

**ALASKA LEGISLATURE COMMITTEES 1900-1900**

**3551**

**HRES**

**HB**

**280**

**-**

**HB**

**286**

427



# Alaska Environmental Lobby, Inc.

204 N. Franklin Street, Suite 3 Juneau, Alaska 99801

907-586-2345

March 25, 1985

Representative Mike Navarre  
Pouch V  
Juneau, Alaska 99811

Dear Representative Navarre:

Congratulations on your recent introduction of HB 280, "An Act creating the Anchor River and Fritz Creek Critical Habitat Area." This proposed legislative designation would maintain critical moose wintering grounds, protect important riparian and fur bearing habitat, protect popular recreational opportunities on the Kenai, and ensure a future water supply for lower peninsula residents.

Protection of relatively undisturbed stream and river bottoms in the lower Kenai is essential to the perpetuation of the area's moose population. Though wide ranging in the summer and fall months, the estimated 2500 moose of the area rely upon only five or six drainages during the winter for the food, cover and diminished snowfall necessary for survival. These streams and rivers, however, are changing quickly as the human population of the Kenai increases. The moose must contend with loss of habitat and associated human uses of the area such as grazing. Without being alarmist, it is safe to say that protection of some of these overwintering areas is necessary for the survival of moose populations in the lower Kenai.

Of course, moose are not the only users of the area. The riparian habitat that support the moose also support a variety of other important species including dolly varden, steelhead, cohos and king salmon. Bald eagles, black and brown bear, and fur bearing animals like mink, coyote, wolf, river otter and beaver utilize the area as well.

Alaskans would stand to benefit from the proposed designation also. Recreational uses of the area would be encouraged under critical habitat management. Skiing, hiking, hunting, fishing, trapping, wildlife viewing and photography would all be proper uses of the area, subject to ADF&G's protection of the wildlife habitat. (Salmon sportfishing, for instance, is already prohibited in the area). The area is currently widely used for these activities and these uses would be enhanced under critical habitat designation.

Finally, parts of the proposed critical habitat area are being considered for a cattle grazing and feedlot operation. This would threaten both moose habitat and a watershed identified as important by the cities of Homer and Katchemak. Creating the Anchor River and Fritz Creek Critical Habitat Area makes good sense: it means that future generations of Alaskans on the Kenai will be able to enjoy a healthy moose population; and the cities of Homer and Katchemak will be ensured a future source of drinking water. The Alaska Environmental Lobby--on behalf of 19 conservation groups statewide-- is pleased to endorse HB 280.

Sincerely,  
*Scott Highleyman*  
Scott Highleyman  
Executive Director

cc: Rep. Peter Goll

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB  
KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY  
DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY  
KENAI PENINSULA AUDUBON SOCIETY • KOJIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDERNESS GUIDES ASSOCIATION  
SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL

# MEMORANDUM

# State of Alaska

TO: Tom Hawkins, Director  
ADNR/Div. of Land & Water Mgmt.  
Anchorage

DATE: \_\_\_\_\_

FILE NO: \_\_\_\_\_

ATTN: Russell R. Cunningham, Jr.  
Natural Resource Manager

TELEPHONE NO: 267-2284

FROM: Dennis D. Kelso, Deputy Commissioner

SUBJECT: Reclassification and  
Conveyance - ADL# 53853,  
206347, and 206348

BY: Dimitri B. Bader *DB*  
Habitat Biologist  
Habitat Division  
Anchorage

*Sent out Jan 8<sup>th</sup>  
According to Kelso's office*

The Alaska Department of Fish and Game (ADF&G) has reviewed the proposed reclassification and conveyance. The department opposes the reclassification and conveyance of that portion of the proposed action referred to as unit two (map attached) based on the need to protect important moose winter range occurring there, even though these lands are currently under lease for grazing. Neither Fritz and/or Beaver Creek drainage supports vegetation suitable for grazing. Beaver Flats is composed of open heath with a high percentage of low willow; the headwaters of Fritz Creek are characterized by open stands of Sitka spruce and white spruce which have a dense understory of willow. These areas would have to be drained, cleared and planted to grass to make them suitable for cattle grazing. Such intensive pasture development would eliminate moose winter forage.

It is our understanding that an ad hoc committee of Homer residents have submitted draft legislation to local legislators proposing the establishment of this land as a critical habitat area (see attached map). This area has long been recognized as important winter range for moose on the southern Kenai Peninsula. Approximately 300 to 500 moose use the area each winter, depending on winter severity. The area's importance takes on added significance due to the fact that virtually no overwintering of moose occurs on the Kenai National Wildlife Refuge in game management subunit 15C. With the exception of the proposed critical habitat area, most southern Kenai Peninsula moose winter range occurs on private land where residential, commercial and agricultural development will most likely occur. In addition to moose, the proposed critical habitat area provides habitat for brown and black bears, several species of furbearers, numerous nongame species and spawning/rearing habitat for salmon and trout. This area receives considerable recreational use including hunting, trapping, wildlife viewing and photography, snowmachining, skiing, and hiking.

We recommend that alternative lands be identified for conveyance to the University if a conveyance is necessary. Last July, our department discussed a proposed reclassification of certain lands within the Deep Creek Management Area with Pat Beckley of your Southcentral Regional Office. This proposal identified grazing lands based on recent Soil Conservation Service (SCS) findings. Since the state has expressed the intent of managing a portion of the Deep Creek lands for grazing, the possibility exists that some lands here may be suitable for conveyance.

We recommend that staff from our two departments meet and jointly review land status on the southern Kenai Peninsula to identify alternative lands for conveyance. In the event the Deep Creek lands are determined to be unsuitable, we could support the conveyance of other state lands if they have real capability for grazing and do not contain regionally important wildlife habitat.

Thank you for the opportunity to comment. If you have any questions please don't hesitate in contacting this office.

cc: D. Timm  
G. Bos  
D. Holdermann  
S. Logan  
R. Redick

Attachment

# Moose winter food supply threatened

## Biologist, citizens' group want to establish Peninsula habitat area

By RONNIE CHAPPELL  
Daily News reporter

The continued destruction of critical winter feeding areas could decimate the moose population on the southern Kenai Peninsula, state biologists warn.

One of the biologists and a citizens' group want to set aside an area of the Peninsula to assure the moose have a sufficient winter food source.

Residential subdivisions and agricultural development are fast gobbling up the lowland, willow forests on which moose depend for winter browse. Once these feeding areas are destroyed they can never be replaced, said Dave Holderman of the Alaska Department of Fish and Game.

None of the winter feeding areas south of Tustumena Lake lies within the boundaries of the Kenai National Wildlife Refuge, Holderman said. Almost all are on private land "that is being developed at a pretty rapid pace."

This shrinking winter range now represents less than 10 percent of the acreage foraged by the giant ungu-

lates in the spring, summer and fall, Holderman said.

It also is the factor that will determine the size of the area's moose population in the future. If moose don't survive the winter, they can't reproduce in the spring he said.

To prevent the complete destruction of the winter range, Holderman and an ad hoc citizens' committee from the Homer area have proposed creating a 19,000-acre critical habitat area that includes parts of the Anchor River and Fritz Creek drainages.

Population densities as high as 23 moose per square mile have been recorded in the area. All of the land is owned by the state.

"This is the last opportunity to set aside a big portion of public land for the benefit of the wildlife populations on the southern Peninsula," Holderman said.

If approved by the legislature, the habitat area would be managed by the state Department of Fish and Game. People could still hunt, fish, trap, hike, camp, ski and

snowmachine in the area, Holderman said, but residential and agricultural development would not be allowed.

The plan is a controversial one.

Many of the people who support it see it as a way to block the development of a major cattle export project in the Homer area. A similar tactic was used in the late 1970s to prevent oil exploration in Kachemak Bay.

According to Holderman, the critical habitat area was not conceived as a reaction to the cattle export venture. Work on the plan began in 1981, he said. "We were hoping to get a proposal to the 1985 legislature, which we have done. This other issue came up in the meantime."

The "other" issue is a 3,000-acre grazing lease in the Fritz Creek drainage that almost everybody wants.

The University of Alaska wants title to the land so that it can lease the property to Han-A Samick America Corp., a Korean firm, that says the land is crucial to its plans to raise and export 10,000 head of cattle a year.

The cities of Homer and Kachemak want the drainage preserved as a possible municipal water source. The Kenai Peninsula Borough and the Seldovia Native Association have expressed an interest in owning the land.

Fish and Game, Holderman and the citizens' committee would like to see the tract included in the proposed critical habitat area.

Earlier this month, the state decided to transfer ownership to the borough. But now borough officials say they don't want the land if its use is going to be limited by restrictions placed in the title. University officials say there's a good chance they will appeal the decision.

"It's unfortunate the timing has occurred like this," said homesteader Bob Moss who serves on the ad hoc task force. "No one on the committee has taken a stand, one way or the other."

Instead, he said, task force members oppose the destruction of irreplaceable moose habitat for the sake of a grazing operation that could take place on other state land.



# CITIZENS FOR RESPONSIBLE LAND USE

Co-Chairmen:  
Roberta Highland  
235-8214 (home)  
235-5223 (work)

Michael Sheppard  
235-7486 (home)  
235-5397 (work)

P.O. Box 15227 • Fritz Creek, Alaska 99603

## MEMBERS

Roberta Highland - Co-Chairperson 235-8214 (hm); 235-5223 (wk)  
Michael Sheppard - Co-Chairperson 235-7486 (hm); 235-5397 (wk)

## OBJECTIVES

1. We support the conveyance of the 80 ac. Olson Mountain parcel to the university of Alaska, along with a covenant that limits it to its historic use as an experimental station.
2. We support the Kenia Peninsula Critical Habitat task force and their proposal (to be put before the legislature) to define some 19,000 acres in the Anchor River, Beaver Flats, and Fritz Creek Valley area as Critical Moose Habitat. Public opinion is essential to the passage of this legislation.
3. We support responsible use of wetlands and recognize that the property commonly known as the Red Meat Farm and its associated wetlands are not suitable for intensive grazing or large scale feedlot.
4. We support the development of the 80 ac. Red Meat Farm as a community or, preferably, four year college.
5. We support the maintenance of the Fritz Creek/Beaver Flats/Anchor River areas as watershed, *if it is not used for industrial use & all other studies have been exhausted. for an alternative water supply.*

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 85-33

A RESOLUTION ENDORSING HOUSE BILL 280 "AN ACT CREATING THE ANCHOR RIVER AND FRITZ CREEK CRITICAL HABITAT AREA".

WHEREAS, the City of Homer has an interest in preserving the Fritz Creek Watershed for future use as a water supply for residents of the Southern Kenai Peninsula; and

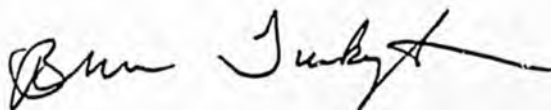
WHEREAS, the City has an interest in preserving areas for wildlife habitat; and

WHEREAS, the City has an interest in protecting and preserving certain lands for public access and public recreation purposes;

NOW THEREFORE, the City endorses House Bill 280 "An Act creating the Anchor River and Fritz Creek Critical Habitat Area";

DATED, at Homer, Alaska this 25<sup>th</sup> day of March, 1985.

CITY OF HOMER



Wayne Kessler, Mayor

ATTEST:

Kathleen Herold  
Kathleen Herold, City Clerk

March 29, 1985

Dave Vanderbrink, Chairman  
Kenai peninsula Critical Habitat Task Force  
Box 1236  
Homer, Alaska 99603

Dear Mr. Vanderbrink:

In a meeting held March 22, 1985 the officers and board of directors voted unanimously to support HB #280.

The International Moose Federation feels that any use of this land other than preservation for the use of wild life on the Southern portion of the Kenai Peninsula would cause a permanent decline in opportunities for recreational use of our wildlife resources and water quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan O. Smith", with a long horizontal flourish extending to the right.

Stan O. Smith  
President  
International Moose Federation



Homer Soil Conservation Sub-District  
P.O. Box 415 · Homer, Alaska 99603 · Telephone: 235-8177

March 26, 1985

Dave Vanderbrink  
Kenai Peninsula Critical Habitat  
Task Force  
P.O. Box 1236  
Homer, Alaska 99603

RE: Critical Habitat - Anchor River & Fritz Creek Drainage


Dear Dave,

I am writing on behalf of the Board of Supervisors of the Homer Soil & Water Conservation District. As you well know, we have followed your committee's activities with regard to the formulation of the critical moose habitat legislation.

We wish to express our support and encouragement for the ultimate passage of this legislation. On 13 March 1985, we were given ample assurances by you and your committee that the critical habitat designation would allow continued management as a multiple resource, thus allowing open grazing of livestock and associated activities that would not conflict with or deplete the habitat. This assurance eliminated our primary concern.

We therefore wish to, once again, express our support for the critical habitat designation by legislation and hope that your activities will bring a successful conclusion to your efforts.

Sincerely,

  
Pat Marquis  
Chairman

bg

To Whom It May Concern:

Whereas the South Central Regional Council represents 17 Local Fish and Game Advisory Committees and;

Whereas those Advisory Committees are concerned with the moose population in South Central Alaska as well as Game Management Unit 15 C and;

Whereas the South Central Regional Council realizes the critical function of winter moose habitat and;

Whereas the South Central Regional Council understands that development in the Homer area has and will continue to spread and eliminate critical winter moose habitat and;

Whereas this critical habitat must be set aside before development begins in the area where this habitat exists;

Therefore be it Resolved by the South Central Regional Council, at a meeting on March 21, 1985 by unanimous vote, to support the ANCHOR RIVER/FRITZ CREEK CRITICAL HABITAT AREA.

Submitted by:

*Daniel R. Calhoun*

Daniel R. Calhoun  
Vice-Chairman  
South Central Regional Council

HELP ESTABLISH THE ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA

SUPPORT HB 280

The future of a healthy moose population on the lower Kenai Peninsula is being threatened. Moose in this region concentrate during the lean winter months in the lower segments of major river valleys and south-facing benchlands. These areas are unique in providing moose with the essentials for overwinter survival-- an abundant food supply in the form of willow browse, resting and hiding cover, and relief from deep snows. Unfortunately, most moose winter habitat on the lower Kenai Peninsula is privately owned and has been seriously diminished in quality and extent by a rapidly growing human population during the past two decades.

House Bill 280, introduced in the Alaska Legislature on March 13, 1985 by Representative Mike Navarre (D-Kenai) at the request of many Homer-area residents, would provide for the creation of the Anchor River and Fritz Creek Critical Habitat Area. This legislation needs your support.

Important Facts:

1. The winter period is the bottleneck in the moose's annual cycle. Reproductive success and population growth depend on overwinter survival.
2. Moose on the lower Kenai Peninsula are restricted during the winter period to less than 10% of the area that they occupy in summer and fall.
3. Virtually no moose overwinter on the Kenai National Wildlife Refuge south of Tustumena Lake.
4. Substantial amounts of residential and commercial development have already occurred on moose winter habitat at Coho Beach, lower Deep Creek/Niniichik River, lower Anchor River, and the Homer Bench.
5. The Anchor River is important spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden.
6. The Anchor River/Fritz Creek area has been identified since the early 1970's as critical moose winter habitat. The effort to have it legislatively designated began several years ago.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 280  
 Title: Anchor River Critical  
Habitat  
 Sponsor: Navarre and Goll  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected:  
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mike Vediner Phone: 465-2400  
 Division: Land and Water Management Date: March 28, 1985  
 Approved by Commissioner: Robert D. Arnold Date: March 28, 1985  
 Agency: Department of Natural Resources

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

7/1/84

# **CORRECTION**

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

HELP ESTABLISH THE ANCHOR RIVER/FRITZ CREEK  
CRITICAL HABITAT AREA

SUPPORT HB 280

The future of a healthy moose population on the lower Kenai Peninsula is being threatened. Moose in this region concentrate during the lean winter months in the lower segments of major river valleys and south-facing benchlands. These areas are unique in providing moose with the essentials for overwinter survival-- an abundant food supply in the form of willow browse, resting and hiding cover, and relief from deep snows. Unfortunately, most moose winter habitat on the lower Kenai Peninsula is privately owned and has been seriously diminished in quality and extent by a rapidly growing human population during the past two decades.

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5. The Anchor River is important spawning and rearing habitat for king salmon, coho salmon, steelhead/rainbow trout, and dolly varden.
6. The Anchor River/Fritz Creek area has been identified since the early 1970's as critical moose winter habitat. The effort to have it legislatively designated began several years ago.

## House Bill 280:

HB 280 would set aside 19,000 acres as the Anchor River and Fritz Creek Critical Habitat Area. The purpose is to protect and preserve the habitat of the area for wildlife and fish. Traditional uses such as hunting, fishing, recreation, etc. would be allowed, but incompatible uses would be restricted. Specific multiple uses for the area would be determined through the adoption of a management plan developed by ADF&G after public hearings. Existing grazing leases would be unaffected by the designation.

The bill includes these specific provisions:

- (1) The use of Fritz Creek as a water source is protected.
- (2) The possibility of a dam and reservoir on Fritz Creek is reserved.
- (3) The use of inholdings is guaranteed.
- (4) Borough land within the boundaries that is committed to the critical habitat area by the borough is subject to joint management by the state and borough. (All of the 19,000 acres proposed for the area is state-owned except for 3000 acres on the Fritz Creek end which was recently conveyed to the Kenai Peninsula Borough. The conveyance is currently under appeal.)

## How You Can Help:

HB 280 has been referred to the House Resources and Finance Committees for public hearings. The Resources Committee is expected to take it up very soon and may teleconference its meeting to Homer and other sites.

You can let legislators know of your support for the bill by writing them at Pouch V, Juneau, Ak. 99811 or by sending them a free public opinion message by calling 235-7878 (Homer), 262-9364 (Soldotna), or 278-3668 (Anchorage). People at those numbers can inform you of the bill's progress.

The future of a healthy moose population on the southern Kenai Peninsula depends on the availability of large tracts of undeveloped winter habitat. Lands along the upper Anchor River and Fritz Creek represent the last opportunity to preserve a major moose winter range on the lower Peninsula.  
**Urge legislative passage of HB 280!**

prepared by:

Kenai Peninsula Critical Habitat Task Force  
Dave Vanderbrink, Chair  
Box 1236, Homer, Ak. 99603

3/14/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 280  
 Title: Anchor River Critical  
Habitat  
 Sponsor: Navarre and Goll  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected:  
Land and Water Management

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
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700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared By: Mike Vediner Phone: 465-2400  
 Division: Land and Water Management Date: March 28, 1985  
 Approved by Commissioner: *Robert D. Arnold* Date: March 28, 1985  
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Distribution (by Agency preparing fiscal note):

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7/1/84

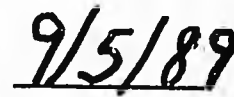


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

HPB

2081

COMMITTEE REPORT  
HOUSE

4/12

Rules

(9)

FURTHER:

3/13/85

Date: April 11, 1985

The Committee on RESOURCES has had HB 281  
"An Act relating to trapping cabin permits."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 281 (Resources)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Shultz [Signature]

Herrmann [Signature]

Cato [Signature]

Jenkins [Signature]

Pearce [Signature]

Thompson [Signature]

Sund [Signature]

Wallis [Signature]

Miller (NP) [Signature]

\_\_\_\_\_

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\_\_\_\_\_

[Signature] Co-Chair

[Signature] CHAIRMAN

**Sec. 38.95.080. Trapping cabin construction permits.** (a) The commissioner may issue a nontransferable permit for the construction of a trapping cabin on state land to a person who meets the following qualifications:

- (1) the person must have an established trapline with proof of regular use;
- (2) the person must have a trapline of sufficient length to justify the need for cabin construction.

(b) Nothing in (a) of this section prevents the director from issuing a permit to more than one qualified person for the construction and use of the same trapping cabin.

(c) The director shall establish, by regulation, conditions attaching to the permit issued under (a) and (b) of this section. These conditions shall include the following:

- (1) permits shall be issued for a period of not more than 10 years, with succeeding 10-year renewal options, if periodic use and occupancy is established, and the qualifications of (a) of this section continue to be met;
- (2) a cabin shall be constructed and maintained according to reasonable specifications established by the director; one cabin constructed under a permit may contain not more than 400 square feet; however, in no case may another cabin constructed under the same permit exceed 192 square feet;
- (3) a permit shall specify the number of cabins allowed to be constructed and indicate their specific geographical location; the director may establish a maximum number of cabins per person or otherwise limit their number because of the probability of adverse consequences;
- (4) adequate provision must be made for waste and garbage disposal, as determined by the director;
- (5) the payment of a trapping cabin permit fee of \$10.

(d) A permit issued under (a) and (b) of this section entitles its holder to use timber in the immediate vicinity of the cabin for personal noncommercial purposes only. No ownership rights to the land are conveyed by the issuance of a trapping cabin permit under this section.

(e) A person who makes a false statement as to any material fact relating to a permit issued under this section is guilty of a misdemeanor. A person who violates this subsection or any of the terms and conditions of a permit issued under this section may have the permit immediately revoked and is subject to payment of all costs required in dismantling the cabin structure. (§ 1 ch 115 SLA 1976; am § 40 ch 113 SLA 1981; am § 1 ch 41 SLA 1982; am § 76 ch 152 SLA 1984)

**Effect of amendments.** — The 1981 amendment substituted "two years" for "five years" following "period of not more than" and substituted "ten-year" for "five-year" preceding "renewal options" in paragraph (1) of subsection (c). The 1982 amendment, in subsection (c), deleted "but not be limited to" in the sec-

ond sentence substituted "i paragraph (1) structed unde more than fo substituted " under the san

A

Section 100. Purpose of 110. Steering tion

**Sec. 38.9.** 17(d)(2) of th the Secretar forms of ap mining and Statehood Ac unreserved p deems suitab Forest, Wildl (b) Congre acres for incl section. The l opportunity to in Alaska in Statehood Ac Native Claim economic base

**Sec. 38.95.** created the St as follows: the Planning Com ernor, three m speaker of the l president of th of Natural Res council may se 1977)

**Sec. 38.95.1.** unified lobbyin tion rights of t Natives are pro needs and futu

Original sponsor: Shultz

1  
2 IN THE HOUSE

BY THE RESOURCES COMMITTEE

3 CS FOR HOUSE BILL NO. 281 (Resources)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to trapping cabin permits."

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

9 \* Section 1. AS 38.95 is amended by adding a new section to read:

10 ARTICLE 2A. TRAPPING CABINS.

11 Sec. 38.95.075. PERMITS FOR THE USE OF TRAPPING CABINS. The  
12 commissioner shall issue a permit to an individual for the use of a  
13 trapping cabin when the applicant provides to the commissioner a  
14 notarized statement witnessed by three adult residents of the area in  
15 which the cabin is located stating that

16 (1) the applicant had used the cabin on a regular basis for  
17 \* trapping before August 1, 1984;

18 (2) the past, present, and intended use of the cabin is for  
19 temporary shelter while trapping; and

20 (3) the three residents witnessing the statement have lived  
21 in the area in which the cabin is located for no less than five years  
22 and are familiar with the applicant's use of the cabin for trapping  
23 purposes.  
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Bradley  
4/10/85✓

Original sponsor: Shultz

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IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 281 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to trapping cabin permits."

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

\* Section 1. AS 38.95 is amended by adding a new section to read:

ARTICLE 2A. TRAPPING CABINS.

Sec. 38.95.075. PERMITS FOR THE USE OF TRAPPING CABINS. The commissioner shall issue a permit to an individual for the use of a trapping cabin when the applicant provides to the commissioner a notarized statement witnessed by the local fish and game advisory committee chairman of the area in which the cabin is located stating that

(1) the applicant had used the cabin on a regular basis for trapping before August 1, 1984; and

(2) the past, present, and intended use of the cabin is for temporary shelter while trapping.

*(subsection (3) Deleted)*

IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 281 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to trapping cabin permits."

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

\* Sec. 1. AS 38.95.080(a) is amended to read:

(a) The commissioner may issue a nontransferable permit for the construction or use of a trapping cabin on state land to a person who meets the following qualifications:

(1) the person must have an established trapline with proof of regular use;

(2) the person must have a trapline of sufficient length to justify the use of the cabin for trapping <NEED FOR CABIN CONSTRUCTION>.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 281  
Title: Trapping Cabin Permits

Sponsor: Shultz  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Land and Water Management

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>GENERAL FUND</b>						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared By: Mike Vediner  
Division: Land and Water Management

Phone: 465-2400  
Date: April 3, 1985

Approved by Commissioner: Robert D. Arnold  
Agency: Natural Resources

Date: April 3, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 907-465-2400

January 20, 1986

The Honorable Arliss Sturgulewski  
Chair, Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99810

Dear Senator Sturgulewski:

At Friday's Resources Committee meeting there were a lot of questions about HB 281, Representative Shultz's bill intended to assure the issuance of trapping cabin permits to qualified applicants. The department's major concern with the bill -- that discretion remain to reject permit applications where resource management conflicts exist -- was satisfied in the House amendments to the original bill.

Last year the department recommended also that it would be preferable simply to amend the existing trapping cabin construction statute (AS 38.95.080) to allow use of existing cabins. This approach would not satisfy Representative Shultz's interests as stated above.

I hope that the following information will assist the Committee in its consideration of trapping cabin permitting.

### Existing programs

The department has two cabin permitting programs in effect at present, for personal use cabins and trapping cabin construction. A third program, for the construction of remote cabins on state land, has not been implemented (AS 38.05.079). There also exists a public use cabin program in the state park system (11 AAC 12.245).

### Personal Use Cabins

Conditions for the permitting and use of personal use cabins are found at 11 AAC 65.010-900. Here is a general summary of the regulations:

- \$25 application fee, \$100 annual rental;
- documented use and occupancy prior to August 1, 1984;
- one-time-only application period;
- availability to a group of applicants for a single permit;
- no conveyance of land or interest in land by permit;

January 20, 1986

- permit term up to six years, renewable during the lifetime of original applicant;
- not transferable, assignable, or inheritable;
- improvements must be removed or revert to state at termination;
- not issued in areas:
  - where land sale has occurred or is anticipated,
  - where municipal entitlement selections exist,
  - in state parks or sensitive ecological areas,
  - on roads in game refuges or critical habitat units,
  - on shoreland, tidelands, or submerged lands,
  - near scheduled or anticipated materials sales, timber sales, mining lands, or recreational transportation development areas, or
  - on Native allotments;
- not intended for residential purposes; and
- revocable if used for other purposes than permitted.

As you can see, there are many public concerns with permitting cabin use on state lands, but we have found that the overwhelming majority of applications are approved and that this list of concerns and conditions is needed in only a few -- though important -- instances.

#### Trapping Cabin Construction

For trapping cabin construction on state lands (AS 38.95.080, 11 AAC 94.010-030), there are the following general terms and conditions:

- up to three cabins may be permitted per permittee;
- current, valid trapping license required;
- evidence of regular trapping use required, with map marked to show traplines;
- fire protection language and liability;
- \$100 application/permit fee;
- nontransferable and revocable;
- size limitations;
- automatically renewable for each ten-year term if conditions are met; and
- applications not accepted:
  - for land scheduled or nominated for subdivision,
  - for use of an existing cabin on state general grant lands not vacant, unappropriated, or unreserved,
  - or
  - for cabins generally within two miles of another trapping cabin or within ten miles of a road.

January 20, 1986

I am including for your information the department's permit application form for trapping cabin construction.

#### Ownership and Joint Use

Members of the Committee questioned whether an applicant would have to prove ownership of the cabin and whether more than the original permittee would be allowed to use the trapping cabin permitted under the proposed law.

Language generally suggested by Senator Halford would require a permit applicant to show evidence that he or she owns the cabin, has the concurrence of the owner, or can prove that the cabin has been abandoned or unoccupied on state land. However, this would contradict our interpretation of the words "nonexclusive use," under which we would hope to see the cabins remain available -- as they traditionally have -- for permitted use by more than the original applicant. If such language is included, we would recommend adding language allowing the department to issue additional permits to bona fide trappers, with or without the concurrence of the trapping cabin owner or permittee.

#### Mandatory Issuance

As indicated above, our major concern has been that the department must have the flexibility to deny applications where there are land management reasons to do so. The list of possible conflicts preventing the issuance of a personal use cabin permit (above, near the top of page 2) encompasses the possible resource management conflicts that we can foresee.

It does make me somewhat uncomfortable to have a land management decision (the issuance of a cabin permit) delegated by the Legislature to the local fish and game advisory board, and my staff have discussed this in the past with Representative Shultz and his staff. We have agreed with Representative Shultz that it would be beneficial to have clear statutory authority to issue permits for existing trapping cabins on state land, but we do continue to question whether the issuance should be mandatory and at the direction of the fish and game advisory board. Last year another member of the House Resources Committee drafted possible amendments to the existing trapping cabins law that would have provided clear authority to permit existing trapping cabins and would have satisfied our concerns about the language in the bill before you, but would not have met

January 20, 1986

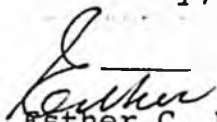
Representative Shultz's desire to see mandatory permit issuance based on local fish and game advisory board approval. I am attaching a copy of that proposed amendment as it came to us.

Shorefishery Leases

The shorefish lease program is different from the proposed and existing trapping cabin programs largely in that it conveys an exclusive interest in land rather than a permitted use of improvements. In fact, the construction or use of improvements on shorefish leases is not allowed unless authorized under other law or permit.

I appreciate the attention that you and other Committee members have given this bill. As I stated in a letter to you last week, the department can accept Representative Shultz's bill as it passed the House because it provides us the ability to deny permit applications where resource management conflicts exist, but refinement and improvement of the current bill would probably be beneficial and might prevent the department from having to rely too heavily on regulations to implement the trapping cabin permitting program.

Sincerely,



Esther C. Wunnicke  
Commissioner

Attachments

cc: Senate Resources Committee members  
Representative Shultz  
Representative Wallis  
Representative Pourchot  
Representative Clocksin  
Commissioner Collinsworth  
Jim Ayers  
Molly McCammon

IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 281 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to trapping cabin permits."

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

\* Sec. 1. AS 38.95.080(a) is amended to read:

(a) The commissioner may issue a nontransferable permit for the construction or use of a trapping cabin on state land to a person who meets the following qualifications:

(1) the person must have an established trapline with proof of regular use;

(2) the person must have a trapline of sufficient length to justify the use of the cabin for trapping <NEED FOR CABIN CONSTRUCTION>.

January 15, 1986

The Honorable Arliss Sturgulewski  
Chairman, Senate Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I am writing to provide comments to the Senate Resources Committee on CSHB 281 (Resources) am, relating to Trapping Cabins on state land.

As it passed the House last session the bill requires that, except where a resource management conflict exists, the commissioner shall issue a nonexclusive, nontransferable permit for the use of a trapping cabin. The department finds this amended language sufficient to provide the necessary discretion for sound resource management.

Because the details of the permitting program are not provided in statute, the department will adopt regulations to establish terms and conditions such as length of permit term, conditions of revocability, and the nature of resource management conflicts which would require denial of an application.

Sincerely,

*Esther C. Winnicke*

Esther C. Winnicke  
Commissioner

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LAND AND WATER MANAGEMENT  
323 East Fourth Avenue  
Anchorage, Alaska 99501

APPLICATION FOR  
TRAPPING CABIN CONSTRUCTION PERMIT  
AS 38.95.080

ADL # \_\_\_\_\_

Date of Application \_\_\_\_\_

Filing Fee \$50.00

(Please Print)

1. Name of Applicant \_\_\_\_\_
2. Address of Applicant \_\_\_\_\_
3. Does applicant have a current trapping license? \_\_\_\_\_
4. If question 3 is answered yes, give trapping license number \_\_\_\_\_
5. Has applicant regularly used an established trapline? \_\_\_\_\_
6. If question 5 is answered yes, adequate evidence of regular use of the trapline must be attached to application (such as tax returns, receipts showing previous income derived from trapping, statements by witnesses or Fish and Game officers, and similar documents.)
7. General location of trapline \_\_\_\_\_  
\_\_\_\_\_. Attach a United States Geological Survey Map (1:63,360 scale) or its equivalent showing location of trapline and proposed cabin site(s).
8. Length of trapline \_\_\_\_\_. Frequency of proposed cabins approximately \_\_\_\_\_ miles.  
Proposed means of transportation \_\_\_\_\_.
9. Number of cabin(s) applied for (maximum 3). \_\_\_\_\_
10. Declaration of purpose and need for each cabin. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE TO APPLICANT

- A. This application will not be considered unless it is accompanied by a single nonrefundable filing fee of \$50.00 and the first annual permit fee of \$10.00. The permit fee will be refundable if the permit is not issued. All checks are to be made payable to the Department of Revenue, State of Alaska.
- B. Application will be accepted for proposed trapping cabins located only on vacant, unappropriated, unreserved patented and tentatively-approved state general grant land which is unclassified, or is classified agriculture, grazing, commercial, industrial, private recreation, residential, utility, or open-to-entry. No application will be accepted for a cabin which is within two miles of an existing trapping cabin or site, or within 10 miles of a road. No more than 3 cabins may be permitted to a qualified individual.
- C. The applicant agrees to assume full responsibility for forest fire prevention within the cabin structure and an area within 150 feet of it, and full liability for any damages resulting from his negligence. The applicant further agrees to comply with the provisions of AS 38.95.080 and 11 AAC 94.010-.110, which he has read and understands.

IN WITNESS WHEREOF, the undersigned applicant certifies that the statements, evidence, and representations appearing herein and attached hereto are to the best of his knowledge true and correct, and that the conditions of eligibility and issuance of a permit are binding upon him.

\_\_\_\_\_  
Signature of Applicant

UNITED STATES OF AMERICA )  
State of Alaska )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Alaska duly commissioned and sworn, personally appeared \_\_\_\_\_ to me personally known to be the person described in and who executed the foregoing instrument and the said person acknowledged to me that he signed and executed the same freely and voluntarily for the uses and purposes therein mentioned, and that the statements contained therein were true and correct to the best of his knowledge.

I, \_\_\_\_\_, Notary Public in and for the State of Alaska, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and year \_\_\_\_\_, I have hereunto set my hand and affixed my official seal, the \_\_\_\_\_ of \_\_\_\_\_, and his certificate first above written.

Trapping Cabin Construction Permit

To facilitate rapid processing of your application, please be sure your application is accompanied by:

1. One USGS (preferably 1:63,360 scale) map showing trapline and proposed cabin sites.
2. \$100.00 filing fee.
3. Valid state trapping license (we will photocopy).
4. A completed, signed, and notarized application.
5. Proof of regular use of established trapline.

Primary proof:

Tax returns claiming income from furs,  
Receipts from fur buyers showing date, quantity,  
type,  
Receipts from fur tanning,  
State ADFG biologists or protection officers  
statements,  
Sealing certificates.

Supplementary proof:

Air charter receipts for travel to remote portions  
of trapline,  
Statements by witnesses.

SUMMARY OF HB 281

The purpose of this legislation is to enable trappers who have been using existing trapping cabins to continue to be able to do so.

This legislation is not intended to deal with existing law concerning trapping cabin construction permits as found in AS 38.95.080.


The requirements of the applicant have been drafted to provide assurance to the commissioner that the cabins being applied for are bonafide trapping cabins used on a temporary basis by a specific individual.

# Alaska MUNICIPAL League

TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

TO: Representative Dick Shultz, Co-Chair  
Representative Adelheid Herrmann, Co-Chair  
Members of the House Resources Committee

FROM: Scott A. Burgess   
Executive Director

DATE: April 2, 1985

SUBJECT: HJR 24 - OCS Revenue Sharing

The Alaska Municipal League supports HJR 24 relating to sharing federal revenue generated from the development of the Outer Continental Shelf (OCS).

At its annual business meeting on November 17, 1984 the membership of the Alaska Municipal League again expressed its support of the program by endorsing enactment by the United States Congress of an OCS Revenue Sharing Program to be funded annually from the proceeds of the oil and gas lease sales on the OCS at the level of at least \$300 million. The League further endorses an automatic pass-through of at least one-third of a state's allocation under such a program directly to communities affected by OCS activities. And the League endorses the concept that a state's and community's allocation of OCS Revenue Sharing funds be used for coastal planning and preparation, resources protection programs, construction of capital infrastructure resulting from OCS activity and health and social service needs resulting from OCS activity.

March 27, 1985

Esther C. Wunnicke, Commissioner  
Department of Natural Resources  
Pouch M  
Juneau, Alaska 99811

Dear Commissioner Wunnicke:

You can consider this the appeal for my trapping cabin permit on Billy Creek. I feel that this was denied wrongly because I have met the requirements of AAC 941010/3 which pertains to this permit.

In response to the Director's comments in the first paragraph of his decision, Joe Pinto in the Fairbanks office suggested that I drop Dave Sowards' name since he had trapped with me for just one year.

As to the disqualifying of my evidence of operating an established trap line for the last 15 years, I have submitted all of the evidence I can come up with and firmly believe I have met the requirements of the State law. The second cabin site was applied for at the same time as the first with a map of my trapping locations on the Robertson River which is on file at the DNR office in Fairbanks.

The cabin is a prefabricated building about 8 feet by 15 feet that I used as a gas shack at the airport at Tanacross until I no longer had a use for it.

I am not familiar with the ADF&G study done for the Tanana Basin Area Plan but, having used an airplane to trap for most of my adult life, consider myself an expert in the field. I believe an airplane trapper is much more at the mercy of the elements and every airplane trapper I know checks traps every week, including myself.

At the end of the Director's Decision, it would appear that he is challenging my judgment as a pilot as to the areas I am willing to operate my airplane with supplies of traps and fuel. I am an Airline Transport Rated Pilot and, once again, feel I am the expert in the field and will operate off the lake with the biggest margin of safety.

I did provide transportation for the two men who constructed the cabin at T Lake in exchange for their labor but this had nothing to do with use of this cabin.

In conclusion, it has become more than obvious that the other applicant at T Lake is the State Representative that has provided the information that I consider to be ambiguous. If he can prove that I am not eligible, he will construct a cabin on the site that he has actively hunted during September for at least four years. I have never hunted T Lake and have no plans to do so.

Respectively,

Charles Warbelow

CW:jsj - Enc.  
cc: Richard Schultz

Charles M. Warbelow  
Post Office Box 93  
Tok, Alaska 99780

Tom Hawkins, Director  
Division of Land and Water Management  
Pouch 7-005  
Anchorage, Alaska 99510

August 12, 1984

re: Trapping Cabin Construction Permit (TCCP) ADL 410865

Dear Mr. Hawkins:

I would like to submit this letter and the enclosed documents as my appeal for my trapping cabin permit application which was denied by Jerry Brossia per his letter of July 3, 1984.

I have a need for a cabin in Billy Creek as it is near the midpoint of my trap line. I picked T-Lake because it is the only lake in the area that is big enough to operate out of with any kind of load in the airplane with which I trap. For several years I have trapped from my airplane, landing on lakes and snow-covered flats in the 40-Mile country and many of the lakes in Billy Creek and parts of the Robertson River.

I started trapping Billy Creek in the late '60's with my father, Marvin Warbelow, and have trapped it consistently since 1980. I have had different partners over the years and make an arrangement with them to skin and stretch the furs. As a result, I am not the person who actually receives payment from the fur buyers. This has caused a problem in showing receipts. I do have some for last year with a copy of the cancelled check issued by my partner to me, but of course have not been able to do this with past years and partners. Also, over the past three years I have been trading my fur for lynx pelts with which to build coats.

With regards to the complaint from the Fairbanks office to my trapping on Doyon land, I would attempt to seek approval from Doyon to trap these areas or pull out of them as they are by no means prime areas. With regards to the other applicant on the lake, we have discussed our mutual problem and the facts that we are separated by the lake and employ different methods of trapping (he traps on foot). We have not had a conflict and do not foresee one. I would not object to sharing a cabin with him.

It was also mentioned that some of my trapping areas might be included as a selection under the Wild and Scenic Rivers Act. According to Bob Burritt of the 40-Mile Area Bureau of Land Management Office, there are some studies going on, but the West Fork of the Dennison River, Mosquito Fork, Billy Creek

Tom Hawkins, Director  
Division of Land and Water Management  
August 12, 1984  
Page Two

or any portion of the Robertson River are not currently being considered by either the federal or state government, and he does not anticipate their future consideration.

I have lived in the Tok area for 28 years and have trapped my line of over 50 miles for 15 years and am looking forward to having some comfortable shelter on this line due to the short winter days and inclement weather. When you trap with an airplane, you are more at the mercy of the weather than with any other type of transportation. I have spent several nights over the years waiting all night on a lake or river when the weather has deteriorated while I checked my traps. The location of T-Lake may make it feasible to reach suitable shelter even if I am not able to return home.

Thank you for your consideration.

Sincerely,



Charles Warbelow

enclosures

STATEMENT OF DONALD W. BUNSELMEIER, FISH AND WILDLIFE PROTECTION OFFICER,  
DELTA JUNCTION, AK.

I HAVE PERSONAL KNOWLEDGE OF RONALD STEWART HAVING A TRAPLINE IN THE UPPER BILLY CREEK AREA NEAR T LAKE. RONALD STEWART HAS BEEN A RESIDENT OF THE DELTA JUNCTION AREA FOR ALMOST 6 YEARS. HE HAS BEEN USING THE UPPER BILLY CREEK AREA FOR THE LAST 2-3 YEARS. STEWART HAS DEVELOPED 3 SMALL TRAPLINES, EACH TAKING A DAY TO WALK. HE HAS BEEN STAYING NEAR T LAKE IN A WALL TENT. STEWART IS FLOWN INTO T LAKE AND STAYS FOR A WEEK OR TWO AT A TIME.

I HAVE WORKED IN THE DELTA AREA FOR ALMOST 6 YEARS AND HAVE BEEN VISITING T LAKE AND THE UPPER BILLY CREEK AREA FOR 5 YEARS. THERE ARE TWO OLD CABIN SITES OVER THERE, BOTH BEING OVER 3 MILES FROM RON STEWART'S PROPOSED CABIN SITE. THE ONLY EVIDENCE I HAVE SEEN OF OTHER TRAPPERS IN THAT AREA ARE FROM FISH AND GAME STUDIES AND KILLING OF WOLVES WITH AIRPLANES.

Donald W. Bunselmeier

DONALD W. BUNSELMEIER

P.O. BOX 465

DELTA JUNCTION, AK. 99737

# MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF LAND AND WATER MANAGEMENT  
NORTHCENTRAL DISTRICT OFFICE - 4420 AIRPORT WAY, FAIRBANKS, ALASKA 99701

TO: Jerry L. Brossia  
District Manager

DATE: July 13, 1984

THRU: Rick Smith *RS*  
Chief, Retained Lands Section

FILE NO: ADL 411294

TELEPHONE NO: 479-2243

FROM: Joe Pinto *JP*  
Natural Resource Officer  
Retained Lands Section

SUBJECT: Ron Stewart's  
TCCP Application

Don Bunselmeier came into the office today on Ron Stewart's behalf to inquire into the status of both Stewart's and Walbelow's (TCCP application ADL 410865) applications on T. Lake.

Don gave me a copy of a list he had generated from official Fish and Game records illustrating wolverine, lynx and wolf takes from the Billy Creek and T. Lake areas. Don stated that Walbelow had contacted Stewart about the situation at T. Lake.

I stated to Don that I had drafted another letter to Stewart asking for more evidence of regular use of his trap line because I only had receipts for 1983. (I have not sent the letter as of the date of this memo). I explained that Stewart's application may be denied if he could not prove use beyond one year.

Don stated that they had only the one year's proof and if the permit was denied based on lack of proof (in terms of length of use) that would be acceptable to them and they would work to continue to trap and provide proof for as long as it took to acquire the permit. They are currently using a wall tent and platform.

## Recommendation:

The Retained Lands Section recommends that Stewart's application be held for one year so the applicant can establish regular use. It is clear that Mr. Stewart ~~is~~ trapped on a regular basis for the last year or so and derives a portion of his income from it.

## District Managers Comments:

*I concur JB.*

to Rick Smith

6-5-84

Re: Jerry Brossia

Re: Bunselmeier/Steward TCCP

Please have one of your staff go down to "T" lake and check out the trespass<sup>cabin</sup> that Bunselmeier<sup>F/G</sup> says is being built. IF the cabin owned by the other applicants we need. Contact them w/ trespass notice. Please do before 30 June 84. You should be able to use DOF Chopper in B-Delta. After we check out the trespass I'd proceed to issue the above TCCP as Doyon appears to have no objections; and they're dropping the line on private property.

IF we have 2 valid applications for the area we should not put them in the same cabin. I'd like at least a (2) mile separation.

Thanks



Jerry Brossia

I talked to you this last winter at the Pilot seminar in Fairbanks about this application for the trapping cabin construction permit. I know I won't get to stay in Delta for too many more years and since Ronald Stewart and I have used this area together I felt it best if he filled out the application. He will be able to fulfill the conditions of the permit by trapping out there at least every other year.

Any other details or information needed give me a call or write.

Thanks

Donald W. Bunselmeier

P.O. Box 465

Delta Jet Ak. 99737

907-895-4830

RECEIVED

JUL 28 12 51 PM '03

DIVISION OF LAND MANAGEMENT  
FAIRBANKS, ALASKA

May 31, 1984

Jerry L. Brossia  
District Manager  
Department of Natural Resources  
4420 Airport Way  
Fairbanks, Alaska 99701

FAIRBANKS

'84 JUN -4 PH 3 00

RECEIVED  
DIVISION OF LANDS

Dear Mr. Brossia:

Per our telephone conversation and letter correspondence Ronald W. Stewart is resubmitting his Application for a Trapping Cabin Construction Permit accompanied by a check for \$100.00 and a letter of non-objection to this proposed cabin site from Doyon, Limited.

The other two private lands indicated on the copy of the map are requested native allotments by a Reka Paul and Julius Paul of Tanacross. They have requested several allotments but have not been granted any. These individuals indicated they used this area to trap muskrat and fish in the 50's and early 60's. One of their requests was moved to another area which is marked on the carbon copy of the map in pencil.

Mr. Stewart has plans to alter his trapline to where it does not enter any private or proposed private lands. He has been unable to contact the Pauls and with his moving his trapline wonders if it is still necessary.

Sincerely,

*Donald W. Bunselmeier*

P.O. Box 51  
Delta Junction, Alaska  
99737

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

NORTHCENTRAL DISTRICT  
4420 AIRPORT WAY  
FAIRBANKS, ALASKA 99701  
(907) 475-2243

August 9, 1983

Ronald Stewart  
P.O. Box 51  
Delta Junction, Alaska 99737

RE: Application for Trapping Cabin Construction Permit

Dear Mr. Stewart:

The Northcentral District has received a letter from Donald Bunselmeier which included an application for a Trapping Cabin Construction Permit located in T.23N., R.8E., C.R.M., signed by you, along with your check in the sum of \$60.00.

Before we can accept and adjudicate the application an additional \$40.00 is required. A copy of the current regulations (amended 3/30/83) is enclosed for your information. Please note Section 10(b) which states an application must be accompanied by a nonrefundable combined filing and permit fee of \$100.00.

Your proposed cabin site is approximately one-half mile from private property to the north and to the east. The entire township to the north of T Lake has been Interim Conveyed under #108 to Doyon Regional Corporation. On a xerox copy of the map you submitted showing your trapline, I have identified the private land. Two portions of your trapline are on private property.

Returned herewith is your check #437 and all material received, including your application. Should you decide to resubmit your application we recommend that you obtain letters of nonobjection from the private landowners to the effect that they do not object to you locating a cabin close to their property.

Please feel free to contact this office if you have any questions.

Sincerely,

JERRY L. BROSSIA  
District Manager

By: *Pamela C. Ledgerwood*  
Pamela C. Ledgerwood  
Natural Resource Officer  
Retained Lands Section

Enclosures

cc: Donald Bunselmeier

# MEMORANDUM

State of Alaska

TO File

DATE 8/9/83

FILE NO 2370

TELEPHONE NO

FROM Pam Ledgerwood

SUBJECT

TCCP apln - Stewart

Don Bunsel<sup>452-2114 apt 246</sup>meier called to find out status of Stewart apln. I explained that I was returning the apln with a letter of explanation — we discussed the new regs. and the problem of Stewart locating so close to private property. Bunselmeier or Stewart will call if they have questions after Stewart receives my letter.



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

206

Introduced: 3/13/85  
Referred: Resources and  
Finance

BY KOPONEN, M.M. MILLER, SUND,  
GOLL, MARTIN, UEHLING AND  
JENKINS

1 IN THE HOUSE

2 HOUSE BILL NO. 286

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to <sup>survey requirements for</sup> access to state land intended for  
7 disposal and to the description of the land."

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

9 \* Section 1. AS 38.04.045(b) is amended to read:

10 (b) Before the conveyance of surface rights to state land, an  
11 official cadastral survey shall be accomplished, unless a comparable,  
12 acceptable survey exists that has been conducted by the federal Bureau  
13 of Land Management. The rectangular survey section corner positions  
14 shall be monumented and shown on a cadastral survey plat approved by  
15 the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO  
16 CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID,  
17 THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER  
18 POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL  
19 POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY  
20 THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN  
21 TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT EXCEPT THAT THE COMMIS-  
22 SIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC  
23 FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY  
24 THE REQUIREMENT.] The lots and tracts in state subdivisions shall be  
25 monumented and the cadastral survey and plats for the subdivision  
26 shall be approved by the state. Where land is located within a munic-  
27 ipality with planning, platting, and zoning powers, plats for state  
28 subdivisions shall comply with local ordinances and regulations in the  
29 same manner and to the same extent as plats for subdivisions by other

1 landowners. State subdivisions shall be filed in the district re-  
2 corder's office. The requirements of this section do not apply to  
3 land made available through a cabin permit system, material sales, or  
4 short-term leases; however, for short-term leases the lessee must  
5 comply with local subdivision ordinances unless waived by the munic-  
6 ipality under procedures specified by ordinance.

7 \* Sec. 2. AS 38.09.010(b) is amended to read:

8 (b) The commissioner shall complete a cadastral survey of home-  
9 stead entry state land under AS 38.04.045 before disposing of state  
10 land for homestead entry. A homestead entry parcel shall be estab-  
11 lished in aliquot parts of a surveyed section or as lots or tracts  
12 that are fractions of aliquot parts of a surveyed section. The com-  
13 missioner shall ensure practical access to each homestead entry parcel  
14 [BUT THE COMMISSIONER MAY WAIVE THE CADASTRAL SURVEY ON A DETER-  
15 MINATION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC  
16 INTEREST DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

17 \* Sec. 3. AS 38.09.020(a) is amended to read:

18 (a) A homestead entry permit entitles an applicant to enter land  
19 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
20 [,] and improve the land in order to qualify for a patent under this  
21 chapter.

22 \* Sec. 4. AS 38.09.040(a) is amended to read:

23 (a) A homestead entry permit may be revoked by the commissioner  
24 for any substantial breach of the permit conditions or the require-  
25 ments of this chapter, including

26 (1) an assignment, conveyance, or transfer of the permit  
27 not authorized under AS 38.09.030(c);

28 (2) failure of the permit holder to submit an aliquot parts  
29 description of the homestead entry [A PLAT OF SURVEY] to the

1 commissioner within two years after the issuance of the permit or  
2 under (b) of this section;

3 (3) failure of the permit holder to erect a dwelling in the  
4 time required under AS 38.09.050(a), except that if the commissioner  
5 finds that the dwelling has been nearly completed and progress toward  
6 completion is being made at the expiration of the time required, the  
7 commissioner may extend the time required for completion for not more  
8 than one year;

9 (4) failure to brush the boundaries of the land within 90  
10 days after issuance of the homestead entry permit;

11 (5) failure to clear and either put into production or  
12 prepare for cultivation 25 percent of the land classified for agricul-  
13 tural use within five years after the issuance of the permit.

14 \* Sec. 5. AS 38.09.050(a) is amended to read:

15 (a) The commissioner shall issue a patent to homestead entry  
16 land if the permit holder

17 (1) resides and lives on the homestead entry land for not  
18 less than 25 months within five years after the issuance of the home-  
19 stead entry permit;

20 (2) submits an aliquot parts description [COMPLETES AN  
21 APPROVED SURVEY] of the land within two years after the issuance of  
22 the permit or under AS 38.09.040(b);

23 (3) erects a habitable, permanent dwelling on the homestead  
24 within three years after the issuance of the homestead entry permit;

25 (4) brushes the boundaries of the land within 90 days after  
26 the issuance of the permit;

27 (5) clears and either puts into production or prepares for  
28 cultivation either 25 percent of the land classified for agricultural  
29 use or 50 percent of the land having class II or III soils, whichever

1 is less, within five years after issuance of the permit.

2 \* Sec. 6. AS 38.09.040(b) is repealed.

COMMITTEE REPORT

1/24

HOUSE

(9)

FURTHER: FINANCE

3/13/85

Date: 1/22/86

The Committee on RESOURCES has had HB 286

"An Act relating to access to state land intended for disposal and to the description of the land."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HR 78 (Res)  same title  new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee *w/analysis Sup # 76*

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Cato \_\_\_\_\_

Pearce Kevin Pearce

Jankins [Signature]

Thompson David Thompson

Miller(NP) M.W. Miller

Shultz [Signature]

Sund [Signature]

Udo Herrmann No Rec  
Herrmann

Karl Wallis No Rec  
Wallis

Co-CHAIRMAN Shultz

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

**FISCAL DETAIL**

Bill/Resolution No. : HB 286  
 Title : An Act relating to access to State land intended for disposal and to the description of the land.  
 Sponsor : Koponen, M.M. Miller, Sund  
 Requestor : Goll, Martin, Uehling, Jenkins  
 Date of Request : 1/16/86

Agency Affected : Natural Resources  
 BRU : Information/Records Mgmt.  
 Components : Information/Records Mgmt.

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Survey appropriations for land offerings currently are funded annually by the Legislature. The effect of this bill would be felt in 2 to 3 years by the reduction of operating budgeted State employees and expenditures currently required to administer the long-term effects of other types of survey monumentations.

Prepared by : Joseph C. Burch Phone : 762-2400  
 Division : Technical Services Date : 1/17/86

Approved by Commissioner : [Signature] Date : 1/22/86  
 Agency : Natural Resources

**Distribution (by Agency preparing fiscal note) :**

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

## GLOSSERY OF TERMS

**CADASTRAL SURVEY:** has particular reference to extensive rural land surveys made for the purpose of locating property lines and improvements in detail, primarily for use in connection with value, ownership and transfer of land.

**ALIQUOT:** contained an exact number of times in something else, used of a divisor or part, (5 is an aliquot part of 15), to divide a quantity into equal parts.

**METES AND BOUNDS:** the boundaries of land established by reference to natural or artificial monuments along it (as a stream, ditch, ridge, or road) as distinguished from those established by beginning at a fixed point and running therefrom by stated compass courses and stated distances.

**TOWNSHIP:** a unit of land in the U.S. land survey, six miles square, containing 36 mile-square section.

**MONUMENTS:** a physical artifact of the surveyor's work, a boundary marker, usually a brass capped metal pipe.

Alaska State Legislature  
Representative Niilo Koponen  
District 21, Democrat

S.R. 10059  
Fairbanks, Alaska 99701  
479-6782

Pouch V  
Juneau, Alaska 99811  
465-4992

MEMORANDUM

January 18, 1986

SUBJECT: Sectional Analysis, HB 286  
TO: House Resources Committee  
FROM: Doug Yates, staff to Rep. Koponen

Re: AS 38.04.045(b), rectangular survey section corner positions will be monumented and shown on a plat prior to conveyance of surface rights to state lands. Metes and bounds surveys tied to control monuments will no longer be allowed.

Re: AS 38.09.010, homestead entry parcels will be aliquot parts of sections monumented in accordance with AS 38.04.045(b), except when practical and legal access exists adjoining a boundary or through a designated route. Such access would include public roads created in platted subdivisions. Access to aliquot parts parcels is insured by AS 38.04.050.

RE: AS 38.09.020, since section corner positions will be monumented and platted prior to conveyance (AS 38.04.045(b)), and homestead entry parcels will be aliquot parts of those sections (AS 38.09.010), the State should not require an applicant to survey the land. The aliquot parts description of the monumented section provides a complete description of each unique parcel, with no encumbrance of surrounding lands.

RE: AS 38.09.040(a)(2), an aliquot parts description of the homestead entry, along with the plat prepared in accordance with AS 38.04.045(b), will eliminate the need for a plat of survey prepared by the permit holder

RE: AS 38.09.040(b), since a plat of survey would not be required, the need for the time extensions to complete the plat of survey is eliminated.

RE: AS 38.09.050(a)(2), again, the aliquot parts description of a parcel within a monumented and platted section eliminates the need for an applicant to obtain an approved survey for issuance of a patent.

DY/dy

Representative Koponen's Position Paper HB 286

HB 286 is a measure that will implement proven land management goals in regard to the continuing disposal of State lands to Alaskan citizens.

In the past land disposals were made without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released with no regard to a proven identification system that has been in use in the Federal system for 200 years.

This system is the cadastral rectangular land survey which allowed any parcel to be readily identified, plotted accurately on status maps, and virtually eliminated boundary disputes. Federal law prescribes that all public domain lands will be physically surveyed and monumented in conformance with the rectangular survey and aliquot part system prior to disposal. This cadastral system has been followed in all public domain states except Alaska.

The rectangular cadastral system is understood by surveyors, title companies, lending institutions, recording offices, attorneys, and most citizens. It is the backbone of all land record systems and has procedural manuals adopted and in place.

What is occurring in Alaska however, is a system of metes and bounds, the least desirable of all possible land identification systems. It creates a patch-work of oddly shaped and irregularly adjoining parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed State land that become worthless to the citizens of the State. It is expensive and difficult to survey accurately, creates voluminous land records, and makes it impossible to plot parcels correctly on a status map without a field survey and encumbers all residual land within a township until all applicant's parcels are surveyed.

For the new landowner under a system of metes and bounds the problems are just starting. He must shoulder the burden of having an adequate survey made in preparation of a legal description of the land. A legal description is necessary to obtain financing for improvements, and clear title from a title company. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to the parcel.

HB 286 will eliminate these inequities and shortcomings. It will set in place a proven and recognized system of land identification that acknowledges the State's responsibility to carefully manage our lands slated for disposal. A law of parallel intent (HB 170 Chapter 32 SLA 85) for privately held lands is already in place.

JUSTIFICATION  
AMENDMENTS TO AS 38

Sections AS 38.04.045(b) and AS 38.09.010(b) Requiring Cadastral Surveys and Aliquot Part Description

During the rewrite of the Title 38 legislation last year, the provisions allowing waiver of cadastral surveys and control surveys were considerably expanded over the belated opposition of the surveyors, mappers, and photogrammetrists in the State. These professionals' concerns appear to have been amply justified as the Division of Land and Water Management has subsequently distributed a draft of their implementing policy (attached). It, for all practical purposes, will allow nearly all disposals in the future to occur without prior survey whatsoever, ignoring the fact that history reveals settlement prior to survey creates many problems paramount to chaos. They are forgetting land boundaries must be monumented and identified on the ground in order for their own land managers to know what they are managing, that section line access right-of-ways are legally and practically useless without surveys, that a nightmare of cost, access, and boundary problems are being dumped on citizens who receive parcels, and that title to thousands of acres of residual State land becomes tainted and of no value for years. In the name of expediency and false economy they are abandoning a proven land identification system in favor of a system that is destined to bring chaos into the management of Alaska lands and disillusionment to the citizens who will obtain lands under the future disposal programs.

The State of Alaska is failing to observe and benefit from the experience of the United States Government and our sister states in this matter. Early in the history of our Federal Government it was recognized that a system must be adopted to not only transfer public lands into private hands, but to allow the recipient to physically identify his boundaries, assure access, protect him to the maximum extent from conflicts with neighboring properties, and provide a method of description to assure ease of conveyance, financing or other procedures. The resultant system was the rectangular land survey system which allowed any parcel to be readily identified, plotted accurately on status maps even without survey, eliminated the excess or deficiency in acreage problem, virtually eliminated boundary disputes and provided a single set of survey procedures for establishment. Federal law prescribes that all public domain lands will be physically surveyed and monumented in conformance with the rectangular survey system prior to disposal, acknowledging the fact that this was a governmental responsibility that should not be forfeited or passed to private entities. This system has been followed in all public domain states except Alaska.

The rectangular survey system has historical precedent of 200 years in the United States, is understood by surveyors, title companies, lending institutions, recording offices, attorneys, and most citizens, is utilized as the backbone of all land record systems and has procedural manuals already adopted and in place. It, however, is gradually being discarded in Alaska. In its place basically a metes and bounds system is being adopted, the least desirable of all possible land identification systems. This system is outlawed in most boroughs as a means of subdividing property, as they see first hand the problems it manifests. It creates a patchwork of oddly-shaped and irregularly-adjoined parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed State land that become of zero value to the citizenship of the State as a whole. It is expensive and difficult to survey accurately, creates voluminous land records, makes it impossible to plot parcels accurately on a status map without field survey and encumbers all residual land within a township (36 square miles or 23,040 acres) until all applicants' parcels are surveyed. It is the worst of all possible methods and should only in specific, exceptional cases be allowed to be utilized in the disposal of State lands.

The planners and land managers in the Division of Lands and Waters Management may feel comfortable in having small-scale, inaccurate, topographic maps in their hands to manage the lands in their jurisdiction. The individual or entity obtaining the lands, however, has little need or use for a map that only marginally represents his property's characteristics and provides no benefits in assisting him in identifying his specific parcel or legally describing its boundaries. It is at this point he suddenly finds the "cheap" land he obtained from the State to be a tremendously expensive parcel when the cost of an adequate survey and preparation of legal description is contemplated. The fact that he will usually seek and contract for this survey as an individual, instead of becoming the beneficiary of a vast survey of many thousands of acres as would be done in a State-performed survey, gives him no benefit whatsoever of economies of scale. He finds difficulty obtaining financing for improvements, runs into title problems with title companies, boundary conflicts with his neighbors, and often finds he has no legal or practical access. He becomes disillusioned, and, instead of the State having a citizen that is pleased with the State's stewardship of its natural resources, he instead feels he has been misled and tricked by his government.

In addition to the land recipient's problems, the surrounding public domain for years remains in a "no man's land," unable to be properly and accurately platted on a status map, and, as a result, preventing it from being utilized in any useful manner by private citizens or governmental agencies.

The State must face its responsibilities to its citizens. It must amend AS 38 to again require minimal cadastral surveys be performed prior to disposal and the aliquot part method be utilized to the maximum extent to convey ownership, especially to the larger homestead parcels. Our lands with their resources are of such value that the need for efficient land management far outweighs the cost of survey.

DRAFT POLICY  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LAND AND WATER MANAGEMENT

Regional Offices may recommend the Commissioner waive cadastral survey requirements of homestead entry lands under AS 38.09.010(b) upon making one or more of the following findings:

**Topographic Features:**

The presence of features such as swamps or steep hills escalate the cadastral survey costs above the benefits to be obtained from such survey.

**Diffuse Settlement:**

The settlement pattern resulting from the State's proposed disposal program will result in private ownership of less than 30 percent of the land within the minimum rectangle encompassing the land to be disposed.

**Public Interest:**

1. The cost associated with a cadastral survey is greater than the direct benefit in increased land values that would accrue to the public from such a survey and the public benefit to be derived from the disposal is greater than the cadastral survey cost.
2. The time to complete a cadastral survey will significantly impact the State disposal program and the benefit from such survey does not equal or exceed the benefit from accomplishing the State's public interest land disposal goals.



Alaska Section  
AMERICAN CONGRESS ON SURVEYING AND MAPPING

P. O. BOX 376  
ANCHORAGE, ALASKA 99510

FISCAL IMPACT ANALYSIS RESULTING FROM  
PROPOSED AMENDMENTS TO AS 38

This paper presents an analysis by a joint Legislative Committee of the American Congress on Surveying and Mapping, Alaska Section, the American Society of Photogrammetry, Alaska Region and the Alaska Society of Professional Land Surveyors, of the cost impact to the State of Alaska if the proposed amendments to AS 38, as recommended by the professional groups, are passed. The analysis will show that the proposed amendments present little, if any, additional fiscal impact to the State while providing a broad range of short and long term benefits.

The fiscal impact data, as presented, was derived from an analysis of actual cost to the State during FY85 and includes direct survey costs relative to the disposal program and the cost incurred by the Division of Technical Services, Department of Natural Resources, to administer and technically monitor the survey projects. These costs are then extrapolated to determine acreage that can be surveyed under current proposed budgeting for FY86 and appropriate budget levels for surveying in future years.

During FY85, the State appropriated \$3.5 million for surveys to expedite the State land disposal programs. These monies were expended in the following manner:

Function	Amount	Percent of Total
State of Alaska personnel administering and technically monitoring the survey projects	\$ 423,000.00	12.09%
Travel (by State employees)	20,000.00	00.57%
Commodities (expendable supplies furnished by State of Alaska)	10,000.00	00.29%
Equipment (purchased by State of Alaska for internal use)	14,000.00	00.40%
Professional survey contracts (to accomplish the required field and platting procedures)	3,032,700.00	86.65%
Totals	\$3,500,000.00	100.00%

Of the above, approximately half was utilized to conduct rectangular cadastral surveys similar to those which would be required under the proposed legislation. The remainder was utilized to perform small lot subdivisional and control surveys. These small lot surveys are now being phased out in favor of the larger parcel homestead program and the control survey would be generally eliminated by the proposed legislative amendments. The majority of future appropriations, therefore, would be available to conduct the recommended rectangular cadastral surveys.

To determine the current cost of performing rectangular cadastral surveys similar to those that would be required under the Title 38 amendments, we utilized contracts awarded by the Division of Technical Services, Department of Natural Resources, State of Alaska, during FY85 as historical data. The projects analyzed consist of the following, all of which were awarded during the study year.

#### FY85 Rectangular Cadastral Surveys

Project	Contracting Firm	Contract Cost	Gross Acreage	Per Acre Cost
Kobe/Clear Sky	Stutzmann Engineering	\$206,500	9,210	\$22.42
Two Mile Lake	Laurence Irving	25,900	2,504	10.34
Willow Creek	Silvers Engineering	23,800	1,160	20.52
Cosna	Roen Design	289,700	17,920	16.17
Southwind/Windy	ABC	221,000	10,000	22.10
Homer	Branch/Sharp	65,000	2,480	26.21
Talkeetna	Max Stevens	139,900	5,760	24.25
Foothills				
Cannery Creek	Quadra Engineering	318,900	13,856	23.02
South Bank	Itech	157,000	6,834	22.97
		-----	-----	-----
		\$1,447,500	69,724	\$20.76 avg

From the above historical data, it becomes apparent the average per acre cost for rectangular cadastral surveys as performed during FY85 was \$20.76 per acre. To this must be added an overhead percentage of 13.35% to reflect personnel, equipment, commodities and travel costs of the Department of Technical Services resulting in a historical total cost per acre surveyed of \$23.53.

The Sheffield Administration has proposed funding for surveying activities during FY86 relative to the land disposal program in

the approximate same amount as FY85 (\$3.5 million). Based upon historical data, it is clear that if this funding was utilized 100% to perform cadastral rectangular surveys, a total of 148,746 acres could be surveyed. As the stated goal of the administration is to dispose of 35,000 acres during FY86, it is also clear that approximately 4.25 times the stated goal could be surveyed. In other words, only 23.53% of the land surveyed must be disposed to meet the target goal. If 23.53% of the acreage of the lands surveyed are not suitable for disposal, we feel there is a land selection and management problem as lands that obviously have little potential for disposal are being targeted for survey.

It should also be noted that the FY85 projects utilized to develop historical costs involved not only setting section corners, as would be required by the proposed legislation, but also quarter corners, effectively doubling the field monumentation. All of the projects also required brushing section lines, not required by the legislation, but a useful function serving the needs of both the potential entryman and land managers in the future. These lines greatly simplify the identification of land boundaries on the ground. The projects represent a good cross section as to location, difficulty and accessibility. Due to the quarter corner monumentation requirement, it can be fairly stated that the above projects represent a "worst case" cost scenario. In the future, rectangular cadastral projects can likely be done for less per acre cost.

If the rectangular cadastral survey program were adopted as an ongoing program, larger size projects could be awarded, allowing for economies of scale to reduce the per acre cost considerably. Moreover, if past experience is an example, once the surveying industry recognizes that the rectangular system will be adopted as State policy for the long term, it will invest in capabilities allowing it to perform such surveys more efficiently, hence lowering the cost even further.

Any proposed legislation should be viewed in terms of not only what is possible today, but what will be possible in the near future. Long term historical data shows that the cost per acre for cadastral surveys has decreased dramatically over the last ten year period, mainly due to the rapid advancement of new technologies, greater use of modern transportation and the

development of innovative techniques. Greater advances are expected in the next two to five year period. The Global Positioning System (GPS) technology will become widely available during this time frame, likely reducing the cost of rectangular cadastral surveys by a factor of 25% or more. Legislation should be in place to take advantage of this rapidly developing technological progress.

If State provided rectangular surveys to section corner level were mandated and the State enacted the accompanying provisions of the amendment allowing aliquot part described lands to be patented to the entryman without further survey, additional savings in other administrative monies would accrue to the State. An officially adopted procedural manual for surveying the section into aliquot part parcels already exists. Therefore, the need for providing individual survey instructions for each entryman's survey, as is currently done, would be eliminated. In addition, the need for technical monitoring and checking of these individual surveys could be eliminated. This would allow considerable savings in personnel costs to administer the disposal program. Similarly, the State record keeping system would be less costly due to simpler and less voluminous property legal descriptions.

The reduction in cost to individual applicants should also be considered. Adoption of the proposed legislation would allow patent to be issued to the individuals without further survey activities by the State or the applicant after the rectangular survey is completed. Not only could title be transferred to the applicant, but it would be good marketable title, recognized by banks, title insurance companies and totally acceptable for all related land transactions. Only if the applicant deems it necessary, at his own time, convenience and expense would further surveys be undertaken. Such surveys would be far less expensive than those presently required of the applicant to secure title from the State. Any such survey, totally funded and at the discretion of the entryman, would also have the side benefit of at least partially defining all other parcels within the section, whether in private ownership or remaining in State ownership. Thus, all such privately funded surveys would provide for multiple benefits and savings. In the present control survey and metes and bounds method often used, each survey stands alone and provides little mutual benefit or savings. The absence of a rectangular survey also adversely impacts the

title to remaining lands in a township, as the location of the metes and bounds survey (by section) is indeterminate until the sections are surveyed. This very condition is causing delays in transfer of title of federal lands due to the presence of metes and bounds U.S. surveys for native allotment, headquarters sites and homesteads within townships not subdivided into sections by rectangular methods.

It is not the intent of this committee to recommend or encourage the rectangular survey of all State lands. Obviously, the majority of lands in or coming into State ownership are of such character, remoteness or potential use as to totally eliminate the need for any surveys whatsoever except, perhaps, for surface mapping purposes. That small percentage of lands, however, that may be suitable for disposal should be carefully inventoried, prioritized as to suitability for disposal and an ongoing rectangular cadastral survey program should be required as a matter of State policy. A minimal funding level should be allocated annually allowing a reservoir of lands to be always available, surveyed to the section boundary level, to be utilized to meet disposal needs as may arise to satisfy the needs of Alaska residents in the future.

Based on the historical data presented and the probable cost per acre for rectangular surveys in the future it appears that the current level of funding is sufficient to support this program if the lands for disposal are selected with reasonable care. The State should no longer spend substantial sums to address short term needs in a manner which creates greater future problems. The rectangular surveys, once completed, would serve many functions and be suitable for nearly any type of disposal program. The proposed legislation would allow for a more orderly disposal of Alaska lands over the longer period at much less cost and greater benefit to the entrymen while simultaneously meeting the technical requirements for adequate land management and identification.

Respectfully submitted,

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