

HJR

41

# SENATE COMMITTEE REPORT

DATE: 5/1/04

FURTHER:

DATE TURNED  
IN TO OFFICE: 5-3-04

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 41(RES)

HJR 41 LAND RECREATIONAL VISITOR PROTECTION ACT

Relating to support for the Federal Land Recreational Visitor Protection Act.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
H. Res	3/3/04			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Frank Dixon</i>	✓			
<i>Herb ...</i>	✓			
<i>John ...</i>	✓			
CHAIR: <i>Scott ...</i>	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHJR 41(RES)  
 (H) Publish Date: 4/1/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Relating to Support for the Federal BRU \_\_\_\_\_  
Land Recreational Visitor Protection Act Component \_\_\_\_\_  
 Sponsor Rep. Kertula \_\_\_\_\_  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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 (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Rachel Essen Phone 465-3783  
 Division House Resources Date/Time 3/31/04 3:00 PM  
 Approved by: Representative Nancy Dahlstrom, Co-Chairman Date 3/31/2004  
 Agency House Resources Committee



# Representative Beth Kerttula

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Alaska State Legislature District 3

Date: April 27, 2004

To: Senator Scott Ogan, Chairman  
Senate Resources Committee

From: Representative Beth Kerttula *Beth*

Re: HJR 41 Land Recreational Visitor Protection Act

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House Joint Resolution 41 was scheduled to be heard in the Senate State Affairs Committee last week, but the meeting was cancelled due to the Senate Floor Session. We are rescheduled to Thursday, April 29, 2004. I am very hopeful that it will be moved to the Senate Resources Committee, which is its last committee of referral.

With the time left in the session quickly coming to a close, I wanted to be sure that you had the information on this resolution and respectfully request that you schedule it for a hearing at your earliest convenience. The bill received all "Do Pass" recommendations from the House Resources Committee and passed the House unanimously. I do sincerely appreciate your consideration of this request. Please don't hesitate to contact me or my staff, Juli Lucky, if you have any questions.

I have included the following for your review:

- Resolution
- Sponsor statement
- Copy of S. 931, the Federal Land Recreational Visitor Protection Act of 2003
- Support letters and background information

Thanks, again.



# Representative Beth Kerttula

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Alaska State Legislature District 3

## **Sponsor Statement House Joint Resolution 41 Land Recreational Visitor Protection Act**

Winter recreation is an important part of most Alaskan's lives. Unfortunately, Alaska has the highest avalanche death rate in the nation, but there is virtually no avalanche forecasting. Unlike other states with a significant number of deaths from avalanches, Alaska has no federally funded program for forecasting and education. The Legislature has recognized the importance of avalanche awareness and safety by designating November as Avalanche Awareness Month. However more can and should be done to reduce the threat of avalanches to Alaskans and visitors to our great state.

In April 2003, U.S. Senator Ted Stevens introduced the Federal Land Recreational Visitor Protection Act of 2003 (S 931), which is sitting in the Senate Committee on Energy and Natural Resources awaiting its first hearing. S 931 would direct the Secretary of the Interior to work with the Secretary of Agriculture to establish an avalanche protection program that provides early identification of potential avalanches that could endanger the safety of visitors to public lands and to reduce the risks of avalanches to visitors, recreational users, neighboring communities, private operations, and transportation corridors. It also would authorize federal grants to be used for preventing, forecasting, detecting and mitigating avalanches, including the use of artillery or explosives for avalanche control; maintaining essential transportation and communications that could be affected by avalanches; and assisting public or private research on avalanche control methods.

Alaska would get a large percentage of the grant money available, which could be used by avalanche safety groups, private industry, communities, and transportation entities as well as government programs.

House Joint Resolution 41 affirms our support for this important federal legislation. I would appreciate your support.

108TH CONGRESS  
1ST SESSION

# S. 931

To direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 2003

Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. DOMENICI, Mr. FLATCH, Mr. INOUE, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Federal Land Rec-  
5 reational Visitor Protection Act of 2003".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) PROGRAM.—The term “program” means  
2           the avalanche protection program established under  
3           section 3(a).

4           (2) SECRETARY.—The term “Secretary” means  
5           the Secretary of the Interior.

6 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

7           (a) ESTABLISHMENT.—The Secretary shall establish  
8           a coordinated avalanche protection program—

9                   (1) to provide early identification of the poten-  
10                  tial for avalanches that could endanger the safety of  
11                  visitors to units of the National Park System and  
12                  recreational users of public land, including skiers,  
13                  backpackers, snowboarders, and campers; and

14                   (2) to reduce the risks and mitigate the effects  
15                  of avalanches on visitors, recreational users, neigh-  
16                  boring communities, and transportation corridors.

17           (b) COORDINATION.—

18                   (1) IN GENERAL.—In developing and imple-  
19                  menting the program, the Secretary shall consult  
20                  with the Secretary of Agriculture, and coordinate the  
21                  program, to ensure adequate levels of protection for  
22                  recreational users of public land and forests under  
23                  the jurisdiction of the Secretary of Agriculture, in-  
24                  cluding National Recreation Areas, wilderness and  
25                  backcountry areas, components of the National Wild

1 and Scenic Rivers System, and other areas that are  
2 subject to the potential threat of avalanches.

3 (2) RESOURCES.—In carrying out this section,  
4 the Secretary and the Secretary of Agriculture—

5 (A) shall, to the maximum extent prac-  
6 ticable, use the resources of the National Ava-  
7 lanche Center of the Forest Service; and

8 (B) may use such other resources as the  
9 Secretary has available in the development and  
10 implementation of the program.

11 (c) ADVISORY COMMITTEE.—

12 (1) IN GENERAL.—The Secretary and the Sec-  
13 retary of Agriculture shall jointly establish an advi-  
14 sory committee to assist in the development and im-  
15 plementation of the program.

16 (2) MEMBERSHIP.—

17 (A) IN GENERAL.—The Advisory Com-  
18 mittee shall consist of 11 members, appointed  
19 by the Secretaries, who represent authorized  
20 users of artillery, other military weapons, or  
21 weapons alternatives used for avalanche control.

22 (B) REPRESENTATIVES.—The membership  
23 of the Advisory Committee shall include rep-  
24 resentatives of—

1 (i) Federal land management agencies  
2 and concessionaires or permittees that are  
3 exposed to the threat of avalanches;

4 (ii) State departments of transpor-  
5 tation that have experience in dealing with  
6 the effects of avalanches; and

7 (iii) Federal- or State-owned railroads  
8 that have experience in dealing with the ef-  
9 fects of avalanches.

10 (d) CENTRAL DEPOSITORY.—The Secretary, the Sec-  
11 retary of Agriculture, and the Secretary of the Army shall  
12 establish a central depository for weapons, ammunition,  
13 and parts for avalanche control purposes, including an in-  
14 ventory that can be made available to Federal and non-  
15 Federal entities for avalanche control purposes under the  
16 program.

17 (e) GRANTS.—

18 (1) IN GENERAL.—The Secretary and the Sec-  
19 retary of Agriculture may make grants to carry out  
20 projects and activities under the program—

21 (A) to assist in the prevention, forecasting,  
22 detection, and mitigation of avalanches for the  
23 safety and protection of persons, property, and  
24 at-risk communities;

1 (B) to maintain essential transportation  
2 and communications affected or potentially af-  
3 fected by avalanches;

4 (C) to assist avalanche artillery users to  
5 ensure the availability of adequate supplies of  
6 artillery and other unique explosives required  
7 for avalanche control in or affecting—

8 (i) units of the National Park System;

9 and

10 (ii) other Federal land used for recre-  
11 ation purposes; and

12 (iii) adjacent communities, and essen-  
13 tial transportation corridors, that are at  
14 risk of avalanches; and

15 (D) to assist public or private persons and  
16 entities in conducting research and development  
17 activities for cost-effective and reliable alter-  
18 natives to minimize reliance on military weap-  
19 ons for avalanche control.

20 (2) APPORTIONMENT OF FUNDS.—

21 (A) IN GENERAL.—Subject to subpara-  
22 graph (B), for each fiscal year for which funds  
23 are made available under section 4, the Sec-  
24 retary shall apportion the amount of funds  
25 made available for the fiscal year among States

1 with avalanche zones based on the ratio that  
2 the total area of avalanche zones located in  
3 each State bears to the total area of all ava-  
4 lanche zones in all States.

5 (B) PRIORITY.—In providing grants under  
6 this subsection, the Secretary shall give priority  
7 to projects and activities carried out in ava-  
8 lanche zones—

9 (i) with a high frequency or severity  
10 of avalanches; or

11 (ii) in which deaths or serious injuries  
12 to individuals, or loss or damage to public  
13 facilities and communities, have occurred  
14 or are likely to occur.

15 (f) SURPLUS ORDINANCE.—Section 549(e)(3) of title  
16 40, United States Code, is amended—

17 (1) in subparagraph (A), by striking “or” after  
18 the semicolon at the end;

19 (2) in subparagraph (B), by striking the period  
20 at the end and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(C) in the case of surplus artillery ordi-  
23 nance that is suitable for avalanche control pur-  
24 poses, to a user of such ordinance.”.

## 1 SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

2       There are authorized to be appropriated such sums  
3 as are necessary to carry out this Act.

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# Southeast Alaska Avalanche Center

PO Box 20578, Juneau, Alaska 99802 (907) 586-5699 ph & fax e-mail: sea.avalanche@gci.net

An educational nonprofit corporation <http://www.avalanche.org>; click on Southeast Alaska link

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March 25, 2004

Rep. Beth Kerttula  
Alaska House of Representatives  
State Capitol, Room 430  
Juneau, Ak 99801-1182

## Letter of Support for HJR 41

Alaska loses more people to avalanches than any other state, regardless of population, yet we are the one state with no federally funded statewide program to reduce that death toll.

Senator Stevens' S.931 sets up the programs and funding that will make a concrete difference, and Representative Kerttula's HJR 41 helps support and move that bill toward passage.

S.931 directs the Secretaries of Interior and Agriculture to coordinate with the US Forest Service National Avalanche Center to develop a program of grants to governments, communities, transportation systems, and private businesses affected by avalanches to set up the safeguards they need to maintain public safety and the flow of commerce, and apportions funding by each state's area of avalanche zones, which ensures that Alaska will get the large share of the funding that it needs and deserves to address our problem.

As a nonprofit dedicated to avalanche education, we strongly support both bills.

thank you

Bill Glude  
SAAC Director & lead avalanche specialist



## **B.A.A.R.T.**

BACKCOUNTRY AVALANCHE AWARENESS & RESPONSE TEAM

3-26-04

Subject: HJR 41

### **MISSION STATEMENT**

Backcountry Avalanche Awareness and Response Team (B.A.A.R.T.) is a partnership of backcountry travelers and their families that provides Education, support, training and response throughout Alaska.

BAART is a non-profit organization.

BAART helps backcountry travelers and their families by offering information, training, support, and field response equipment services.

BAART works with the Alaska State Troopers, Alaska State Parks, and Alaska Mountain Safety Center as well as individuals to promote safe backcountry travel and to provide trained response team members to the site of an incident.

BAART believes that education and training is the best response to the increasing number of Alaskans dying as a result of avalanches.

As an organization dedicated to reducing Alaska's highest number of annual avalanche deaths among all the states, we support HJR 41."

Regards,

Bob Schmidt  
President

PMB 403 1830 E. PARKS HWY. A-113  
WASILLA, AK 99654  
(907) 352-3777

Subject: support for HJR41  
Date: Wed, 31 Mar 2004 14:32:13 -0900  
From: W Joe Westfall CSP / CSSI <Joe@Westfalia-Werke.US>  
To: Juli\_Lucky@legis.state.ak.us  
CC: 'Bill Glude' <snownerd@mac.com>, Rep\_Beth\_Kerttula@legis.state.ak.us

Hello Juli.

I was contacted by Bill Glude to ask for support on the bill introduced by Rep Kerttula. I understand this is a support effort that will additionally help federal Senate bill S.931 for funding.

As the co-founder of the Alaska Snowmachine Search Rescue & Recovery Team, I am very much in favor of legislation that would potentially reduce the number of avalanche fatalities in Alaska (as well as any other state).

Personally, I am sick and tired of going out on missions to recover the 'death by avalanche' victims. I would much rather our team be able to focus on rescuing live people that are happy to see us.

I teach numerous avalanche awareness, avoidance, and rescue classes throughout the winter seasons. I have concentrated on the snowmachine community, as they are the highest fatality rate and the least educated about the risks they bring upon themselves.

Only in the last few years has the cost of this instruction and expenses been somewhat offset by a grant from the Alaska State Troopers. Prior to that it has all been out of mine and my co-founders' pockets. It is way past time to consider both federal and state funding for avalanche issues in the state.

As an educator and rider dedicated to reducing Alaska's highest number of annual avalanche deaths among all the states, I support HJR 41.

Best Regards...

W Joe Westfall CSP(ICCP) CSSI(IASA)  
907.333.0739(voice) 413.473.5503(fax)  
Bluffs on Susitna & Anchorage Alaska  
Joe @Westfalia-Werke.US

From: smith.blaine@att.net  
Date: March 27, 2004 7:48:43 AM AST  
To: Juli\_Lucky@legis.state.ak.us  
Cc: snownerd@mac.com

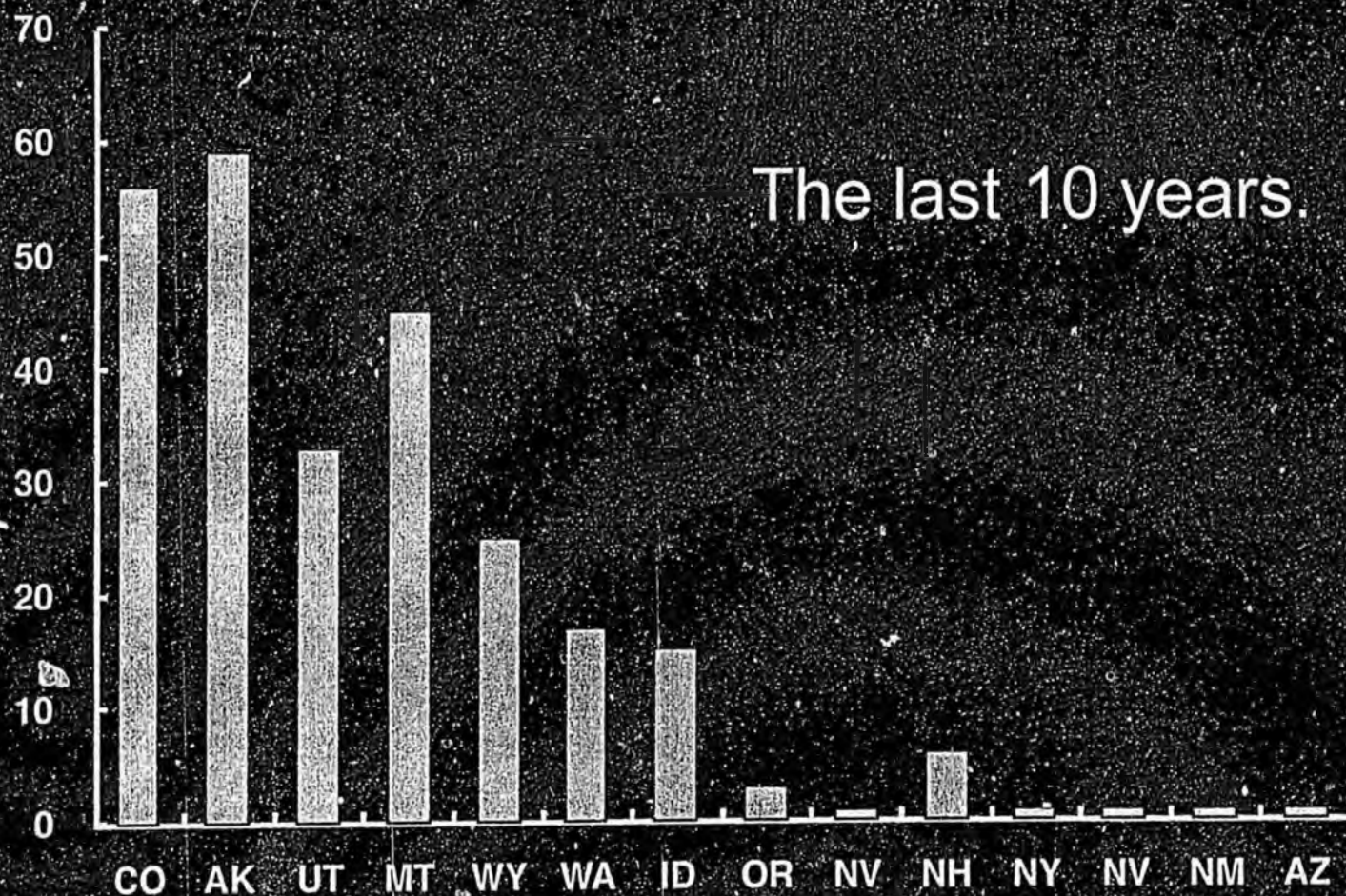
Representative Kerttula,

As a long time educator of avalanche hazard recognition, avoidance, and rescue, I see the need, and support your efforts to provide increased avalanche services to the State of Alaska through HJR41.

Thank you.

Blaine Smith  
32789 Cumulus Road  
Eagle River Alaska 99577  
(907) 696-3480

# US Avalanche Fatalities By State



Colorado Avalanche Information Center

1993/94 to 2002/03