

HB

144

<TARGET><BILL>HB 144</BILL><SUBJECT>HB
144</SUBJECT><COMM>SRES27</COMM></TARGET>

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

MEMORANDUM

TO: Senator Wagoner
Senate Resources Co-Chair

FROM: Representative Les Gara

DATE: April 13, 2011

RE: Request to calendar HB 144, Protecting Public Fishing Stream Access

I respectfully request that House Bill 144, relating to protecting public fishing stream access, be scheduled on the floor. Please feel free to contact me, or my aide, Mindy O'Neall, with questions or thoughts at 465-2647.

Attached you will find the contents requested by the committee. This includes the most recent version of the bill, the latest sponsor statement, sectional analysis, most recent version of the bill, an explanation of changes, current fiscal notes, and additional documentation relating to this bill.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Les Gara".

Rep. Les Gara

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

CSHB 144 (RES): Sponsor Statement Protecting Public Fishing Stream Access

Alaska's rivers are a treasured resource for fishermen, boaters, hunters, hikers, and people of all walks of life. We need to protect the public's access to them. House Bill 144 aims to ensure future public access to Alaska's fishing streams by putting in place a mechanism for encouraging the Department of Natural Resources to identify areas of public access that are in jeopardy of loss. The program would be facilitated by the Department of Natural Resources and would be completely voluntary. It would not take land away from citizens who do not want to trade for other public land; rather, it would encourage DNR to look for areas to secure needed public access easements.

There are currently large stretches of private land on streams such as the Anchor River, Deep Creek, Parks Highway Streams, the Salcha River and others throughout the state. Today the public uses these streams, and has access to them. Once they're developed, we will never be able to afford to get them back.

Other states have waited too long to take steps like the ones proposed by this bill. In Montana, for example, fishermen have to pay for public access to some rivers. One hundred eighty miles of the Missouri River have lost public access, and that state now budgets \$300,000 per year to buy back parcels of riverbank land.

HB 144 will help ensure that unparalleled recreational opportunities in our vibrant river corridors remain accessible, for our own and for future generations. It provides that the state should take action by providing a plan on their website as well as electronically to the legislature on an annual basis that assess those areas most at risk of loss.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

CSHB 144 (RES): Sectional Analysis Requiring a DNR Report on Fishing Stream Access

The bill's sections provide as follows:

Section 1. This section requires the commissioner of the Department of Natural Resources to annually provide an electronic report to the legislature and the governor detailing the efforts from the previous year, and objectives for the upcoming year, in maintaining and enhancing public access along fishing streams, where sport, personal use dip net, commercial, or subsistence fishing is conducted.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 1
Bill Version HB 144
(H) Publish Date 2/25/11

Identifier (file name) HB144-DFG-SFD-02-17-11 Dept. Affected ADF&G
Title Report on Fishing Stream Access Appropriation Sport Fisheries
Allocation Sport Fisheries
Sponsor Representative Gara
Requester House Special Committee on Fisheries OMB Component Number 464

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Commodities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other (please identify)	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version.

Prepared by Charles O. Swanton, Director
Division Sport Fisheries
Approved by Kevin Brooks, Administrative Services Director
Department of Fish and Game

Phone 907-465-8184
Date/Time 2/17/2011 12:00PM
Date 2/18/2011

FISCAL NOTE #1

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 144

Analysis

The bill requires Department of Natural Resources to consult with the Commissioner of Fish & Game and annually report on fishing stream access. There is no fiscal impact to the Department of Fish & Game, Division of Sport Fisheries.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 2
Bill Version HB 144
(H) Publish Date 2/25/11

Identifier (file name) HB144-DNR-LATD-02-23-11 Dept. Affected Natural Resources
Title Report On Fishing Stream Access Appropriation Resource Development
Allocation Land Acquisition and Title Defense
Sponsor Rep. Gara
Requester House FSH OMB Component Number 2459

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Commodities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other (please identify)	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Wyn Menefee, Acting Director
Division Mining, Land & Water
Approved by Daniel S. Sullivan
Department of Natural Resources

Phone 269-8501
Date/Time 2/18/11 1:00 PM
Date 2/18/2011

FISCAL NOTE #2

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 144

Analysis

HB 144 would require the Department of Natural Resources, in consultation with the Department of Fish & Game, to provide an annual report to the legislature detailing the department's efforts during the previous year, and objectives in the upcoming year, to maintain and enhance access to and along fishing streams.

The only additional work would be to compile this information into the annual report. Costs associated with preparing the report and including it in the Division of Mining, Land & Water's annual report to the legislature could be addressed with existing staff and resources.

FISCAL NOTE

STATE OF ALASKA cost # codes
 2012 LEGISLATIVE SESSION

Bill Version HB 144
 Fiscal Note Number _____
 Publish Date _____

Identifier (file name) HB144-DNR-MLW-12-13-11 Dept. Affected Natural Resources
 Title REPORT ON FISHING STREAM ACCESS Appropriation Land & Water Resources
 Allocation Mining, Land & Water
 Sponsor Rep. Gara
 Requester (S) RES OMB Component Number 3002

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

This is a updated version for the second session of the 27th legislature. The appropriation and allocation have been changed to reflect the new DNR structure.

Prepared by Brent Goodrum, Director
 Division Mining, Land & Water
 Approved by Daniel S. Sullivan
Department of Natural Resources

Phone (907) 269-8501
 Date/Time 12/13/11 1:00 PM
 Date 12/13/2011

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HB 144

Analysis

HB 144 would require the Department of Natural Resources, in consultation with the Department of Fish & Game, to provide an annual report to the legislature detailing the department's efforts during the previous year, and objectives in the upcoming year, to maintain and enhance access to and along fishing streams.

The only additional work would be to compile this information into the annual report. Costs associated with preparing the report and including it in the Division of Mining, Land & Water's annual report to the legislature could be addressed with existing staff and resources.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

CSHB 144 (RES): Summary of Changes Requiring a DNR Report on Fishing Stream Access

The CS version (I) requires that the annual report be submitted electronically, as well as posted on the departments' Internet website.

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

" . . . 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

DEPARTMENT OF FISH AND GAME DIVISION OF SPORT FISH

FRANK H. MURKOWSKI, GOVERNOR

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

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.

"... 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 Cunning

FROM: Joe Giefer
Habitat Biologist

DATE: January 27, 2006

SUBJECT: Salcha River To-and-Along Easements

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.

"... 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"



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 Cunning

FROM: Joe Giefer
Habitat Biologist

DATE: January 27, 2006

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

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 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

"... 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.



ALASKA FLY FISHERS

Winners of the 1994 McKenzie Cup

February 21, 2011

Representative Les Gara
State Capitol, Room 500
Juneau, AK 99801

Reference: HB 144

Dear Representative Gara:

The Alaska Fly Fishers is a membership organization representing approximately 400 individuals interested in Fly Fishing conservation and education for the state of Alaska.

Alaska Fly Fishers supports enhancing and maintaining access to fishing streams. We support HB 144 as its intent is to enhance and maintain access to fishing streams by having the Department of Natural Resources report annually on their efforts in regards to stream access.

Access to fishing streams is an important part of the sport of fishing. Considering the importance of gathering fish and sport fishing to the residents of Alaska, this bill shines a bright light on enhancing and maintaining the critical component of stream access.

Thank you for your efforts to enhance and maintain access to Alaska's fishing streams.

Best regards,

ALASKA FLY FISHERS

Mark Huber
President

cc: Alaska Fly Fishers Board of Directors

3415 Wentworth St.
Anchorage AK 99508

February 19, 2011

Dear Representative Gara:

I support increasing the amount and quality of publicly accessible land for fishing. The area's which are now publicly accessible are often overcrowded which leads to conflict between users, reduces the quality of the experience and results in the degradation of the land. For example, in the mid 1980's the Kenai River when the runs of salmon were heavy was crowded in the area of the old Sportsman Lodge and ferry crossing. However, a short walk either up or down stream would result in far fewer anglers. Now, during the same time periods, the river is often crowded on nearly every available space between the Kenai Lake and Jim's Landing for between June and September. This isn't isolated to this fishery.

If we were systematically to review opportunities to acquire land which has a high value for fishing through a process that insures land owners rights are not violated, it would both improve the access for Alaskans and the quality of their lives. I believe HB 144 would do that.

I have been involved as a volunteer in a number of aspects of resources in Alaska. I served for over 10 years on the Anchorage Fish & Game Advisory Committee, approximately 5 years on the Southcentral Regional Advisory Council for Subsistence, and one term on the Board of Game. During that time access for the average Alaskan was a consistent issue. I am currently a member of the Alaska Fly Fishers and have served numerous terms as an officer of that organization. Again, AFF members have made many contributions to habitat restoration and to enhance our public fisheries. We often hear about the lack of access to fisheries which they can reach within a reasonable distance of their homes.

Based on my experience, the Alaska Department of Fish and Game does a very good job of maintaining and enhancing our fisheries. However with a growing population in Alaska, it becomes critical to do what we can to increase the amount of public lands available. We, as a state, have an obligation under Article 8 of our constitution to make the resources of Alaska available for the maximum use consistent with the public interest. Further the legislature has an obligation to make these resources reserved for to the people for common use.

HB 144, in my opinion, would be consistent with and assist in meeting this obligation.

Sincerely,

Bob Churchill



February 9, 2011

Representative Les Gara
State Capitol
Juneau, AK 99801

Re: HB144

Dear Representative Gara:

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 144, an act requiring the Alaska Department of Natural Resources, in conjunction with the Alaska Department of Fish and Game, to annually deliver to the legislature and the governor a report on fishing stream access.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world. HB144 provides the Legislature with a reporting mechanism to ensure monitoring of public access to important fishing streams in the state. Protecting and enhancing public access to the hunting, fishing and recreational uses along the state's waterways is of primary importance to many people and a wide variety of user groups.

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 fifteen years we have raised and invested over \$10 million towards these goals.

We appreciate your efforts and those of your colleagues in regards to HB144.

Respectfully,

A handwritten signature in cursive script that reads "Ricky Gease".

Ricky Gease
Executive Director

Representative Les Gara
ATTN: Mindy O'Neill
State Capitol Building, Ste 500
Juneau, AK 99801

SUBJECT: Support for HB144

Dear Representative Gara,

I strongly support passage of HB144. This is legislation that is long overdue and I want to thank you for your efforts over the years to get this important piece of legislation passed.

Public access to our public waters is an important issue that many who use this resource take for granted until lost. I spent many years as a member and chair of a local fish and game advisory committee and attended many Board of Fisheries and Board of Game meetings. During this time access issues come up several times in submitted proposals and public testimony. Lost access was always a very contentious issue and was one that should have been foreseen prior to becoming an issue.

Your legislation is sorely needed to help prevent these problems from occurring and I ask the Alaska State Legislature to pass this important legislation, HB144, during this session.

Sincerely,

Willard E Stockwell
PO Box 721
Cooper Landing, AK 99572



PO Box 243963
Anchorage, AK 99524-3963

February 17, 2011

Representative Les Gara
State Capitol 500
Juneau, AK 99801

Dear Representative Gara:

I'm writing you today in support of HB 144, which would direct the Department of Natural Resources to report annually to the legislature on its efforts to maintain or enhance access to and along fishing streams as well as its objectives for enhancing and maintaining access to and along fishing streams by the public in the upcoming year.

As the owner of a licensed fly fishing guide service in Alaska, I believe that the Department of Natural Resources should play an active role in assisting the public to have access, wherever possible, to a wide variety of fishing opportunities. The bill would put in place a mechanism for voluntary land exchanges (or purchases) between the State and private owners along important recreational rivers. This would help us avoid the purchases of such lands for development, thus denying the public's use of them. Other efforts could involve working with riparian land owners to identify sections of bank access that could be utilized by the public either free or through a paid access corridor would certainly be worthwhile to pursue as well. "Enhancing access to fishing streams," might also mean identifying areas where people are trespassing on either public or private land to get access to various waterways, which would also provide valuable information on where the Department should direct efforts in opening or developing fishing opportunities to the public.

I would urge members of the House Fisheries Committee to support HB 144.

Sincerely,

Cecilia "Pudge" Kleinkauf

From: Alan Batten [<mailto:alanbatten@acsalaska.net>]
Sent: Wednesday, March 30, 2011 2:53 PM
To: Rep. Les Gara
Subject: Re: HB 144

Dear Representative Gara,

Thanks for sponsoring HB 144, and thanks for specifically mentioning "boaters". I am a recreational canoer and am very concerned about attrition of access points along our rivers. A case in point is the Chulitna River bridge at approximately 134 mile Parks Highway. This area is a commonly used takeout for people who put in at the Parks Highway bridge over the East Fork Chulitna at (very approximately) mile

185 Parks Highway (I believe you rafted this section last summer). The land on both sides of the river above and below the bridge is privately owned, and I understand that access to the 2 landings just upstream of the bridge on river left were closed off last summer. This is not a huge deal to someone in a canoe or kayak since our gear is light enough to just carry it up the right of way under the bridge to the highway.

However, a friend of mine rows a dory that is a bit too heavy to manhandle easily (as I imagine your raft was also), so he can no longer use that area as a takeout.

Similarly, access to the Nenana River at McKinley Village/Crabbe's Corner seems to be secure for right now, but has been a recurring issue in the past.

Thanks!

Alan Batten

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

SECTION

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, 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-sized 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

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.



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OPINION

OUR VIEW

On steps of exploration's change

ago on Friday, U.S. astronaut Neil
pped on the moon. That was 1969, and
good enough to keep President John
in the early '60s that the United
the moon in a decade.
rogram thrilled Americans and the
he nation had put its mind and heart
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COMPASS: *Points of view from the community*

Public lands demand public access

By LES GARA

If you've ever fished, hunted, hiked a trail or floated a river, you understand the value of public lands. For most Alaskans, the right to public access is a cherished one. It's also a right that has been quietly under siege.

There are people in the Legislature, and who will run for governor in 2002, who have an agenda to sell off vast amounts of your favorite lands: the stream bank that lets you walk for miles along your favorite fishing water, the land you cross to launch your raft or set up camp, the trail you run or hike on and the lands you traverse to hunt the backcountry. For example, last year one bill aimed to require that 75,000 acres be sold every year, indefinitely.

Now is the time for us to stand together to make sure we don't lose our right to enjoy this state. One thing we can do is act to forbid the state from selling off any more of our most valuable lands. Along streams, a 100-foot public easement should be retained by the state on all waters that support recreational uses. Future property owners could build next to the easement and use the easement to store things like boats, but they could not ban the public from walking the riverbank. That's the approach taken in New Zealand, where a 70-foot easement along rivers and lakes, called the Queen's Chain, is reserved for public access.

Other states are proof of what will happen if we do not act. In Montana, ranchers and movie stars routinely pro-



hibit the public from crossing their land to reach prized waters and lands. For years, landowners completely locked up access to the Ruby River, a noted trout stream, as well as the banks on a 180-mile stretch of the Missouri River. To make up for selling its public lands, the state now scrapes for money to buy back or lease miniscule parcels of riverbank and recreational land for public use.

This problem is not new to Alaska. Private land and borough and Native land waiting to be sold line riverbanks from the prized Anchor River to the banks of almost every major stream from Anchorage to Talkeetna. The other day a friend and I were walking a grayling stream north of Anchorage and saw a stretch where cottonwood trees so important to stream bank protection had been clear-cut to the riverbank. We learned that 160 acres more along the riverbank were waiting to be developed. In a few years these banks will be littered with "No Trespassing" signs.

The 2000 Legislature's attempt to sell off millions of acres of state land died in committee. The legislators who pushed

Along streams, a 100-foot public easement should be retained by the state on all waters that support recreational uses.

the bill likely knew it would be vetoed by Gov. Tony Knowles. Starting in 2002, future governors might not stop these grand land sales.

The public's best course would be to take this issue out of the Legislature's hands by using the initiative process. That would require that fishing, hunting, water sports, trail users, mountaineering and conservation groups join hands. If the state is to be protected, a public easement ensuring access along all valuable riverbanks and a land sale ban covering all valued hunting, hiking, camping and hiking areas need to be adopted. Legislators will tell you that they'd never sell these lands. But you can't sell off 75,000 acres of public land every year without giving away the land that fishermen, hikers, rafters, campers, hunters and other Alaskans cherish.

We should protect our public access rights while we still have them. As people learned in Montana, buying them back later is impossibly expensive.

■ Les Gara has worked with fishing organizations on fisheries protection issues and is a board member of the Alaska Public Interest Research Group.

Mary Jackson

From: Ricky Gease <ricky@krsa.com>
Sent: Thursday, February 16, 2012 10:37 AM
To: Mary Jackson
Cc: Toby Smith
Subject: KRSA support for HB 144

Dear Mary;

Good to see you earlier this week while Bunny and I were in Juneau. Short visit but Bunny really liked seeing the Capitol and being a part of the team that came to talk about the elder care issues – we appreciate the time that Wendy took to listen to us on this issue.

Please find below KRSA's comments regarding our support for HB 144. I understand that the schedule on Friday in Senate Resources will be tight, so I am submitting our comments in support of HB 144 instead. If oral testimony would be of benefit tomorrow, please let me know and I can arrange to provide our testimony in support of HB144. Otherwise, enjoy the long weekend!

All the best,

Ricky Gease



February 9, 2011

Representative Les Gara
State Capitol
Juneau, AK
99801
Re: HB144

Dear Representative Gara:

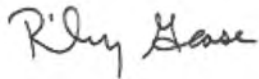
The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 144, an act requiring the Alaska Department of Natural Resources, in conjunction with the Alaska Department of Fish and Game, to annually deliver to the legislature and the governor a report on fishing stream access.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world. HB144 provides the Legislature with a reporting mechanism to ensure monitoring of public access to important fishing streams in the state. Protecting and enhancing public access to the hunting, fishing and recreational uses along the state's waterways is of primary importance to many people and a wide variety of user groups.

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 fifteen years we have raised and invested over \$10 million towards these goals.

We appreciate your efforts and those of your colleagues in regards to HB144.

Respectfully,

A handwritten signature in cursive script that reads "Ricky Gease".

Ricky Gease
Executive Director

3415 Wentworth Street
Anchorage AK 99508

February 16, 2012

Dear Representative Gara:

It appears that HB 144 is again being considered for consideration by the House. I would like to see a more aggressive approach to land acquisition for public use of our fisheries. However, I fully support this bill as a step towards providing access to Alaskan's of our fisheries resource. I have spent a significant amount of time involved in fisheries issues personally, through organizations and committees. This includes approximately 15 years on the Anchorage Fish & Game Advisory Committee, approximately 6 years on the Federal Subsistence Council, and 25 years as a member of the Alaska Fly Fishers. I have also fished throughout the road system and numerous other areas throughout Alaska. Public access is becoming more limited and crowded. An example of this is the crowding along the public access areas on the Kenai River. In the 1980's the crowds were primarily from the old Sportsman Lodge downriver for approximately 250 yards during the peaks of the salmon runs. Today the Kenai is crowded from the bridge at Kenai Lake to Jim's landing from mid June through late September.

If we, at the state level, were to systematically review opportunities to acquire land which has a high value for fishing through a process, as outlined in HB 144, that insures land owner's rights were not violated it would benefit many Alaskans, improve the quality of the experience in these fisheries, and be in concert with Article 8 of our state constitution.

Based on my experience working with the Alaska Department of Fish & Game, I have a high level of confidence in their ability to manage these fisheries once they become state lands.

I strongly urge all effort be made to pass this legislation.

Sincerely

Bob Churchill