

HB

307

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 MAY 04 2006
 SENATE FINANCE COMMITTEE

DATE: 4/28/06

FURTHER:

DATE TURNED
 IN TO OFFICE: 5/4/06

Finance Committee considered CS FOR HOUSE BILL NO. 307(RES)

HB 307 KNIK RIVER PUBLIC USE AREA

"An Act creating the Knik River Public Use Area."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by Sen. Finance Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DNR	5/3/06	356.8			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓		✓	
<i>[Signature]</i>				✓
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			



Official Business

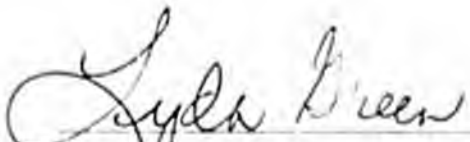
Alaska State Senate

Senate Finance Committee


Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

Letter of Intent
Senate Finance Committee
CS HB 307 (RES)

It is the intent of the 24th Alaska State Legislature that the Department of Natural Resources evaluate instituting user fees to pay the long term costs for management and necessary facilities associated with the public use of the Knik Public Use Area established under House Bill 307. The department should consider such fees as a component of the Management Plan that will be prepared under AS 41.23.190.



Senator Lyda Green
Senate Finance Committee, Co-Chair



Senator Gary Wilken
Senate Finance Committee, Co-Chair

FISCAL NOTE

REPORTED OUT
 MAY 04 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB307SCS(FIN) DNR-MLW-05-03-06
 () Publish Date: _____

Revision Date/Time (Note if correction): 5/3/06 Dept. Affected: Natural Resources
 Title Knik River Public Use Area RDU Resource Development
 Component Claims, Permits and Leases
 Sponsor Rep. Stoltze
 Requester (S) FIN Component No. 2460

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	92.1	127.2	70.8	70.8	70.8	70.8
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	255.2	196.2	194.0	194.0	194.0	194.0
Supplies	7.5	4.0	2.0	2.0	2.0	2.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	356.8	329.4	268.8	268.8	268.8	268.8

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	356.8	329.4	268.8	268.8	268.8	268.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	356.8	329.4	268.8	268.8	268.8	268.8

Estimate of any current year (FY2006) cost: 00
 Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	2	2	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill establishes the Knik River Public Use Area. The legislation would require DNR to prepare and adopt a land management plan, and manage the area consistent with the purposes established in the legislation and the plan. The costs to DMLW would include expenses related to preparation of the land management plan, public notice and review, adoption and printing of the plan, as well as ongoing management of the public use area.

Prepared by: Dick Mylius, Acting Director Phone: (907)269-8600
 Division: Mining, Land and Water Date/Time: 5/3/2006
 Approved by: Mike Menge, Commissioner Date: 5/3/2006
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. HB307SCS(FIN)-01 11/LW-05-03-03

ANALYSIS CONTINUATION

Plan Preparation and Adoption

(We have assumed that this process will take two years to complete.)

PERSONAL SERVICES COST - \$113.4 total (for 18 months)

One Natural Resource Specialist (NRS) III (range 13) - 9 Mo. FY07, 9 Mo. FY08 - total 18 months at \$6.3/month = \$113.4 - for plan preparation, review and adoption.

TRAVEL, CONTRACTUAL, SUPPLIES

Travel would be minimal at \$1.0 in FY07 and \$1.0 in FY08 as most of the public meetings would be in the Mat-Su Borough.

Contractual costs in FY07 would be for a User Survey (\$36.0), scoping and draft plan ads, public notice printing, room rentals, and the preparation and distribution of news letters and a draft management plan (\$9.5).

Contractual costs in FY08 would be for follow up public meetings room rental, printing and distribution of the final adopted plan (\$2.0).

Other contractual costs include \$7.0 for office space, telephones, core service charges and related expenses for the new position in FY07, and \$2.5 in FY08.

Supplies are budgeted at \$2.0 per year. FY07 includes one-time start-up costs for new computers and office equipment of \$9.5.

Management of Public Use Area

(We have assumed that the permitting and management begin in FY07 and will be ongoing.)

PERSONAL SERVICES COST - \$70.8/year

One Natural Resource Specialist (NRS) II (range 16) @ \$5.9/month - 6 months in FY07 and 12 months/year in FY08 and beyond.

TRAVEL, CONTRACTUAL, SUPPLIES

Travel would be minimal (assumed at \$1.0/year) as the management activities would be in the Mat-Su Borough.

Annual contractual includes \$7.0/year for office space, telephones, core service charges and related expenses for the new position. Other annual contractual costs would be for professional services as needed (\$2.0). FY09 and beyond includes contractual costs of \$5.0/year for a dedicated vehicle for use by the NRS I for field presence.

Supplies are budgeted at \$2.0 per year. FY07 includes one-time start-up costs for new computers and office equipment of \$9.5.

NOTE: Senate Finance expanded the original fiscal note to include contractual funds to allow for additional enforcement

SENATE FINANCE COMMITTEE

5/4/2006

COMMITTEE ACTION

Bill Number	HB 307		
Amendment			
Motion	to adopt Letter of Intent		
<u>Motion by</u>	Green		
<u>Objection by</u>	Stedman		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Stedman			✓
Senator Bunde	✓		
Senator Dyson	✓		
Senator Hoffman	✓		
Senator Olson			✓
Co-Chair Wilken	✓		
Co-Chair Green	✓		
<u>Tally</u>			
Yea	5		
Nay	2		
Absent			
<u>MOTION</u>	PASSED		

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittee on
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-4102
Phone: (907) 465-4159
Fax: (907) 465-4928

Interim:
PO Box 464
Juneau, AK 99801

BILL STOLTZE STATE REPRESENTATIVE

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 307 (RES)

Knik River Public Use Area

"An act creating the Knik River Public Use Area."

The Knik River Valley is a destination for many Alaskans looking for outdoor recreational opportunities. The area is utilized by a wide variety of Alaskans for a wide variety of recreational activities.

With the increasing population in South Central Alaska, more and more people are traveling to the Knik River Valley to recreate. This increase has created the need to establish specific management for the area. House Bill 307 will establish a Knik River Public Use Area. The framework set down by this legislation will protect the area's habitat and provide the recreational activities now available for future generations to enjoy.

I ask for your consideration and support of HB 307 so that this area will have the management it needs to continue to be a source of recreational opportunities for all Alaskans.

DISTRICT 16

BIRCHWOOD • BUTTE • CHIGLIK • EKIUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for,
Department of Public Safety
Department of Law



Session:
Alaska State Capitol, Rm 501
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Explanation of Changes HB 307 to CSHB 307(RES)

Section 1:

Renumbered the purposes to better reflect those comments made during public testimony.

Page 1, Line 10

Changed the specific language having to deal with Trumpeter Swans to protect all migratory waterfowl nesting areas.

Page 1, Line 14-15

Included nonmotorized recreational opportunities to the purposes of the public use area.

Page 2, Lines 2-3

Included language to specifically protect private property and miners to access their land and claims.

Section 2:

Page 2, Lines 8-12

Inserted language to direct the Dept. of Natural Resources to hold public hearings in order to adopt a management plan for the public use area. Also included is language that the management plan must include provisions for the enforcement of the plan.

Page 2 Line 19

Deleted the provision that would have the Army Corps of Engineers assist Dept. of Natural Resources with identifying wetland areas within the public use area.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

Section 3:

Page 3, Lines 3-5

Broadened the Commissioner of the Dept. of Natural Resources' ability to restrict the use of firearms in areas where it is determined that the use of weapons constitutes a threat to public safety.

Page 3, Line 7-8

Inserted language to make the allowable activities in the public use area compatible with its purposes.

Page 3, lines 13-18

Instead of grandfathering every trail in the public use area, the Dept. of Natural Resources has to only recognize these trails and the access they provide. In the case of a trail damaging critical habitat, DNR must make accommodations that will either provide the shortest possible route or to perform trail rehabilitation.

Page 3, lines 19-21

Includes language to allow the commissioner of the Dept. of Public Safety and Fish and Game to have the necessary access for them to perform their regular duties within the public use area.

Sec. 41.23.210

Establishes the enforcement statute for the public use area. This will allow, besides current law enforcement personnel, employees of the Dept. of Natural Resources (by approval of the Commissioner) to also enforce those provisions established by this piece of legislation.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKUTSA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

BRTG

51

Butte Community Council RESOLUTION NO. 2005-5

A resolution of the Butte Community Council supporting a bill, for an act entitled, "AN ACT CREATING THE KNIK RIVER PUBLIC USE AREA." State of Alaska, House Bill No. HB 307, and Senate Bill No. SB 197, introduced May 7, 2005.

Whereas: Recent actions by individuals, groups, and state agencies contained in the "Asset Management Plan for Borough Owned Land in the Butte Area" to propose and solicit new unreasonable restrictions on access and use of public lands in the Butte-Knik River Watershed area, and threaten to eliminate many of the assumed freedoms, lifestyles, and traditional uses of the Butte area residents and others, and

Whereas: Due to the unknown status of the above mentioned actions, and the unknown outcome thereof, this legislation is deemed necessary in order to preserve the traditional uses of the above mentioned public lands, and

Whereas: There are approximately 90 million acres of essentially non-motorized areas already set aside in Alaska in the form of National Parks, Wilderness Areas, Wildlife Refuges, Critical Habitat Areas, State Parks, etc, and

Whereas: We intend that the main purpose of this Knik River Public Use Area is to be for multiple uses, including motorized (land, water, and air) vehicle recreation, and including non-motorized use, and

Whereas: There are provisions contained within the Public Use Area legislation regulations to adequately provide for wildlife and habitat protection, and

Whereas: We intend this Knik River Public Use Area to be similar in scope and purpose to the *Nekchma Public Use Area* with its allowed uses such as off road motor vehicles, trapping, hunting, mineral exploration, mining and other legally allowed uses, and

Whereas: The users of these public lands have previously expressed their desires for continued public access by their approvals of past BCC resolutions, public petitions, and their publicly expressed disagreement with many of the proposed restrictions in the draft "Asset Management Plan for Borough Owned Land in the Butte Area."

Now Therefore, we, the people present here tonight, June 8, 2005 being members of the Butte Community Council, by majority vote, approve of this BCC resolution supporting the formation of a Knik River Public Use Area, by the Alaska State Legislature.

Signed by: A Quorum of the Board of the Butte Community Council

Derek Smith
Danille Taylor
Janeen Erickson
Jeff McCall
Leslie T. Gray

STATE OF ALASKA

Matanuska Valley Fish & Game Advisory Committee

Frank H Murkowski, Governor

Wayne Kubat, Chair
PO Box 874867
Wasilla, Alaska 99687
ph. & fax: 376-9568
email: args@mtaonline.net

November 23rd, 2005

Senator Huggins and Representative Stolze,

The Matanuska Valley Fish and Game Advisory Committee unanimously supports House Bill 307 and Senate Bill 197, the bills to create the Knik River Public Use Area as written and introduced by yourselves.

The Knik River has historically been a destination for many visitors. With Anchorage, Palmer, and Wasilla home to over 50% of Alaska's population, this recreational area will provide access for many diverse users of the area. Adjacent to this area is Chugach State Park that restricts those Alaskans looking for an off-road vehicle experience.

Along with the specific management the legislation will create, we believe that additional education and enforcement will create an enjoyable destination for all recreational users and this legislation is a step in that direction. Thank you for your efforts!

Sincerely,

Wayne Kubat
Chairman – Matanuska Valley Fish and Game Advisory Committee

Alaska Frontier Trappers Association
PO Box 3208
Palmer, Alaska 99645

January 30, 2006

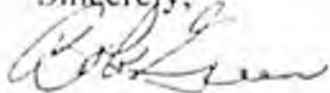
Dear Representative Stoltze and Senator Huggins,

The Alaska Frontier Trappers Association fully support House Bill 307 and Senate Bill 197.

The Knik River has been a favorite destination for all outdoor recreational users. Trappers have a history of trapping on the Knik River since the territorial days. One of the most talked about trappers was Tex Cobb. He trapped all over the South Central area and has been written about in such magazines as "Outdoor Life". Trappers are possibly the first to utilize the area as a means of support and are the first trail blazers.

With the passage of these bills as written, we will be assured of continued use without the threat of closure in the form of a State Park.

Sincerely,



Bob Green
President, Alaska Frontier Trappers Association

By: L. Woods
Amended: 05/17/05
Adopted: 05/17/05

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 05-068(AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH SUPPORTING STATE DESIGNATION OF LAND IN THE KNIK RIVER WATERSHED AS A PUBLIC USE AREA AND FOR THE STATE TO PROVIDE FUNDING TO THE ALASKA DEPARTMENT OF NATURAL RESOURCES TO DEVELOP A MULTIPLE-USE MANAGEMENT PLAN FOR THE AREA.

WHEREAS, the Alaska State Department of Natural Resources (DNR) and the Matanuska-Susitna Borough are the primary landholders of public land in the Knik River Watershed (KRW) and recognize the need to address management issues within portions of the watershed, particularly in the Jim Creek - Swan Lake - Knik River areas; and

WHEREAS, the area includes over 250,000 acres of public land, the majority of which is owned and managed by the Alaska State Department of Natural Resources; and

WHEREAS, the Borough recognizes that use impacts on State land are so significant as to warrant a special study area that should be established under cooperative management; and

WHEREAS, the Knik Arm Wetlands Study (1991) and the Susitna Area Plan (1985) recognized important wildlife value, current and potential future impacts of unmanaged

use, and recommended special designation for areas within the Knik River Watershed; and the South Central Recreation Action Plan (1984) recommended a master plan for the Jim Creek - Swan Lakes area of the Knik River Watershed to more effectively serve diverse recreational interests; and

WHEREAS, this area consists of uplands, wetlands, anadromous streams and other water bodies, unique geologic features, waterfowl staging and nesting areas, and wildlife to include resident moose, black and grizzly bear; and

WHEREAS, citizens and users have expressed repeated concern about significant increases in unmanaged uses, vandalism and other unlawful violations, safety, pollution, littering, impacts to fish and wildlife resources, impacts on nearby residents and users, and have committed significant volunteer resources in attempts to educate local residents and visitors in order to improve the situation; and

WHEREAS, DNR has statewide experience in developing sustainable multiple-use plans that recognize and provide for a wide variety of users of State land, yet in a way that protects important areas; and

WHEREAS, a planning team led by DNR would include public and private land owners and managers, scientists, a wide variety of user groups that currently use the area,

citizens, and adjoining private landholder representation, and would be developed using an open public process; and

WHEREAS, a management planning effort would enhance the opportunity for multiple-use management that would include partnering, collaboration and volunteerism for agencies, landholders, diverse users, residents and citizen groups.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly supports the State creating a public use area for public land in the Knik River watershed and urges the appropriation of funds to the Alaska State Department of Natural Resources to initiate a management planning process which includes all user groups and appropriate agencies for the public land in the area. The State funding should include sufficient resources to implement the management plan and provide enforcement of land-use regulations as provided to them under State Statute for their stewardship of public lands.

ADOPTED by the Matanuska-Susitna Borough Assembly this
17 day of May, 2005.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Allen, Colberg, Kralheim,
Simpson, Colver, and Vekro

HB 307

RECEIVED
RE MAR 27 2006
MAR 27 2006

TO: Sen. Lyda Green March 27, 2006
Senate Finance
Fax # 907-465-3805

re: Testimony on HB307

From Carole Henry
P.O. Box 4400
Palmer, AK 99645
745-6578; fax number, 745-6579

As a Mat-Su Valley resident living on the south side of the Knik River, I'd like to register my opposition to House Bill No. 307, "An Act Creating the Knik River Public Use Area," as submitted by Rep. Stoltze, as currently written and/or rewritten with draft changes.

The legislation put forth has neglected and not included the vital public planning process which would invite users, residents, adjoining landholders, and recreation and scientific experts to be a part of the public use area planning. Please consider establishing a citizen advisory board so that all recreational uses/needs of the public use area along the Knik River area can be addressed in any proposed legislation.

The area is currently a public use area without any restrictions; conflicts arising from non-motorized and motorized incompatibility use has not been addressed in HB307; neither is illegal dumping enforcement, nor irresponsible and indiscriminate use of firearms (target practice or random firing without purpose, accidents waiting to happen).

There was a year or two when state troopers received funding to provide a presence and enforcement of applicable laws along the Knik River; lack of funding has limited enforcement; I am asking that any legislation provide funding necessary to create a public use area on the Knik River that ensures safe recreation for ALL users, motorized and non-motorized, armed and unarmed, animal or human.

We need your help and expertise to ensure good legislation; thank you for considering my objections HB307.

Carole Henry
Carole Henry March 27, 2006

RECEIVED

APR 03 2006

FAX TO: Lyda Green, Co-Chair, Senate Finance

Fax 907-465-3805

FROM: Lynn Fuller, Palmer

Phone 907-745-8278

RE: Comments on CS HB307

→ Kwik River Public Use Area

2 page letter attached.

Please distribute to committee members and any others as appropriate. Thank you.

April 2, 2006

Dear Representatives Stoltze, Kerttula, Chenault, and Meyer, and Senators Wagoner, Green, Seekins, Bunde and Wilken:

I would like to comment on CS draft HB 307. I am including my comments to Senators as well, recognizing that changes may be made prior to consideration in the Senate.

I have been a user of the Mud and Jim lakes areas for many years, and our family considers it a prime recreational area. The trash, shooting and overall lack of management have been an increasing concern for us, to the point that we no longer visit our favorite places at certain times of the week. We support any and all efforts at making the entire Knik basin safer, cleaner, and more usable for families and all users. Thank you for working to promote management in this area!

Overall, the bill seems to provide for the support of various user groups while providing for the "public enjoyment of fish and wildlife" - both of which I believe are appropriate for the area. I would like to encourage you, however, to revisit some of the language of the bill to make the intent, and future actions based on this legislation, more clear.

Section 41.23.180 lists the purposes of the bill. Purposes 3 and 4 seem very specific - don't they fall under public recreation and enjoyment of fish and wildlife? I am not very familiar with the organization of bills, but logically it seems like the first section, "Purpose of AS41.23.180-41.23.230", should refer to the broad benefits and uses for all. Doesn't brown bear habitat fall under public enjoyment of fish and wildlife? Doesn't "maintenance" of off-road vehicles belong in the management realm? I would like to suggest the following as a broader but still inclusive set of goals:

- (1) as applicable, perpetuate, protect, and enhance
 - (A) general public recreational uses, including existing motorized and non-motorized uses, and additional public uses as determined by the commissioner;
 - (B) fish and wildlife habitat and populations for the enjoyment of all users, including traditional public uses of fish and wildlife populations.

(2) and (3) are included within these goals as part and parcel of a use area that is managed for multiple uses.

I strongly support the intent of Section of 41.23.190 (a) and (b). I would like to suggest that "adequate public hearings" be replaced with "The commissioner may designate incompatible uses and shall adopt and may revise a management plan for the Knik Use Public Use Area, via a public process." I am not sure how ADNR ensures that a public process occurs, so I cannot easily suggest appropriate language. "Adequate public hearings" does not assure me that there will be suggestions, give and take, and a true and

valuable dialogue contributing to the management plan. There is an opportunity with the management of the Knik area to allow for diverse uses and simultaneously maintain the ecological attributes of the area. The public has a lot to offer in the process.

In 41.23.190 (d), perhaps the *protection* of the wetland area belongs above in 41.23.180 (1) (B), whereas the management aspects belong here. It seems muddled to be to insert here what appears to be an overarching protection goal. Perhaps a part (C) of section 41.23.180 should be added that address wetlands or general water quality; it may be different enough from *uses* and *habitat* to merit its own statement.

Section 41.23.200 is mostly clear, except for (d) (2). The language is confusing. What does "recognizing" trails mean? What does "...make accommodations that will provide the shortest possible route to avoid critical habitat..." mean? Again, does the routing of trails, and the identification of critical habitat, belong in the management section? It also mentions providing increased use of the public area- doesn't that belong in Section 41.23.180?

If the intent of (d) (2) is to keep existing trails, the language should be more clear. Then there should be an opportunity, such as with the hearings and letters like these, to comment on whether or not existing trails should be "recognized", "protected", "evaluated by the commissioner" - or whatever is deemed appropriate. If parts of this bill are so specific as to talk about "shortest possible routes", and "critical habitat" then perhaps Section 41.23.190 should list components that will and might be included in a management plan.

I also believe that (d) (1) in this section needs a qualifier. It may be appropriate to allow all of the activities listed, but those activities *must be managed*. What if aircraft use, at some time in the future, directly conflicts with other purposes? Section 41.23.190 (a) allows the commissioner to designate incompatible uses, so this section should be consistent and say something like "In accordance with the management plan, allow the Knik River Public Use Area to be used for activities that include...."

I very strongly support management of this area, and I would like to be able to support this bill. The purposes of the Public Use Area should be more clear and concise, and Sections 41.23.190 and 41.23.200 need to better align with the purposes. Unclear language also needs to be clarified, and/or definitions included that make the intent clear.

Thank you for considering my comments

Lynn Fuller

Lynn Fuller
P.O. Box 1814
Palmer, AK 99645
907-745-8278
lfuller@mtaonline.net



May 3, 2006

Senate Finances Committee Hearing on HB 307

Item 1, Enforcement:

The fiscal note provides for one unarmed Natural Resource Technician to manage the area. Sending an unarmed technician into the field to issue citations is premature without first establishing control of the widespread common criminal activity.

Thousands of users visit this area. Recently, Borough and DNR administrators refused (rightly) to put any money into sanitary facilities until management could protect facilities from destruction. How can caring users and residents continue to volunteer in a myriad ways without good backup? We want to help defray public expenditures and to make a success out of the Knik River Public Use Area. We do not take lightly any request for public funding. Funding for dedicated enforcement will offset existing costs for trooper response time, code compliance, resource damage, rescue, firefighting and National Guard bumper drags. What is the price on residents' deteriorating quality of life?

Item 2, page 3 line 13 should be rewritten:

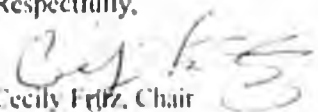
Recognizing off-road vehicle use is okay but this approach goes too far and would raise questions with later management on how it fits within the context of overall purposes. The specificity of language will create future issues and isn't necessary. Also, line 18 implies increased use only of off-road vehicles. But, there are other uses that are not specifically identified for increased use like hunting, fishing, hiking, etc. With populations ever-growing, the use of public lands ever increasing, the valuable habitat for fishing and hunting, and with conflicts ever arising, managing for "increased uses" for one particular use may not be practical or may result in absurd conflicts or choices. If the intent is to look for ways of maximizing (a better word) or even increasing overall public use, then a better way would be to remove the sentence here and put it somewhere else where it would apply generally.

We recommend the following rewrite to Item (d)(2):

"As compatible with the purposes identified in 41.23.180, the commissioner shall recognize existing off-road motor vehicle trails and the access those trails provide, and maximize off-road motor vehicle options and general public recreation opportunities in the Knik River Public Use Area."

Thank you for your consideration. The attachment has examples of the extent of criminal activity in the area.

Respectfully,


Cecily Fritz, Chair
Knik River Watershed Group

5/3/06 9:31am

If now isn't the right time to bring some peace and order to this area, when is the time?

Crime in the Butte/South Knik River:

Would you want to be the unarmed manager in the following situation?

Location: BUTTE. Case number: 05-57948. Type: DUI/Fail to stop for Police Officer

Text: On 7-16-2005 at approximately 0830 hours Troopers contacted xxxxxx, age 20 of Anchorage. Troopers attempted to stop his vehicle for attempting to cross a Salmon stream with a motor vehicle. xxxxx stopped his vehicle approximately 1/2 mile up the Knik River, only after his vehicle became disabled. xxxxx was arrested for Failure to stop at the direction of a Police Officer, DUI, Misconduct Involving a Controlled Substance, Misconduct involving a Firearm, and Minor Consuming.

"If I had any say I wouldn't send anyone in there alone to do enforcement either during the peak times of use. There has to be backup for safety sake". A law enforcement chief in the District.

Dispatchers (Mat-Comm): During July 1-16, 2004, AST responded to calls to the area 42 times; these were only AST calls, not MSB medics or other emergency services. There were several calls a day in some instances.

Five sheep poached at Wolf Point; Swingset in yard on S. Knik River Road hit by bullet; Home with bullet hole; A Borough Government car was shot at; Parties of canoers shot at (Trooper contacted by cell phone told them to "shoot back"); hiker with young son on a trail ducked for cover as bullets whizzed over their head; Moose shot and set on fire; Trees cut down by automatic weapon fire in multiple locations. Public land littered with inches deep piles of spent cartridges become dumping grounds; Transformer shot out; Street light shot out; Reindeer shooting; Destruction of waterfowl and their nests by ORV traffic despite residents erecting several signs to educate riders; Human waste everywhere.

Landholder/colonist family member, Kurt Marshall: "...while we would like to continue using the Jim Creek/Knik Glacier area as a family retreat, the increase of family danger due to vandalism, gunfire and chaotic behavior prevents our continuing to do that. It saddens me to see what has happened to this beautiful valley."

Resident Cindy Rapp: "Living in the Butte is sometimes like living in the wild, wild west. Guns being discharged at any given time, day or night, to where if someone were in need who would know to call the Troopers? Then again what Troopers, since they are spread so thin..."

Resident Mark Simpson: "Friday/Saturday night April 22-23 at 2:35am hard rapid gunfire from high powered rifles and pistols aimed at the Knik River water from the North bank...by people with 3 pickups parked in a semicircle shining their headlights at the river. The shooting went on for 10 minutes nonstop with bullets flying to the residential South side. I knew it to be useless to call the Troopers because of the half hour they might take to respond if they showed at all. I was on the verge of responding myself with my own 30-06 because they were endangering people for the sake of their own FUN."

"I still have the homemade rocket tube/arrows imbedded in the ground in the cottonwoods below my place shot from across the river. The summer has only just started."

User Mike Hansen: My family makes much use of the Jim Creek area primarily for swimming and playing on the dunes. Close up it is an eyesore with abandoned appliances and furniture, garbage and burned up car frames both buried in the mud and scattered on the dunes where they are used for target practice. There are often mounds of spent cartridges left on the mud flats with many live rounds mixed in. We try to limit our time to mid week so as to avoid the worst of motorized users and shooters.

Anchorage Daily News, August 10 2003: "The reputation of Jim Creek is that of burning cars, reckless ATV use and illegal shooting. But amid this scene of revving engines, echoing shots and dust is a small but thriving fishery that attracts scores of anglers from the Valley and Anchorage. Jim Creek is a haven for ripping four-wheelers and dirt bikes, jacked-up trucks with balloon tires and rampant vandals. Along the dirt road that leads to Jim Creek are the scorched corpses of several junked cars. Residents of the Butte farming community have long complained of late-night parties and errant gunfire. Columnist Ron Wilmot

Knik River area wildlife fall to unknown poacher. \$4,500 reward posted for killer of 6 Dall sheep, a moose and a goat. By ZAZ HOLLANDER Anchorage Daily News (Published: March 26, 2004)

Testimony given 5/3/2006 to the Senate Finances Committee on HB 307.

I'm Cecily Fritz with the Knik River Watershed Group.

We were not aware of the improved fiscal note with additional personnel added but this seems like it will improve the chance of success in the Public Use Area. Perhaps input from any public safety/enforcement experts available during this hearing would be helpful. I'm not sure who to thank for the change to the note.

We support the concept of a letter of intent for user fees to be addressed further in the planning process.

Finally, I sent a letter addressing an item in the legislation that we believe should be amended. It deals with Item (d) (2) on page 3 line 13. We believe this section should be amended as follows:

"As compatible with the purposes identified in 41.23.180, the commissioner shall recognize existing off-road motor vehicle trails and the access those trails provide and maximize off-road motor vehicle options and general public recreation opportunities in the Knik River Public Use Area."

We believe this is a better compromise to ensure recognition and enhancement of ORV recreation but not at the expense of the other purposes outlined on Page 1.

I'd like to thank Rep. Stoltze and Senator Huggins for putting this out there and making improvements to the bill. Thank you.

Good morning everyone, my name is Patti Barber and I am a motorized user. A few people in our area have taken it upon themselves to erect signs along the highways stating that we can not ride along the highways on our motorized form of travel even though we are within our rights as long as we are 3 feet away from the pavement.

The Mat Su Borough has eliminated us from using Personal Watercraft and many motors under the Lakes management plan. Responsible Air boaters, Personal water craft users, and the family of fishermen that choose to use a motor over oars, are eliminated on many of the lakes and streams. The rivers are the only avenue left for this chosen form of recreation.

With all the closures and restrictions that people have put on other users because they don't agree with their form of recreation where else are they to go? When people are eliminated from using their form of recreation in an area, they move on to another area until they are removed from that area too.

The Knik River has been a destination for many responsible boaters and other motorized forms of recreation. I support HB 307 to create the Knik River Public Use Area.

Patti Barber
17367 E. Melin Rd.
Palmer, AK 99645
907-745-4446
Patti S. Barber

02 competent jurisdiction;
 03 (2) administer or take an oath, affirmat
 04 (3) arrest a person who violates a provi
 05 41.23.230 or a regulation adopted under AS 41.23.18

06 **Sec. 41.23.220. Penalty.** (a) A person who viol
 07 AS 41.23.180 - 41.23.230 or a regulation adopted un
 08 guilty of a violation as defined in AS 11.81.900.

09 (b) The supreme court shall establish by orde
 10 amounts for violations under (a) of this section th
 11 without a court appearance.

12 **Sec. 41.23.230. Knik River Public Use Area.** Su
 13 state-owned land and water and the state land and w
 14 within the boundaries described in this section are
 15 Use Area, are reserved for all uses compatible with
 16 use land, and are assigned to the department for co

- 17 (1) Township 15 North, Range 4 East, Sew
- 18 (2) Township 15 North, Range 5 East, Sew
- 19 (3) Township 15 North, Range 6 East, Sew
- 20 (4) Township 15 North, Range 7 East, Sew

21 Section 3: NW1/4NW1/4
 22 Section 4: N1/2NE1/4, N1/2NW1/4
 23 Section 5: N1/2NE1/4, NW1/4
 24 Section 6: SW1/4SE1/4, N1/2SE1/4, S
 25 Section 7: SW1/4NW1/4, N1/2NW1/4;

- 26 (5) Township 16 North, Range 2 East, Sew
- 27 Section 1: Portions located below t
- 28 Knik River
- 29 Section 2: Portions located below t
- 30 Knik River
- 31 Section 3: Portions located below t
- 01 Knik River;

- 02 (6) Township 16 North, Range 3 East, Sew
- 03 Sections 1 - 3
- 04 Section 4: Portions located below t
- 05 Knik River
- 06 Section 5: Portions located below t
- 07 Knik River
- 08 Section 6: Portions located below t
- 09 Knik River
- 10 Section 9: Portions located below t
- 11 Knik River
- 12 Section 10: Portions located below
- 13 Knik River

Senate Finance Committee
Testimony 5-3-06

I am Charlotte Sartor. I've lived in & used this area for non-motorized recreation since 1971.

Re: CSHB307 Knik River Public Use Area
Support current version as a compromise bill
Time is running out please expedite the process to get this bill passed this year

CSHB307 is not perfect, but it is a good start. I would still like to see:

- A citizen's advisory board included as part of the management plan
- Rewording of item d2 page 3 line 13 to make all trails compatible with purposes
- Rewording of item d2 page 3 line 18 which seems to advocate for increased use rather than management of increasing use.

At this point, however, my major concern is to **provide the necessary funding for enforcement**

I have concerned that one unarmed resource specialist is inadequate for the scope of the problem in the area, so am happy to hear the fiscal note has been expanded to include 3 personnel. All user groups agree that enforcement is needed. My husband & I hear shooting & the whine of motorized vehicles from our house almost daily. We have been canoeing in Mud Lake and had people start shooting over the water. We have seen unsafe target practice areas along the trails we are hiking. We have talked to too many people who say they are afraid to go there. For years we have picked up trash in yearly cleanups and other times. We applaud the motorized users for helping with cleanups.

I realize there are many needs for state money, but as use in this area has increased, so have the problems. Good management is long overdue. We need the best bill we can get with the most funding available for enforcement. I am not opposed to user fees.

I addressed some of the other testimony:

- ORV's have created many new trails beyond the original logging road, some in inappropriate places
- The Butte Community Council vote of 74-1 in favor of the original bill does not show the large percentage of this divided community who do not feel represented by the current council
- An abandoned camp was attributed to canoeists.

Would a canoe want to or be able to bring in the 55 gallon drums that were still there in October 2005

- It was mentioned that State Troopers are not prohibited, but they are already stretch thin
- Designation as a motorized area increases the impacts on residents and pushes other users out.

Although such testimony illustrates the conflict between users, I feel that **finding the common ground** (enforcement, cleanup, and education) is more important. I am not opposed to motorized use if it is done correctly and does not push other users out. I hope this bill will provide the framework for multiuse management. Please do everything in your power to pass it this year.

Thank you.

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