

HB

241

ALASKA STATE LEGISLATURE



SESSION:
Alaska State Capitol, Room 418
Juneau, AK 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

INTERIM:
1292 Sadler Way, Suite 304
Fairbanks, AK 99701
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Representative David Guttenberg

Answers to the House Resources Committee's questions from 3/26/07 regarding the proposed Stampede State Recreation Area (HB 241)

What does the public want? At the public meeting in Healy this fall we heard the public say for the most part they would like to see the area remain the way it is. They see change on the horizon from increased use and other potential developments and what they want is local management so existing uses are preserved and not pushed out. Existing uses include hunting, fishing, Jeep tours, ATV use, hiking, skiing, snowmobiling, dog sledding, private lands and others.

In finding a balance between use and conservation is a State Recreation Area the best designation for the area? It is perfectly reasonable for Parks to manage the area for the existing uses. The dominant management objective of a State Recreation Area is to provide a maximum level of outdoor recreation opportunities based on the natural values of the unit and its ability to sustain use without significant adverse effects on natural systems.

Is State Parks the right agency to manage the area for the needs and desires of the users? State Parks manages natural resources and their use all across the state. The Division is committed to providing outdoor recreation opportunities and if through a public planning process it is determined that the existing array of motorized and non-motorized uses should all be allowed, then that is how it will be managed. This may be a great opportunity for State Parks to show that we do have the ability to manage for a diversity of user groups.

What private property is there in the Proposed SRA, and what are the acreages and locations? There are 33 private parcels ranging in size from 2 to 5 acres for a total of 131.82 acres of private land within the proposed recreation area. They are around a lake near the center of the proposed recreation area and dispersed along the southern boarder of the proposed area.

If the existing private property were sold or transferred, would the new owners retain the same rights as the previous owner (right to set up a business, etc)? Yes - the SRA would not impact or regulate private land.

Who has subsurface rights in the proposed SRA?

State of Alaska. Under the SRA, the area would be closed to staking mining claims and the state would not lease for oil, gas, or other subsurface resources (unless the legislation specifically directed otherwise. Valid existing mining claims would be protected as long as the claiming keeps the claim current. The Division of Geological and Geophysical Surveys has stated that the potential for commercially viable coal bed methane or other energy resources would be low.

Are there currently any opportunities to purchase land within the SRA?

No - state has sold land in the past just east of the PUA but has subsequently transferred most land in this area that is suitable for purchase to the Denali Borough.

Are there active mining claims or prospecting permits? No.

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Representative David Guttenberg

MEMO

To: Members of the (H) Resources Committee

From: Christian Gou-Leonhardt, Staff to Rep. David Guttenberg

Re: Differences Between Certain DNR Land Designations, Re: HB241

Date: 4/1/08

A State Recreation Area is a unit of the state park system with a purpose of managing the land and water in a way that provides a maximum level of outdoor recreation opportunities without significant adverse effects on the natural systems. Recreation areas are open to hunting, fishing and most types of outdoor recreation but are closed to staking of mining claims, mineral leasing, land sales and leases, and transfer out of state ownership (such as municipal entitlements, Mental Health replacement lands, etc.). Title 38 statutes generally do not apply, instead State Parks authorities apply (including Parks enforcement authorities).

A State Public Use Area is not a unit of the State Park system and is not withdrawn from the state public domain. It is a decision by the legislature that this state land will remain in public ownership, so fee simple disposals are not allowed (sales, municipal entitlement transfers, land exchanges, etc.) but it is open to staking of state mining claims, could be leased for oil, gas and other leasable minerals, allows for uses such as grazing, and it is managed by DMLW using Title 38 authorities (or in the case of enforcement, lack of authority). Public Use Areas are actually similar to State Forests except that DOF has responsibility for planning and the emphasis is on forestry uses.

The legislature can modify these general rules - for example the Kenai River Special Management Area is a state park unit but can be leased for oil and gas, and in the Knik Public Use Area, the legislature gave DMLW enforcement authority.

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Representative David Guttenberg

HB241 – Sponsor Statement

The Stampede Road corridor, northwest of Healy and flanked on three sides by the Denali National Park, is a traditional place for many Alaskans to hunt, fish, trap, snowmachine, mush and pursue other recreational opportunities. Home to a growing number of Denali Borough residents and businesses, this is a wild and beautiful place that Alaskans from across the state can easily access.

The Stampede Corridor flanks the route of the Stampede Trail, an old mining road blazed in the 1930s to access claims on Stampede Creek, above the Clearwater Fork of the Toklat River. Located in Denali Borough, what is now known as Stampede Road begins at the Parks Highway just north of Healy. In 1961, the state of Alaska upgraded the trail as part of Alaska's Pioneer Road Program. The project was halted in 1963 after some fifty miles of roads were built, but no bridges were ever constructed over the several rivers it crossed, and the route was shortly rendered impassable by thawing permafrost and floods. The trail has since been used by backcountry travelers on foot, bicycle, snowmobile, ATV, Off-Highway Vehicle and motorcycle.

HB241 will preserve the traditional uses of this area by creating the Stampede Recreation Area within the Stampede corridor. Several years ago, the former Governor proposed to build a road through this area. This planned road was vehemently opposed by borough residents as well as the recreational and traditional user groups who had an interest in keeping things "the way they are." In an effort to preserve the area for use by residents and visitors, the Denali Borough Assembly passed a resolution last year calling on the Alaska Legislature to designate the corridor as the Stampede State Recreation Area, with a strong emphasis on self-determination by the residents and users of the area.

The intent of this bill is to ensure that the numerous traditional uses this area has seen over the last few decades (recreation, hunting, trapping, fishing) remain available to all Alaskans. Use of the area has been increasing in recent years, and will continue to do so. This bill will preserve access to this area for a wide variety of recreational users from across the state. At two well-attended public meetings in Healy and Fairbanks, both residents and user groups were able to weigh in on how the proposed Recreation Area should be managed. The result of this input is now the core of the Stampede Recreation Area proposal; a user-defined management plan. I believe this is the best way to protect and preserve the many uses of this wild and scenic area.

I urge your support of HB241.

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

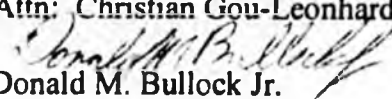
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 21, 2008

SUBJECT: Sectional Summary for HB 241 (Work Order No. 25-LS0877\A)

TO: Representative David Guttenberg
Attn: Christian Gou-Leonhardt

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

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

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Establishes the Stampede State Recreation Area. Describes the purpose for creating the recreation area, the land and water to be included, management responsibilities, and incompatible uses. Identifies activities that the commissioner may not restrict within the recreation area. Authorizes the commissioner to purchase real property lying within the boundaries of the recreation area. Prohibits the use of the power of eminent domain to acquire privately owned land for inclusion in the recreation area.

DMB:med
08-129.med

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB241
 () Publish Date: _____

Identifier (file name): HB241-DNR-Parks-01-15-08 Dept. Affected: Natural Resources
 Title: CREATING STAMPEDE STATE RECREATION RDU: Parks and Recreation Management
 Component: Parks Management
 Sponsor: Representative Guttenberg
 Requester: House Resources Component Number: 452

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	68.4	0.0	227.4	167.8	167.8	167.8	167.8
Travel	3.0	0.0	10.0	7.0	7.0	7.0	7.0
Contractual	10.2	0.0	34.9	26.0	26.0	26.0	26.0
Supplies	2.0	0.0	44.0	11.3	11.3	11.3	11.3
Equipment	10.0	0.0	174.0	17.6	17.6	17.6	17.6
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	93.6	0.0	490.3	229.7	229.7	229.7	229.7

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

1002 Federal Receipts							
1003 GF Match							
1004 GF	93.6	0.0	490.3	229.7	229.7	229.7	229.7
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	93.6	0.0	490.3	229.7	229.7	229.7	229.7

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The costs associated with management of this new state recreation area include funding for a limited two-year public planning process to develop a management plan (FY09-10), followed by funding for a full-time Park Ranger, a six-month Natural Resources technician, two seasonal Alaska Conservation Corps employees, and a park volunteer, providing field management beginning in FY10. Start up costs include two new vehicles, law enforcement gear, a Ranger ORV, two ATV's, snowmobile, trailer, and trail maintenance equipment. Contractual services include office rental, vehicle costs, utilities, phones, and equipment services.

Prepared by: James King, Director
 Division: Parks and Outdoor Recreation
 Approved by: Tom Irwin, Commissioner
Natural Resources

Phone (907) 269-8702
 Date/Time: January 15, 2008
 Date: January 15, 2008



INTERIOR TRAILS PRESERVATION

ITPC

Monday, March 17, 2008

Representative David Guttenberg
Room 418
State Capitol
Juneau, AK 99801

Dear Rep. Guttenberg,

The Interior Trails Preservation Coalition (ITPC) supports the creation of the Stampede State Recreation Area as outlined in HB241 and SB173. This area is already a popular recreation area for locals and visitors, especially through the use of the Stampede Trail. The wild nature of the area, surrounded as it is on three sides by Denali National Park, makes it a perfect place for a state recreation area.

Members of ITPC have used the area for recreation and know of its beauty and accessibility. It allows people a place to go to experience the wild land near Denali National Park without the restrictions of the park. We believe the area has lots of potential as a recreation area for trail users and off-trail users. If it is turned into an official state recreation area more trails could be developed, including one that connects the Stampede Trail to the nature trail off the Park Road at Savage River or others that lead to the Wonder Lake area.

The ITPC is a private, non-profit organization incorporated in 2002 over concerns that many area trails are disappearing as land is being developed. Our members represent a wide variety of interested trail users who strive to find mutually agreeable solutions with government agencies and private property owners to preserve public access to trails. We believe a Stampede State Recreation Area would help ensure that this area remains a special place for locals and visitors.

Sincerely,

Eric Troyer
Vice President

ITPC

P.O. Box 74263, Fairbanks, AK 99707

Phone: (907) 458-7968

Charles Loeb

P.O. Box 991
Talkeetna, AK 99676

cloeb63@mtaonline.net
907-733-6300

February 24, 2008

Representative David Guttenberg
Room 418
State Capitol
Juneau, AK 99801

Dear Representative Guttenberg,

I am writing to support the passage of HB241 establishing the Stampede State Recreation Area. Although I am presently a resident of the Matanuska-Susitna Borough, I lived for many years in the Denali Borough, sometimes in the Panguingue Creek Subdivision near the proposed SRA, where I still own property. I am particularly enthused about the recreation area because I think it will protect and enhance my own recreational use of the area and because it will protect important wildlife habitat from incompatible development.

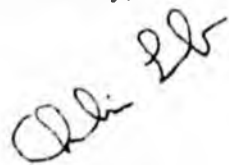
I use the area recreationally particularly for mountain biking, hiking, skiing, birding, and wildlife watching. It is the backyard for folks who live in the greater Healy area, and important for a wide variety of other activities including dog mushing, snowmachining, berry picking, hunting, and fishing. Although I value it for my own use, I know there are folks who travel to the area from all over Alaska and from outside Alaska for the same reasons. Although Denali National Park is nearby, many of the activities mentioned here are not possible in the park because of the land management mandates of the National Park Service. The scenic state land of the SRA is a great place for some of these activities to occur, and can benefit both in-state and out-of-state tourists.

However, the area needs to be protected from incompatible development and there needs to be management of the recreation that occurs there. Too many people, too few (zero) outhouses. Too many bad trails that are destroying state land. Recreation area management will both help emphasize the destination quality of the land as well as protect the qualities that make it worth visiting and hopefully bring an end to the gradual deterioration of this state asset.


The area is also very important wildlife habitat, particularly during winter months. Establishment of the SRA should recognize habitat protection as a very important goal. This not only would benefit the substantial hunting community that uses the area, it would also protect the winter habitat of some of the animals tourists watch on the Denali park road during the summer. Since Denali is the premier attraction bringing tourists to Alaska during the summer and wildlife is the premier attraction of Denali, it seems worthwhile for the State to participate in protecting this incredible resource.

I hope you will share these thoughts with other legislators and that passage of the bill can be secured in this session.

Sincerely,



Charlie Loeb



Denali Citizens Council

Serving to protect Denali National Park and environs

PO Box 78 Denali Park, Alaska 99755 907-683-3396

www.denalicitizens.org

March 5, 2008

Representative David Guttenberg
Room 418, State Capitol
Juneau, AK 99801

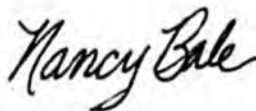
Dear Representative Guttenberg,

I am writing to you on behalf of the Board and members of the Denali Citizens Council (DCC), a local, non-profit education and advocacy organization founded in Cantwell in 1974. It is an important part of our mission to promote community wide planning for the future of lands at the gateway to Denali National Park. We support HB 241, the Stampede State Recreation Area Bill. Much good can be accomplished, and damage avoided, through management activities set in motion by this bill. For example:

1. Well known for their value as regional wildlife habitat, the Stampede townships also provide opportunities for local citizens to get out into wilderness for recreation. The area is unique in providing for a range of uses not available elsewhere in the Denali Borough. This vast Borough currently has no designated state park or recreation areas.
2. Increases in tourism at the gateway of Denali National Park will continue to bring visitors to the area. To mitigate and avoid resource damage from the very activities that make the area valuable, it is time for more proactive management of Stampede lands.
3. Designation will bring with it the expertise of the Division of Parks and Outdoor Recreation to develop a management plan, establish needed facilities, provide for trails management and for appropriate monitoring of uses. Currently the Denali Borough government is revising its Comprehensive Plan for borough lands. However, this local government does not have the staff, funds or legal mandate to manage recreation.
4. DCC convened two Stampede Summits, in 2003 and again in 2004, to gauge local opinion on their future. Based on these Summits and our involvement in the Denali Borough we learned one key point - Locals are largely opposed to grandiose development schemes emanating from sources outside the borough, and they want to preserve existing uses and the rural character of the Stampede townships. Locals expressed support for a recreation area at a town hall meeting in Healy last October. The Borough Assembly has already shown its approval for designation of a Stampede State Recreation with a Resolution.

Please feel free to contact us if you need any more information on DCC, the Stampede Summits or the history of Stampede issues, at 907-683-3396.

Sincerely,



Nancy Bale
President, Denali Citizens Council

DCC Board

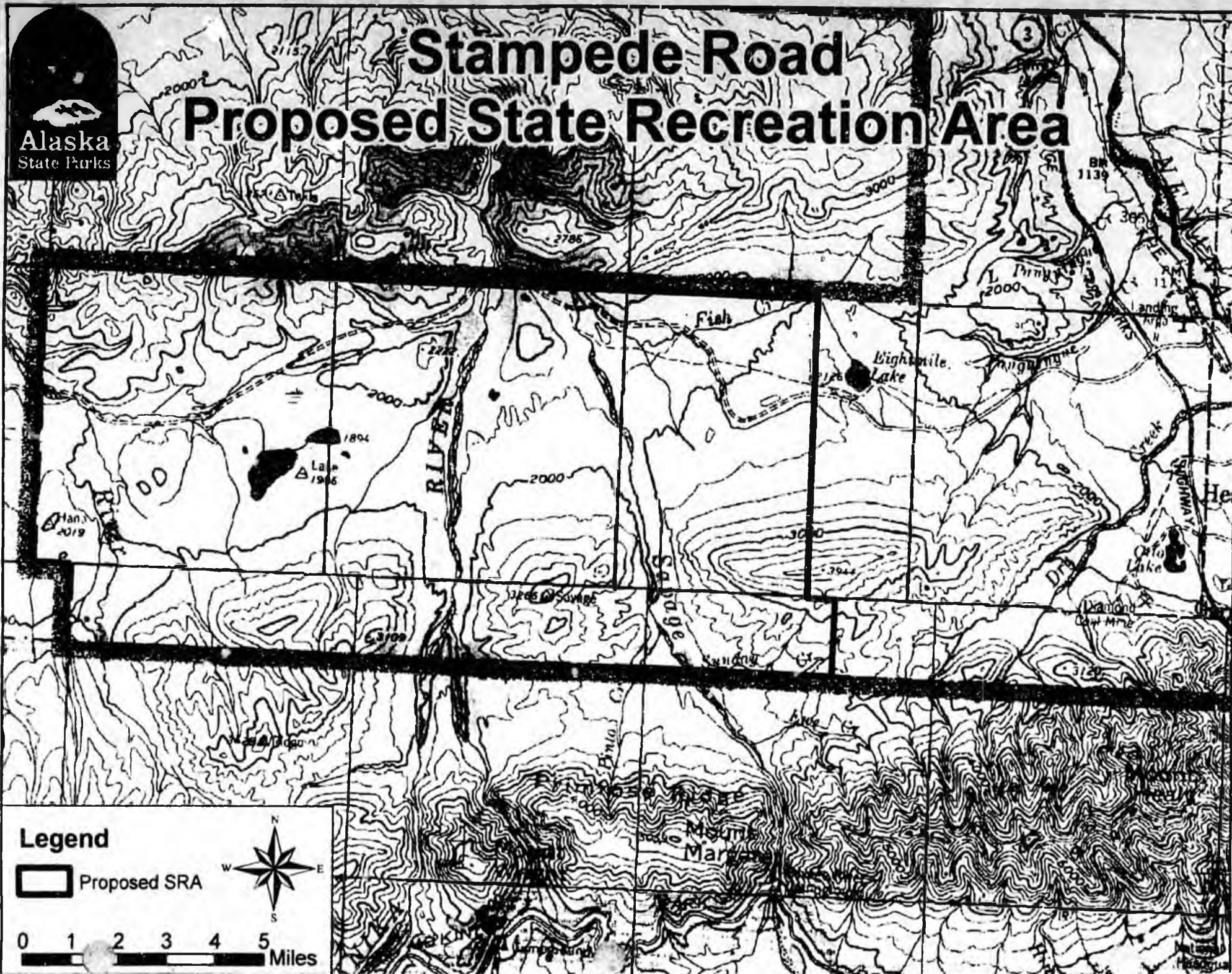
Nancy Bale
Jean Balay
Cass Ray

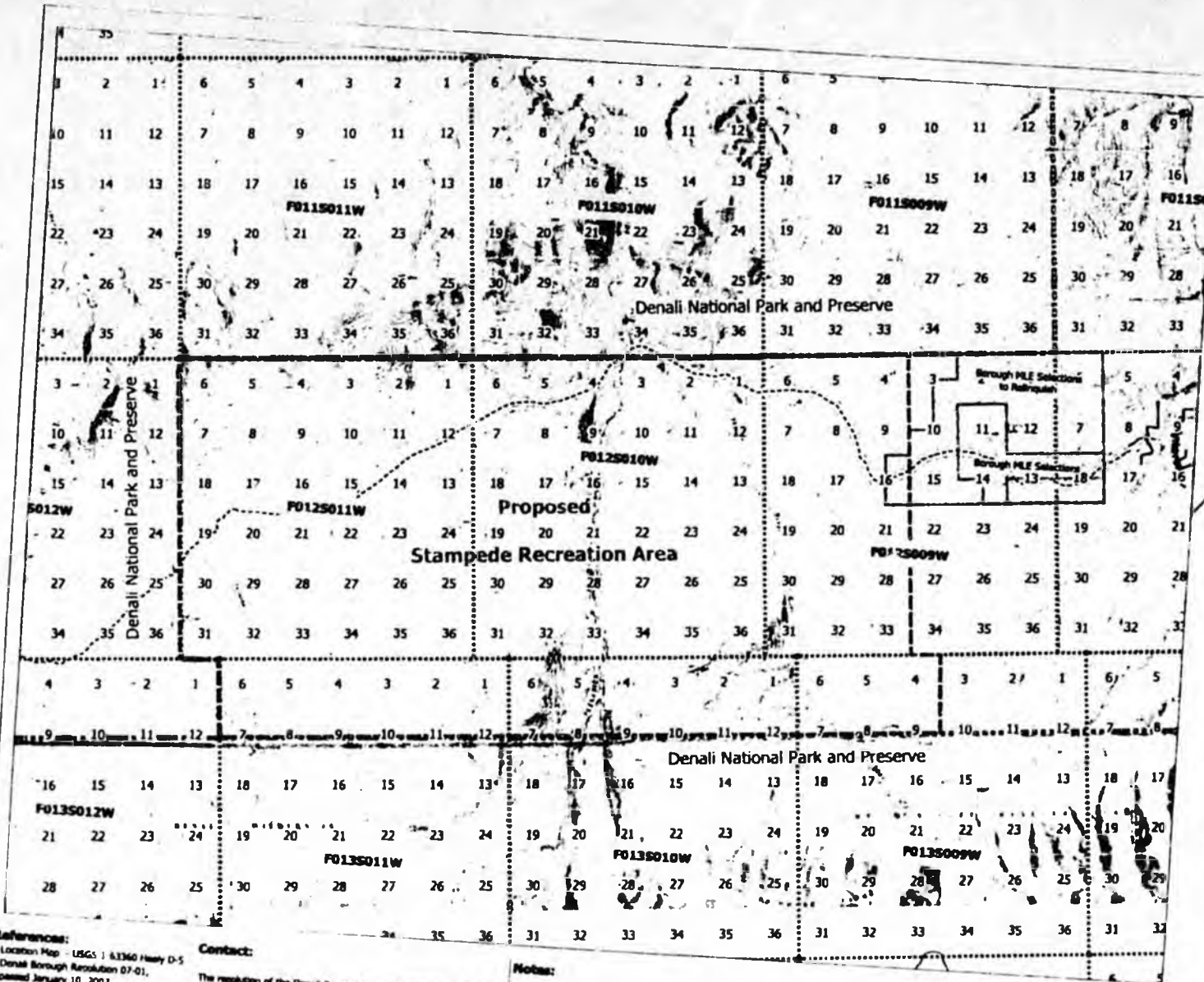
Jenna Hamm
Joan Frankevich
Nan Eagleson

Julia Potter, Community Organizer



Stampede Road Proposed State Recreation Area





Denali Borough

This action, if approved by the Alaska legislature, would designate management of the bounded area to the State of Alaska, Division of Parks and Outdoor Recreation

Proposed Stampede State Recreation Area

file name: stampede2.map http://nealtech.us print date: 2/26/2007
 map # 20070202 var A projection: Albers Conical Equal Area datum: NAD83 drawn by: NJL sheet: 1 of 1

References:
 Location Map - USGS 1:63360 Healy D-5
 Denali Borough Resolution 07-01, passed January 10, 2007

NEAL TECHNICAL SERVICES

Contact:
 The resolution of the Denali Borough Assembly (07-01) may be found on the borough's website: <http://denaliborough.com> or through the borough office: Denali Borough, PO Box 480, Healy, AK 99743, 907-683-1130

Notes:

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Representative David Guttenberg

Date: March 11, 2008

To: Representative Carl Gatto, Chair
Resources

From: Representative David Guttenberg

Re: HB 241 – Stampede State Recreation Area

I respectfully request that you schedule HB 241 – Stampede State Recreation Area for the Resources Committee's consideration at your earliest convenience.

Enclosed are:

1. The most recent version of HB 241
2. Current Sponsor Statement
3. Current Sectional Analysis
4. Current Fiscal Note
5. Communications of support
6. Additional Background Material

Thank you for your consideration of this request.