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ALASKA STATE LEGISLATURE

Interim:

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Session:

State Capitol
Juneau, Alaska 99801-1182
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SENATOR LYDA GREEN

SENATE DISTRICT N

Sponsor Statement Senate Bill 35

Senate Bill 35 is being reintroduced (identical SB 230, 19th Legislature, Senate passed 16-4, House passed 33-7, vetoed by Governor Knowles) to protect Alaskan's right to access state land and water for recreational uses. In a time when the Federal Government continues to restrict and prohibit Alaskan's access to many areas of the State, we, the state government, need to ensure that decisions to restrict access on land we control are made in a responsible, fair, and well represented process.

Alaskans are presently losing their right to traditional recreational use on some state land and park land without appropriate notification and justification. Citizens believe that the public comment process is not being fairly administered and all user groups are not being represented. In some instances, the management and authority to restrict and prohibit uses on state land are being transferred from the Division of Lands to the Division of Parks and Outdoor Recreation. Non-restricted areas of our state are being closed without proper oversight by the Legislature.

Decisions to deny access for recreational use, because of its importance, have always been made by our legislature, not by bureaucrats. The Constitution of the State of Alaska recognizes the importance of land closures and mandates that all closures over 640 acres must be legislatively designated. We must continue to recognize the importance of land closures and make necessary changes in the current process for restrictions and prohibitions in areas less than 640 acres.

A change in this process as suggested in SB-35 ensures that all Alaskans will have proper representation by their elected officials. Any restrictions and/ or prohibitions on traditional recreational activity would need to be justified to the Legislature. Many areas of Alaska may need to be restricted to some or all recreational activity, but these important decisions need to be made at the legislative level, where the people have better access.

SB-35 is the Citizen's Access Bill

- Access to Lands**
- Access to Waters**
- Access to Government Policy**

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 3, 1997

SUBJECT: Sectional Summary of CSSB 35(STA). (Work Order No. 20-LS0274\E)

TO: Senator Lyda Green
Attn: Janie

FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

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

Section 1 of the bill amends AS 16.05.255(a)(3) by prohibiting the Board of Game from restricting access into an area by a traditional means of transportation unless the means of transportation has resulted in significant biological harm to the game population.

Section 2 of the bill amends AS 41.21.020(a) by adding a new paragraph that requires the Department of Natural Resources to annually report to the legislature on each finding of an incompatible use under AS 41.21 that results in the prohibition or restriction of a traditional means of access for a traditional recreational activity.

Section 3 of the bill adds a new subsection to AS 41.21.020 that prohibits the Department of Natural Resources from managing as part of a legislatively designated park, area, or preserve land, water, or land and water that is not within the boundaries of the park, area, or preserve.

Section 4 of the bill adjusts the boundaries of Chilkat State Park.

GPL:glc
97-047.glc

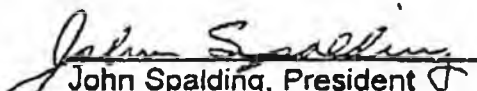


ALASKA AIRMEN'S ASSOCIATION., INC.

RESOLUTION

The Alaska Airmen's Association hereby resolves that the Alaska Legislature adopt proposed Senate Bill 35 dealing with traditional means of access for traditional outdoor uses which shall include access by small private as well as commercial aircraft.

So Resolved this 22 day of January, 1997


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

SERVING GENERAL AVIATION IN ALASKA SINCE 1951

P.O. Box 241185 Anchorage, Alaska 99524-1185 Tel/Fax 907-272-1251 e-mail aimens@alaska.net

LEGAL SERVICES

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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 21, 1997

SUBJECT: Sectional Summary of SB 35. (W.O. 20-LS0274A)
TO: Senator Lyda Green
FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

RECEIVED

JAN 22 1997

Ans'd.....

You have requested a sectional summary of the above-described bill.

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

Section 1 of the bill amends AS 41.21.020(a) by adding a new paragraph that requires the Department of Natural Resources to annually report to the legislature each designation of an incompatible use that prohibits or restricts a "traditional means of access"¹ for a "traditional recreational activity"² on or within a park, area, or preserve.

Section 2 of the bill provides that the Department of Natural Resources may not manage land, water, or land and water as part of a park, area, or preserve if that land, water, or land and water is not within the boundaries, as designated by the legislature, of the park, area, or preserve.

Section 3 of the bill amends AS 41.21.111 by the addition of a legal description for the road that leads into Chilkat State Park and allowing the designation of the road as part of the park.

GPL:jdr
97-031:jdr

¹Defined in the bill.

²Defined in the bill.



P.O. Box 210430 • Anchorage, AK 99521

Blase A. Burkhart
1161 W. 79th
Anchorage, Alaska 99518
Secretary - Alaska Boating Association

Senator Lyda Green
Twentieth Legislature - First Session

Re: Senate Bill No. 35

CC: State of Affairs Committee

Dear Senator Green,

I am a lifelong Alaska resident writing in support of your proposed Senate Bill No. 35, referring to classification and restriction of use for public lands and waterways.

I support this bill for two reasons. First, I believe access on public lands and waterways should be open to all traditional means of transportation, and should not be restricted for the exclusive use of a single or specific group of users. More importantly, I believe any such restrictions or classifications which are deemed necessary, should bear legislative approval.

Currently, the Department of Natural Resources and other government agencies have the power to impose restrictions and limitations on the use of public lands and waterways. I believe they do currently have a requirement to seek public testimony on such matters. In the past, however, I have seen overwhelming testimony be disregarded in the final determination. This has happened repeatedly for many years.

Having a public opinion process is meaningless if the opinion is sought simply to comply with "agency requirements". It should be considered seriously by the people we empower as state leaders. It appears to me that many times agencies submit to the public opinion process, only to proceed with actions they were determined to take before the public was heard. This not only contributes to continued apathy of the people, it is inappropriate in our form of government.

The commissioners of these various agencies do not sit in elected positions. For the most part, they can remain in their positions for the better part of their careers, unaffected by the will of the people or popular vote. If they fail to follow the will of the people, there is little recourse for the residents of the state who collectively own these resources.

This bill is appealing, regardless of whether one supports my feelings on unrestricted access. It's basic premise is that land and waterway resources owned by the people of Alaska may only have use restrictions or re-classifications imposed *if the legislature approves them.*

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

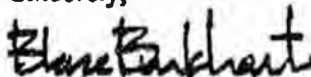
It may appear a somewhat ridiculous analogy, but I would remind you that this country (and others in the world) has fought several wars throughout history. Many of these, in one respect or another, involved freedom of the seas. No country wanted another to impose restrictions on their use of international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

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

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

I SUPPORT SENATE BILL NO. 35

Sincerely,



Blase Burkhart
Secretary - Alaska Boating Association

PUBLIC OPINION MESSAGE

RECEIVED
JAN 23 1997
Ans u.....

FROM: RONALD R. WILSON
P.O. BOX 871706
WASILLA, AK 99687
(907) 373-6700

TO: ALL SENATE RESOURCE MEMBERS

REF: SB35 --- "AN ACT RELATING TO TRADITIONAL MEANS OF ACCESS...."

SUPPORT

AS A CONCERNED INDIVIDUAL AND A MEMBER OF THE ALASKA BOATING ASSOCIATION, I SUPPORT THIS BILL. I FEEL THAT ALL ALASKANS SHOULD HAVE THE RIGHT TO ACCESS PUBLIC LANDS AND WATERWAYS, BE IT MOTORIZED OR NON-MOTORIZED. I HOPE THE LEGISLATURE WILL ACT MORE RESPONSIBLY THAN DNR, WHO DO NOT ACT FOR THE MAJORITY OF ALASKANS.

RONALD R. WILSON

3038 Donnington Drive
Anchorage, AK 99504-3847
333-8347

January 22, 1997

RECEIVED
JAN 23 1997
Ans'd.....

Sen Lyda Green

I want to let you know that I wholeheartly support your bill to move the restrictive powers from administrative boards to your legislative body. This will allow us to have an input into the management of our State resources. Thanks for your support of the people who use and enjoy Alaska.

signed
Margaret "Peggy" Bjorgan
W - 264-0514

3038 Donnington Drive
Anchorage, AK 99504-3847
333-8347

RECEIVED

JAN 23 1997

January 22, 1997

Ans'd.....

Sen Lyda Green

I would like to thank you for your bill that will insure access to Alaskan resources. Your course of action will right a wrong that has needed fixing for a very long time. Our state resource managers have become puppets for the lower forty eight environmentalists, which have realized that they (the radical environmentalists) have wasted and ruined the lower forty eight, and now they want to lock up OUR State from us. Unfortunately, they are slowly succeeding because of no legal means of stopping the state administrative process. If we don't like the actions of a resource manager, there is nothing that can be done. The public has no recourse. He is not an elected official, and therefore is untouchable by anyone except his fellow green supervisor. Your bill enables a real public input process with people who are countable to their community. You know the idea went the mile last year, only to be conveniently delayed until the legislative session had ended, then after listening and reacting according to the wishes of the green radicals from the land southeast of Juneau, the bill was vetoed. Our Governor showed his true colors.

Please continue your efforts on our behalf. We greatly appreciate your work and diligent efforts. I sorry to say that because of the short notice, I probably will not be able to get off from work to testify at the hearing tomorrow; however, I want you and whomever else necessary to know that I believe that this bill will have a greater impact on the future of Alaska than any other bill that will be considered. It must complete the entire process and become our new way doing business.

Our right to access, utilize, and enjoy the unlimited resources within our State should not and cannot be denied. Just as it is our responsibility to wisely use and protect these same resources. Misuse by an individual or certain groups should be dealt with on a case by case basis, and not punish the whole for the mistakes of a few.

Please continue your outstanding efforts, and if I may be of any assistance; please let me know. Thank you.

BJ
Randy "Bj" Bjorgan
W - 269-8978

January 17, 1997



RECEIVED

JAN 17 1997

ANS d.....

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

Senator Lyda Green
Alaska State Senate
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Lyda
Janey

Dear Senator Green:

This letter is in response to your proposed SB0035 relating to traditional means of access for traditional outdoor uses. At a regularly scheduled meeting of the Alaska Boating Association held on January 16, 1997, our organization voted unanimously to support your efforts and to strongly urge this legislation be passed. This letter is to communicate to you the organizations official position on this legislation.

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

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

Yours truly,

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

cc: Donald Sherwood, President, Alaska Boating Association
Senator Drue Pearce, Co-Sponsor, SB0035, Alaska State Senate
Senator Robin Taylor, Co-Sponsor, SB0035, Alaska State Senate

- Dedicated to the rights of Alaskan Boaters -