

**HB**

**168**

# SENATE COMMITTEE REPORT

DATE: 4/8/98

FURTHER:

DATE TURNED IN TO OFFICE: 4/17/98

Resources Committee considered CS FOR HOUSE BILL NO. 168(RLS)(efd fld)

"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 recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- 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 title
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			✓
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<b>CHAIR:</b> <i>[Signature]</i>	✓	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
ADFG	2/2	X	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

No: 1

Bill Version: CSHB 168 (RES)

(H) Publish Date: 2/6/98

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

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

**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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES (1024)</b>	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)						
<b>TOTAL</b>	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  
 Division Wildlife Conservation  
 Approved by Commissioner  
 Agency Alaska Department of Fish and Game

Phone 465-4190  
 Date 2/2/98  
 Date 2.3.98

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# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

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## **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.



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Mar. 1, 1998

**Sectional Analysis – HB 168 – Public Access  
Version \H**

**Sec. 1.** Amends AS 16.05.794 by adding a new section that outlines the parameters under which the Board of Game and the Board of Fish may impose restrictions on traditional means of access. This section also provides definitions for “biologically essential” and “traditional means of access.”

**Sec. 2.** Amends As 16.20.980 by adding language proscribing the manner in which the Board of Game, Board of Fish, and the Department of Fish and Game may restrict traditional means of access as it pertains to hunting, fishing, or trapping within state game refuges, sanctuaries, range areas, or critical habitat areas. Definitions for “biologically essential” and “traditional means of access” are also defined at the end of this section.

**Sec. 3.** Makes the act retroactive to January 1, 1998.

**Sec. 4.** Effective date clause.



**The Alaska Boating Association**

*P.O. Box 210430*

*Anchorage, Alaska 99521*

Donald Sherwood - President

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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 Elton

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



ALASKA BOATING ASSOCIATION \* PO BOX 871310 \* WASILLA AK 99687

E-Mail [cjudkins@customcpu.com](mailto:cjudkins@customcpu.com) \* 907 373 3591 \* FAX 907 373 3592

TO: Senator Rick Halford, Chairman-Resources Committee  
C.C. Alaska State Senate/ All Senators  
Subj. HB 168

Dear Senator:

My name is Cliff Judkins, I am commenting as president of the Alaska Boating Association. What brings us to testify in favor of this bill is actions by regulatory authorities to restrict access by traditional means to assist in the taking of game and fish when there is no biological reason to do so. An example is the spring of 1996 closure of more than 2,000 acres along the Tanana River to the use of airboats for the taking of moose including transporting of hunters, equipment, and meat. There was no reason for this, other than someone did not like airboats or competition of other hunters. Airboats were still allowed during that same period for hunting waterfowl, bear and small game, fishing and sight seeing. In other action the Board gave approval to a cow season, a muzzleloader season, and lengthened the general season indicating that the moose population in the area was healthy. When questioned, board members sited noise as their reason, yet they allowed airboats in the same area, at the same time, for other hunting and fishing purposes; nor, did they take any action to restrict noisier means of access such as outboards and airplanes. There are other examples, including the closing of 200 miles of the Noatak River to caribou hunting by fly-in hunters. Again there was no biological justification for this action. HB 168 does not restrict the regulatory authority of the Department to manage fish and game resources. It does not "tie their hands" as some are saying. There are many methods of maintaining sustain yield populations. You can find them used extensively in the Fish and Game regulation. We feel that all Alaskans should have access to all of their fish and game resources by all traditional means as long as maximum sustained yield goals are maintained.

Thank you for your consideration concerning this issue and good luck in your deliberations.

Cliff Judkins, Pres.  
Alaska Boating Association  
April 15, 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 it's wisdom, recognized the special 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

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 OUTDOOR COUNCIL

211 4<sup>th</sup> 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



**Alaska  
Wilderness  
Recreation &  
Tourism  
Association**

APR 15 1998

P.O. Box 22827  
Juneau, AK 99802  
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April 15, 1998

Senator Rick Halford  
Senate Resources Committee, Alaska State Legislature

Dear Senator Halford,

Please do not pass HB 168. This bill essentially bars Alaska's fish and game managers from regulating motorized access, threatening the diversity of wild land experiences valued by Alaskans and visitors alike. Over the long term it will harm local businesses that provide these experiences, or support services for them, including guiding, rafting, skiing, wildlife viewing, hunting and fishing.

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

We are not against motorized access. However, we strongly oppose giving motorized uses a priority over all other uses, and eliminating state agencies' ability to help maintain a diversity of recreational and business opportunities.

The ability to manage different areas for different levels and types of access and use, both to reduce conflict between incompatible uses, and to ensure a diversity of recreation experiences, is vital to the long-term attractiveness of Alaska to residents and visitors alike. Our members' businesses depend on being able to provide guests with a wide range of quality recreation experiences, including majestic scenery, wildlife, and quiet wilderness.

An example of a problem with unregulated motorized access surfaced recently in Denali State Park. A Talkeetna based outfitter who has operated there for years is dropping permits because increasing noise from flight-seeing makes it impossible for him to continue to provide a wilderness experience for his guests. This increases his costs, is likely to put him in conflict with operators in other areas, and reduces the diversity of the Talkeetna economy. We think that it is appropriate to regulate motorized uses to maintain a wide variety of different experiences in places managed by ADF&G like the McNeil River and Stan Price bear viewing areas, or the Palmer Hay Flats or Minto Flats Game Refuges.

We oppose HB 168 because it deprives our members, and the public, of the fair chance, and the tools, to work out local access problems. It also reduces options for professional wildlife and land managers to protect wildlife. Please do not adopt this unneeded legislation.

Sincerely,

Steven Behnke  
Executive Director

**DENALI NATIONAL PARK  
WILDERNESS CENTERS, LTD.**

Camp Denali • North Face Lodge • Denali Institute

Post Office Box 67 Denali National Park Alaska 99755  
Tel: 907-683-2290 Fax: 907-683-1568 Email: dnpwild@alaska.netDate April 15, 1998To Senator Rick Halford, for distribution to the Senate Resources  
CommitteeFrom Nan Eagleson, Denali National Park Wilderness CentersFax 907-465-4928Pages 1 (Including Cover Sheet)

Dear Senator Halford,

Please do not pass HB 168. Denali National Park Wilderness Centers is an Alaskan owned and operated tourism business and we strongly oppose giving motorized uses a priority over all other uses. This bill would eliminate state agencies' ability to carry out their responsibilities to maintain publicly owned resources. Besides threatening wildlife resources and those who's businesses depend on them the quality of life in Alaska will be jeopardized. Alaska's wilderness serves people who enjoy hunting, fishing, skiing, snowshoeing, wildlife viewing and quiet. These experiences would be greatly compromised by this bill which allows unregulated motorized access. Please help protect Alaska's quality of life and the diverse businesses which seek to protect our unique resources.

Sincerely,

Nan Eagleson  
Chief Naturalist  
Denali National Park Wilderness Centers  
PO Box 67  
Denali Park, AK 99755

Date: April 17, 1998

To: Senator Rick Halford  
Chairman, Senate Resources Committee  
Fax: 907-465-4928

Re: HB 168

Dear Senator Halford,

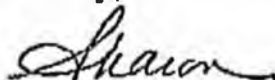
*Dare to be part of the solution.*

What is the problem? Diminishing places on our planet where people can go to escape the noise, pollution and density of our crowded urban areas. Alaska is recognized as one of the last states in the 50 states to have preserved areas and wilderness for people to renew their connection with the natural world. Visitors come from all over the world to experience the peace and serenity of these "wild" places.

We have agencies whose job it is to protect these vanishing qualities. Do not remove the ability of the Alaska Department of Fish and Game to monitor and regulate the access available to motorized vehicles.

*I urge you to vote "NO" on HB 168*

Sincerely,



Sharon Gerhard  
P.O. Box 15  
Denali Nat'l Park, AK 99755

Mr. Kevin  
8050 Summerset Dr

E Hite

563-3990

Anchorage

AK 99518

Distribution

20

Affiliation

Anchorage

Reg Voter

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!

*Kevin is President of the Alaska State  
Snowmobile Association*

DATE: APRIL 17, 1998

TO: Senator Bob Halford  
for Distribution to the Senate Resources Committee.

FROM: Robert Shelton

FAX # (907) 465-4928

Dear Senator Halford,

I urge you to vote NO on HB 168.

I do not believe the long term interests of Alaska and of Alaskans will be served by compromising our ability to regulate motorized access to all state lands. It will only appease certain ~~rich~~ wealthy industries and their customers. I have been a resident of Alaska for 18 years. I am not anti-machine. I drive a truck and a car and we own snow machines. I am against unwise laws that cater to special interests at the expense of the general welfare of the public. Please do your job and vote NO on this misguided legislation.

Thankyou,

Robert J. Shelton

Alaskan resident



# ALASKA CENTER *for the* ENVIRONMENT

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

April 13, 1998

Senate  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Re: HB 168

Dear Senator:

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 fishing, hunting, and other 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 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 on the public lands; 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 that are managed for motorized recreational vehicle use and those 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% 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 fully regulate motorized vehicle use to protect fish, wildlife or their habitat only if it is "biologically essential." 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.

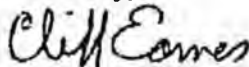
Furthermore, managers will be unable to protect local residents from the unfair competition provided by often wealthier individuals from outside the area who might have the advantage of greater access to motorized vehicles and therefore an increased chance of success. In fact, among the large majority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

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. 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 thoughts.

Sincerely,



Cliff Eames  
Issues Director

**Alaska Quiet Rights Coalition**

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

April 15, 1998

To: Members  
Alaska State Senate,  
Alaska Legislature

Re: Our Opposition to House Bill 168

Dear Member of the Senate:

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

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

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

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

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

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

Member of the

Alaska State Legislature  
April 15, 1998  
Re: HB 168

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

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


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

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

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

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

Sincerely yours,



Thomas E. Meacham

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**Testimony on HB 168**

The Alaska Conservation Voice finds HB 168 to be a HARMFUL bill, beyond repair. Therefore, on behalf of its members, a coalition of 27 Alaskan conservation organizations with a collective membership of more than 19,900 Alaskans, ACV opposes HB 168.

With very limited exceptions, HB 168 bars the Boards of Game and Fish from regulating motorized recreational vehicles, including snowmachines, ATV's and airboats, for hunting and fishing.

The legislation also precludes the Department of Fish and Game, the Board of Fisheries and the Board of Game from effectively regulating motorized access, not only for hunting and fishing but for other recreational purposes, on some of the state's most important wildlife and habitat areas. Such access could include snowmachines, ATVs and even jet skis.

Areas affected include state game refuges, game and wildlife sanctuaries, threatened species habitat preservation areas, and fish and game critical habitat areas. Areas of particular concern include:

McNeil River State Game Sanctuary  
Palmer Hay Flats State Game Refuge  
Minto Flats State Game Refuge  
Stan Price State Wildlife Sanctuary (Admiralty Island bear viewing)

Besides threatening wildlife resources and those who depend on them, the bill threatens local businesses that serve a wide range of recreational activities that depend on quiet, serene experiences, including guiding, hiking, skiing, snowshoeing, wildlife viewing, hunting and fishing.

Anyone who seeks to enjoy Alaska's quiet, scenic beauty, wilderness, and wildlife resources will lose their rights to recreate in areas undisturbed by motorized recreational vehicles.

ACV opposes HB 168 because

--It deprives all affected parties--from tourist businesses, skiers and snowmachiners to hunters, trappers and mushers--a fair chance to work out suitable local access problems with land managers, in the event such problems arise.

--It limits the options of professional wildlife and land managers to protect fish and game populations in fulfillment of their constitutional responsibility.

--It poses a direct threat to public resources, particularly to wildlife and wildlife habitat, through the effects of unregulated motorized access.

--It is an overreaching legislative solution to a non-problem, which does not justify either the curtailment of existing administrative authority in resource management or micro-management of complicated issues by the legislature.



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Resources Committee

Committee on HB168 Committee Name  
Bill / Subject Dated 4/17/98

I'd like to testify against HB168. As a biologist I feel the bill poses a direct threat to wildlife populations and sensitive wildlife habitat.

Non-game species would not be protected from disturbance by motorized vehicles.

As a recreationist, I oppose any bill allowing motorized access into areas now protected from ~~the~~ motorized vehicles. Motorized vehicles, especially jet boats, air boats, and snowmachines severely diminish the quiet, serene experiences people are looking for when they visit wild places of the great outdoors. The number of such "quiet", protected areas are decreasing quickly - please protect what areas remain. Thank you.

SIGNED: Beverly Reitz  
Testifier

Mypuf  
Representing

1022 PO Box 85162 FBX 479-5225  
Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SENATE RESOURCES  
 Committee on HOUSE BILL 168 Committee Name Dated APRIL 17, 1998  
Bill / Subject

My name is RICHARD CHAPEL, 5801 HAYSTACK MOUNTAIN ROAD, ✓  
 AND I AM OPPOSED TO HOUSE BILL 168. I AM A HUNTER AND FISHERMAN.  
 PLEASE LEAVE IT TO THE BOARD OF GAME AND BOARD  
 OF FISHERIES TO MAKE DECISIONS ON HOW TO MANAGE OUR  
 WILDLIFE RESOURCES WITHOUT REMOVING ANY TOOLS THEY HAVE AT  
 THEIR DISPOSAL. THE BOARD PROCESS ALREADY WORKS  
 IN MAKING DECISIONS ON HUNTER AND FISHERMAN ACCESS.  
 WE HAVE A GOOD SYSTEM, WITH THE REGIONAL ADVISORY BOARDS  
 AND PUBLIC MEETINGS, THAT ALLOWS ALL THE INTERESTED ~~PARTIES~~ LOCAL  
 PARTIES TO EXPLAIN THEIR CONCERNS ABOUT HOW AND WHEN THE TAKING  
 OF FISH AND GAME IS ALLOWED. LET THE BOARD OF GAME AND  
 FISH WEIGH THE BIOLOGICAL FACTORS AND WHAT MEANS AND METHODS  
 THE LOCAL USERS THINK IS APPROPRIATE FOR TAKING GAME IN THE AREA.  
 MORE STATEWIDE RESTRICTIONS ARE NOT NEEDED  
 WE HAVE A GOOD SYSTEM IN PLACE FOR MAKING HUNTER ACCESS  
 DECISIONS, HOUSE BILL 168 WOULD ONLY IMPOSE NEW RESTRICTIONS  
 ON MANAGEMENT OPTIONS, WHICH WILL SLOW THE PROCESS DOWN.

SIGNED: Richard D. Chapel RICHARD S. CHAPEL  
 Testifier  
SELF  
 Representing  
5801 HAYSTACK RD., FAIRBANKS, AK 99712  
 Address / Phone Number (907) 457-5801

APR 13 1998

**ALASKA BOARD OF GAME  
98-121-BOG**

Findings of the Alaska Board of Game regarding HB 168,  
An Act relating to the 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.

The Board of Game uses access restrictions that often affect areas larger than 640 acres, in the form of Controlled Use Areas.

One of the principle actions available to the board for protection of wildlife, habitat, broadest possible hunter opportunity, and hunt quality in areas of heavy harvest pressure and user conflict is the establishment of Controlled Use Areas. Controlled Use Areas allow separation of user groups and modes of hunting in space and time, thus reducing conflicts between them while maximizing hunter opportunity as a whole.

By their nature, however, Controlled Use Areas restrict access. For that reason, the board considers their establishment in cases where significant conflict between user groups or particular resource considerations have reached a level where separation of uses is less restrictive of overall opportunity than other alternatives available to the board, such as adjustment of season and bag limits, limiting participation through drawing hunts, or area closures.

Some examples of conflicting groups include motorized versus nonmotorized, aircraft versus boat, airboat versus prop boat, bowhunters versus rifle hunters. Separating hunter groups by restricting access in space and/or time has been used to the mutual satisfaction of the groups involved. Generally, there has been broad public support for these actions.

The Board of Game has not done a complete analysis of this bill, therefore it is unclear to us how this legislation would affect the board's ability to resolve user conflicts and protect wildlife habitat and populations in the future for the benefit of users. If, however, the bill's effect is to remove the board's ability to establish controlled use areas or their equivalent, it would greatly compromise the board's ability to maintain overall hunter opportunity. It would force the more frequent employment of more restrictive actions such as shorter seasons, lower bag limits and area closures in order to protect the resource and resolve user conflicts.

DATE: March 30, 1998  
Fairbanks, AK

Lori Quakenbush  
Lori Quakenbush, Chairman  
Alaska Board of Game

Vote: 7-0

Post-It Fax Note	7671	Date	4/13/98	# of pages	1
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Co/Dept.		Co.	Board of Game		
Phone #	4928	Phone #	6095		
Fax #		Fax #	465-6094		