

**HB**

**40**





# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB040-DNR-Title-01-30-07  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Public access to fishing streams RDU Natural Resources  
 Component Resource Development  
 Sponsor Rep. Gara Title Acquisition and Defense \_\_\_\_\_  
 Requester (H) RES Component No. 2459

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	48.0	48.0	48.0	48.0	48.0	48.0
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	7.2	7.2	7.2	7.2	7.2	7.2
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</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	58.2	58.2	58.2	58.2	58.2	58.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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

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

This bill requires DNR, working with the Alaska Department of Fish and Game (ADF&G), to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

This bill also requires ADF&G to identify undeveloped land along popular fishing streams for possible acquisition. The bill identifies two areas where this process will look at first, but envisions an ongoing, statewide process. ADF&G then submits the list of parcels to DNR to acquire the land.

Prepared by: Dick Mylius, Acting Director Phone 269-8625  
 Division: Mining, Land & Water Date/Time 1/30/2007  
 Approved by: Marty Rutherford, Acting Commissioner Date 1/30/2007  
 Agency: Natural Resources

## FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. HB040-DNR-Title-01-30-07

### ANALYSIS CONTINUATION

This fiscal note does not include the actual cost to negotiate and appraise individual acquisitions, and does not include funding to pay the purchase price for acquisitions.

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of property owners, and other information about the parcels. ADF&G will be responsible for these costs.

Section 2 of the bill allows DNR to acquire the lands identified by ADF&G. This fiscal note only includes DNR's costs to conduct initial land title work, field inspections of parcels to be acquired, preliminary land cost estimates and preliminary discussions with the owners of parcels that the state desires to acquire.

After these preliminary discussions, DNR would then request appropriations from the legislature to fund work on each parcel or group of parcels, including costs for negotiation, appraisals, surveys, complete land title reviews, and purchase of the land. If the specific acquisitions are not funded, DNR would not be able to pursue the acquisitions further.

DNR's initial costs that are included in this Fiscal Note are:

#### PERSONAL SERVICES - \$48.0

Natural Resource Specialist (NRS) III (1 month) and Land Appraiser II (1 month) (each range 18s) - total 2 months @ \$7.2/month = \$14.4 - to discuss acquisitions with property owners and estimate costs associated with individual parcel acquisitions.

Natural Resource Specialist (NRS) I (range 14) - 6 months @ \$5.6/month = \$33.6 - to conduct initial land title, preliminary valuation, and other research for all parcels.

TRAVEL, CONTRACTUAL, SUPPLIES - total \$10.2 - includes travel to sites (initial areas are road accessible), research of municipal title records, office supplies, and mandatory position costs which include lease space, phone services, computer services, DOA core services charges.

LONG TERM COSTS ASSOCIATED WITH ACTUAL ACQUISITIONS - Not included in Fiscal Note.

This fiscal note does not include the cost associated with negotiating the land purchase or exchanges, land appraisals, preparing a full title report, preparing and recording title documents, any necessary survey costs, and other related costs. DNR's experience with recent land acquisitions indicates that one NRS III position can negotiate and coordinate about four acquisitions per year. Some support staff time is also needed for document preparation, record keeping, additional title research, etc. Based on this, the estimated cost for each purchase is \$50.0 (\$35.0 for personal services and \$15.0 for contractual services including appraisal, survey and environmental audit).

Land exchanges are significantly more labor intensive, based on recent experience the cost for land exchanges is \$50.0 to \$100.0 per parcel.

Actual acquisition costs will vary by area and size of parcels. DNR estimates that parcels that provide access to Montana and Willow Creeks along the Parks Highway will cost about \$7,500 per acre for 5-10 acre parcels (\$37.5 - \$75.0 per parcel). Recent ADF&G purchases of parcels for access along the Anchor River and Deep Creek on the Kenai Peninsula were higher, averaging about \$100.0 per parcel.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB40(RES)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
 Title Public access to fishing streams RDU Sport Fisheries  
 Component Sport Fisheries  
 Sponsor Rep. Gara  
 Requester House Resources Committee Component No. 464

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	38.8	21.6	21.6	21.6	21.6	21.6
Travel	2.0	1.0	1.0	1.0	1.0	1.0
Contractual	1.0	1.0	1.0	1.0	1.0	1.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>42.8</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</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	42.8	24.6	24.6	24.6	24.6	24.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>42.8</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>

Estimate of any current year (FY2007) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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

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

This bill requires ADF&G, working with the ADNP, to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

The bill specifically requires ADF&G to identify land along popular fishing streams for possible acquisition. The bill identifies several areas where this process will look at first, but envisions an ongoing, statewide process. The bill also requires ADF&G to identify willingness of land owners to sell land or easements. ADF&G then submits the list of parcels to DNR to acquire the land.

Prepared by: Kelly Hepler, Director Phone 465-6184  
 Division Sport Fisheries Date/Time 1/30/07 1:00 PM  
 Approved by: Tom Lawson, Director Date 1/30/2007  
 Agency Fish & Game

**FISCAL NOTE**

**STATE OF ALASKA  
2007 LEGISLATIVE SESSION**

**BILL NO. HB 40**

**ANALYSIS CONTINUATION**

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of willing sellers (property owners), and other information about the parcels. Estimated costs for these activities during FY2008 are:

Line 100: \$38.8K

HB III (4 months) to conduct land ownership and easement research

HB III (1 month) to identify willing land owners.

Cartographic support (1.5 months) to prepare maps for transfer to DNR

Lines 200-500: total \$4.0K

Includes travel to sites (initial areas are all road accessible), research of municipal title records, office supplies, etc.

These costs will be reduced to \$24.6K in FY2009 as work on the identified water bodies in the bill is completed and the program shifts to a smaller, statewide program.

**B****MOLLY IVINS LETS LOOSE**

Political columnist Molly Ivins will speak in Anchorage on July 21. Check out what she told the Daily News about both George Bushes, sodomy in Texas, tax cuts, her new book, and the Alaska-Texas rivalry. **Q&A in Opinion, Page J-3**

# ALASKA

S E P T E M B E R

ANCHORAGE DAILY NEWS • www.adn.com

★ SUNDAY, JULY 13, 2003

## Prime fishing land might be sold off

■ **ANCHOR RIVER:** Sale of five-acre parcels could eliminate public access.

By JOEL GAY  
Anchorage Daily News

The beaches, banks and wetlands along one of the Kenai Peninsula's most popular fishing streams are being subdivided into five-acre parcels that, if sold, could eliminate public access to the lower Anchor River.

The owners say they've tried for years to sell the land to the state but could never agree on a price. Now it's time to move on, they say, and the first

step is chopping their two large parcels into 20 smaller ones.

They hope to win preliminary approval of their subdivision plan Monday night from the Kenai Peninsula Borough. The lots could be on the market later this summer.

Supporters of a buyout still hope the land can be purchased and put into public ownership. The landowners say they're still willing to sell. But time is drawing short, said Lynn Whitmore, a longtime local angler who just recently learned about the proposed subdivision.

"I'm going to urge that they try to convert this to public land, by whatever

■ **THE KENAI PENINSULA BOROUGH PLAT COMMITTEE** will hold a public hearing on the proposed Anchor River subdivision at 5:30 p.m. Monday in the Borough Building in Soldotna. For more information, go to [www.borough.kenai.ak.us/planningdept](http://www.borough.kenai.ak.us/planningdept), then click on Plat Committee, then Agendas.

means necessary," he said. "I want the (borough) mayor or somebody to sit down with these two sides and resolve this."

Anchor Point pioneer Vern Mutch homesteaded the area decades ago, selecting land that ran from atop the bluffs to the Cook Inlet beach, with the

river running through it. His son Paul, a commercial fisherman who lives in Ugashik, now owns much of the land, including a 45-acre parcel just north of one of the river's most popular fishing spots, the Grass Hole.

The state Division of Parks owns the adjoining lot to the south, where it provides parking and a boat launch. But thousands of fishermen every year pass through the state land onto the Mutch property, where they camp on the gravel beach and tromp through wetlands to reach the river.

Many also walk or drive ATVs even farther north, toward the river mouth, where they trespass on a 12-acre par-

cel owned by Jim Jacobs.

The parks superintendent on the lower peninsula, Chris Degernes, said it's difficult to imagine the private land suddenly being posted with no-trespassing signs. "The public has used that property so many years — as if it were public — that it will be difficult to keep the public off," she said.

The Division of Parks and the Alaska Department of Fish and Game have wanted to buy the Anchor River lands for years, she said. It's rich territory. About 50,000 to 60,000 people visit every year, she said, mostly to fish. The

See Page B-6. LAND

## Trees cut to reduce fire danger

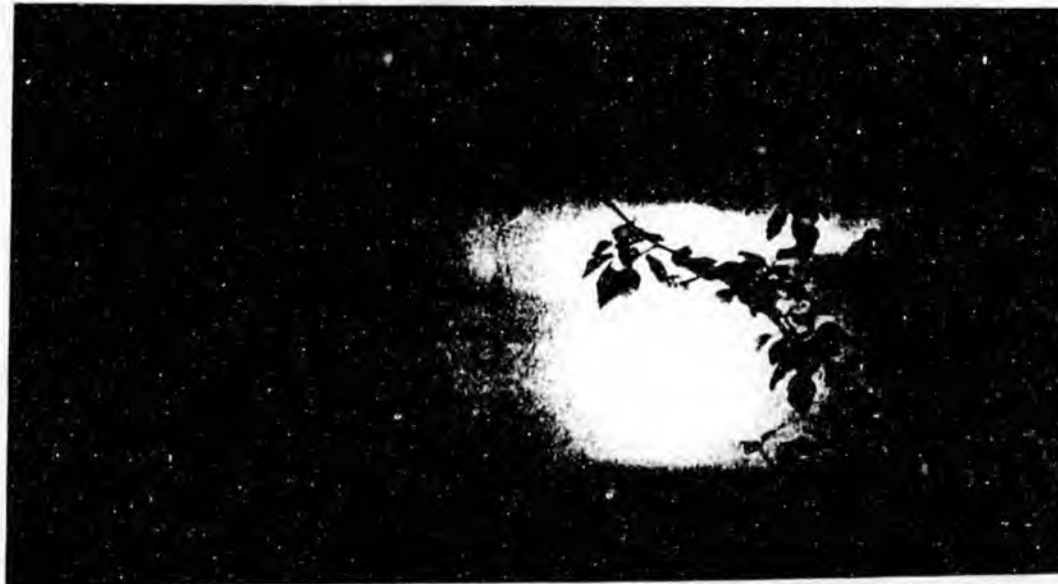
■ **CLEARING:** Crews of firefighters at work in woods throughout city.

By TATABOLINE BRANT  
Anchorage Daily News

Firefighters cut down several tall trees in Kincaid Park last week and chopped them into firewood-size logs, and officials say the work is just one small part of an ongoing federally funded effort to reduce the chance of a bad wildfire in Alaska's largest city.

About a dozen brush piles lined Rasmusen Road near Kin-

### WEST COAST WEATHER



## HUD funds for city in jeopardy

■ **GRANTS:** "It's at a critical stage," says Mayor Begich, who has stepped in.

By ROSEMARY SHINOHARA  
Anchorage Daily News

The new mayor's transition report last week pointed to a crisis in public housing. The city is in danger of losing federal Housing and Urban Development grants next year if it doesn't spend \$2.6 million by Nov. 2.

# LAND: Price undecided

Continued from B-1

season starts Memorial Day with king salmon, then continues through freezeup with runs of silver salmon, Dolly Varden and steelhead trout. Migrating birds stop by every spring and fall, and others spend the winter.

There is strong support for public ownership, Degernes said, but the stumbling block has always been the land appraisal.

"Land like that is difficult to appraise," she said. Comparable lands rarely sell, so there is little to base an estimate of land value on. And the land is impossible to develop because of its wetlands, the constantly changing river course and winter storm damage.

The Kenai Peninsula Borough appraises the Mutch property at \$16,500 and the Jacobs land at \$15,000. The owners believe the parcels are worth much more, as does the state, though neither side will reveal its offer. But they can't agree on a price, Degernes said.

"We can't just pay what the seller wants," she said. "It has to be based on fair market value, and that's been the stumbling block time and time again."

After negotiations with Fish and Game fell apart several years ago, The Nature Conservancy stepped in. The conservancy buys high-value land, often using a combination of government grants and private funds. It won a \$417,000 National Coastal Wetland Conservation grant to buy the Mutch and Jacobs properties, plus another large lot in the same area. A deal looked possible, according to both sides.

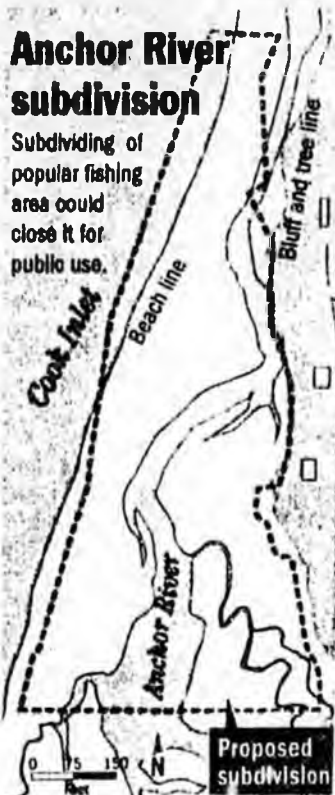
Then a new hurdle arose regarding the river bottom itself. Who owns it?

Surveyor Jerry Anderson, who represents the landowners, said previous court cases make it clear: "The water belongs to the state, but the land underneath (belongs) to the owner." By his reckoning, the two parcels add up to roughly 93 acres.

The Nature Conservancy isn't sure. It wants the issue cleared up to determine how much acreage really exists, said Kenny Powers, the group's director of land protection. "We're

## Anchor River subdivision

Subdividing of popular fishing area could close it for public use.



CHARLES ATKINS / Anchorage Daily News

turn the normally angler-friendly Anchor River into a corn fishery. More fishermen would likely cause more habitat damage on the grassy banks and stream, he said.

The closure would also block access to the river mouth key fishing area. Many anglers start fishing at low tide, walk steadily upstream and follow the fish as the water rises. Except at low tides, they could reach the river mouth with trespassing.

He understands the owners' frustration, Whitmore says. Rowdy teens and adults party on the land every Memorial Day, and even law-abiding fishermen trespass regularly. Nevertheless, he added, "it'd be an absolute catastrophe to have it developed."

Even if the two sides can agree on a price, a potential

land they own. It's just a question of who owns the river bed," he said.

Powers said he thinks a deal is still possible. "The public values are there and the resources are there that deserve public protection, so we're continuing to be interested," he said. All that remains is to agree on a price. "That's the million-dollar question," he said.

The sellers are broadening the market, Anderson said. "If (the state) isn't going to put the money up, they're going to sell it somebody else."

The land is too wet for homes or cabins, Anderson said, but people will buy the five-acre lots if only to have a place to park their recreational vehicles.

Local fishermen would hate to see no-trespassing signs appear on the lower river, said Whitmore, who has fished there 30 years. The new subdivision could close off about a mile of riverbank.

"If you lose access to that portion of river, it means you compress those 1,000 fishermen into one-third less space," he said. "The people will still come, but they'll have much less space to fish," which could

Murkowski, who has voiced philosophical objection to the government's buying private land, would have to approve the use of state or federal funds. Last month, he killed one such land deal on Afognak Island while approving another for ski trail land near Homer.

Powers, of The Nature Conservancy, said he doubts the governor would veto a deal. "The state has been very supportive of this acquisition, as has community, because of the high value of the resources," he said. "I'd be surprised if Gov. Murkowski did not support this project."

Daily News reporter Joel Gay can be reached at jgay@adn.com or at 257-4310.

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# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

*Division of Sport Fish*

**FRANK MURKOWSKI, GOVERNOR**

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2326  
FAX: (907) 267-2464

Date January 27, 2006

To: Robin Willis

From : Jason Graham

Re: Access for Anchor, Montana, and Salcha Creeks

### **Anchor River**

Accessible: 16723 feet

Non-Accessible: 4542 feet

### **Montana Creek**

Accessible: 29063 feet

Non-Accessible: 17468 feet

### **Salcha Creek**

Accessible: 16181 feet

Non-Accessible: 16134 feet

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*"... shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state"*



# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### DIVISION OF SPORT FISH

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2342  
FAX: (907) 267-2464

## MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer  
Habitat Biologist

DATE: January 23, 2006

SUBJECT: Montana Creek To-and-Along Easements

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Location depicted on map: Montana Creek USGS Quad TALKEETNA A-1 and TALKEETNA MOUNTAINS A-6, described as secs. 5, 7, and 8, T. 23 N., R.4 W., W.M., and secs. 11, 14, 15, 21, 22, 28, 32, and 33, T. 24 N., R. 4 W., Seward Meridian, Alaska.

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distance's based on Federal, State, or Borough surveys or plats. On the lower reaches of Montana creek, there is approximately 29,063 feet of accessible shoreline and approximately 17,468 feet of non-accessible shoreline.

The private property depicted on the map without To & Along easements are older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a To & Along reservation. In an effort to err on the side of caution, if it's not clear that there is access along the shoreline, ADF&G has assumed that there is not and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually in fact have access, and this could be for a variety of reasons that cant be clarified until further research is done, particularly having some time spent on the ground looking at these areas on a site specific basis.

In secs. 11, 14, 15, 21, and 22, of T. 24 N., R. 4 W., both banks of Montana Creek are subject to a To & Along easement. Secs. 28, 32, and 33 of T. 24 N., R. 4 W., are composed of private parcels not subject to a To & Along reservation.

In T. 23 N., R. 4 W., both banks of Montana creek are subject to easements thru a small reach of State owned land in the N/E corner of sec. 5. In the S/W corner of sec. 5, the creek is subject to a To & Along on river-left, thru the extreme N/W corner of sec. 8, and on into sec. 7 where both banks are subject to a easement for a short distance, then again there is only a easement on river-left downriver to where Montana Creek flows into the Susitna River.



# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### DIVISION OF SPORT FISH

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2342  
FAX: (907) 267-2464

## MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer  
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Salcha River To-and-Along Easements

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The location depicted on map is the Salcha River, USGS Quad BIG DELTA B-6, sections 21 and 22, T. 5 S., R.4 E., Fairbanks Meridian, Alaska.

In this particular stretch of the Salcha, the current path of the river is an approximation at best, there is no current aerial photography or surveyed hydrography to use as a reference when comparing the river corridor to the adjacent uplands. The private properties depicted on the map without "To & Along" easements are generally older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a "To & Along" reservation. In an effort to err on the side of caution, if it is not clear that there is access along the shoreline, ADF&G has assumed that there is not access and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually have access, and this could be for a variety of reasons that can not be clarified until further research is done, particularly by spending some time on the ground looking at these areas on a site specific basis.

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distances based on Federal, State, or Borough surveys or plats. On the reaches depicted in the maps of the Salcha River, there is approximately 16,181 feet of accessible shoreline and approximately 16,134 feet of non-accessible shoreline.

In sec. 22, there is a small tract of State owned land on both banks of the Salcha where the Richardson Highway crosses the river. These state owned tracts are subject to easements. There is also a boat launch on these same state owned tracts.



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In sec. 21, all the privately held land adjacent to the Salcha is subject to a To & Along easement. The west half of the northwest corner of sec. 21 is state owned land, immediately to the west of this tract is the confluence of the Tanana and the Salcha rivers.

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPARTMENT OF FISH AND GAME DIVISION OF SPORT FISH

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2342  
FAX: (907) 267-2464

### MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer  
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Anchor River "To-and-Along" Easements (AS 38.05.127)

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The location depicted on map is the Anchor River, from the Sterling Highway downstream to the mouth of the river. This area can be found on USGS quad Seldovia D-5, section 33 of T. 4 S., R. 15 W., and sections 5, 4, 3, 10, 11, of T. 5 S., R. 15 W., Seward Meridian, Alaska

The following distances are approximate based on the maps ADF&G has produced, they do not reflect distances based on Federal, State, or Borough surveys or plats. On the reaches depicted on the map of the Anchor River, there is approximately 16,723 feet of accessible shoreline and approximately 4,542 feet of non-accessible shoreline.

Mapping the Anchor River in this area is particularly problematic given its tendency to move and meander over time as it nears the coast. The river channel we are using as a template is from year 2000 satellite imagery that we digitized and placed over the parcel boundary information. The private properties depicted on the map without "To & Along" easements are generally older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a "To & Along" reservation. In an effort to err on the side of caution, if it is not clear that there is access along the shoreline, ADF&G has assumed that there is not access and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually have access, and this could be for a variety of reasons that can not be clarified until further research is done, particularly by spending some time on the ground looking at these areas on a site specific basis.

In section 33, T. 4 S., R. 15 W., from the mouth of the river upstream to section 5, T. 5 S., R. 15 W., there is a small peninsula shaped parcel on river-left subject to an easement, however it is not continuous upstream into the adjoining southern section. In this area there appears to be no "To & Along" on a short stretch of uplands on river-left, and approximately the last ½ mile of shoreline of river-right at the mouth. Continuing upstream, where the river flows through state land in sec. 5, T. 5

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*"... shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state"*



S., R. 15 W., and continues east across sec. 4 of the same township/range both banks of the Anchor River are subject to an along easement, this is mostly state lands and access is assumed. The remaining area where access appears limited is a short distance from the highway downstream to where the river enters State land.

As you continue upstream where the river enters sections 10, 11, and into 14 of T. 5 S., R. 15 W., which is not depicted on map, uplands on river-right were conveyed from the United States to the Mental Health Trust. Lands on river-left were conveyed to the University and a small parcel has become part of the Mental Health Trust. The University and Mental Health Trust Lands have been inconsistently subject to provisions of Title 38 so shoreline access is unclear along these stretches of river.

Representative Les Gara  
State Capitol  
Juneau, AK 99801

January 9, 2007

Re: HB40

Dear Representative Gara:

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 40, an act relating to voluntary land trades and purchases to enhance public access to fishing streams.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world, and HB40 is an important piece of legislation that provides ADF&G and ADNR a mechanism to ensure broad public access to these important public resources. HB40 places into statute a process that mandates the Commissioner of ADF&G list land along fishing waterways where access is impeded by private land ownership and the Commissioner of ADNR responsible for proceeding to acquire public access across those lands.

KRSA is a non-profit 501 ( c ) 3 conservation organization dedicated to ensuring the sustainability of the greatest sportfishing river in the world – the Kenai. Our goals are to conserve and rehabilitate fisheries habitat, promote predictable and meaningful sportfishing opportunity, encourage and foster fisheries research and provide public aquatic education. Over the past ten years we have raised and invested over \$5 million towards these goals.

While on the Kenai River (the primary focus of our organization) there is broad public access to its fishery resources, KRSA has been concerned with the privatization of public lands along other waterways in our state which reduces or eliminates public access to some of our prized sport fishing rivers and streams. On the Kenai Peninsula, we have public access concerns on the neighboring rivers of the Kenai, specifically the Anchor, Deep Creek and Kasilof. If public access is denied or severely restricted on these neighboring rivers, it will only serve to place more pressures on the Kenai itself, which is already the state's most popular sport and personal use fishery.

KRSA supports the public access mechanisms in place in the bill, such as using public easements and land trades as well as outright purchases of the land with voluntary private land owners, and we are also very encouraged that the right of eminent domain may not be exercised to acquire land or interest in land. The initial nominations, which include the Anchor and Deep Creek, could have a significant positive impact on public access to fishery resources in on the Kenai Peninsula as well as other areas of the state.

We appreciate your efforts and those of your colleagues in regards to HB40.

Respectfully,

Ron Rainey  
Board Vice President

**The following letters were written in support of last  
year's version of HB40**



Representative Les Gara  
State Capital  
Juneau, AK 99801

Re: HB: 37

Dear Representative Gara:

I'm pleased to write to you in support of H.B. 37. Trout Unlimited's 158,000 members are dedicated to conserving, protecting and restoring North America's trout and salmon fisheries and their watersheds; your legislation helps achieve these goals.

Trout Unlimited is encouraged by the process to be established in HR37 whereby the State will work to not only preserve but expand public access to our fishery resources through the acquisition of private lands. Alaska is blessed with a wealth of public land, providing residents and visitors unequaled access to its lakes rivers and streams. This legislation will make a good situation even better through the use of land trades, access easements, and outright purchase of key land parcels.

Thank you Representative Gara, for your foresight and strong support for sportfishing and Alaska's sportfishing community.

Sincerely,

Tim Bristol/Director  
Trout Unlimited Alaska Program 12/12/05

419 Sixth Street, Suite 200  
Juneau, AK 99801  
907-321-3291  
Tbristol@tu.org

**Cindy Smith**

---

**From:** Phil Cutler [filcut@ak.net]  
**Sent:** Friday, March 18, 2005 9:40 PM  
**To:** Cindy Smith  
**Cc:** Jeff Parker  
**Subject:** HB 37 GARA

## **Alaska Sportfishing Association**

**P. O. Box 243106 Anchorage, AK 99524**

**Representative Les Gara  
State Capitol  
Juneau, AK 99801**

**Re: HB37**

**Dear Representative Gara,**

**I have presented HB37 at the latest Board of Directors meeting and the latest public membership meeting of the Alaska Sportfishing Association. After thorough discussion at both venues, I am pleased to relate that we enthusiastically support this legislation.**

**The Alaska Sportfishing Association has prided itself in being an organization that works to promote access to areas where sport fishing can be done in concert with sustained yield of the fishery and proper environmental safeguards. One of our longstanding concerns has been the privatization of public lands which in turn reduces or eliminates public access to some of our prized sport fishing rivers and streams.**

**HB37 places into statute a process that mandates that the Commissioner of Fish and Game nominate privately owned lands that might be returned to public ownership. It also makes the Commissioner of Natural Resources responsible to effecting the acquisition of the lands nominated.**

**Much of our discussions were centered on the methods SB37 promotes to acquire the land. Our fiscally conservative members were pleased that the bill endorsed using public easements and land trades as well as outright purchase of the land. The members were excited that your initial nominations could have a significant positive impact on sport fishing access in South-central and Interior Alaska.**

**We appreciate your efforts in sponsoring HB37.**

**Phil Cutler, President**



# ALASKA FLYFISHERS

Winners of the 1994 McKenzie Cup



March 9, 2005

Dear Representative Gara:

Based on our collective individual and organizational experience, the Alaska Fly Fishers strongly support the objective of House Bill 37.

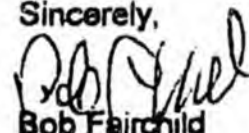
The Alaska Fly Fishers (AFF) was founded in 1973 at Anchorage with the objectives of "to preserve the sport of fly fishing, advance the principles of fair chase and fair catch, educate members and the public in the necessity of preserving our outdoor heritage, promote the ethical utilization of the resources of our woods and waters and to organize and unite the fly fishers of Alaska for mutual community benefit." AFF is one of the largest sport fishing organizations in Alaska. I feel we have consistently taken actions which support those objectives.

For nearly as long as AFF has existed, we have provided public education (at low or no cost), participated in conservations projects, and participated in organizations which contribute to Alaska's natural resources. Our public education includes annual seminars on fly fishing, fly tying, and donations of books to the public libraries. Conservation projects include an annual Kenai River Cleanup (for 11 consecutive years), bank stabilization of Campbell Creek, and bank stabilization at Jim's Landing on the Kenai River. The organizations our members have participated in include Fish & Game Advisory Committees and Regional Subsistence Advisory Councils.

An important element of maintaining our habitat and resources is public involvement and support. In order to do this, the public must a vested interest. If they are denied access to these resources, we can't expect this broad support.

The AFF concludes that the objectives of HB 37 are mutually supportive of the objectives of AFF.

Sincerely,

  
Bob Fairchild  
President

ALASKA

/ Frank H Murkowski, Governor

**Cooper Landing Fish & Game  
Advisory Committee**

Bill Stockwell, Chair  
PO Box 721  
Cooper Landing, AK 99572-0721  
Phone: 595-1540

December 12, 2005

Senator Tom Wagoner  
Chairman, Senate Resources Committee 145  
Main Street Loop, Suite 226 Kenai, AK  
99611

SUBJECT: HB 37 State Land Trades/Purchases With Willing  
Landowners To Regain Fishing Stream Access

Senator Wagoner,

At our November 9, 2005 Meeting, the Cooper Landing Fish and Game Advisory Committee voted to SUPPORT House Bill 37 which has passed the House. We have written to our Senator Gary Stevens requesting his support and now ask for your support as Chairman of the Senate Resources Committee.

As a fish and game advisory committee, we support ample access to all our fish and wildlife resources. Any loss of access is a loss of public recreational opportunity, an economy loss to tourism, and an unnecessary loss of use of our common use resources. Loss of bank access along fishing streams such as the Anchor River and the Cooper River Dip Net fishery have already become a problem and access to the Mat Valley streams may soon be the next issue.

Thank you very much for your careful consideration of this issue. Please support this issue when it comes before your Committee. When access is lost, it is gone forever.

  
Bill Stockwell, Chair

cc: Senator Gary Stevens  
Representative Les Gara  
Sherry Wright, ADF&G Boards Support

Sincerely,

Alaska State Legislature  
House of Representatives

Session address:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
1-888-465-2647 (toll free)  
1-907-465-3518 (fax)


Interim address:  
716 West 4th Avenue  
Anchorage, Alaska 99501-2133  
1-907-269-0106  
1-907-269-0109 (fax)

Representative Les Gara

MEMORANDUM

DATE: January 16, 2007

TO: Rep. Carl Gatto, Co-Chair  
Rep. Craig Johnson, Co-Chair  
House Resources Committee

FROM: Rep. Les Gara 

RE: Hearing Request for HB 40, Fishing Stream Access

---

I respectfully request that House Bill 40, relating fishing stream access, be scheduled for a hearing in the House Resources Committee. Please feel free to contact me, or my aide Darcy Dugan, with questions or thoughts at 465-2647.

Attached you will find a background packet for HB 40. This includes the current version of the bill, a sponsor's statement, and backup materials.

Thank you for your consideration.

**HOUSE BILL NO. 40**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE GARA**

**Introduced: 1/16/07**  
**Referred: Resources, Finance**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to voluntary land trades, purchases, and leases to enhance public**  
2 **access to certain streams for fishing, hunting, and recreational activities."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.096. Identification of privately held land along fishing**  
6 **waterways.** (a) Subject to (h) of this section, before July 1 of each year, the  
7 commissioner shall submit to the commissioner of natural resources a list of land  
8 along the following fishing waterways and additional waterways identified under (c)  
9 of this section where access to the waterways is impeded by private land ownership:

10 (1) adjacent to or near Montana Creek, Goose Creek, Little Willow  
11 Creek, and Willow Creek above the Parks Highway;

12 (2) along Anchor River and Deep Creek on the Kenai Peninsula; and

13 (3) along the Salcha River located off the Richardson Highway.

14 (b) When identifying land for the list in (a) and (c) of this section, the

1 commissioner shall

2 (1) solicit and review input from the public concerning land that may  
3 be included on the list; and

4 (2) only include on the list land across which the owner voluntarily is  
5 willing to allow or negotiate public access.

6 (c) Factors to be considered by the commissioner when identifying land to be  
7 listed under (a) and (e) of this section include whether

8 (1) private land ownership prevents public access to a section of the  
9 waterway for its fishing, hunting, or other recreational attributes; and

10 (2) public access to a section of the waterway would significantly  
11 enhance the public's enjoyment of that waterway.

12 (d) In reviewing land for identification under (a) and (e) of this section, the  
13 commissioner shall give priority to land leading to and along fishing waterways that

14 (1) is reasonably accessible, including by backcountry hiking or off-  
15 road vehicle, from the state's road system;

16 (2) is undeveloped and may be acquired by the state through purchase  
17 or trade.

18 (e) After considering the factors in (c) of this section and establishing priority  
19 under (d) of this section, the commissioner may add land to the list along a waterway  
20 not listed in (a) of this section, except that land adjacent to the Kenai River that is  
21 downstream of Skilak Lake may not be added to the list.

22 (f) The decision by the commissioner to include or exclude land on the list in  
23 (a) of this section is within the discretion of the commissioner and is not subject to  
24 appeal. The commissioner shall, however, make the list proposed to be submitted to  
25 the commissioner of natural resources publicly available before submission of the list  
26 and may consider public comment before submission of the list.

27 (g) The commissioner may remove land from the list described in (a) of this  
28 section if the owner of the land is no longer interested in a voluntary sale, trade, or  
29 other transfer of an interest for the purpose of providing access to a waterway.

30 (h) The commissioner is not required to submit a new list of land under (a) of  
31 this section if

1 (1) the existing list includes two or more meander miles of land along  
2 fishing waterways; or

3 (2) no land is available for which the owner voluntarily is willing to  
4 allow or negotiate public access.

5 (i) In this section, "fishing waterway" means a waterway that contains wild  
6 sport fish or fish of a species, physical size, and abundance that may support a sport,  
7 commercial, personal use, or subsistence fishery.

8 \* Sec. 2. AS 38.50 is amended by adding a new section to read:

9 **Sec. 38.50.015. Access to fishing waterways.** (a) After receiving from the  
10 commissioner of fish and game a list prepared under AS 16.05.096 that identifies land  
11 along fishing waterways where access to the waterways is impeded by private land  
12 ownership, the commissioner may proceed to acquire public access to waterways  
13 across those lands. Nothing in this section expands the right of eminent domain for a  
14 public use beyond the uses authorized under AS 09.55.240.

15 (b) The commissioner may use money from the public access fund established  
16 under AS 38.05.874 for the purchase or lease of an easement, purchase of land,  
17 purchase or lease of another property interest in land, or costs related to land trades to  
18 obtain a property interest in land identified under AS 16.05.096. Money from the  
19 public access fund may not be used to obtain a property interest in land identified  
20 under AS 16.05.096 through the exercise of the right of eminent domain.

21 (c) The commissioner may not obtain a property interest in land under ~~AS 38.05.050~~  
22 this section unless the commissioner has made not less than an equivalent <sup>amount</sup> ~~amount~~ of  
23 state land available for disposal for private use under AS 38.05.050 in the same fiscal  
24 year.

25 (d) An agreement for a public access easement may allow the owner of the  
26 land granting the easement to develop the land subject to the rights granted by the  
27 easement.

28 (e) Before February 1 of each year, the commissioner and the commissioner of  
29 fish and game shall submit <sup>the legislature</sup> a plan to ~~acquire~~ acquire public access to fishing waterways  
30 through trade or purchase for the following fiscal year. The plan must include a  
31 minimum access to not less than a total of two and not more than five meander miles

1 along fishing waterways unless this amount of land is unavailable for sale or lease  
2 from a willing land owner. Within 60 days after receiving a written request from a  
3 landowner requesting the removal of the landowner's land from the list to be acquired  
4 under the plan, the commissioner shall remove the landowner's land from the list, even  
5 if the removal leaves less than two meander miles along fishing waterways.

6 (f) The commissioner or the commissioner of fish and game may close or  
7 restrict public access acquired under this section if necessary to protect habitat along a  
8 fishing waterway.

9 (g) In this section,

10 (1) "fishing waterway" has the meaning in AS 16.05.096;

11 (2) "meander mile" means a distance of one mile measured following  
12 the course of a waterway.

13 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 LAND TO BE CONSIDERED FOR FIRST LIST. Notwithstanding the discretion of  
16 the commissioner of fish and game under AS 16.05.096, as enacted in sec. 1 of this Act, the  
17 commissioner of fish and game shall submit to the commissioner of natural resources before  
18 July 1 following the effective date of this Act a description of land

19 (1) adjacent to or near Montana Creek above the Parks Highway on waterways  
20 that are open to trout and grayling fishing; and

21 (2) along Anchor River on the Kenai Peninsula where the waterways are open  
22 to steelhead, salmon, Dolly Varden, or trout fishing.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB040-DNR-Title-01-30-07  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Public access to fishing streams RDU Natural Resources  
 Component Resource Development  
 Sponsor Rep. Gara Title Acquisition and Defense \_\_\_\_\_  
 Requester (H) RES Component No. 2459

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	48.0	48.0	48.0	48.0	48.0	48.0
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	7.2	7.2	7.2	7.2	7.2	7.2
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</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	58.2	58.2	58.2	58.2	58.2	58.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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

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

This bill requires DNR, working with the Alaska Department of Fish and Game (ADF&G), to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

This bill also requires ADF&G to identify undeveloped land along popular fishing streams for possible acquisition. The bill identifies two areas where this process will look at first, but envisions an ongoing, statewide process. ADF&G then submits the list of parcels to DNR to acquire the land.

Prepared by: Dick Mylius, Acting Director Phone 269-8625  
 Division Mining, Land & Water Date/Time 1/30/2007  
 Approved by: Marty Rutherford, Acting Commissioner Date 1/30/2007  
 Agency Natural Resources

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## **HB40: Protecting Public Access to Fishing Waters**

Most states have allowed vast amounts of public access to their fishing streams disappear. We can avoid this mistake in Alaska, but only if we begin to take stronger steps to protect our public access soon. Alaskans enjoy unparalleled fishing and outdoor recreation on our rivers and streams because our waterways remain largely accessible to all of our citizens. We should work to protect this uniquely Alaskan privilege for future generations.

While fishing waters are largely public in Alaska, the lands that allow access to them often are not. While the state is required to protect public access when it disposes of state land, the federal government does not have similar requirements. This means public access on many of Alaska's most important and enjoyed roadside rivers and streams can be blocked by property owners. To date, these lands remain undeveloped, and property owners have allowed access to continue. However, this will change as these lands are developed and the public loses access rights.

House Bill 40 (HB40) is a proactive measure. It encourages the Department of Natural Resources, in conjunction with the Department of Fish and Game, to identify lands along important fishing streams where public access does not legally exist, and will be lost to future development. The Commissioner of DNR is directed to take action, as funding is available, to negotiate voluntary land sales, easement purchases and land trades with private property owners before these lands are developed and access is blocked.

There are many examples of popular trout, grayling and salmon streams where access may be lost. On the Kenai Peninsula, long stretches of stream bank on Deep Creek and the Anchor River are lined with private land that can be closed to public access by property owners, and will be closed when the lands are developed. Likewise, more than three miles of private land along the banks of Montana Creek, where fishermen enjoy trout and grayling fishing, are at risk in the Mat-Su Valley. Other popular roadside streams that might face the same future problem include the Salcha River near North Pole, and streams along the Parks Highway such as Willow, Little Willow and Goose Creek.

HB40 promotes the goal of private land ownership in Alaska, and provides that the gain of fishing stream access should be offset by continued sales and disposals of state land to private owners in other areas of the state that don't affect important waterway access.

Please feel to contact our office if you have any questions or need any information. A version of this bill passed the House in 2005. We would appreciate your support this session.

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## **HB 40: Sectional Analysis Protecting Public Access to Fishing Waters**

The bill's sections provide as follows:

**Section 1.** This section gives the Commissioner of the Department of Natural Resources (DNR) the authority to prioritize lands that provide important public fishing stream access after public comment and consultation with the Alaska Department of Fish and Game (ADFG). The lands are limited to specific creeks along the Parks Highway, Kenai Peninsula, and Richardson Highway that would significantly enhance the public's enjoyment of the waterway, and the list will only include property with owners willing to sell or negotiate access across their land. To prevent unneeded expense, the Commissioner's determinations are not appealable. The Commissioner is given the leeway to make these decisions, and is allowed to make the decisions upon available agency knowledge and public comment without engaging in expensive study.

**Section 2.** With the prioritized list, the Commissioner of DNR will attempt to acquire these lands using money from a public access fund. The amount of land obtained by the State under this bill cannot exceed the amount of state land disposed to private use during the same year, so there is no net loss of private land. Eminent domain cannot be exercised under this section, as any purchases or trades will be purely voluntary under this bill. The Commissioners of DNR and ADFG will submit a new plan for access acquisition each year which will contain between two and five miles of stream bank property prioritized for purchase or trade.

**Section 3.** The Commissioner is encouraged to prioritize property along Montana Creek and the Anchor River for acquisition, as they are particularly significant fishing areas.

Alaska State Legislature  
House of Representatives

Session address:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
1-888-465-2647 (toll free)  
1-907-465-3518 (fax)

Interim address:  
716 West 4th Avenue  
Anchorage, Alaska 99501-2133  
1-907-269-0106  
1-907-269-0109 (fax)




Representative Les Gara

MEMORANDUM

DATE: January 16, 2007

TO: Rep. Carl Gatto, Co-Chair  
Rep. Craig Johnson, Co-Chair  
House Resources Committee

FROM: Rep. Les Gara 

RE: Hearing Request for HB 40, Fishing Stream Access

I respectfully request that House Bill 40, relating fishing stream access, be scheduled for a hearing in the House Resources Committee. Please feel free to contact me, or my aide Darcy Dugan, with questions or thoughts at 465-2647.

Attached you will find a background packet for HB 40. This includes the current version of the bill, a sponsor's statement, and backup materials.

Thank you for your consideration.

Alaska State Legislature  
House of Representatives

Session address:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
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Representative Les Gara

MEMORANDUM

DATE: January 16, 2007

TO: Rep. Carl Gatto, Co-Chair  
Rep. Craig Johnson, Co-Chair  
House Resources Committee

FROM: Rep. Les Gara 

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Attached you will find a background packet for HB 40. This includes the current version of the bill, a sponsor's statement, and backup material.

Thank you for your consideration.

## FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. HB040-DNR-Title-01-30-07

### ANALYSIS CONTINUATION

This fiscal note does not include the actual cost to negotiate and appraise individual acquisitions, and does not include funding to pay the purchase price for acquisitions.

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of property owners, and other information about the parcels. ADF&G will be responsible for these costs.

Section 2 of the bill allows DNR to acquire the lands identified by ADF&G. This fiscal note only includes DNR's costs to conduct initial land title work, field inspections of parcels to be acquired, preliminary land cost estimates and preliminary discussions with the owners of parcels that the state desires to acquire.

After these preliminary discussions, DNR would then request appropriations from the legislature to fund work on each parcel or group of parcels, including costs for negotiation, appraisals, surveys, complete land title reviews, and purchase of the land. If the specific acquisitions are not funded, DNR would not be able to pursue the acquisitions further.

DNR's initial costs that are included in this Fiscal Note are:

#### PERSONAL SERVICES - \$48.0

Natural Resource Specialist (NRS) III (1 month) and Land Appraiser II (1 month) (each range 18s) - total 2 months @ \$7.2/month = \$14.4 - to discuss acquisitions with property owners and estimate costs associated with individual parcel acquisitions.

Natural Resource Specialist (NRS) I (range 14) - 6 months @ \$5.6/month = \$33.6 - to conduct initial land title, preliminary valuation, and other research for all parcels.

TRAVEL, CONTRACTUAL, SUPPLIES - total \$10.2 - includes travel to sites (initial areas are all road accessible), research of municipal title records, office supplies, and mandatory position costs which include lease space, phone services, computer services, DOA core services charges.

#### LONG TERM COSTS ASSOCIATED WITH ACTUAL ACQUISITIONS - Not included in Fiscal Note.

This fiscal note does not include the cost associated with negotiating the land purchase or exchanges, land appraisals, preparing a full title report, preparing and recording title documents, any necessary survey costs, and other related costs. DNR's experience with recent land acquisitions indicates that one NRS III position can negotiate and coordinate about four acquisitions per year. Some support staff time is also needed for document preparation, record keeping, additional title research, etc. Based on this, the estimated cost for each purchase is \$50.0 (\$35.0 for personal services and \$15.0 for contractual services including appraisal, survey and environmental audit).

Land exchanges are significantly more labor intensive, based on recent experience the cost for land exchanges is \$50.0 to \$100.0 per parcel.

Actual acquisition costs will vary by area and size of parcels. DNR estimates that parcels that provide access to Montana and Willow Creeks along the Parks Highway will cost about \$7,500 per acre for 5-10 acre parcels (\$37.5 - \$75.0 per parcel). Recent ADF&G purchases of parcels for access along the Anchor River and Deep Creek on the Kenai Peninsula were higher, averaging about \$100.0 per parcel.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB40(RES)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
 Title: Public access to fishing streams RDU: Sport Fisheries  
 Component: Sport Fisheries  
 Sponsor: Rep. Gara  
 Requester: House Resources Committee Component No.: 464

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	38.8	21.6	21.6	21.6	21.6	21.6
Travel	2.0	1.0	1.0	1.0	1.0	1.0
Contractual	1.0	1.0	1.0	1.0	1.0	1.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>42.8</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</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	42.8	24.6	24.6	24.6	24.6	24.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>42.8</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>

Estimate of any current year (FY2007) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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

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

This bill requires ADF&G, working with the ADNRR, to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

The bill specifically requires ADF&G to identify land along popular fishing streams for possible acquisition. The bill identifies several areas where this process will look at first, but envisions an ongoing, statewide process. The bill also requires ADF&G to identify willingness of land owners to sell land or easements. ADF&G then submits the list of parcels to DNR to acquire the land.

Prepared by: Kelly Hepler, Director Phone 465-6184  
 Division: Sport Fisheries Date/Time 1/30/07 1:00 PM  
 Approved by: Tom Lawson, Director Date 1/30/2007  
 Agency: Fish & Game

FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. HB 40

**ANALYSIS CONTINUATION**

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of willing sellers (property owners), and other information about the parcels. Estimated costs for these activities during FY2008 are:

Line 100: \$38.8K

HB III (4 months) to conduct land ownership and easement research

HB III (1 month) to identify willing land owners.

Cartographic support (1.5 months) to prepare maps for transfer to DNR.

Lines 200-500: total \$4.0K

Includes travel to sites (initial areas are all road accessible), research of municipal title records, office supplies, etc.

These costs will be reduced to \$24.6K in FY2009 as work on the identified water bodies in the bill is completed and the program shifts to a smaller, statewide program.

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

*Division of Sport Fish*

**FRANK MURKOWSKI, GOVERNOR**

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2326  
FAX: (907) 267-2464

Date January 27, 2006

To: Robin Willis

From: Jason Graham

Re: Access for Anchor, Montana, and Salcha Creeks

### **Anchor River**

Accessible: 16723 feet

Non-Accessible: 4542 feet

### **Montana Creek**

Accessible: 29063 feet

Non-Accessible: 17468 feet

### **Salcha Creek**

Accessible: 16181 feet

Non-Accessible: 16134 feet



# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPARTMENT OF FISH AND GAME

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2342  
FAX: (907) 267-2464

### DIVISION OF SPORT FISH

## MEMORANDUM

TO: Robin Willis, Tina Cunning

FROM: Joe Giefer  
Habitat Biologist

DATE: January 23, 2006

SUBJECT: Montana Creek To-and-Along Easements

---

Location depicted on map: Montana Creek, USGS Quad TALKEETNA A-1 and TALKEETNA MOUNTAINS A-6, described as secs. 5, 7, and 8, T. 23 N., R.4 W., W.M., and secs. 11, 14, 15, 21, 22, 28, 32, and 33, T. 24 N., R. 4 W., Seward Meridian, Alaska.

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distance's based on Federal, State, or Borough surveys or plats. On the lower reaches of Montana creek, there is approximately 29,063 feet of accessible shoreline and approximately 17,468 feet of non-accessible shoreline.

The private property depicted on the map without To & Along easements are older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a To & Along reservation. In an effort to err on the side of caution, if it's not clear that there is access along the shoreline, ADF&G has assumed that there is not and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually in fact have access, and this could be for a variety of reasons that cant be clarified until further research is done, particularly having some time spent on the ground looking at these areas on a site specific basis.

In secs. 11, 14, 15, 21, and 22, of T. 24 N., R. 4 W., both banks of Montana Creek are subject to a To & Along easement. Secs. 28, 32, and 33 of T. 24 N., R. 4 W., are composed of private parcels not subject to a To & Along reservation.

In T. 23 N., R. 4 W., both banks of Montana creek are subject to easements thru a small reach of State owned land in the N/E corner of sec. 5. In the S/W corner of sec. 5, the creek is subject to a To & Along on river-left, thru the extreme N/W corner of sec. 8, and on into sec. 7 where both banks are subject to a easement for a short distance, then again there is only a easement on river-left downriver to where Montana Creek flows into the Susitna River.



# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPARTMENT OF FISH AND GAME DIVISION OF SPORT FISH

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2342  
FAX: (907) 267-2464

### MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer  
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Salcha River To-and-Along Easements

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The location depicted on map is the Salcha River, USGS Quad BIG DELTA B-6, sections 21 and 22, T. 5 S., R.4 E., Fairbanks Meridian, Alaska.

In this particular stretch of the Salcha, the current path of the river is an approximation at best, there is no current aerial photography or surveyed hydrography to use as a reference when comparing the river corridor to the adjacent uplands. The private properties depicted on the map without "To & Along" easements are generally older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a "To & Along" reservation. In an effort to err on the side of caution, if it is not clear that there is access along the shoreline, ADF&G has assumed that there is not access and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually have access, and this could be for a variety of reasons that can not be clarified until further research is done, particularly by spending some time on the ground looking at these areas on a site specific basis.

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distances based on Federal, State, or Borough surveys or plats. On the reaches depicted in the maps of the Salcha River, there is approximately 16,181 feet of accessible shoreline and approximately 16,134 feet of non-accessible shoreline. .

In sec. 22, there is a small tract of State owned land on both banks of the Salcha where the Richardson Highway crosses the river. These state owned tracts are subject to easements. There is also a boat launch on these same state owned tracts.



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In sec. 21, all the privately held land adjacent to the Salcha is subject to a To & Along easement. The west half of the northwest corner of sec. 21 is state owned land, immediately to the west of this tract is the confluence of the Tanana and the Salcha rivers.

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPARTMENT OF FISH AND GAME DIVISION OF SPORT FISH

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2342  
FAX: (907) 267-2464

### MEMORANDUM

TO: Robin Willis, Tina Cuning

FROM: Joe Giefer  
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Anchor River "To-and-Along" Easements (AS 38.05.127)

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The location depicted on map is the Anchor River, from the Sterling Highway downstream to the mouth of the river. This area can be found on USGS quad Seldovia D-5, section 33 of T. 4 S., R. 15 W., and sections 5, 4, 3, 10, 11, of T. 5 S., R. 15 W., Seward Meridian, Alaska

The following distances are approximations based on the maps ADF&G has produced, they do not reflect distances based on Federal, State, or Borough surveys or plats. On the reach depicted on the map of the Anchor River, there is approximately 16,723 feet of accessible shoreline and approximately 4,542 feet of non-accessible shoreline.

Mapping the Anchor River in this area is particularly problematic given its tendency to move and meander over time as it nears the coast. The river channel we are using as a template is from year 2000 satellite imagery that we digitized and placed over the parcel boundary information. The private properties depicted on the map without "To & Along" easements are generally older conveyances from the Federal Government directly to individual private citizens. As far as we know, these parcels are not subject to a "To & Along" reservation. In an effort to err on the side of caution, if it is not clear that there is access along the shoreline, ADF&G has assumed that there is not access and has depicted it as such on our map. It is possible that some areas depicted as not having access do actually have access, and this could be for a variety of reasons that can not be clarified until further research is done, particularly by spending some time on the ground looking at these areas on a site specific basis.

In section 33, T. 4 S., R. 15 W., from the mouth of the river upstream to section 5, T. 5 S., R. 15 W., there is a small peninsula shaped parcel on river-left subject to an easement, however it is not continuous upstream into the adjoining southern section. In this area there appears to be no "To & Along" on a short stretch of uplands on river-left, and approximately the last 1/2 mile of shoreline of river-right at the mouth. Continuing upstream, where the river flows through state land in sec. 5, T. 5



S., R. 15 W., and continues east across sec. 4 of the same township/range both banks of the Anchor River are subject to an along easement, this is mostly state lands and access is assumed. The remaining area where access appears limited is a short distance from the highway downstream to where the river enters State land.

As you continue upstream where the river enters sections 10, 11, and into 14 of T. 5 S., R. 15 W., which is not depicted on map, uplands on river-right were conveyed from the United States to the Mental Health Trust. Lands on river-left were conveyed to the University and a small parcel has become part of the Mental Health Trust. The University and Mental Health Trust Lands have been inconsistently subject to provisions of Title 38 so shoreline access is unclear along these stretches of river.

Representative Les Gara  
State Capitol  
Juneau, AK 99801

January 9, 2007

Re: HB40

Dear Representative Gara:

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 40, an act relating to voluntary land trades and purchases to enhance public access to fishing streams.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world, and HB40 is an important piece of legislation that provides ADF&G and ADNR a mechanism to ensure broad public access to these important public resources. HB40 places into statute a process that mandates the Commissioner of ADF&G list land along fishing waterways where access is impeded by private land ownership and the Commissioner of ADNR responsible for proceeding to acquire public access across those lands.

KRSA is a non-profit 501 ( c ) 3 conservation organization dedicated to ensuring the sustainability of the greatest sportfishing river in the world – the Kenai. Our goals are to conserve and rehabilitate fisheries habitat, promote predictable and meaningful sportfishing opportunity, encourage and foster fisheries research and provide public aquatic education. Over the past ten years we have raised and invested over \$5 million towards these goals.

While on the Kenai River (the primary focus of our organization) there is broad public access to its fishery resources, KRSA has been concerned with the privatization of public lands along other waterways in our state which reduces or eliminates public access to some of our prized sport fishing rivers and streams. On the Kenai Peninsula, we have public access concerns on the neighboring rivers of the Kenai, specifically the Anchor, Deep Creek and Kasilof. If public access is denied or severely restricted on these neighboring rivers, it will only serve to place more pressures on the Kenai itself, which is already the state's most popular sport and personal use fishery.

KRSA supports the public access mechanisms in place in the bill, such as using public easements and land trades as well as outright purchases of the land with voluntary private land owners, and we are also very encouraged that the right of eminent domain may not be exercised to acquire land or interest in land. The initial nominations, which include the Anchor and Deep Creek, could have a significant positive impact on public access to fishery resources in on the Kenai Peninsula as well as other areas of the state.

We appreciate your efforts and those of your colleagues in regards to HB40.

Respectfully,

Ron Rainey  
Board Vice President

**The following letters were written in support of last  
year's version of HB40**



Representative Les Gara  
State Capital  
Juneau, AK 99801

Re: HB: 37

Dear Representative Gara:

I'm pleased to write to you in support of H.B. 37. Trout Unlimited's 158,000 members are dedicated to conserving, protecting and restoring North America's trout and salmon fisheries and their watersheds; your legislation helps achieve these goals.

Trout Unlimited is encouraged by the process to be established in HR37 whereby the State will work to not only preserve but expand public access to our fishery resources through the acquisition of private lands. Alaska is blessed with a wealth of public land, providing residents and visitors unequalled access to its lakes rivers and streams. This legislation will make a good situation even better through the use of land trades, access easements, and outright purchase of key land parcels.

Thank you Representative Gara, for your foresight and strong support for sportfishing and Alaska's sportfishing community.

Sincerely,

Tim Bristol/Director  
Trout Unlimited Alaska Program 12/12/05

419 Sixth Street, Suite 200  
Juneau, AK 99801  
907-321-3291  
Tbristol@tu.org

**Cindy Smith**

---

**From:** Phil Cutler [filcut@ak.net]  
**Sent:** Friday, March 18, 2005 9:40 PM  
**To:** Cindy Smith  
**Cc:** Jeff Parker  
**Subject:** HB 37 GARA

## **Alaska Sportfishing Association**

**P. O. Box 243106 Anchorage, AK 99524**

**Representative Les Gara  
State Capitol  
Juneau, AK 99801**

**Re: HB37**

**Dear Representative Gara,**

**I have presented HB37 at the latest Board of Directors meeting and the latest public membership meeting of the Alaska Sportfishing Association. After thorough discussion at both venues, I am pleased to relate that we enthusiastically support this legislation.**

**The Alaska Sportfishing Association has prided itself in being an organization that works to promote access to areas where sport fishing can be done in concert with sustained yield of the fishery and proper environmental safeguards. One of our longstanding concerns has been the privatization of public lands which in turn reduces or eliminates public access to some of our prized sport fishing rivers and streams.**

**HB37 places into statute a process that mandates that the Commissioner of Fish and Game nominate privately owned lands that might be returned to public ownership. It also makes the Commissioner of Natural Resources responsible to effecting the acquisition of the lands nominated.**

**Much of our discussions were centered on the methods SB37 promotes to acquire the land. Our fiscally conservative members were pleased that the bill endorsed using public easements and land trades as well as outright purchase of the land. The members were excited that your initial nominations could have a significant positive impact on sport fishing access in South-central and Interior Alaska.**

**We appreciate your efforts in sponsoring HB37.**

**Phil Cutler, President**



# ALASKA FLYFISHERS

Winners of the 1994 McKenzie Cup



March 9, 2005

Dear Representative Gara:

Based on our collective individual and organizational experience, the Alaska Fly Fishers strongly support the objective of House Bill 37.

The Alaska Fly Fishers (AFF) was founded in 1973 at Anchorage with the objectives of "to preserve the sport of fly fishing, advance the principles of fair chase and fair catch, educate members and the public in the necessity of preserving our outdoor heritage, promote the ethical utilization of the resources of our woods and waters and to organize and unite the fly fishers of Alaska for mutual community benefit." AFF is one of the largest sport fishing organizations in Alaska. I feel we have consistently taken actions which support those objectives.

For nearly as long as AFF has existed, we have provided public education (at low or no cost), participated in conservations projects, and participated in organizations which contribute to Alaska's natural resources. Our public education includes annual seminars on fly fishing, fly tying, and donations of books to the public libraries. Conservation projects include an annual Kenai River Cleanup (for 11 consecutive years), bank stabilization of Campbell Creek, and bank stabilization at Jim's Landing on the Kenai River. The organizations our members have participated in include Fish & Game Advisory Committees and Regional Subsistence Advisory Councils.

An important element of maintaining our habitat and resources is public involvement and support. In order to do this, the public must a vested interest. If they are denied access to these resources, we can't expect this broad support.

The AFF concludes that the objectives of HB 37 are mutually supportive of the objectives of AFF.

Sincerely,

  
Bob Fairchild  
President

ALASKA

Frank H Murkowski, Governor

**Cooper Landing Fish & Game  
Advisory Committee**

Bill Stockwell, Chair  
PO Box 721  
Cooper Landing, AK 99572-0721  
Phone: 595-1540

December 12, 2005

Senator Tom Wagoner  
Chairman, Senate Resources Committee 145  
Main Street Loop, Suite 226 Kenai, AK  
99611

SUBJECT: HB 37 State Land Trades/Purchases With Willing  
Landowners To Regain Fishing Stream Access

Senator Wagoner,

At our November 9, 2005 Meeting, the Cooper Landing Fish and Game Advisory Committee voted to SUPPORT House Bill 37 which has passed the House. We have written to our Senator Gary Stevens requesting his support and now ask for your support as Chairman of the Senate Resources Committee.

As a fish and game advisory committee, we support ample access to all our fish and wildlife resources. Any loss of access is a loss of public recreational opportunity, an economy loss to tourism, and an unnecessary loss of use of our common use resources. Loss of bank access along fishing streams such as the Anchor River and the Cooper River Dip Net fishery have already become a problem and access to the Mat Valley streams may soon be the next issue.

Thank you very much for your careful consideration of this issue. Please support this issue when it comes before your Committee. When access is lost, it is gone forever.



Bill Stockwell, Chair

cc: Senator Gary Stevens  
Representative Les Gara  
Sherry Wright, ADF&G Boards Support

Sincerely,



## Access World News

**Paper:** Anchorage Daily News (AK)  
**Title:** OPINION  
**Date:** February 10, 2008

Good fishing

**Legislation would help state preserve access for sportfishing**

It's hard to cast a line into a stream or creek from 100 feet away. And it's just as hard to find a good fishing spot along a river if you can't walk to the bank. Which is why the Alaska House of Representatives last year, in a 37-1 vote, passed a bill that asks the state commissioners of fish and game and natural resources to plan ahead to preserve public access to important sportfishing waterways.

It's time the Senate moved the bill toward passage, then to the governor's desk for signature into law.

It's a simple bill that does not require spending state money, does not take any private property by eminent domain and does not block private development. But, if it works as intended, it could help preserve access to rivers, streams and creeks popular with sportfishing enthusiasts.

House Bill 37 tells the fish and game commissioner to put together a list each year of sportfishing waterways where private land ownership could impede traditional public access. These could be fishing spots where people have long crossed undeveloped private land -- with no objection or even the understood approval of the landowners.

The point of the bill is not to take any private land but to take reasonable steps to ensure continued public access before the land is developed. After development, it's much harder -- and costlier -- to provide public access.

The natural resources commissioner each year would take the fish and game list and talk with the landowners to see if any were interested in trading their land for state land, or maybe selling or leasing their land to the state, or maybe selling or leasing an easement across their land to the state. It's all aimed at preserving public access to the water.

And if that's not voluntary enough, the bill also says any private landowners on the list could simply tell the state they want off the list and it would be done. Promise.

The last section of the bill says the first year's list should include lands near Montana and Willow creeks open to trout and grayling fishing, above the Parks Highway north of Anchorage; along the Anchor River and Deep Creek, open to steelhead, salmon, Dolly Varden or trout fishing, north of Homer; and along the Salcha River, open for grayling, just off the Richardson Highway south of Fairbanks. Sounds like a list of popular public-access spots worth preserving.

The bill, sponsored by Anchorage Democratic Rep. Les Gara, is up for another hearing Monday in the Senate Resources Committee, chaired by Kenai Republican Sen. Tom Wagoner. Alaskans should thank Rep. Gara and his bipartisan co-sponsors for promoting the legislation and should urge Sen. Wagoner to pass the bill out of his committee.

**BOTTOM LINE:** The legislation is a good effort to help preserve existing public access to sportfishing waterways.

War dead

Three more fall in Iraq

Three more soldiers who went to war from Alaska have been killed in Iraq. Spc. Patrick W. Herried, 29, of Sioux Falls, S.D.; Sgt. Jeremiah J. Boehmer, 22, of Parkston, S.D.; and Staff Sgt. Christopher R. Morningstar, 27, of San Antonio, all served with the 172nd Stryker Brigade out of Fort Wainwright in Fairbanks.

They were among the most recent casualties of the Iraq war, in which 2,263 U.S. troops have died and 16,653 wounded as of Feb. 9, according to a count by CNN.

The stories are familiar -- death by improvised explosive device. The stories told by families are familiar, too. The last talk with their loved ones, plans for the future, their soldiers' simple needs like foot powder. Their soldiers' sense of duty.

Familiar, but never old. Each heartbreak is a reminder that the war on terror -- happening somewhere else for most of us -- has a terrible price. It's being paid day after day by families across the country and other countries, too.

ALASKA STATE LEGISLATURE  
House Resources Committee

**Carl Gatto, Co-Chair**

State Capitol Building, Room 108  
Juneau, AK 99801-1182  
(907) 465-3743  
FAX (907) 465-2381  
Rep\_Carl\_Gatto@legis.state.ak.us



**Craig Johnson, Co-Chair**

State Capitol Building, Room 126  
Juneau, AK 99801-1182  
(907) 465-4993  
FAX (907) 465-3872  
Rep\_Craig\_Johnson@legis.state.ak.us

**FAX**

To: LEG. LEGAL

From: Debra Higgins

Fax: 465-2029

Phone: 465-3715

Date: 2/01/07

CC:

Re: AMENDMENTS TO HB 40

Pages With Cover: 5

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

HB 40 PASSED OUT OF THE HOUSE RESOURCES  
COMMITTEE WITH THE FOLLOWING  
AMENDMENTS.

#1

Amendment # - Pg line 4 - 5  
Passes UN.

Remove  
fiscal note  
for F+G

#2

Amendment Pg line 20-21  
Passes UN

#3

Amendment Pg. 3 line ~~25~~<sup>11</sup> - insert "average"  
delete "amount"

~~need~~  
Move to Amendment ~~2~~ amendment #3  
passes (U)

Pg line 8 -

Different fiscal notes -

Pg 3 - line 21 - addresses DNR concerns -  
equal DNR-disposal policy.

Amendment  
Pg 3  
line 29

shall submit to the legislature  
passed (U)

and

AMENDMENT

#1

OFFERED IN THE HOUSE (RESOURCES)

BY: REP. KAWASAKI

TO: HB40

Page 2, lines 4-5:

Delete

"only include on the list land across which the owner voluntarily is willing to allow or negotiate public access."

Insert

"exclude land from the list if the commissioner is notified that the owner is unwilling to allow or negotiate public access."

Passed

AMENDMENT

#2

OFFERED IN THE HOUSE (RESOURCES) BY: REP. KAWASAKI

TO: HB40

Page 2, lines 20-21:

Delete “except that land adjacent to the Kenai River that is downstream of Skilak Lake may not be added to the list.”

Passed

#3

PASSED AS  
AMENDED

AMENDMENT

OFFERED IN THE HOUSE (RESOURCES)

BY: REP. KAWASAKI

TO: HB40

✓ Page 2, line 8 after "prevents"  
Insert: "or may prevent in the future."

✓ Page 2, line 26:

Delete "may"  
Insert "shall"

Page 3, line 11, after "to the waterways is"  
Insert: "or may in the future be"

Page 3, line 21:

Delete "(b) of"

Page 3, lines 22:

Delete "acreage"  
Insert "amount"

Amended Delete "amount"  
Insert "acreage"

#4

AMENDMENT

OFFERED IN THE HOUSE (RESOURCES)

BY: REP. WILSON

TO: HB 40

Page 3, line 29, after "shall submit"  
Insert: "to the legislature"

Passed

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB040-DNR-Title-01-30-07  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Public access to fishing streams RDU Natural Resources  
 Component Resource Development  
 Sponsor Rep. Gara Title Acquisition and Defense  
 Requester (H) RES Component No. 2459

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	48.0	48.0	48.0	48.0	48.0	48.0
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	7.2	7.2	7.2	7.2	7.2	7.2
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	58.2	58.2	58.2	58.2	58.2	58.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>	<b>58.2</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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

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

This bill requires DNR, working with the Alaska Department of Fish and Game (ADF&G), to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

This bill also requires ADF&G to identify undeveloped land along popular fishing streams for possible acquisition. The bill identifies two areas where this process will look at first, but envisions an ongoing, statewide process. ADF&G then submits the list of parcels to DNR to acquire the land.

Prepared by: Dick Mylius, Acting Director Phone 269-8625  
 Division Mining, Land & Water Date/Time 1/30/2007  
 Approved by: Marty Rutherford, Acting Commissioner Date 1/30/2007  
 Agency Natural Resources

## FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. HB040-DNR-Title-01-30-07

### ANALYSIS CONTINUATION

This fiscal note does not include the actual cost to negotiate and appraise individual acquisitions, and does not include funding to pay the purchase price for acquisitions.

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of property owners, and other information about the parcels. ADF&G will be responsible for these costs.

Section 2 of the bill allows DNR to acquire the lands identified by ADF&G. This fiscal note only includes DNR's costs to conduct initial land title work, field inspections of parcels to be acquired, preliminary land cost estimates and preliminary discussions with the owners of parcels that the state desires to acquire.

After these preliminary discussions, DNR would then request appropriations from the legislature to fund work on each parcel or group of parcels, including costs for negotiation, appraisals, surveys, complete land title reviews, and purchase of the land. If the specific acquisitions are not funded, DNR would not be able to pursue the acquisitions further.

DNR's initial costs that are included in this Fiscal Note are:

#### PERSONAL SERVICES - \$48.0

Natural Resource Specialist (NRS) III (1 month) and Land Appraiser II (1 month) (each range 18s) - total 2 months @ \$7.2/month = \$14.4 - to discuss acquisitions with property owners and estimate costs associated with individual parcel acquisitions.

Natural Resource Specialist (NRS) I (range 14) - 6 months @ \$5.6/month = \$33.6 - to conduct initial land title, preliminary valuation, and other research for all parcels.

TRAVEL, CONTRACTUAL, SUPPLIES - total \$10.2 - includes travel to sites (initial areas are all road accessible), research of municipal title records, office supplies, and mandatory position costs which include lease space, phone services, computer services, DOA core services charges.

LONG TERM COSTS ASSOCIATED WITH ACTUAL ACQUISITIONS - Not included in Fiscal Note.

This fiscal note does not include the cost associated with negotiating the land purchase or exchanges, land appraisals, preparing a full title report, preparing and recording title documents, any necessary survey costs, and other related costs. DNR's experience with recent land acquisitions indicates that one NRS III position can negotiate and coordinate about four acquisitions per year. Some support staff time is also needed for document preparation, record keeping, additional title research, etc. Based on this, the estimated cost for each purchase is \$50.0 (\$35.0 for personal services and \$15.0 for contractual services including appraisal, survey and environmental audit).

Land exchanges are significantly more labor intensive, based on recent experience the cost for land exchanges is \$50.0 to \$100.0 per parcel.

Actual acquisition costs will vary by area and size of parcels. DNR estimates that parcels that provide access to Montana and Willow Creeks along the Parks Highway will cost about \$7,500 per acre for 5-10 acre parcels (\$37.5 - \$75.0 per parcel). Recent ADF&G purchases of parcels for access along the Anchor River and Deep Creek on the Kenai Peninsula were higher, averaging about \$100.0 per parcel.

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB40(RES)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
 Title Public access to fishing streams RDU Sport Fisheries  
 Component Sport Fisheries  
 Sponsor Rep. Gara  
 Requester House Resources Committee Component No. 464

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	38.8	21.6	21.6	21.6	21.6	21.6
Travel	2.0	1.0	1.0	1.0	1.0	1.0
Contractual	1.0	1.0	1.0	1.0	1.0	1.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>42.8</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</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	42.8	24.6	24.6	24.6	24.6	24.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>42.8</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>	<b>24.6</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

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

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

This bill requires ADF&G, working with the ADNDR, to identify private lands that the state should acquire to provide public access to and along popular fishing streams, and then directs DNR to pursue acquisition through purchase of easements, land exchanges, and or fee simple purchase.

The bill specifically requires ADF&G to identify land along popular fishing streams for possible acquisition. The bill identifies several areas where this process will look at first, but envisions an ongoing, statewide process. The bill also requires ADF&G to identify willingness of land owners to sell land or easements. ADF&G then submits the list of parcels to DNR to acquire the land.

Prepared by: Kelly Hepler, Director Phone 465-6184  
 Division Sport Fisheries Date/Time 1/30/07 1:00 PM  
 Approved by: Tom Lawson, Director Date 1/30/2007  
 Agency Fish & Game

FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. HB 40

ANALYSIS CONTINUATION

This fiscal note assumes that ADF&G will provide DNR with a list of parcels, maps of the parcels, names and addresses of willing sellers (property owners), and other information about the parcels. Estimated costs for these activities during FY2008 are:

Line 100: \$38.8K

HB III (4 months) to conduct land ownership and easement research

HB III (1 month) to identify willing land owners.

Cartographic support (1.5 months) to prepare maps for transfer to DNR

Lines 200-500: total \$4.0K

Includes travel to sites (initial areas are all road accessible), research of municipal title records, office supplies, etc.

These costs will be reduced to \$24.6K in FY2009 as work on the identified water bodies in the bill is completed and the program shifts to a smaller, statewide program.