape.

4. Support the State's Tourism Industry, which depends on both resident and non-resident visitors.

* Provide a diversity of recreation opportunities that fit with various tourist groups

* Provide a diversity of recreation facilities and opportunities that will encourage people to stay in the region longer, such as:
opportunities for self-guided activities, such as hour, half-day and day hikes.

Park Operations and Staffing Requirements

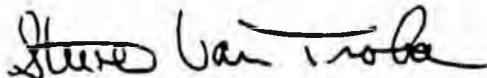
Funding Shortfalls. Recent budget cuts have severely limited the Division's ability to maintain and adequate management presence in the park. Present funding levels force rangers to confine their patrols primarily to the road corridor, limiting their ability to perform research, monitor back country used, and identify potential management problems. Facility maintenance has also been reduced in recent years. There is concern that new programs and facilities proposed in this plan will add major new responsibilities to and already stressed operational budget.

D & S Alaska Trail Rides Inc. has proposed guided horse back and wagon ride operation in Denali State Park. In your Denali State Park Master Plan it states the support of the tourism industry and trails for hikers. It does not specifically address a horse trail nor does not say a horse trail can not be installed in Denali State Park. Mr. Dale K. Bingham has denied D & S Alaska Trail Rides Inc. a commercial use permit to develop horse trails and to conduct horse back trail rides in Denali State Park. The State of Alaska Department of Natural Resources should support this activity in the Denali State Park. D & S Alaska Trail Rides Inc. will seek local suppliers in the area for construction and operational requirements, and will provide economic benefits to the area indirectly. The fees D & S Alaska Trail Rides Inc. will pay the State of Alaska for the use of the Denali State Park will help recent budget cuts, which has severely limited the division's ability to maintain and adequate management presence in the park.

D & S Alaska Trail Rides Inc. is enclosing a application to the Mat-Su Borough Planners and Assembly and a application to the Land Management Division of the Mat-Su Borough.

Please review the enclosed applications and if you have any question regardingt this appeal, you can direct them to Steve Van Troba (907)-745-2208

Sincerely:



Steve Van Troba

cc: Sen. Lyda Green
Rep. Beverly Masek
Rep. Scott Ogan
Rep. Vic Kohring

**D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-745-2208**

February 19, 1997

**Matanuska-Susitna Borough
Land Management Division
350 East Dahlia Avenue,
Palmer, Alaska 99645-6488**

Reference: Statement of Purpose for Mat-Su Borough Land Management

SECTION or MSB 11.10.010 through 11.10.110 - D & S Alaska Trail Rides Inc. a guided horse riding and wagon ride operations will include sightseeing and trail riding in remote locations of Denali State Park. (see attach map)

SECTION or MSB 11.10.010 through 11.10.110 - 1.- f. Trails and campsites shall be kept clean. All garbage and foreign debris shall be eliminated by removal and complete burning unless otherwise authorized. D & S Alaska Trail Rides Inc. trash policy, that is all trash will be pack out and deposited in trash bin at the trail head base site.

.SECTION or MSB 11.10.010 through 11.10.110 -6.1-C. 4.- Any proposed use which will be potentially damaging to the environment or hazardous to the health, safety or welfare of the public must be carefully reviewed. Discretion should be used when coordination with other agencies which, by law or other authority, share jurisdiction over the use. Examples of these types of activities include storage of flammable or explosive materials, activities which may significantly affect anadromous fish habitat. D & S Alaska Trail Rides Inc. policy for horse manure, the horse corral and stalls will be clean on a daily base's and horse manure will be hauled to Van Troba's Tree Farm where it will be mixed with other organic material and made into organic compost.

**D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-754-2208**

February 17, 1997

Matanuska-Susitna Borough
Planning Commission
Assembly Members
East Dahlia
Palmer, Ak 99645-6488

Reference: STATEMENT OF PURPOSE for Mat-Su Borough Planners and Assembly

Following is D & S Alaska Trail Rides Inc. application and documentation for a Conditional Use Permit in the Mat-Su Borough's, Denali State Park Special Land Use District. Our proposal is to establish a horse and wagon ride seasonal (May - September) operations facility at Mile 132 of the Parks Highway, just east of the Mt. McKinley Princess Lodge. The site is well situated for horse rides and wagon tours by visitors to Denali State Park and the Mat-Su Borough. The proposed site incorporates zoning requirements set forth by Borough Ordinance, Chapter 17.17.

D & S Alaska Trail Rides Inc. Plans conform to the requirement stated in Article 1. GENERAL PROVISIONS, Section 17.17.020, PURPOSE. - The area within the boundaries of this special land use district is zoned for recreational uses.

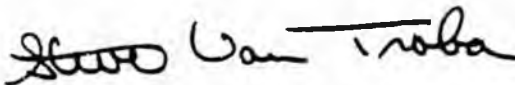
D & S Alaska Trail Rides Inc. planned operations are of a recreational nature and for the support of like activities. Guided horse riding and wagon ride operations will include sightseeing and trail riding in remote locations of Denali State Park. The guests will be transported from Mt. McKinley Princess Lodge to the horseback riding trail head.

D & S Alaska Trail Rides Inc. permit application fulfills the requirement of, ARTICLE 11, Section 17.17.060 CONDITIONAL USES, A. 5, commercial uses; and all requirements of ARTICLE 11, SECTION 17.17.080 through SECTION 17.17.130, (see below), as well as meeting the requirements of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A.2, the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question; as follows:

SECTION 17.17.080 COMPLIANCE. - No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired, or structurally altered except in conformity with regulations in this chapter and D & S Alaska Trail Rides Inc. Plans conform with regulations in this chapter and D & S

SECTION or MSB 11.10.010 through 11.10.110-1.-b. Existing roads and trails shall be used wherever possible. Existing trail widths shall be kept to the minimum necessary. Trail surface may be cleared of down and dead timber, stumps, and snags. Due care shall be used to avoid excessive scarring or removal of ground vegetation cover. D & S Alaska Trail Rides Inc. proposal meets all requirements of SECTION or MSB 11.10.010 through 11.10.110,1. b. - the horse path shall be no wider than 18" path surface, the horse path will go around all standing trees no tree will be cut down or removed, limbs under ten feet above the ground surface and two half feet on each side of the path will be cut back so that the rider will not be hit. The use of existing moose trails will be used, all wet ground will be avoided to protect ground vegetation cover, a bridge or board path will be build where ever the ground condition requires it. Dead timber laying across the horse path will not be removed unless the timber is too high that a horse is unable to step over it, we are trying to preserve the paths as natural as possible.

Sincerely:

A handwritten signature in cursive script that reads "Steve Van Troba". The signature is written in dark ink and is positioned above the printed name.

Steve Van Troba

Alaska Trail Rides Inc. does not propose any use stated in ARTICLE 11 SECTION 17.17.070, PROHIBITED USES.

SECTION 17.17.080 COMPLIANCE- D & S Alaska Trail Rides Inc. Plan is to haul five hundred gallons of water per day from Mt. McKinley Princess Lodge water system, for the use of watering the horses.

SECTION 17.17.090 BUILDING HEIGHT LIMITS. - The maximum building height shall be 35 feet above finished grade.

D & S Alaska Trail Rides Inc. plans a maximum height of 25 feet in our currently proposed buildings. The pole barn will be open sided with a roof, 20x64 with 1,280 square feet. Our storage vans and camp trailers are on wheels so they are moveable.

SECTION 17.17.100 LOT AREA. - The minimum lot area for any use shall be ten acres. The lot length to width ratio shall be a maximum of 1:3 and a minimum of 1:1. The site proposed by D & S Alaska Trail rides Inc. is approximately 10 acres in size with length and width measurements nearly equal.

SECTION 17.17.110 SETBACK REQUIREMENTS; - Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. Proposed site plans locate our ten acres two and half miles from the George Parks Highway.

SECTION 17.17.120 VEGETATION BUFFER; - A natural vegetation buffer shall be maintained for a minimum of 50 feet from the right-of-way of the George Parks Highway.

D & S Alaska Trail Rides Inc. proposed facility will be located on ten acres SE1/4 SE1/4 SE1/4 S33 T28N, R5W,5M corner of Sam Turner and Sunny Kragness 160 acres, to the east of Mt. McKinley Princess Lodge. This area has natural buffer vegetation which will remain to an acceptable extent. D & S Alaska Trail Rides Inc. plans to keep the natural buffer vegetation.

SECTION 17.17.130 SIGNS, - no signs: on top of building, flashing, rotating, animated, or intermittent lighted. Signs also cannot exceed 32 square feet in area and are regulated by CFR's.

D & S Alaska Trail Rides Inc. proposes two sign possibilities. Our first proposal is to seek placement within the Parks Highway right of way to place a sign near the Mile 132 and Mile 130, within view of highway motorists. D & S Alaska Trail Rides Inc. understands that an airspace lease must be secured through the Alaska State Department of Transportation.

D & S Alaska Trail Rides Inc. planned operations meets all of the requirements stated in Article 11 Section 17.17.130 GENERAL STANDARDS,A;- the conditional use will not detract from the value, character, or integrity of Denali State Park:

Our proposed activities will add to the value, character, and integrity of Denali State Park (DSP) by creating a low impact means of access to acres of the park otherwise inaccessible. We anticipate using ten horses offering Denali State Park and Mat-Su Borough visitors sightseeing tours by guided horseback. Horses are an environmentally sound means of access to remote areas of the park. When compared to other means of access, long term impacts are negligible. Without the noise from a helicopter operations and other aircraft that would have flight paths over the remote reaches of Denali State Park and Denali National Park.

D & S Alaska Trail Rides Inc. proposal meets the requirement of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A. 3; - granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare; D & S Alaska Trail Rides Inc. proposed facility will enhance public health, safety, convenience, and welfare in several ways.

We would provide additional protection of sealed storage van to store our horse grain, making a safe place to store grain in without traction of bears.

We have the experience of fulfilling various needs for emergency response to the Denali State Park and Denali National Park. The addition of our horses based in this region of the would provide for an additional level of emergency response for residents as well as visitors to the northern reaches of the Mat-Su Borough. When weather prohibits helicopters and aircraft from flying.

D & S Alaska Trail Rides Inc. planned operations will provide several job opportunities for local residents. D & S Alaska Trail Rides Inc. prefers to hire locally if qualified applicants are available.

Local revenues will be realized by businesses in the area. D & S Alaska Trail Rides will seek local suppliers in the area for construction and operational requirements. Trickle down effects of revenue and wage earnings from D & S Alaska Trail Rides Inc. planned operations will provide economic benefits to the area indirectly.

D & S Alaska Trail Rides Inc. proposal meets all requirements of ARTICLE 11 SECTION 17.71.180, A.4; - sufficient access, setbacks, lot area, parking spaces, buffers, and other safeguards are being provided to meet the conditions, as follows:

Sufficient parking will be provided at Mt. McKinley Princess Lodge also and sufficient turnaround space will be provided at D & S Alaska Trail Rides Inc. ten acres trail head site.

Lot Area, Setbacks, and buffers are identified in previous descriptions above.

D & S Alaska Trail Rides Inc. proposal will meet the commissions requirements of ARTICLE 111, SECTION 17.17.180, A.5; - if the permit is for public use or structure,

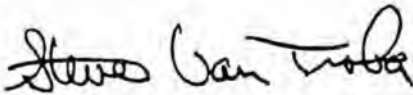
the commission must find that the proposed use or structure is located in a manner which will maximize public benefits; D & S Alaska Trail Rides Inc. will maximize public benefit increasing the tourism infrastructure in the area.

D & S Alaska Trail Rides Inc. proposed location benefits the public immensely through close proximity to overnight lodging at the Mt. McKinley Princess Lodge and Mary's McKinley View Lodge. Additional overnight facilities are speculated to develop in the vicinity as well. Horseback and wagon rides as an activity, is a fast growing experience of visitors to Alaska. Many highway travelers see Mt. McKinley at or near this location and desire taking horseback, or wagon ride in the untouched wilderness of Denali State Park and the Talkeetna Mountains. The proposed location will help to meet visitor expectations of an "experience of a lifetime" activity by enhancing this area of the Mat-Su Borough.

D & S Alaska Trail Rides Inc. proposed facility, by meeting the requirements of the Denali State Park Special Land Use District, will offer visitors quality experiences in the Mat-Su Borough which they seek.

If you have any questions about this statement of our proposed use or about the Conditional Land Use Permit Application, you can direct them to Steve Van Troba at (907)-745-2208

Sincerely,

A handwritten signature in cursive script that reads "Steve Van Troba".

Steve Van Troba