

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 62, CSSB 62 24

SB 62

H. Fin
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STATE OF ALASKA
1988 LEGISLATIVE SESSION

Bill Version: CS SB 62 (Resources)
Publish Date: _____

FISCAL NOTE

REQUEST:

Revision Date: _____	Agency Affected: <u>Department of Revenue</u>
Title: <u>Public Access to Recreation</u>	BRU: <u>Treasury</u>
Areas _____	
Sponsor: <u>Resources Committee</u>	Components: _____
Requestor: <u>Senate Finance</u>	

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker MB
Division: Treasury

Phone: 465-2350
Date: February 16, 1988

Approved by Commissioner: _____
Agency: Department of Revenue

Date: 2/16/88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

RECEIVED
FEB 19 1988

LEGISLATIVE FINANCE

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 62 (Rules)
PUBLISH DATE: _____

2/10/88
N.F.R.

FISCAL NOTE

REQUEST:

Revision Date: 2/11/88
Title: Public Access to
Recreational Areas
Sponsor: Strugulewski
Requestor: House Finance

Agency Affected: Natural Resources
BRU: Land & Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Janet Burlison
Division: Land & Water Management

Phone: 465-3400
Date: 2/11/88

Approved by Commissioner: Lemigouh
Agency: Natural Resources

Date: 2-11-88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

RECEIVED
FEB 13 1988

LEGISLATIVE FINANCE

FISCAL NOTE

REQUEST:

Revision Date: 2/23/88
Title: An Act related to access to recreation areas
Sponsor: Sturqulewski, et al
Requestor: House Finance

Agency Affected: Fish and Game
BRU: Sport Fish

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

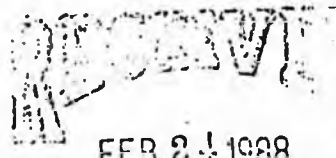
Prepared by: *Paul Stebb*
Division: Sport Fish

Phone: 465-4180
Date: 2/23/88

Approved by Commissioner: *Omni Collinsworth*
Agency: Fish and Game

Date: 2-23-88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



FEB 24 1988



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Office	BILL NUMBER SB 62	SPONSOR Sturgulewski, et al.
SHORT TITLE OF BILL Access to recreation areas			
DEPARTMENT POSITION Support with amendments			
PREPARED BY Norval Netsch	DATE 2/23/88	COMMISSIONER'S SIGNATURE <i>Norval Netsch</i>	DATE 2-23-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Department of Revenue	CONSTITUENT GROUP(S) AFFECTED BY BILL General public, specifically recreational boaters and sport fishers
ORGANIZATIONAL SUPPORT FOR BILL Alaska Sport Fishing Association Alaska Flyfishers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

To assure state retention of public lands along all water bodies during dispatch to private use and provide long-term funding of recreational water access acquisitions.

ANALYSIS OF BILL/PROGRAM EFFECTS

Assures retention of public lands along all waterways for recreational resource use.

Through establishment of "Public Access Fund" assures continuing revenue for public access to aquatic resources.

Establishes legislative intent for use of funds received by the state under the Federal Aid in Sport Fish Restoration Act.

AMENDMENTS PROPOSED

None.

See attached comments.

Department position on SB 62

The Department of Fish and Game supports the legislative intent of SB 62. The establishment of rights-of-way and easements and the exchange of land to create public access will benefit the public at very little cost to the state. Too often state land is disposed of without adequate consideration given to public recreational needs. The establishment of a dedicated funding source for public access purchases will help serve a growing demand in Alaska.

The department will endeavor to use up to 20 percent of the total federal allocation for recreational boating and sport fishing access; however, this figure is viewed as a target and not a mandate. Over the past four years the department has used over 17 percent of federal funds for access projects which clearly indicates the importance that the department places on access. The department will continue to base future access project funding levels on a thorough review of all management, restoration, enhancement and access needs.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 62
Publish Date: _____

Revision Date: _____
Title: Public Access to Recreational
Areas

Agency Affected: Natural Resources
BRU: Land and Water Management

Sponsor: Sturgulewski
Requestor: Senate C&RA

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Carol Wilson Phone: 465-2400
Division: Commissioner's Office Date: _____

Approved by Commissioner: *Dennis Gorsuch* Date: 5-11-87
Agency: Natural Resources

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

MAY 13 1987

SENATE COMMITTEE REPORT

FURTHER:

3/12/87

DATE TURNED INTO OFFICE 4/28/87

Mr. President:

FINANCE

Committee considered SB 62

public access to recreation areas.

and recommended:

replace with _____ CS FOR _____) same title
 or adopt _____ CS FOR SB 62 (Res)) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Finkel
Rich Velt (DO PASS)
[Signature]

[Signature] No Rec
William Kemble
[Signature] No Rec

[Signature] DO PASS
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

SAME FOR

Bill Version: CS SB 62 (1987)

Publish Date: 2/9/87

REQUEST: _____

Revision Date: 1/27/87

Title: Public Access to Recreational Areas

Sponsor: Sturgulewski

Requestor: Senate C&RA

Agency Affected: Natural Resources

BRU: L&WM

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Carol Wilson Phone: 465-2400

Division: Commissioner's Office Date: 1/17/87

Approved by Commissioner: Wm D Arnold Deputy Date: 1/28/87

Agency: Natural Resources

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

N.P.

5862

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 62 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to public access to recreation
7 areas; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature
10 finds that access to state waters for fishing, hunting, guiding, boating,
11 lodge operation and other recreational uses is very important to the econo-
12 my of the state. State waters, and public access to those waters, is
13 critical to the interrelated recreation, tourism, guiding and lodge indus-
14 tries. These industries support a large number of small, resident Alaska
15 businesses. Recreational use of state waters is also extremely important
16 to the people of the state. The legislature further finds that many of the
17 state's popular freshwater and marine fisheries are severely overcrowded
18 and that increasing the ease of access to additional waters suitable for
19 recreational uses would enhance the enjoyment by the people, would be
20 beneficial to the economy, and would reduce the overcrowding on the already
21 popular waters.

22 (b) It is the intent of the legislature to encourage state programs
23 to develop access to additional waters of the state near the state's major
24 population areas.

25 * Sec. 2. AS 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state.
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), or

1 (5) or 38.05.068, the right-of-way or easement shall be at least 50
2 feet wide but the commissioner may require a wider right-of-way or
3 easement depending on local conditions. Where severe topographical
4 conditions make a right-of-way or easement of 50 feet or more im-
5 practical, the commissioner may issue a written finding of imprac-
6 ticability and waive or modify the requirement.

7 (b) The commissioner shall also establish rights of-way or
8 easements to ensure access to rights-of-way or easements that are
9 along the public waterways. Easements under this subsection shall be
10 established approximately once each mile unless the commissioner
11 issues a written finding that severe topographical conditions make
12 this requirement impractical.

13 (c) The commissioner may exchange land under AS 38.50 to create
14 access to water of the state with high value for recreational uses.

15 * Sec. 3. AS 38.05 is amended by adding a new section to read:

16 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
17 access fund is established as a special account in the general fund
18 and funds may be deposited into the special account and withdrawn from
19 it as provided in this section. The fund consists of money and inter-
20 est derived under this subsection and contributions from individuals
21 and corporations. The fund shall be invested by the commissioner of
22 revenue. The commissioner of revenue ^{shall} be reimbursed for actual
23 administrative costs incurred under this subsection by appropriation
24 from the public access fund.

25 (b) Except as provided in (a) of this section, the commissioner
26 shall administer the fund. The commissioner, after public hearings
27 and in concurrence with the commissioner of fish and game, may use
28 money in the fund to develop recreational access, including the pur-
29 chase and lease of land, easements, and rights-of-way to enhance

1 public access to recreational areas.

2 (c) The title to rights of public access to recreational areas
3 obtained by the commissioner vests in the state. The commissioner
4 shall include in the instrument transferring title to the state a
5 clause requiring that the land be used for public access. If the land
6 ceases to be available for public access, the state shall either

7 (1) pay to the fund the assessed value of the land at that
8 time; or

9 (2) if the land was purchased with funds derived under 16
10 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
11 the sport fish restoration program.

12 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
13 Fish Restoration Act), as amended, approximately 20 percent of the
14 funds shall be used to implement the provisions of this section.
15 Expenditure of funds received by the state under this subsection is
16 subject to the approval of the commissioner of fish and game.

17 (e) The legislature may appropriate to the fund.

18 (f) The commissioner may adopt regulations under the Administra-
19 tive Procedure Act (AS 44.62) that are necessary to implement this
20 section.

21 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 62 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public access to recreation
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13 critical to the interrelated recreation, tourism, guiding and lodge indus-
14 tries. These industries support a large number of small, resident Alaska
15 businesses. Recreational use of state waters is also extremely important
16 to the people of the state. The legislature further finds that many of the
17 state's popular freshwater and marine fisheries are severely overcrowded
18 and that increasing the ease of access to additional waters suitable for
19 recreational uses would enhance the enjoyment by the people, would be
20 beneficial to the economy, and would reduce the overcrowding on the already
21 popular waters.

22 (b) It is the intent of the legislature to encourage state programs
23 to develop access to additional waters of the state near the state's major
24 population areas.

25 * Sec. 2. AS 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state.
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), (5)

1 or 38.05.068, the right-of-way or easement shall be at least 50 feet
2 wide but the commissioner may require a wider right-of-way or easement
3 depending on local conditions.

4 (b) The commissioner shall also establish rights-of-way or
5 easements to ensure access to rights-of-way or easements that are
6 along the public waterways. Easements under this subsection shall be
7 established not less often than once each mile.

8 * Sec. 3. AS 38.05 is amended by adding a new section to read:

9 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
10 created in the general fund a public access fund. The fund consists
11 of money and interest derived under this subsection and contributions
12 from individuals and corporations. The fund shall be invested by the
13 commissioner of revenue. The commissioner of revenue shall prepare
14 the permanent fund dividend application for 1988 and subsequent years
15 to allow applicants to designate that \$5 of the dividend be subtracted
16 from their check and deposited in the public access fund. The commis-
17 sioner of revenue may use money in the public access fund to pay
18 actual administrative costs incurred under this subsection.

19 (b) Except as provided in (a) of this section, the commissioner
20 shall administer the fund. The commissioner, after public hearings
21 and in consultation with the commissioner of fish and game and the
22 commissioner of transportation and public facilities, may use money in
23 the fund to develop recreational access, including the purchase and
24 lease of land, easements, and rights-of-way to enhance public access
25 to recreational areas.

26 (c) The title to rights of public access to recreational areas
27 obtained by the commissioner vests in the state. The commissioner
28 shall include in the instrument transferring title to the state a
29 clause requiring that the land be used for public access. If the land

1 ceases to be available for public access, the state shall either
2 (1) pay to the fund the assessed value of the land at that
3 time; or

4 (2) if the land was purchased with funds derived under 16
5 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
6 the sport fish restoration program.

7 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
8 Fish Restoration Act), as amended, approximately 20 percent of the
9 funds shall be used to implement the provisions of this section.
10 Expenditure of funds received by the state under this subsection is
11 subject to the approval of the commissioner of fish and game.

12 (e) The legislature may appropriate to the fund.

13 (f) The commissioner may adopt regulations under the Administra-
14 tive Procedure Act (AS 44.62) that are necessary to implement this
15 section.

16 * Sec. 4. AS 38.50.010 is amended to read:

17 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
18 this chapter, the director, with the concurrence of the commissioner,
19 is authorized to dispose of state land or interest in land by exchang-
20 ing it for land, interest in land, or other consideration. Exchanges
21 shall be for the purpose of consolidating state land holdings, creat-
22 ing land ownership and use patterns which will permit more effective
23 administration of the state public domain, creating access to waters
24 of the state with high value for recreational uses, facilitating the
25 objectives of state programs, or other public purposes.

26 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

Introduced: 1/19/87
Referred: Community & Regional Affairs,
Resources and Finance

5-0221A

1 IN THE SENATE

BY STURGULEWSKI AND KERTTULA,
SZYMANSKI AND FISCHER

2 SENATE BILL NO. 62

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public access to recreation
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10 finds that access to state waters for fishing, hunting, guiding, boating,
11 lodge operation and other recreational uses is very important to the econo-
12 my of the state. State waters, and public access to those waters, is
13 critical to the interrelated recreation, tourism, guiding and lodge indus-
14 tries. These industries support a large number of small, resident Alaska
15 businesses. Recreational use of state waters is also extremely important
16 to the people of the state. The legislature further finds that many of the
17 state's popular freshwater and marine fisheries are severely overcrowded
18 and that increasing the ease of access to additional waters suitable for
19 recreational uses would enhance the enjoyment by the people, would be
20 beneficial to the economy, and would reduce the overcrowding on the already
21 popular waters.

22 (b) It is the intent of the legislature to encourage state programs
23 to develop access to additional waters of the state near the state's major
24 population areas.

25 * Sec. 2. AS 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state. The
29 right-of-way or easement shall be at least 50 feet wide but the
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-1-

SB 62

1 commissioner may require a wider right-of-way or easement depending on
2 local conditions.

3 (b) The commissioner shall also establish rights-of-way or
4 easements to ensure access to rights-of-way or easements that are
5 along the public waterways. Easements under this subsection shall be
6 established not less often than once each mile.

7 * Sec. 3. AS 38.05 is amended by adding a new section to read:

8 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
9 created in the general fund a public access fund. The fund consists
10 of money derived under this subsection and contributions from indi-
11 viduals and corporations. The fund shall be invested by the commis-
12 sioner of revenue. The commissioner of revenue shall prepare the
13 permanent fund dividend application to allow applicants to designate
14 that \$5 of the dividend be subtracted from their check and deposited
15 in the public access fund. The commissioner of revenue may use money
16 in the public access fund to pay administrative costs incurred under
17 this subsection.

18 (b) Except as provided in (a) of this section, the commissioner
19 shall administer the fund. The commissioner, after public hearings
20 and in consultation with the commissioner of fish and game and the
21 commissioner of transportation and public facilities, may use money in
22 the fund to develop boating access, including the purchase and lease
23 of land, easements, and rights of way to enhance public access to
24 recreational areas.

25 (c) The title to rights of public access to recreational areas
26 obtained by the commissioner vests in the state. The commissioner
27 shall include in the instrument transferring title to the state a
28 clause requiring that the land be used for public access. If the land
29 ceases to be available for public access, the state shall pay the

1 assessed value of the land to the fund.

2 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
3 Fish Restoration Act), approximately 20 percent of the funds shall be
4 used to implement the provisions of this section. Expenditure of
5 funds received by the state under this subsection is subject to the
6 approval of the commissioner of fish and game.

7 (e) The legislature may appropriate to the fund.

8 (f) The commissioner may adopt regulations under the Administra-
9 tive Procedure Act (AS 44.62) that are necessary to implement this
10 section.

11 * Sec. 4. AS 38.50.010 is amended to read:

12 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
13 this chapter, the director, with the concurrence of the commissioner,
14 is authorized to dispose of state land or interest in land by exchang-
15 ing it for land, interest in land, or other consideration. Exchanges
16 shall be for the purpose of consolidating state land holdings, creat-
17 ing land ownership and use patterns which will permit more effective
18 administration of the state public domain, creating access to waters
19 of the state with high value for recreational uses, facilitating the
20 objectives of state programs, or other public purposes.
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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MAR 5 1987

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

March 4, 1987

SUBJECT: Public access
[CSSB 62(Resources)]

TO: Senator Arliss Sturgulewski

FROM: Richard A. Bradley
Legislative Counsel

You have requested my comments on two issues arising out of the Senate Resources Committee hearing on CSSB 62(Resources). The two issues are whether the bill title is adequate and whether there is a dedicated fund problem.

In my opinion, neither issue presents a problem.

The title of the bill relates to "public access to recreation areas"; as I understand the question, some members of the committee wondered whether the "public access fund" in sec. 3 of the bill was described by that title. In my view, the section is within the title.

The legislative drafting style in Alaska has, particularly in recent years, been to use a broad title. As the Legislative Drafting Manual suggests, the "title must be broad enough to cover everything in the bill, but it must not be so broad as to lose its function of giving notice of the bill's contents. Conversely, a title that tries to describe each major element of a bill must not be so specific that it fails to cover the minor elements of the bill." [Manual, at 12.]

Thus the view is that the descriptive title requirement of the Alaska Constitution [art. II, sec. 13] is served by the broad inclusive title. We avoid an alternative drafting style that might have described this bill as "relating to public access to recreation areas, establishing legislative findings and intent, permitting the Commissioner of Natural Resources to acquire right-of-ways or easements for access

Senator Sturgulewski
March 5, 1987
Page 2

to recreation areas, establishing a public access fund, permitting the legislature to appropriate to the fund, and for other purposes."

Other states sometimes use that style; we do not. The considered reason for our position is the one suggested in the Manual: That overinclusiveness creates more problems than it solves. The public access fund created in sec. 3 of the bill is contained within a title that relates to "public access."

The second question of concern to the committee was the interaction of the public access fund and the general prohibition against the establishment of a dedicated fund.

The fund in question is admittedly "dedicated" in any real sense of the word -- but it is not prohibited since the source of the fund is not the general revenues of the state. The provisions of art. IX, sec. 7 provide, in part:

SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or license shall not be dedicated to any special purpose

The material omitted related to nongermane exceptions to the prohibition.

The language of sec. 7 has no application to funds that are not themselves "the proceeds of any state tax or license"; as you recall, the Supreme Court instructed us to read those words broadly in State v. Alex, 646 P.2d 203 (Alaska 1982). However, since the funds are not in any sense the proceeds of a tax or license levied by the legislature, the dedicated fund prohibition can have no application.

Note that when the state makes a contribution to the fund under Sec. 38.05.874(e) as would be enacted in sec. 3 of the bill, the funds have been appropriated. The dedicated fund prohibition has no application to sec. 3 of the bill.

If I may be of further assistance, please advise.

RAB:mkr
m9/092

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CS SB 62 (Resources)
Publish Date: _____

REQUEST _____

Revision Date: 3/26/87
Title: An act relating to public access to recreation areas
Sponsor: Sturgulewski, Kerttula, et al
Requestor: Senate Finance

Agency Affected: Revenue
BRU: Administrative Services

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Prepared By: Ervin B. Jones
Division: Administrative Services

Phone: 465-2313
Date: 3/26/87

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 3/26/87

Distribution (by agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62

Publish Date: _____

REQUEST: _____

Revision Date: _____

Agency Affected: Revenue

Title: An act relating to Public Access
to Recreation Areas

BRU: Permanent Fund Dividend

Sponsor: Sturgewlewski, Kertulla

Components: Recreational use of state

Requestor: Community & Regional Affairs

waterway

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LAND & STRUCTURES	-	-	-	-	-	-
GRANTS/CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

Prepared by: Sally Smith *Sally Smith*
Division: Public Services

Phone: 465-2392
Date: February 2, 1987

Approved by: _____ *hmr*
Commissioner: _____
Agency: Revenue

Date: 2/17/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management & Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: Public Access to Recreation
Areas _____
Sponsor: Sturgulewski
Requestor: Senate C & RA

Agency Affected: Department of Revenue
BRU: Treasury
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING	-	-	-	-	-	-
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker MB
Division: Treasury

Phone: 465-2350
Date: January 30, 1987

Approved by Commissioner: [Signature]
Agency: Department of Revenue

Date: 2/17/87

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62

Publish Date: _____

REQUEST _____

Revision Date: _____

Title: An act relating to public access to recreation areas

Agency Affected: Revenue

BRU: Administration and Support

Sponsor: Sturgulewski, Kerttula, et al

Requestor: C & RA

Components: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	15.1	6.6	6.6	6.6	6.6
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	6.0	6.0	6.0	6.0	6.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	21.1	12.6	12.6	12.6	12.6
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

SB 62

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	21.1	12.6	12.6	12.6	12.6
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	21.1	12.6	12.6	12.6	12.6

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

Prepared By: Ervin B. Jones

Division: Administrative Services

Phone: 465-2313

Date: 2/4/87

Approved by Commissioner: [Signature]

Agency: Revenue

Date: 2/6/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 62
2/6/87

Assumptions:

- 1) It is assumed that the provision Sec. 3 would only be effective for PFD years 1988 and thereafter. This assumption is necessary because the 1987 PFD applications are already being printed, and will be shipped in 3 weeks. The addition of the option envisioned by this bill will cause major revisions to the construction of the packet, and would most certainly cause re-bidding of the printing project. The result would be a late filing period and significant program costs and public confusion and discontent. Alternatively, the creation of a separate form would create substantial new program costs, not addressed in this fiscal note, and considerable public confusion.

It is assumed that the Department of Revenue may comply with the above section of the bill by providing a "check-off" on the 1988 PFD form itself, or an attendant schedule.

- 2) The choice, once made on the PFD application, is irrevocable for that year.
- 3) The dividend is still subject to attachment and general assignment. Only after those attachments and assignments are satisfied will this pledge be recognized.
- 4) Given the language of Sec. 3, line 15-17, I assume that any required appropriation for administrative costs would be a general fund appropriation, since the public access fund would be an account in the general fund.

Program Summary

The application for the 1988 PFD would be revised, providing for a "check-off" for the public access fund, and explaining the option to all applicants.

The Document Processing group will need to review applications for the donation option and the data entry section will be keying additional information on each application. This will be accomplished by extending a seasonal Data Entry Clerk I by three months.

Data capture programs, batch programs, screen programs, history files and all other DP programs in the PFD system would be modified to record the potential choice and to direct payment to the fund. The PFD applicant choosing to contribute to the fund would be notified by mail at the time of PFD distribution that the contribution had been paid directly to the public access fund. The accounting controls on the dividend fund and the warrant issues will become much more complicated by the introduction of myriad warrant amounts. The Department of Fish & Game would be provided an accounting of the number of applicants contributing to the public access fund each year, and the total amount transferred to the fund. The attached schedule provides a breakdown of the estimate of man-hours required to accomplish the programming.

1. Positions

1 PPT Analyst/Programmer IV, R 19 at \$4,281.06/Mo.
including salary and benefits for 2 months = \$8.5

This position will augment the regular DP staff to perform the system analysis and programming required, as described above. This funding would be needed for design and programming only, with maintenance of the changes and new programs to be done by current staff.

1 PPT Data Entry Clerk I, R 8 at \$2,221.64/Mo
including salary and benefits, for 3 months = \$6.6

This position would perform the equivalent additional data capture (ongoing requirement)

TOTAL Personal Services \$15.1

2. Other Expenditures:

a) Travel - None. \$-.0-

b) Contractual - Add an additional page to the PFD booklet to display the contribution choice available. Although the Department was able to squeeze the Olympic Fund check-off on the existing form, the addition of another option, however simple, will require another printed page. (on-going requirement) \$-6.0-

c) Supplies - None. \$-.0-

d) Equipment - None. Will use existing work areas \$-.0-

TOTAL EXPENDITURES \$21.1

3. Funding - General Fund.

4. Section Cost Analysis - N/A.

Computations - N/A.

Economic Impact - N/A.

Impact on Local Government - N/A.

Attachments: Summary of Data Processing Requirements.

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 62
Summary of Data Processing Requirements
2/6/87

Wang data entry processing	75.0 hours
Includes:	Data entry Batch lists Corrections Wang to IBM transfer
IBM Update jobs	30.0 hours
Includes:	Edits Batch listings Log sheets
DMS Online programs for lookup and changes	37.5 hours
Nightly Update of Changes	22.5 hours
Warrant Jobs	90.0 hours
Includes:	Printing warrants with different amounts. Include check stub messages. Modify warrant registers as needed for balancing. Create new program(s) for transferring accumulated contributions to the Public Access Fund, and to account for the reserve necessary due to returned and cancelled PFD warrants.
Miscellaneous	45.0 hours
Includes:	Setting up test files on IBM Systems testing Administrative functions, i.e. paper work required by Admin. DP to add files and programs to tables.
TOTAL HOURS	300.0 hours



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Ofc.	BILL NUMBER SB 62	SPONSOR Sturculewski, et.al
DEPARTMENT POSITION Support with amendments			
PREPARED BY Louis S. Bandirola	DATE 1/29/87	COMMISSIONER'S SIGNATURE <i>Donnell</i>	DATE 1/29/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Department of Revenue, DOT&PF	CONSTITUENT GROUP(S) AFFECTED BY BILL General public, specifically recreational boaters and other resource users.
ORGANIZATIONAL SUPPORT FOR BILL Alaska Sport Fishing Association Alaska Flyfishers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

To assure state retention of public lands along all water bodies during dispatch to private use and provide long term funding of recreational water access acquisitions.

ANALYSIS OF BILL/PROGRAM EFFECTS

Assures retention of public lands along all water way for recreational resource use.

Through establishment of "Public Access Fund" assures continuing revenue for public access to aquatic resources.

Requires state participation through federal Sport Fish Restoration Program at determined level by Department of Fish and Game.

AMENDMENTS PROPOSED

See Attachment .

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

SB 62 - Suggested Amendments

AS 38.04.874 page 2

line 9-11

---. The fund consists of money and interest derived under this subsection and contributions from individuals and corporations. The fund shall be invested in an interest accruing account by the commissioner of revenue.

line 14-17

---. that \$5.00 or such sum over \$5.00 of the dividend be subtracted from their check and deposited in the public access fund. The commissioner of revenue may request use of money in the public access fund to pay actual administrative costs incurred under this subsection after the account balance exceeds one million dollars.

line 18

(b) Except as provided in (a) and (d) of this section, the commissioner...

line 22

the fund to develop recreational [BOATING] access, including the purchase and lease...

line 29 (c) and page 3 line 1

---. ceases to be available for public access, the state shall pay the current assessed value of the land to the fund or reimburse the federal program as required through participation in the Sport Fish Restoration Program in subsection (d).

line 2

Subsection (d) should be reworded as follows:

(d) If the state receives funds under 16 U.S.C. 777-777k as amended (Sport Fish Restoration Act), 10 percent of the federal funds shall be used for recreation boating access and facilities, with the state match share allocated from the public access fund. Expenditure of funds received by the state under this subsection shall be administered by the commissioner of fish and game in accordance with federal rules and regulations.

SENATE COMMITTEE REPORT

FURTHER: FINANCE

further finance

DATE TURNED INTO OFFICE 3-12-87

Mr. President:

RESOURCES _____ Committee considered _____ SB 62

public access to recreation areas.

and recommended:

replace with _____ CS FOR SB62(Rs)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero-CRA's fiscal impact

MEMBERS SIGNING DO PASS

[Signatures]

OTHER RECOMMENDATIONS

[Signature]

[Chairman Signature]

Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/15/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES
FINANCE

**FISCAL NOTE(S) ATTACHED yes **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE _____

Mr. President:

COMMUNITY & REGIONAL AFFAIRS Committee considered SB 62

relating to public access to recreation areas.

and recommended:

replace with CS for SB 62 (CRA) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

Tim Kelly

OTHER RECOMMENDATIONS

Paul J. Hancock (No Rec)

Artis Funglerhi Do Pass
Chairman signature and recommendation

Committee Backup Attached

CSSB

62

HOUSE COMMITTEE REPORT

(11)

Date referred: 5/15/87

FURTHER REFERRALS:

DATE: 4/30/88

The Finance Committee has considered CSSB 62(R1s)

"An Act relating to public access to recreation areas; and providing for an effective date."

RECOMMENDS:

- replace with HCS CSSB 62 (Fin.) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NRS FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published _____
- same as previous zero fiscal note published _____

SIGNING DO PASS:

ADAMS [Signature]

LARSON [Signature]

GAL [Signature]

RIEGER [Signature]

SWACK [Signature]

BROWN [Signature]

DAVIS [Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]
Chairman's signature

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HCS CSSB 62(Fin)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
Title: Public access to recreation areas. BRU: _____
Sponsor: Sturgulewski Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Al Adams, Chairman *ATA* Phone: 465-3706
Division: House Finance Committee Date: 4/30/88

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 62 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public access to recreation
7 areas; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds
10 that access to state waters for fishing, hunting, guiding, boating, lodge
11 operation and other recreational uses is very important to the economy of
12 the state. State waters, and public access to those waters, is critical to
13 the interrelated recreation, tourism, guiding and lodge industries. These
14 industries support a large number of small, resident Alaska businesses.
15 Recreational use of state waters is also extremely important to the people
16 of the state. The legislature further finds that many of the state's popu-
17 lar freshwater and marine fisheries are severely overcrowded and that
18 increasing the ease of access to additional waters suitable for recreation-
19 al uses would enhance the enjoyment by the people, would be beneficial to
20 the economy, and would reduce the overcrowding on the already popular
21 waters.

22 * Sec. 2. AS 38.05.127 is amended by adding new subsections to read:

23 (f) Rights-of-way or easements to waterways established under
24 (a)(2) of this section shall be established approximately once each
25 mile unless the commissioner makes a written finding that regulating
26 or limiting access is necessary for other beneficial uses or public
27 purposes.

28 (g) The commissioner may exchange land under AS 38.50 to create
29 access to public water of the state.

1 * Sec. 3. AS 38.05 is amended by adding a new section to read:

2 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
3 access fund is established as a special account in the general fund
4 and funds may be deposited into the special account and withdrawn from
5 it as provided in this section. The fund consists of money contri-
6 buted to it by individuals and corporations and interest derived from
7 those contributions. The fund shall be invested by the commissioner
8 of revenue. The Department of Revenue may be reimbursed for actual
9 administrative costs incurred under this subsection by appropriation
10 from the public access fund.

11 (b) Except as provided in (a) of this section, the commissioner
12 shall administer the fund. The commissioner, after public hearings
13 and in concurrence with the commissioner of fish and game, may use
14 money in the fund to develop recreational access, including the pur-
15 chase and lease of land, easements, and rights-of-way to enhance
16 public access to recreational areas.

17 (c) The title to rights of public access to recreational areas
18 obtained by the commissioner vests in the state. The commissioner
19 shall include in the instrument transferring title to the state a
20 clause requiring that the land be used for public access. If the land
21 ceases to be available for public access, the state shall either

22 (1) pay to the fund the assessed value of the land at that
23 time; or

24 (2) if the land was purchased with funds derived under 16
25 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
26 the sport fish restoration program.

27 (d) The legislature may appropriate to the fund. The interest
28 earned on funds appropriated to the public access fund by the legisla-
29 ture shall be deposited in the general fund. The commissioner of

1 administration shall separately account for the interest deposited in
2 the general fund under this subsection. The annual estimated balance
3 in the account may be appropriated by the legislature to the public
4 access fund.

5 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

February 16, 1988

TO: Representative Al Adams
Chairman, House Finance Committee

FROM: Senator Arliss Sturgulewski

RE: Senate Bill 62 - Public Access to Recreational Areas

This morning the Department of Fish and Game asked me to request a one week delay for the House Finance Committee hearing on SB 62. The request is based on confusion regarding the proposed administration of Sport Fish Restoration Act funds.

Last year representatives of the department recommended specific language to comply with federal requirements of this act. Amendments were made to SB 62 to conform to these suggestions. This morning, representatives of the department called my office and advised they had discovered this language does not meet the federal requirements.

I apologize for the confusion and request a one week delay to resolve the issue. Thank you for your assistance.

ACCESS PROJECTS
SOUTHEAST REGION 1)

LOCATION	TITLE	TYPE	DESCRIPTION	COST
Juneau	Montana Creek Trail	FI	Construct trail along creek from Mendenhall River to rifle range	60.0
Juneau	Cowee Creek	FL	Purchase access to stream Glacier Highway to saltwater	250.0
Yakutat	Lost River Trail	FI	Construct trail from highway bridge downstream to beach	30.0
Skagway	Dewey Lake Trail	FI	Construct trail and install signs	5.0
Klawock	Klawock River Ramp	SB	Construct boat launch ramp for marine access at mouth of Klawock River	120.0
Skagway	Goat Lake	FI	Construct trail with shelters and provide skiff on lake in conjunction with enhancement project	100.0
Juneau	Douglas Harbor Ramp	SB	Add a tie-up float to existing launch ramp	50.0
Haines	Herman Lake Trail	FI	Improve fifteen miles of trail to lake and provide skiff	20.0
Juneau	Dorothy Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Antler Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Annex Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Point Adolphos L. Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Shelter Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Sweetheart Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Haines	Walker Lake Trail	FI	Construct trail and provide skiff on lake	20.0
PWI	Harris River Ramp	FB	Construct launch ramp near Hydaburg highway bridge	20.0
Petersburg	Ohmer Creek Ramp	SB	Construct launch ramp at abandoned log transfer site (Olson's Landing)	150.0
Juneau	Auke Lake Ramp	FB	Construct launch ramp in existing right-of-way between parking lot and lake shore	80.0
Sitka	Sealing Cove Ramp	SB	Lengthen existing ramp to elevation - 4 MLLW	25.0

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

ACCESS PROJECTS
SOUTHEAST (REGION 1)

LOCATION	TITLE	TYPE	DESCRIPTION	COST
Juneau	Montana Creek Trail	FI	Construct trail along creek from Mendenhall River to rifle range	60.0
Juneau	Cowee Creek	FL	Purchase access to stream Glacier Highway to saltwater	250.0
Yakutat	Lost River Trail	FI	Construct trail from highway bridge downstream to beach	30.0
Skagway	Dewey Lake Trail	FI	Construct trail and install signs	5.0
Klawock	Klawock River Ramp	SB	Construct boat launch ramp for marine access at mouth of Klawock River	120.0
Skagway	Goat Lake	FI	Construct trail with shelters and provide skiff on lake in conjunction with enhancement project	100.0
Juneau	Douglas Harbor Ramp	SB	Add a tie-up float to existing launch ramp	50.0
Haines	Herman Lake Trail	FI	Improve fifteen miles of trail to lake and provide skiff	20.0
Juneau	Dorothy Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Antler Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Annex Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Point Adolphos L. Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Shelter Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Juneau	Sweetheart Lake Cabin	FI/B	Construct cabin for fly-in anglers and provide skiff	30.0
Haines	Walker Lake Trail	FI	Construct trail and provide skiff on lake	20.0
PWI	Harris River Ramp	FB	Construct launch ramp near Hydaburg highway bridge	20.0
Petersburg	Ohmer Creek Ramp	SB	Construct launch ramp at abandoned log transfer site (Olson's Landing)	150.0
Juneau	Auke Lake Ramp	FB	Construct launch ramp in existing right-of-way between parking lot and lake shore	80.0
Sitka	Sealing Cove Ramp	SB	Lengthen existing ramp to elevation - 4 MLLW	25.0

SOUTHEAST (REGION I)
cont.

LOCATION	TITLE	TYPE	DESCRIPTION	COST
Juneau	North Douglas Ramp	SB	Add a tie-up float to existing launch ramp	500.0
Sitka	Blue Lake Ramp	FB	Construct a marine railway type of launch near dam	40.0
Ketchikan	Margaret Lake Cabin	FI/B	Construct cabin to improve utilization of enhanced stock	30.0
Ketchikan	Perserverance L. Cabin	FI/B	Construct cabin and provide skiff for fly-in anglers	30.0
Ketchikan	Smugglers Lake Cabin	FI/B	Construct cabin and provide skiff for fly-in anglers	30.0
Ketchikan	Bostwick Lake Trail and Cabin	FI	Repair trail and construct cabin	40.0
Ketchikan	Ward Lake Ramp & Trail	FB	Construct gravel launch ramp at USFS campground and trail to Connel Lake dam	75.0
Juneau	Tee Harbor Ramp	SB	Construct launch ramp and parking area at south end of harbor	800.0
Chichagoff Is.	Freshwater Bay Refuge Float	SB	Provide refuge float for marine boaters	75.0
Admiralty Is.	Hawk Inlet Refuge Float	SB	Provide refuge float for marine boaters	75.0
Juneau	Limestone Inlet Refuge Float	SB	Provide refuge float for marine boaters	75.0
Juneau	Admiralty Cove Refuge Float	SB	Provide refuge float for marine boaters	75.0
Ketchikan	Margaret Bay Refuge Float	SB	Provide refuge float for marine boaters	75.0
Petersburg	Woodpecker Ramp	SB	Construct single lane launch ramp for access to Sumner Strait and Duncan Canal	100.0
Ketchikan	Mountain Point Ramp	SB	Replace existing ramp with double lane ramp, float, and breakwater. (Pending transfer of Mental Health land and completion of COE project)	602.0
PWI	PWI Trails and Ramps	FI/B	Construct trail along Klawock River and launch ramps on several lakes	120.0
Ketchikan	Ward Creek Estuary Rehab.	SI	Remove woody debris to improve D.O. levels	100.0
Ketchikan	Thomas Basin Pier	SI	Construct fishing pier or float in mouth of Ketchikan Creek	50.0

SOUTHEAST (REGION I)
cont.

LOCATION	TITLE	TYPE	DESCRIPTION	COST
Ketchikan	Settler's Cove Ramp	SB	Improve existing ramp in State Park	25.0
Ketchikan	Herring Cove Ramp	SB	Construct single lane ramp	150.0
Ketchikan	Harriet Hunt Lake	FH/B	Construct launch ramp and outlet control structure	30.0
Ketchikan	Carlana Lake Ramp	FB	Improve access road and construct gravel launch ramp	125.0
Ketchikan	Peninsula Point Ramp	SB	Construct a marine launch ramp and parking area	160.0
Haines	Mud Bay Ramp	SB	Construct a single lane ramp and parking area	200.0
Wrangell	Fools Inlet Ramp	SB	Construct a short road and minimum standard beach ramp	100.0
PWI	Thorne Bay Ramp	SB	Construct a single lane ramp at mouth of Thorne River	200.0
Juneau	Harris Harbor Ramp	SB	Add a tie-up float to existing launch ramp	50.0
Petersburg	Papkes Landing Float	SB	Add an additional tie-up float to existing mooring.	100.0
Wrangell	Anan Bay Mooring	SB	Install a mooring float near the mouth of Anan Creek	100.0
Petersburg	Ideal Cove Ramp	SB	Construct a short road and minimum standard beach ramp	200.0
Juneau	Amalga Harbor	SB	Dredge channel to make launch ramp usable at extreme low tides	400.0
Sitka	Thornsen Harbor Launch	SB	Construct marine railway type of launch	100.0
SE Alaska	Fish Cleaning Stations	SB/I	Install fish cleaning stations at harbors in Haines, Juneau, Petersburg, Wrangell, Ketchikan, and Sitka	100.0
Juneau	Fish Habitat Restoration	FH	Jordan Creek, Duck Creek, Montana Creek. Clean up streams, restore spawning and rearing habitat, purchase land containing valuable habitat	300.0

ACCESS PROJECTS
SOUTHCENTRAL (REGION 11)

LOCATION	TITLE	TYPE	DESCRIPTION	COST
Wasilla	Caswell Creek	FL	Purchase land for access	160.0
Wasilla	Wasilla Creek	FL	Purchase land for access	75.0
Soldotna	Crooked Creek#2	FL	Purchase additional land for access to Crooked Creek	200.0
Kodiak	Russian Creek	FI	Improve parking area	75.0
Kodiak	Karluk River	FL	Purchase land for access	150.0
Anchorage	Bird Creek	FL	Purchase land for access	150.0
Homer	Anchor River	FL/SB	Purchase land at the mouth of the Anchor River for access to the river and marine fisheries	80.0
Wasilla	Little Willow Creek	FL	Purchase land for access from Parks Highway	200.0
Anchorage	Neil Lake	FL	Purchase land between Neil Creek and Deshka River to insure access to Neil Creek	75.0
Dillingham	Aleknagik	FB	Purchase land and construct parking and launch ramp	300.0
Kodiak	Ayakulik River	FL	Purchase land for access	150.0
Kenai	Cook Inlet Marine Access	SB	Investigate feasibility and construct marine launch ramp on Cook Inlet near Kenai	800.0
Glennallen	Sourdough Creek	FB	Construct launch ramp for access to Gulkana River	400.0
Talkeetna	Goose Creek	FL	Purchase land for access	150.0
Palmer	Willow Creek	FI	Construct boat launch, parking, and other improvements	1000.0
Anchorage	Sand Lake	FB	Purchase land and construct launch ramp	200.0
Anchorage	Moose Creek	FL	Purchase land to provide access to Moose Creek and Deshka River system	20.0
Kodiak	Women's Bay Ramp	SB	Construct launch ramp and parking	225.0
Kenai	Kenai River Park	FI	Improve and add to existing campground facilities	1000.0
Kenai	Funny River	FI	Purchase additional land and construct improvements for access to Funny and Kenai Rivers	1300.0
Soldotna	Union Lake Ramp	FB	Construct Launch ramp and enlarge parking area	90.0

ACCESS PROJECTS
INTERIOR (REGION III)

LOCATION	TITLE	TYPE	DESCRIPTION	COST
Fairbanks	Salcha River	FB	Improve existing launch ramp for access to Clearwater and Tanana Rivers. Purchase haul out site on Tanana River	200.0
Fairbanks	Birch Lake	FB	Improve entrance road, parking area and construct launch ramp	300.0
Fairbanks	Chatanika	FB	Improve entrance road, parking area and construct launch ramp	75.0
Delta	George Lake	FB	Purchase George Lake Lodge site on Tanana River, improve parking and launch ramp, purchase site on lake for haul out	450.0
Delta	Harding Lake Boat Channel	FB	Widen boat channel for launch ramp at state campground	30.0

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

February 24, 1988

MEMORANDUM

TO: All Members
House Finance Committee

FROM: Senator Arliss Sturgulewski
Senate District F

RE: House CS for SB 62 (Finance)
Public Access to Recreational Areas

The proposed CS is designed to address two concerns raised by the Department of Fish and Game. Their first concern was that previous versions of the bill have said, "approximately 20 percent of the funds shall be used to implement the provisions of this section (emphasis added)." The Department had an understandable concern that this might result in a year when they were forced to curtail other worthwhile programs to meet the mandate of approximately 20 percent.

The language is changed on page 2, line 27, to say the commissioner, "shall endeavor to use 20 percent (emphasis added)." This change makes the 20 percent a target rather than a mandate. In years the department does not meet the 20% target, new language on page 3, lines 4 - 8, require the department to submit a report to the legislature telling how

the funds were spent.

Fish and Games second concern was that language they had previously furnished us did not comply exactly with federal requirements for use of the federal funds. Technical revisions have been made in the language on page 2, line, 29 and page 3, lines 1 -4 to correct this problem.

With these changes the Department of Fish and Game joins every other department or organization that has ever testified on this bill in supporting it.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
 Title: Public access to recreation areas. BRU: _____
 Sponsor: Sturgulewski Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Al Adams, Chairman ^{ATA} Phone: 465-3706
 Division: House Finance Committee Date: 4/30/88

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: 2/11/88
Title: Public Access to
Recreational Areas
Sponsor: Strugulewski
Requestor: House Finance

Agency Affected: Natural Resources
BRU: Land & Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Janet Burleson Phone: 465-3400
Division: Land & Water Management Date: 2/11/88

Approved by Commissioner: *Lemigouh* Date: 2-11-88
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Revenue
 Title: Public Access to Recreation BRU: Treasury
 Areas: _____
 Sponsor: Resources Committee Components: _____
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker MB
 Division: Treasury

Phone: 465-2350
 Date: February 16, 1988

Approved by Commissioner: [Signature]
 Agency: Department of Revenue

Date: 2/16/88

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: 2/23/88
Title: An Act related to access to recreation areas
Sponsor: Sturgulewski, et al
Requestor: House Finance

Agency Affected: Fish and Game
BRU: Sport Fish
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Paul Stoltz*
Division: Sport Fish

Phone: 465-4180
Date: 2/23/88

Approved by Commissioner: *Omni Colman*
Agency: Fish and Game

Date: 2-23-88

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

5-0221M ✓
Bradley
2/24/88

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

_____ new language
[] Deleted Language

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IN THE SENATE

HOUSE CS FOR CS FOR SENATE BILL NO. ~~62~~ ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to public access to recreation areas; and providing for an effective date."

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

* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that access to state waters for fishing, hunting, guiding, boating, lodge operation and other recreational uses is very important to the economy of the state. State waters, and public access to those waters, is critical to the interrelated recreation, tourism, guiding and lodge industries. These industries support a large number of small, resident Alaska businesses. Recreational use of state waters is also extremely important to the people of the state. The legislature further finds that many of the state's popular freshwater and marine fisheries are severely overcrowded and that increasing the ease of access to additional waters suitable for recreational uses would enhance the enjoyment by the people, would be beneficial to the economy, and would reduce the overcrowding on the already popular waters.

* Sec. 2. AS 38.05.127 is amended by adding new subsections to read:

(f) Rights-of-way or easements to waterways established under (a)(2) of this section shall be established approximately once each mile unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses or public purposes.

(g) The commissioner may exchange land under AS 38.50 to create access to public water of the state.

[(2) IF The land was purchased with Funds under 16 U.S.C. 777-777K (SPORTFISH RESTORATION ACT AS Amended, reimburse the sport fish Restoration program.]

1 * Sec. 3. AS 38.05 is amended by adding a new section to read:

2 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
3 access fund is established as a special account in the general fund
4 and funds may be deposited into the special account and withdrawn from
5 it as provided in this section. The fund consists of money and inter-
6 est derived under this subsection and contributions from individuals
7 and corporations. The fund shall be invested by the commissioner of
8 revenue. The commissioner of revenue may be reimbursed for actual
9 administrative costs incurred under this subsection by appropriation
10 from the public access fund.

11 (b) Except as provided in (a) of this section, the commissioner
12 shall administer the fund. The commissioner, after public hearings
13 and in concurrence with the commissioner of fish and game, may use
14 money in the fund to develop recreational access, including the pur-
15 chase and lease of land, easements, and rights-of-way to enhance
16 public access to recreational areas.

17 (c) The title to rights of public access to recreational areas
18 obtained by the commissioner vests in the state. The commissioner
19 shall include in the instrument transferring title to the state a
20 clause requiring that the land be used for public access. If the land
21 ceases to be available for public access, the state shall ^{either (1)} pay to the
22 fund the assessed value of the land at that time. ↑

23 ⁽²⁾
24 ^(d) The legislature may appropriate to the fund.

24 * ~~Sec. 4 AS 16.05 is amended by adding a new section to read:~~

25 ~~Sec. 16.05.145. USE OF FEDERAL FUNDS.~~ ^(d) If the state receives
26 funds under 16 U.S.C. 777-777K (Sport Fish Restoration Act), as amend-
27 ed, ^[Approximately] the commissioner of fish and game shall endeavor to use 20 percent
28 of the total federal fund allocation to acquire and develop recre-
29 ational boating and sport fishing access sites. The required state

1 matching share may be obligated from the public access fund.

2 Expenditure of funds received by the state under this section ^{is subject} shall be
3 administered by the commissioner of fish and game under federal regu-
4 lations. In any fiscal year in which the state uses less than 20

5 percent of the funds to implement this section, the commissioner shall
6 submit a report within the first 30 days of the next regular session

7 of the legislature reporting how funds were spent in the preceding
8 fiscal year.

9 * Sec. 4 This Act takes effect immediately under AS 01.10.070(c).
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Alaska's Recreational Boating and Sport Fishing Access Program

The goal of this program is to increase recreational boating and sport fishing opportunities within the state. Although Alaska has thousands of lakes, thousands of miles of rivers, and thousands of miles of coastline, access to fish and wildlife resources is severely restricted by a limited road system and private land holdings. With nearly 250,000 resident and over 100,000 nonresident sport anglers participating in the fishery each year, available access sites quickly become overcrowded and the quality of the experience is degraded.

Currently this program is directed at purchasing land along rivers to provide access for the streamside angler and constructing marine and freshwater boat launch ramps for access to recreational boating opportunities. As the program develops in future years and the basic needs are satisfied, attention will be given to improving existing marginal facilities.

The Federal Aid in Sport Fish Restoration Act has provided funds to the states for research since the early 1950s. This act is commonly referred to as Dingell-Johnson or simply D-J. Funds collected under this act are derived from federal excise taxes on sport fishing tackle and recreational boats and from federal highway fuel taxes on fuel used in boats. The funds are apportioned to the states by a formula that takes into account the number of licensed anglers and the land and water area of the state.

The Wallop-Breaux amendment to the act, which was passed in 1985, increased the amount of money available and mandated that 10 percent of each state's allocation be used for recreational boating access. For Alaska, this means that about seven million dollars are available annually for sport fisheries programs. Each state's preliminary apportionment for FY 88 is shown in Attachment 1. In addition to the mandated 10 percent for boating access, the department budgets a portion of its allocation to angler access projects. The sport fish access budgets for FY 86-89 are shown in Attachment 2.

Federal Aid will provide up to 75 percent of the cost of an eligible project. The remaining 25 percent, called state match, must be made up of nonfederal funds or assets. Usually these are CIP funds appropriated by the legislature from state revenues, but local government funds can also be used. In certain circumstances the value of state or local lands and other assets can be incorporated into the project as in-kind match. This requires that the land or asset be dedicated to the project for the life of the project. The relevance of in-kind match must be determined on a case-by-case basis.

A wide variety of projects can be undertaken through this program. The basic rule is that the primary beneficiary of the project must be the recreational boating or sport fishing public. Projects that benefit commercial, personal use, or subsistence user groups are not eligible for

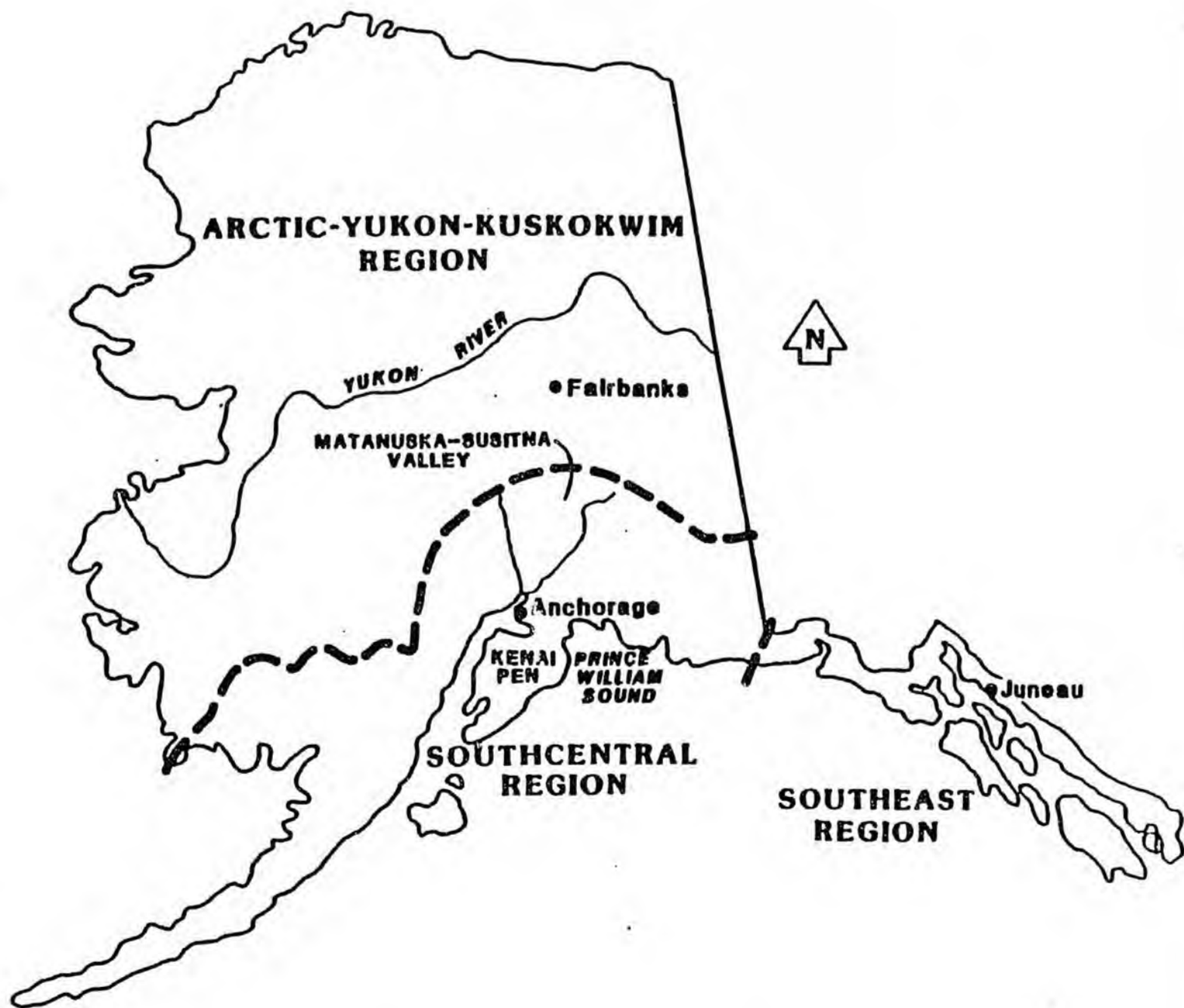


Figure 1. Map of Alaska delineating the three management regions.

funds under this program. Examples of projects include land purchases to provide access for stream and lake anglers, construction of boat launch ramps, construction of fish cleaning facilities, clearing and marking of trails for angler access, and construction of boat moorage facilities. Data collected by department managers through creel surveys, harvest reports, and other means is used to justify proposed projects. Although boating access projects do not have to be justified by fishing use, it has been found that the vast majority of recreational boating in Alaska is associated with sport fishing. Water skiing in forty degree water just has not caught on.

In the short period of time that Alaska's program has been active, over sixty potential access projects have been identified. The individual cost of these projects varies greatly and with no particular relationship to potential benefits. To insure that the most beneficial of these projects receives first consideration, a multi-attribute rating system was designed that uses eleven criteria. In general small, low-cost-per-user projects that help disperse user pressure and that do not cause management or environmental problems are given the highest priority. Due to the small amount of funds available as compared to needs that have been identified, large projects and those that only improve basically adequate facilities are being avoided for the present. The project list is updated annually just prior to establishing the budget for the next fiscal year. New projects are rated and inserted into the list at this time rather than being simply added to the bottom of the list.

Alaska is such a large state and its recreational opportunities are so diverse, the access program must be executed on a regional basis. The portion of angler effort in each of the three regions is presently used as a basis for apportioning the available access funds. The three regions of Alaska are shown in Figure 1.

The Southeast region receives 17 percent of the statewide angling effort and therefore will receive about 17 percent of the available access funding in the long term. Recreational opportunities in this region are primarily oriented towards the marine fishery for salmon and halibut. The freshwater fishery in Southeast streams and lakes is very limited.

The Southcentral region is the most populous and consequently receives the highest angler effort of 72 percent. The vast majority of this effort is directed towards the freshwater rivers and lakes of the Matanuska-Susitna Valley and the Kenai Peninsula. There are excellent marine recreational opportunities in the Lower Cook Inlet and Prince William Sound areas, but these are made inaccessible by distance and a lack of a road system.

The Arctic-Yukon-Kuskokwim region encompasses the largest land area of the three regions but only accounts for 11 percent of the statewide angling effort. This effort primarily occurs in the freshwater streams and lakes that are accessible from the road system around Fairbanks.

Access project expenditures should approach these proportions for each region only in the long term. Each year's budget will vary significantly

See Attachment B

in order to accomplish large projects and to take advantage of land purchase opportunities as they arise. The distribution of access projects for FY 86-88 is shown in Attachment 3.

In the first two years of Alaska's access program, five parcels of land were purchased to open one and a half miles of river to 40,000 angler-days of use; a boat launch facility on a river with two ramps and 400 parking spaces was purchased; one marine launch ramp was completed and funds were committed to two others; and fish cleaning tables were installed in a harbor. For the coming year, work has started on projects that will provide three new boat launch facilities, purchase two parcels of land on freshwater rivers, and make improvements to two existing access sites.

The demand for recreational boating and nonboating facilities in Alaska will continue to grow, and meeting these demands is very important to recreational users. Recreation contributes significantly to Alaska's economic vitality and needs special consideration. It is quite evident from the large number of nonresident fishing licenses sold each year that fishing plays an important role in attracting tourists to Alaska. The Department of Fish and Game's access program will certainly not meet all the state's needs, but it will contribute significantly in meeting recreational demands within the state.

Some projects that are being planned concurrently by the Department of Fish and Game and Parks and Outdoor Recreation are discussed in Attachment 4.

Additional information on this program can be obtained by contacting:

Tom Donek, Access Coordinator
Division of Sport Fisheries
Alaska Department of Fish and Game
P. O. Box 3-2000
Juneau, AK 99802-2000
(907)465-4180

Your suggestions, comments, or requests for assistance are always welcome.

PRELIMINARY APPORTIONMENT OF
FEDERAL AID IN SPORT FISH RESTORATION FUNDS
FOR FISCAL YEAR 1988

	<u>BASE FUNDS</u>	<u>EXPANDED FUNDS</u>	<u>TOTAL</u>
ALABAMA	903,329	925,197	1,828,526
ALASKA	2,685,000	2,750,000	5,435,000 ✓
ARIZONA	1,170,450	1,198,785	2,369,235
ARKANSAS	949,402	972,385	1,921,787
CALIFORNIA	2,685,000	2,750,000	5,435,000 ✓
COLORADO	1,342,585	1,375,087	2,717,672
CONNECTICUT	537,000	550,000	1,087,000
DELAWARE	537,000	550,000	1,087,000
FLORIDA	1,206,174	1,235,374	2,441,548
GEORGIA	1,085,680	1,111,963	2,197,643
HAWAII	537,000	550,000	1,087,000
IDAHO	908,053	930,036	1,838,089
ILLINOIS	1,133,078	1,160,508	2,293,586
INDIANA	845,254	865,716	1,710,970
IOWA	785,058	804,063	1,589,121
KANSAS	795,224	814,475	1,609,699
KENTUCKY	886,994	908,467	1,795,461
LOUISIANA	861,045	881,890	1,742,935
MAINE	537,000	550,000	1,087,000
MARYLAND	537,000	550,000	1,087,000
MASSACHUSETTS	537,000	550,000	1,087,000
MICHIGAN	2,012,768	2,061,495	4,074,263
MINNESOTA	1,941,509	1,988,510	3,930,019
MISSISSIPPI	744,997	763,032	1,508,029
MISSOURI	1,388,777	1,422,398	2,811,175
MONTANA	1,214,569	1,243,972	2,458,541
NEBRASKA	710,202	727,395	1,437,597
NEVADA	826,614	846,626	1,673,240
NEW HAMPSHIRE	537,000	550,000	1,087,000
NEW JERSEY	537,000	550,000	1,087,000
NEW MEXICO	968,745	992,197	1,960,942
NEW YORK	1,359,377	1,392,286	2,751,663
NORTH CAROLINA	780,428	799,321	1,579,749
NORTH DAKOTA	583,150	597,267	1,180,417
OHIO	1,422,883	1,457,329	2,880,212
OKLAHOMA	1,004,231	1,028,542	2,032,773
OREGON	1,285,474	1,316,593	2,602,067
PENNSYLVANIA	1,347,094	1,379,706	2,726,800
RHODE ISLAND	537,000	550,000	1,087,000
SOUTH CAROLINA	607,671	622,382	1,230,053
SOUTH DAKOTA	652,993	668,801	1,321,794
TENNESSEE	955,014	978,133	1,933,147
TEXAS	2,685,000	2,750,000	5,435,000 ✓
UTAH	899,148	920,915	1,820,063
VERMONT	537,000	550,000	1,087,000
VIRGINIA	841,817	862,196	1,704,013
WASHINGTON	1,216,383	1,245,830	2,462,213
WEST VIRGINIA	537,000	550,000	1,087,000
WISCONSIN	1,849,172	1,893,938	3,743,110
WYOMING	820,658	840,525	1,661,183
PUERTO RICO	537,000	550,000	1,087,000
GUAM	179,000	183,333	362,333
VIRGIN ISLANDS	179,000	183,333	362,333
AMERICAN SAMOA	179,000	183,333	362,333
MARIANA ISLANDS	179,000	183,333	362,333
DISTRICT OF COLUMBIA	179,000	183,333	362,333
TOTAL	<u>\$53,700,000</u>	<u>\$55,000,000</u>	<u>\$108,700,000</u>

SPORT FISH ACCESS BUDGET

Fiscal Year	1986	1987	1988	1989 ⁽¹⁾	1990
State Funds ⁽²⁾					
General Fund	\$ 200.0	\$ 100.0	\$ 600.0	\$ 408.0	\$
F&G Fund		100.0			
Federal Funds (Dingell-Johnson)					
D-J Boating	549.0	700.0	805.0	700.0	N/A
D-J Nonboating	640.0	447.0	324.2	524.2	
Total Access	\$1,389.0	\$1,347.0	\$1,729.2	\$1,632.2	
% Access ⁽³⁾	21.0%	16.4%	14.0%	17.5%	

- (1) Estimate based on anticipated allocation of \$7,000.0.
- (2) State Funds do not necessarily equal 25 percent of total access budget for each year due to the use of in-kind match whenever available.
- (3) Percentage of federal Dingell-Johnson allocations used for access projects in each fiscal year.

PT. BRIDGETT SP/COWEE CREEK ACQUISITION:

The Cowee Creek Acquisition will purchase private land along Cowee Creek that lies between the road and the park. Sport Fish development will be limited to a trail and some parking area improvements.

WHISKEY GULCH:

Land ownership at this site is a problem. There is some question whether the access road is on private property or a public right-of-way. The site is also heavily used by commercial and subsistence net fisheries. This would be a good project to let Parks take the lead on and Sport Fish could participate to some degree.

INTERPRETIVE BOARDWALKS:

Fishing access and interpretive boardwalks for an intense fishery like the Kenai are not always compatible. Sport Fish should avoid this project.

KENAI RIVER ACCESS:

Sport Fish has a low priority project to build a ramp and campground at river mile 31. This project would be more acceptable if Parks developed the camping area and Sport Fish only developed the launch ramp.

WILLOW CREEK:

Sport Fish has told Parks and the Mat-Su Borough that Sport Fish will construct a launch ramp and parking area at the mouth of Willow Creek if they build the access road and other camping facilities. This is a multiuse site and Sport Fish should not be expected to pay all development costs.

CHENA RIVER:

Region III (Sport Fish) asked that their project for a ramp on the Chena River at Grange Hall Road be deleted. Sport Fish could participate in a state recreational area project if it can be justified by angler or boater use.

QUARTZ LAKE:

Sport Fish is in the process of adding a second ramp and enlarging the parking area; the work should be completed in the summer of 1989. Parks could expand the campground and other facilities for nonanglers.

MAINTENANCE:

Sport Fish is presently negotiating with Parks for maintenance of sites on the Kenai.

FY 89 PUBLIC ACCESS PRIORITIES

	Est. Costs	Prelim. Rank	Accum. Costs
Paxton Lake ← <i>BLM will probably do</i>	100.0	1	100.0
Trails, Signs, Access Maintenance	50.0	2	150.0
Chatanika River	75.0	3	225.0
Salcha River	200.0	4	425.0
Aleknagik River	300.0	5	725.0
Cowee Creek Feasibility - <i>Co., w/ Ketchikan</i>	15.0	6	740.0
Blue Lake Launch - <i>Sitka</i>	40.0	7	780.0
Birch Lake	150.0	8	930.0
Anchor River	80.0	9	1010.0
Ohmer Creek - <i>Petersburg side of cable anchorage</i>	100.0	10	1110.0
George Lake - <i>Tennant rd. trail</i>	50.0	11	1160.0
Crooked Creek - <i>land plan for new fishing area</i>	125.0	12	1285.0
Moose Creek/Neal Lake	95.0	13	1380.0
Tee Harbor Feasibility -	10.0	14	1390.0
Montana Creek Feasibility - <i>trail</i>	10.0	15	1400.0
Genes Lake -	400.0	16	1800.0
Talkeetna - <i>land on Co. side</i>	200.0	17	2000.0
Cock Inlet Study -	50.0	18	2050.0
Karluk/Ayakulik - <i>land</i>	300.0	19	2350.0
	<u>2350.0</u>		

Preliminary list of projects for FY 89 Sport Fish Access CIP request. Further information on these proposed projects is available from the Sport Fish Division.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Office	BILL NUMBER SB 62	SPONSOR Sturgulewski, et al.
SHORT TITLE OF BILL Access to recreation areas			
DEPARTMENT POSITION Support			
PREPARED BY Norval Netsch	DATE 2/23/88	COMMISSIONER'S SIGNATURE <i>Norval Netsch</i>	DATE 2-23-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Department of Revenue	CONSTITUENT GROUP(S) AFFECTED BY BILL General public, specifically recreational boaters and sport fishers
ORGANIZATIONAL SUPPORT FOR BILL Alaska Sport Fishing Association Alaska Flyfishers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

To assure state retention of public lands along all water bodies during dispatch to private use and provide long-term funding of recreational water access acquisitions.

ANALYSIS OF BILL/PROGRAM EFFECTS

Assures retention of public lands along all waterways for recreational resource use.
Through establishment of "Public Access Fund" assures continuing revenue for public access to aquatic resources.
Establishes legislative intent for use of funds received by the state under the Federal Aid in Sport Fish Restoration Act.

AMENDMENTS PROPOSED

None.
See attached comments.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Department position on SB 62

The Department of Fish and Game supports the legislative intent of SB 62. The establishment of rights-of-way and easements and the exchange of land to create public access will benefit the public at very little cost to the state. Too often state land is disposed of without adequate consideration given to public recreational needs. The establishment of a dedicated funding source for public access purchases will help serve a growing demand in Alaska.

The department will endeavor to use up to 20 percent of the total federal allocation for recreational boating and sport fishing access; however, this figure is viewed as a target and not a mandate. Over the past four years the department has used over 17 percent of federal funds for access projects which clearly indicates the importance that the department places on access. The department will continue to base future access project funding levels on a thorough review of all management, restoration, enhancement and access needs.

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99503

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

January 28, 1988

MEMORANDUM

TO: All Members
House Finance Committee

FROM: Senator Arliss Sturgulewski *AS*
Senate District F

RE: House CS for SB 62 (Resources)
Public Access to Recreational Areas

Senate Bill 62 is designed to help solve the problem of lack of access to Alaska's rivers, streams, and salt water. The bill has zero fiscal notes, passed the Senate unanimously and received unanimous "Do Pass" recommendations from the House Resources Committee.

The findings in the bill emphasize that access to state waters for fishing, hunting, guiding, boating, lodge operation, and other recreational uses is very important to the economy of the state.

Public access to state waters is critical to the interrelated recreation, tourism, guiding and lodge industries. Recreational use of our state waters is also extremely important to the people of the state.

Many of the state's most popular freshwater and marine fisheries are severely overcrowded. Increasing the ease of access, which this bill is designed to do, will increase people's enjoyment, be beneficial to the economy, and reduce overcrowding of some of Alaska's most popular fishing areas.

Attached is a copy of a sectional analysis of the bill. I also feel it is important to point out what the bill does not do.

This bill does not affect private property, there is no eminent domain section in the bill.

This bill does not lock up state land.

This bill does not require appropriations from the legislature.

It does not have any constitutional problems regarding dedicated funds or anything else.

According to the Department of Natural Resources (DNR) and Legal Services, nothing in the bill in any way diminishes the ability of DNR to trade land for other purposes.

What the bill does is - help solve the problem of lack of access to Alaska's rivers, streams, and salt water.

The bill has the support of and a zero fiscal note from the Department of Natural Resources. The Department of Fish & Game has also provided a zero fiscal note and supports the bill though they have indicated concern over one provision. SB 62 is a priority of the Alaska Outdoor Council and the Alaska Sportfishing Association, and is endorsed by the National Rifle Association.

Representatives of the Alaska Miners Association, the Resource Development Council, and the Alaska Environmental Lobby have gone on the record in support of the bill.

SECTIONAL ANALYSIS House CS for SB 62 (Resources)

Section 1 of the bill is findings and intent. The findings emphasizes the importance of access to the state's waters, both fresh and marine.

Section 2 amends AS 38.05.127 ACCESS TO NAVIGABLE OR PUBLIC WATERS, by adding two new subsections.

Subsection 2(f) requires the rights-of-way on easements established by existing law to public waterways be established approximately once each mile unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses on public purposes.

Subsection 2(g) clarifies that "creating access to waters of the state with high value for recreational uses" is a reason for which DNR is permitted to enter into land trades.

Section 3 creates a public access fund. This fund is to be used to develop access, including the purchase and lease of land, easements, and rights-of-way to enhance public access to recreation areas.

Subsection 3(a) creates a fund. The fund consists of contributions from individuals and corporations. The legislature may also appropriate to the fund. The fund is invested by the commissioner of the Department of Revenue.

Subsection 3(b) specifies that the commissioner of DNR, in concurrence with the commissioner of Fish & Game, shall administer the fund.

Subsection 3(c) vests title to rights of public access to recreational areas obtained by the commissioner in the state and mandates a clause requiring the land be used for public access. If the land ceases to be used for access, the state shall either (1) pay the fund the assessed value of the land at that time; or (2) if the land was purchased with federal Wallop-Breaux funds (16 U.S.C. 777-777K Sport Fish Restoration Act), reimburse the federal government.

Subsection 3(d) requires that expenditure of Wallop-Breaux funds under this section is subject to approval of the commissioner of Fish & Game. This is a federal requirement. This subsection also requires that approximately 20 percent of Wallop-Breaux funds be used to develop access.

Subsection 3(e) specifies the legislature may appropriate to the public access fund.

Subsection 3(f) gives the commissioner of DNR authority to adopt necessary regulations.

Section 4 is an immediate effective date change.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MAR 5 1987

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

March 4, 1987

SUBJECT: Public access
[CSSB 62(Resources)]

TO: Senator Arliss Sturgulewski

FROM: Richard A. Bradley
Legislative Counsel

You have requested my comments on two issues arising out of the Senate Resources Committee hearing on CSSB 62(Resources). The two issues are whether the bill title is adequate and whether there is a dedicated fund problem.

In my opinion, neither issue presents a problem.

The title of the bill relates to "public access to recreation areas"; as I understand the question, some members of the committee wondered whether the "public access fund" in sec. 3 of the bill was described by that title. In my view, the section is within the title.

The legislative drafting style in Alaska has, particularly in recent years, been to use a broad title. As the Legislative Drafting Manual suggests, the "title must be broad enough to cover everything in the bill, but it must not be so broad as to lose its function of giving notice of the bill's contents. Conversely, a title that tries to describe each major element of a bill must not be so specific that it fails to cover the minor elements of the bill." [Manual, at 12.]

Thus the view is that the descriptive title requirement of the Alaska Constitution [art. II, sec. 13] is served by the broad inclusive title. We avoid an alternative drafting style that might have described this bill as "relating to public access to recreation areas, establishing legislative findings and intent, permitting the Commissioner of Natural Resources to acquire right-of-ways or easements for access

Senator Sturgulewski
March 5, 1987
Page 2

to recreation areas, establishing a public access fund, permitting the legislature to appropriate to the fund, and for other purposes."

Other states sometimes use that style; we do not. The considered reason for our position is the one suggested in the Manual: That overinclusiveness creates more problems than it solves. The public access fund created in sec. 3 of the bill is contained within a title that relates to "public access."

~~The second question of concern to the committee was the interaction of the public access fund and the general prohibition against the establishment of a dedicated fund.~~

~~The fund in question is admittedly "dedicated" in any real sense of the word -- but it is not prohibited since the source of the fund is not the general revenues of the state. The provisions of art. IX, sec. 7 provide, in part:~~

SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or license shall not be dedicated to any special purpose

The material omitted related to nongermane exceptions to the prohibition.

The language of sec. 7 has no application to funds that are not themselves "the proceeds of any state tax or license"; as you recall, the Supreme Court instructed us to read those words broadly in State v. Alex, 646 P.2d 203 (Alaska 1982). However, since the funds are not in any sense the proceeds of a tax or license levied by the legislature, the dedicated fund prohibition can have no application.

Note that when the state makes a contribution to the fund under Sec. 38.05.874(e) as would be enacted in sec. 3 of the bill, the funds have been appropriated. The dedicated fund prohibition has no application to sec. 3 of the bill.

If I may be of further assistance, please advise.

RAB:mkr
m9/092

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1798
PHONE: (907) 465-2400

May 12, 1987

The Honorable Adelheid Herrmann, CoChair
The Honorable Sam Cotten, CoChair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: SB 62 - Creation of a public access fund and providing for public access to recreation areas.

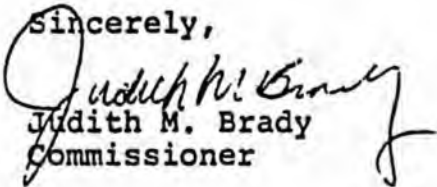
Response: The department supports the creation of a public access fund as described in this bill and the concurrent recognition that access to public water is important to the economy and the people of the state. The provision of this bill that allows Alaskans to contribute directly to the public access fund is an excellent idea.

Section 4 confirms the department's understanding that exchanges are one tool available for access acquisition.

Section 2 reinforces current department policy which requires reservation of periodic access routes to public waters when land is offered for private ownership. It also provides sufficient flexibility for waiving the requirement when it does not serve the best interests of the public.

Recommendation: The department urges passage of SB 62.

Sincerely,


Judith M. Brady
Commissioner

cc: House Resources Committee Members
Senator Sturgulewski
George Sullivan
Rod Swope

SFI bulletin



FEB 20 1986

SPORT FISH DIVISION
HEADQUARTERS

"The Quality of Fishing Reflects the Quality of Life"

THE SPORT FISH RESTORATION PROGRAM STATUS AND SFI CONCERNS

Acct. Clk.	
Secretary	
January	February 1986
File	

Introduction

The Federal Aid Division of the U.S. Fish and Wildlife Service (USFWS) recently announced that \$122,167,000 was deposited in the Wallop-Breaux Fund during fiscal year 1985 (October 1, 1984 to September 30, 1985).

The Wallop-Breaux Amendments to the Federal Aid in the Sport Fish Restoration Act of 1950 (Dingell-Johnson) not only established the new Fund, but also modified and expanded two programs administered by the federal government—the Boating Safety Program, which is administered by the Department of Transportation, and the Sport Fish Restoration Program, which is administered by the Secretary of the Interior through the USFWS's Federal Aid Division. A notable example of the user benefits, user pays concept, monies are deposited in the Fund from three primary sources: a manufacturer's excise tax on fishing equipment (10 percent on most tackle items and 3 percent on trolling motors and certain types of fish finders); a portion of the federal tax on motorboat fuel; and import duties on fishing equipment, pleasure boats, and yachts. The Sport Fishing Institute initiated a Sport Fish Restoration Overview Project to monitor and evaluate progress on implementation of the Sport Fish Restoration Program and offers the following as a first year report.

History

The high expectations that fishery conservationists hold for the Sport Fish Restoration Program is reflected in their long and arduous battles for the 1950 Act and the more recent Wallop-Breaux Amendments.

Congressman Frank Buck (California) introduced into Congress the earliest precursor of the Federal Aid in Sport Fish Restoration legislation in 1939 modeled after the successful, popular Federal Aid in Wildlife Restoration Act of 1937. It was not until 1950 that the efforts of Congressmen John Dingell (Michigan), Edward Johnson (Colorado), members of the fishing tackle industry, and fishery conservationists worked together to bring about the Federal Aid in Sport Fish Restoration Act, popularly called the Dingell-Johnson (D-J) Act. Twenty-eight years later, in 1978, a new campaign was launched to expand the Act. But many roadblocks had to be overcome before the expansion was made palatable in the Wallop-Breaux Amendments and passed six years later in 1984. Due in large measure to the work of Senator Malcolm Wallop (Wyoming) and John Breaux (Louisiana), with assis-

tance from fishery conservationists and boating organizations, these obstacles were overcome. Finally, the Wallop-Breaux Amendments to the Act were not a year old before the federal Office of Management and Budget (OMB) proposed to withhold about two-thirds of the Wallop-Breaux Fund monies and undercut the legislation by changing its important permanent appropriations provision to an unstable annual appropriation mechanism. Proponents rallied to defeat this proposal in the fall of 1985, preserving all the provisions of the legislation.

Attention is now centered on the Federal Aid Division of USFWS and the state fishery agencies. The challenge of Wallop-Breaux now rests with more state and federal implementation of the program to develop more and better sport fishing opportunities, while proving that the USFWS anglers and boaters are getting their money's worth.

Sport Fishing Industry Concerns

The Sport Fishing Institute and the sport fishing industry have an abiding interest in the administration and implementation of the Sport Fish Restoration Program. This interest exists for two reasons. First, the goals of the Program and SFI are extremely similar. The stated mission of the Wallop-Breaux Amendments to D-J is that the federal government "shall aid the states in fish management and restoration projects," "where fish conservation and management projects" shall be conducted in those projects designed for the restoration and management of all species of fish which have material value in recreation with sport or recreation in the marine and/or fresh waters of the United States. . . . This is similar to SFI's goal which is to develop more and better sport fishing opportunities through the application of fishery science and prudent fishery management. Second, SFI and the sport fishing industry have played major roles in the development of the Wallop-Breaux legislation. SFI was a staunch advocate for the creation of the D-J Act in 1950, a leader in the long battle to enact the Wallop-Breaux Amendments, and an avid defender of the new legislation against OMB attacks in 1985.

Due to the large stake that it has in the Sport Fish Restoration Program, SFI has conducted the Overview Project this past year and will continue the project into the future. The goals of the Project are to make SFI an effective watchdog and supporter of the Program to ensure that the Program's constituency (anglers, boaters, and industry) receive maximum benefits from Wallop-Breaux Fund dollars.

Boating and Fishing Access

Wallop-Breaux Amendments require that the states spend at least 10 percent of their annual apportionment on development of boating access. Many states plan on spending more than the mandatory amount to build new access areas or to upgrade existing ones. For example, Delaware will be refurbishing several existing coastal boating access facilities. Florida will renovate up to 20 existing sites and will construct at least three new boating access facilities each year. Iowa has an ambitious blueprint that includes construction of boating access, ten fish cleaning facilities in major state parks, and five fishing piers at large recreational areas within the state. In general, large, productive facilities, such as Ohio's newly opened Sandusky Bay boating and fishing access area on Lake Erie, built with \$700,000 of D-J funds (see SFI BULLETIN No. 370, November-December, 1985), will be more commonplace in the coming years.

SFI was an ardent supporter of the boating access provision and has been monitoring it closely. Approximately \$50 million of motorboat fuels taxes will be part of the total \$122 million available to states in fiscal year 1986. Clearly, boaters and anglers who use boats are responsible for a large share of Wallop-Breaux funds, and therefore should receive substantial access benefits. SFI has long advocated the wise use of access development to disperse angling pressure to improve angling quality. This is especially true in the case of large, productive facilities, such as Ohio's newly opened Sandusky Bay boating and fishing access area on Lake Erie, built with \$700,000 of D-J funds (see SFI BULLETIN No. 370, November-December, 1985), will be more commonplace in the coming years.

Aquatic Education

The Wallop-Breaux Amendments provide states with an option to spend up to 10 percent of their annual apportionment on aquatic education projects. Many states, including Florida, Kansas, New Mexico, and Delaware, will use this opportunity to initiate new education efforts. Even the new and growing District of Columbia fishery program is preparing to use Wallop-Breaux Fund monies on a project that will teach District youth the fundamentals of resource management (the Amendments provide the District with monies, one-third of one percent of the Wallop-Breaux Fund, for the first time).

The education provision affords states a great chance to upgrade and develop their education activities. SFI advocates sound planning of education projects to best meet the needs of individual states. SFI also believes that states should use Wallop-Breaux funds to achieve a balanced program of education, research, and habitat improvement.

Research

In the past, the states have used substantial amounts of their Dingell-Johnson monies on essential fact-finding activities. The Sport Fish Restoration Program will continue to fund significant state research, with some interesting new twists. For example, Alaska will gather data for the first time on its world class rainbow trout fisheries in Bristol Bay and the Kenai River. Iowa will survey statewide angling participation and assess the economic value of its fisheries. Missouri and Kentucky each plan on expanding their computer capa-

bilities to enable their managers to better store, access, and evaluate fisheries data. Several coastal states plan on committing Wallop-Breaux funds and state resources to augment the National Marine Fisheries Service's (NMFS) Marine Recreational Fishery Statistics Survey to obtain better estimates of angler participating and harvest.

Program criticism since the inception of the D-J Program in 1950. Critics have viewed D-J as a research-only Program, much of which was thought to be repetitive exercises of little value to fishery management.

SFI realizes that surveys, inventories, evaluations, and other forms of research are vital to well rounded state fishery programs. Yet it must be emphasized that Wallop-Breaux research is mandated by the following:

Sec. 2(a) "... research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources; (b) The acquisition of such facts as are necessary to guide and direct the regulation of fishing by law, including the extent of the fish population, the drain on the fish supply from fishing and/or natural causes, the necessity of legal regulation of fishing, and the effects of any measures of regulation that are applied;"

To address the problem of poor perceptions of research by Program critics, SFI believes that states must clearly show in all project documentation (proposals, progress reports, and final reports) how their research activities are tied to their sport fishery management objectives.

Other Development Activities

New public fishing lakes are other great benefits of the Program. Georgia has begun work on the first new lake that is part of an exemplary 30-year plan to build ten new lakes in areas of the state where fishing pressure is high, but fishing opportunities are scarce. Many states will spend substantial portions of their Program allocations over the next few years on fish culture-enhancing projects. Virginia plans to refurbish antiquated warm water fish hatcheries, and Minnesota plans to upgrade its walleye rearing facilities. Nevada will be building a new \$6 million coldwater facility that will be capable of producing 1,000,000 trout per year. Montana has begun work on renovating and enlarging a warm/cool water hatchery at Miles City at an estimated cost of \$4.9 million. Some southeastern coastal states have expressed an interest in artificial reef development through Wallop-Breaux. California, North Carolina, Louisiana, and Florida are all investigating future reef plans and projects for both fresh and saltwater applications. These new projects will be funded at least in part with Wallop-Breaux Fund monies.

The above development projects are not panaceas for fish restoration and enhancement in the states: there are no substitutes for solid fisheries management, research, and habitat improvement activities. Yet these activities are vital for two reasons. First, the end products of each will unquestionably enhance sport fishing opportunities. Second, these construction projects provide important tangible benefits to user groups which should aid state agencies in building constituency support. Therefore, judicious use of Program funds on these types of projects should be encouraged.

Commitments to the Sport Fish Restoration Program

A fact that must be remembered by all who are concerned about the Sport Fish Restoration Program is that the plans and activities listed above will take time to reach fruition. State and federal administrators of the Program face numerous constraints, not only due to limited resources within their agencies, but also from outside forces acting on their agencies. Some of these constraints include: ~~matching of Wallop-Breaux monies; state hiring ceilings; accounting challenges; and substitution of Wallop-Breaux funds for existing programs~~

Matching of Wallop-Breaux Monies

States must either raise substantial new monies or produce in-kind contributions to provide the ~~in-kind match~~ dollar match that is necessary to use Wallop-Breaux funds. Some states have moved to increase matching revenues in recent years. Delaware recently passed its first resident fishing license increase since 1969. Arizona added a \$2.00 surcharge to its non-resident fishing license in 1983. These actions will help both states considerably in matching Wallop-Breaux funds.

In-kind contributions may include outright donations or the dollar value of donated land, equipment, and volunteer labor. A good example of an in-kind match is the \$1 million that has been donated by the Gulf Coast Conservation Association to assist Texas in matching necessary Wallop-Breaux monies to build a large new addition on to the John Wilson Hatchery in Corpus Christi, Texas.

Several states have indicated that they will have difficulty in raising matching monies. In these states, the political climate is not suitable for raising license fees, general fund appropriations to the state fish agency, or other revenue increasing measures. SFI urges these states to strive to use in-kind contributions as much as possible. In-kind matching appears to hold much promise in helping states utilize fully their Wallop-Breaux Fund apportionments.

State Hiring Ceilings

Several states would like to hire additional fisheries personnel to carry out new projects, but face hiring ceilings imposed by state legislatures. In Virginia, Rhode Island, and California, for example, it will not matter if the state fishery agency can fund the new positions with license fees or Wallop-Breaux funds; at this time, these states are mandated not to put anyone else on the payroll. SFI urges states facing hiring ceilings to make prudent use of sub-contracting projects to private firms or universities to overcome state government restrictions.

Accounting Challenges

The new regulations imposed by Wallop-Breaux will add new accounting requirements to the old list of D-J and other federal requirements with which states must comply. To maintain eligibility for receiving Wallop-Breaux funds, states must meet both the old and new requirements, some of which are the following:

1. guarantee that fishing license fees are not being diverted away from their fishery programs;
2. spend at least 10% of each annual apportionment on boating access projects;
3. divide equitably "new" revenues (i.e., Wallop-Breaux revenues over and above those collected from D-J taxes)

~~between marine and freshwater projects~~ based on the proportion of marine and freshwater angler numbers in coastal states:

- document expenditures on each Program-funded project 90 days after the completion of the project; and
- perform a major audit every year on all Program projects within their states.

It is incumbent on states to comply with the accounting requirements of the Wallop-Breaux legislation and other federal regulations which apply. If the state and federal administrators of the Program cannot accurately account for Program expenditures, the entire credibility of the Program will be jeopardized. SFI has learned of several cases where states are remiss or delinquent in conducting audits or accounting for project expenditures and are not in compliance with federal regulations. These situations must be rectified, and the accounting aspect of the Program must be tightened-up.

Substitution of Wallop-Breaux Funds for Existing Programs

This represents one of SFI's greatest concerns for the Program. SFI fears ~~some state and federal officials may attempt to fund existing fisheries and boating programs by substituting Wallop-Breaux funds for existing funding sources.~~ ~~Financially~~ the spirit of the Wallop-Breaux Amendments to the Federal Aid in Sport Fish Restoration Act which requires that "additional funds resulting from expansion of the Sport Fish Restoration Program must be added to existing state fishery program funds and not as a substitute thereof" (from the Final Rule Implementing Amendments to the Federal Aid in Sport Fish Restoration Act, Federal Register, Vol. 50, No. 100, Friday, May 24, 1985). States must comply with this regulation, not only to maintain Program eligibility, but also to act in good faith to put the new monies to the uses intended by Congress. ~~At the federal level,~~ Wallop-Breaux funds ~~must not~~ be substituted for boating access funds from the Land and Water Conservation Fund administered by the Park Service, for the ~~Additional Fish Conservation Program~~ administered by USFWS and the National Marine Fisheries Service (NMFS), for the ~~Marine Recreational Fishery Statistics Survey~~ conducted by NMFS, and other such programs. This too would violate the spirit of the law and would break faith with a the user groups who pay for and benefit from the Program.

Conclusion

The Sport Fish Restoration Program is on course and in action but is not without its problems. To ensure the long-term prosperity of the Program, state fishery agencies must strive to produce maximum, cost-effective benefits from their Wallop-Breaux dollars. Fiscal accountability by the states must be an integral part of the Program. The USFWS should strive to be reasonable and flexible in administering the Program, yet not so flexible as to permit states to be in non-compliance with Program requirements and continue to receive Program funds. Fishery conservation organizations and boating interests must help to guard the Program from being undercut at the federal level. In this regard, the Gramm-Rudman Deficit Reduction measure, recently signed into law by President Reagan, may pose Program supporters with a challenge in protecting Wallop-Breaux from budgetary attacks. OMB or congressional budget cutters may attempt to directly limit full allocation of Wallop-Breaux Trust Fund monies. Another scenario may see Congress keep Wallop-



cc HB 93
HB 18
SB 62

Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

please see next page

February 9, 1987

Governor Steve Cowper
Pouch A
Juneau, AK 99811

Dear Governor Cowper:

RE: LEGISLATIVE PRIORITIES

The Alaska Sportfishing Association is a statewide organization headquartered in Anchorage. We currently have approximately 2,000 individual members and 135 business members. This organization stands ready to work cooperatively with you for good resource legislation.

Since we publish a monthly newsletter, we regularly pass along information to our members about resource and sportfishing issues. We feel we can assist your administration in disseminating information to sportfishing interests. We have worked with ADF&G in the past to this end.

We appreciate your support for the sportfishing industry as evidenced by your answers to our questionnaire last July. We understand the difficult job that you and the legislature face this session determining the course this great state must take for continued progress under a greatly restricted budget. This restriction may have a major impact on our short and long-term future. Thus our legislative priorities for 1987 address legislation that is important to the economic future of this state, but legislation without cost to the General Fund of the state.

All three of the Alaska Sportfishing Associations' legislative priorities address an important step forward in the necessary expansion of recreational fishing for Alaskans, and of Alaska's fledgling tourism industry of which recreation fishing is the major drawing card. As you have identified, development and expansion of this one industry will lead to increased trade with Pacific Rim and other countries. There are many actions that need to be taken to improve our ability to attract and provide suitable facilities for Alaskans, as well as U.S. and foreign tourists. The following are important steps forward and are our top priorities:

Governor Steve Cowper
Page 2
February 9, 1987

1. Passage of HB 93 to create an effective Recreational Rivers system that will protect both the fishery and environmental resource of six rivers in the Susitna drainage. Members of our organization will be in contact with legislators to work out details and work for passage. This legislation is of top priority to just about every outdoor and environmental organization in the state.
2. Passage of legislation which creates an effective public access acquisition and/or development program. Passage of SB 62 (and SB 26) will go a long way toward making possible the acquisition of critically needed public access sites and/or development of those sites. This legislation will not result in any General Fund expenditures. These bills raise the percentage of Federal Aid Breaux-Wollop funds which must be committed to access from 10 percent to 20 percent. The Breaux-Wollop funds are generated at the federal level by a tax on certain fishing items, and the funds must be used for sport fish projects. Since those funds are generated by sportfishermen, the sport fishing community should have a strong hand in deciding how they should be spent. Sport fishermen strongly support SB 62 and SB 26.
3. Passage of legislation to establish the Willow Creek State Recreational Area. HB 18 is enabling legislation which jointly involves Mat-Su Borough and state lands. It is not a duplication of the Recreation Rivers Bill mentioned above and will go a long way toward long-term protection of the Willow Creek area and access to a series of Susitna Drainage salmon and trout fisheries.

We wish you, your administration, and the 1987 legislature the best in your endeavors.

Sincerely,

Alaska Sportfishing Association
Legislative Committee



Robert L. Hunter, Chairman



Russ Redick



Jeff Parker



Virginia Hilliker



Jim Richardson

cc: Each Legislator
Commissioner, ADF&G
Commissioner, DNR
Alaska Outdoor Council

Kenai River Sportfishing Association
Mat-Su Valley Sportsmens Association
Alaska Professional Guide Association
Resource Development Council



Alaska Boating Association

P.O. Box 210430
Anchorage, Alaska 99521

INTRODUCED BY: Donald E Sherwood

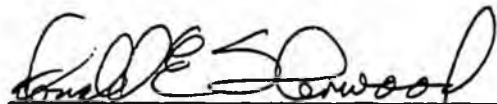
RESOLUTION Serial Number 87- 001

Whereas, Senate Bill (SB)62, Public Access "An Act Relating to Public Access to Recreation Areas," which is sponsored by Senator Sturgulewski.

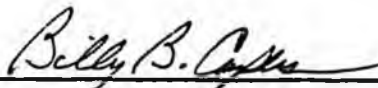
Now therefore, be it resolved by the ALASKA BOATING ASSOCIATION:

Acknowledge and support SB62 as written to encourage and develop public access to inland lakes and waterways.

PASSED and APPROVED by the ALASKA BOATING ASSOCIATION This 12 Day of October 1987.


DONALD E SHERWOOD, PRESIDENT

ATTEST:



(13) "park and recreation land" means land chiefly valuable for public park and recreation use;

(14) "preference right forest lease" means a lease granted to a lessee whose United States Forest Service term special use permit was cancelled to allow the land under permit to be selected by the state;

(15) "preference right grazing lease" means a grazing lease granted to a lessee whose federal grazing lease was cancelled to allow the land under lease to be selected by the state;

(16) "public water" means navigable water and all other water, whether inland or coastal, fresh or salt, that is reasonably suitable for public use and utility, habitat for fish and wildlife in which there is a public interest, or migration and spawning of fish in which there is a public interest;

(17) "rule of approximation" is the rule which is applied in determining whether or not a lease complies with the area limits set forth in this chapter and regulations adopted under it and in keeping the boundaries of leased land coincidental with legal subdivisions: under the rule, if the area covered by a lease in excess of the permitted maximum is smaller than the area of any deficiency that would result by eliminating from the lease the smallest legal subdivision covered by the lease or application for lease, the excess area will be permitted to remain in the lease; if the excess area is greater than the deficient area would be, then the smallest legal subdivision will be eliminated from the lease;

(18) "shoreland" means land belonging to the state which is covered by nontidal water that is navigable under the laws of the United States up to ordinary high water mark as modified by accretion, erosion, or reliction;

(19) "state land" or "land" means all land, including shore, tide and submerged land, or resources belonging to or acquired by the state;

(20) "submerged land" means land covered by tidal water between the line of mean low water and seaward to a distance of three geographical miles or further as may hereafter be properly claimed by the state;

(21) "tideland" means land which is periodically covered by tidal water between the elevation of mean high and mean low tides;

(22) "timber land" and "material land" mean state land chiefly valuable for materials, including, but not limited to, sand, stone, gravel, pumice, common clay, or timber and other forest products;

(23) "university land"

(A) means

(i) all sections 33 reserved to the university under 38 Stat. 1214, as amended;

(ii) all land granted to or reserved for the benefit of the university that retains its designation as university land;

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99504

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate



SB 62 - PUBLIC ACCESS TO RECREATIONAL AREAS

In 1987, 370,000 anglers fished in Alaska. Angler expenditures in Alaska, in 1986, were estimated to have been over \$200 million. Multiplier effects turned these expenditures into gross business revenues in Alaska of approximately \$350 million, 5,000 full-time jobs, and \$115 million in personal income.

Ironically, in our huge state, many anglers principal complaint is crowded fishing conditions. Anglers crowd the banks of popular rivers and streams, while other waters with fishing just as good are empty because of the difficulty of access.

SB 62 has zero fiscal notes and is a good partial solution to the access problem. It is supported by the Alaska Outdoor Council, the Alaska Sport Fishing Association, the National Rifle Association, the Resource Development Council, The Alaska Environmental Lobby, and the Alaska Miners Association.

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 62 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to public access to recreation
7 areas; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds
10 that access to state waters for fishing, hunting, guiding, boating, lodge
11 operation and other recreational uses is very important to the economy of
12 the state. State waters, and public access to those waters, is critical to
13 the interrelated recreation, tourism, guiding and lodge industries. These
14 industries support a large number of small, resident Alaska businesses.
15 Recreational use of state waters is also extremely important to the people
16 of the state. The legislature further finds that many of the state's
17 popular freshwater and marine fisheries are severely overcrowded and that
18 increasing the ease of access to additional waters suitable for recreation-
19 al uses would enhance the enjoyment by the people, would be beneficial to
20 the economy, and would reduce the overcrowding on the already popular
21 waters.

22 * Sec. 2. AS 38.05.127 is amended by adding new subsections to read:

23 (f) Rights-of-way or easements to waterways established under
24 (a)(2) of this section shall be established approximately once each
25 mile unless the commissioner makes a written finding that regulating
26 or limiting access is necessary for other beneficial uses or public
27 purposes.

28 (g) The commissioner may exchange land under AS 38.50 to create
29 access to public water of the state.

1 * Sec. 3. AS 38.05 is amended by adding a new section to read:

2 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
3 access fund is established as a special account in the general fund
4 and funds may be deposited into the special account and withdrawn from
5 it as provided in this section. The fund consists of money and inter-
6 est derived under this subsection and contributions from individuals
7 and corporations. The fund shall be invested by the commissioner of
8 revenue. The commissioner of revenue may be reimbursed for actual
9 administrative costs incurred under this subsection by appropriation
10 from the public access fund.

11 (b) Except as provided in (a) of this section, the commissioner
12 shall administer the fund. The commissioner, after public hearings
13 and in concurrence with the commissioner of fish and game, may use
14 money in the fund to develop recreational access, including the pur-
15 chase and lease of land, easements, and rights-of-way to enhance
16 public access to recreational areas.

17 (c) The title to rights of public access to recreational areas
18 obtained by the commissioner vests in the state. The commissioner
19 shall include in the instrument transferring title to the state a
20 clause requiring that the land be used for public access. If the land
21 ceases to be available for public access, the state shall either

22 (1) pay to the fund the assessed value of the land at that
23 time; or

24 (2) if the land was purchased with funds derived under 16
25 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
26 the sport fish restoration program.

27 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
28 Fish Restoration Act), as amended, approximately 20 percent of the
29 funds shall be used to implement the provisions of this section.

1 Expenditure of funds received by the state under this subsection is
2 subject to the approval of the commissioner of fish and game.

3 (e) The legislature may appropriate to the fund.

4 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 62 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

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17 state's popular freshwater and marine fisheries are severely overcrowded
18 and that increasing the ease of access to additional waters suitable for
19 recreational uses would enhance the enjoyment by the people, would be
20 beneficial to the economy, and would reduce the overcrowding on the already
21 popular waters.

22 (b) It is the intent of the legislature to encourage state programs
23 to develop access to additional waters of the state near the state's major
24 population areas.

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