

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

4298 SRES SCR 4 - SCR 18 1128

SCR

4

Offered: 5/3/83  
Referred: Rules

5-4-83/19-0 LG

Original sponsor: V. Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 Relating to a statewide system of  
6 trails.  
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 WHEREAS Alaska has many historical, recreational, and wilderness  
9 trails, waterways, and campsites; and  
10 WHEREAS it is in the best interest of the state to develop a statewide  
11 trails system to increase recreational opportunities for residents and  
12 visitors alike; and  
13 WHEREAS it is necessary that the state develop a method of protecting  
14 known trails from loss from public ownership; and  
15 WHEREAS it is in the best interest of the state to protect, provide  
16 for, and enhance the use and enjoyment of publicly owned land and resources  
17 by the public; and  
18 WHEREAS a statewide trails system would provide access to areas of  
19 historical, natural, or recreational interest; and  
20 WHEREAS it is in the best interest of the state to provide a method  
21 for the connection of state trails with other existing or potential units  
22 of a statewide system of trails, including trails located on federal or  
23 municipal land; and  
24 WHEREAS there is currently no comprehensive statewide plan for devel-  
25 oping a trails system or including trails nominated by local governments  
26 for inclusion in the state system; and  
27 WHEREAS tourism constitutes a major industry in the state and the  
28 development of recreational opportunities through a statewide system of  
29 trails is in the public interest; and

- 1 development and implementation of a statewide trails system plan, including
- 2 recommendations to the legislature for statutory changes.

## TRAILS LEGISLATION, SB-9

The major questions and problems raised by Senator Fahrenkamp and Committee staff center around what we are trying to accomplish with this legislation which we can't achieve under existing law or existing DNR authorities. Major goals which might require much different approaches include:

- funding for a trails coordinator in Parks —
- acquisition of needed trail rights-of-way or physical trail developments for recreational uses (or other uses?)
- Commemorative designation of the Iditarod Trail as state trail to better coordinate management with Federal historical trail management.
- Designation of Iditarod State Trail to provide actual on-the-ground state management and construction or historic preservation.
- Creation of a state scenic rivers or waterway system.
- Designation of many different trails for general recreation or tourist-based publicity or information purposes.
- Force coordination/cooperation between various state agencies, between the state and municipalities or between the state and federal agencies.

Relative to the above, things of particular concern include:

- no specific lateral or length boundaries of trails, waterways
- no specific management prescriptions or allowed or permitted uses.
- administrative ability to designate trails, waterways.
- Inclusion of "waterways" (backdoor scenic river system?)
- Why new undefined categories in trails system?
- Why mandated Div. of Tourism information brochures. \$\$\$
- Lack of specific trails designated in bill.
- Plan for overall system, trails generally, or specific trails?

Introduced: 1/18/83  
Referred: Resources and  
and Finance

1 IN THE SENATE

BY V.FISCHER AND JOSEPHSON

2

SENATE BILL NO. 9

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to outdoor recreational facilities;

7

providing for a state historical, recreational, and

8

wilderness trails, waterways, and campsite system;

9

and providing for an effective date."

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

11

\* Section 1. AS 41.20.070 is amended to read:

12

Sec. 41.20.070. ESTABLISHMENT. There is established in the

13

state a system of historical, recreational, and wilderness trails,

14

waterways, and campsites. The system includes all state trails,

15

waterways, and campsites designated under AS 41.20.080 and those local

16

trails, waterways, and campsites nominated by local governments for

17

inclusion in the state system and approved by the commissioner of

18

natural resources. The system shall be administered by the Department

19

of Natural Resources, division of parks.

20

\* Sec. 2. AS 41.20.080 is repealed and reenacted to read:

21

Sec. 41.20.080. SELECTION. (a) The Department of Natural Re-

22

sources, in consultation with the Departments of Fish and Game and

23

Transportation and Public Facilities, shall designate a system of

24

historical, recreational, and wilderness trails, waterways, and camp-

25

sites throughout the state. Significant in the selection shall be the

26

scenic, recreational, historic, natural, or cultural qualities of the

27

areas through which the trails and waterways pass.

28

(b) Trails, waterways, and campsites designated under this

29

section shall

*Multiple  
Jurisdiction*  
*Initial  
Consider  
Resolution*

1           Sec. 41.20.105. TRAILS WITHIN A MUNICIPALITY. The Department of  
2           Natural Resources may enter into a cooperative agreement with a muni-  
3           cipality of the state for the acquisition, development, and marking of  
4           trails within the municipality.

5       \* Sec. 6. AS 41.20.110 is amended by adding a new subsection to read:

6           (c) In accordance with plans developed jointly with the division  
7           of parks, the Department of Transportation and Public Facilities shall  
8           develop and construct trail heads to serve the trail system, and shall  
9           develop and provide for safe and adequate public access to waterways  
10          in the system. The Department of Transportation and Public Facilities  
11          shall incorporate these trail heads and access to waterways in the  
12          design and development of all state highway projects that affect the  
13          system. As used in this subsection, a "trail head" is an area provid-  
14          ing parking for the public and marking the existence of a trail.

15       \* Sec. 7. AS 41.20 is amended by adding new sections to read:

16          Sec. 41.20.115. INFORMATIONAL MATERIAL. The division of tourism  
17          in the Department of Commerce and Economic Development shall prepare  
18          informational material for state and national distribution promoting  
19          the use of state historical, recreational, and wilderness trails,  
20          waterways, and campsites and shall coordinate this informational  
21          material with information and advertising promoting tourism to state  
22          parks and historical sites.

23          Sec. 41.20.125. REPORT AND DEVELOPMENT PLAN. (a) By the first  
24          Monday in January of each year the division of parks, Department of  
25          Natural Resources, shall file with the governor and the legislature a  
26          report showing trails, waterways, and campsites included in the  
27          system, arrangements made or entered into for use, development, main-  
28          tenance, or marking of units within the system, and money expended or  
29          committed for these purposes.

1           (b) The division of parks, Department of Natural Resources,  
2       shall prepare and maintain a five-year development plan for the system  
3       and shall include the plan in the annual report required by (a) of  
4       this section.

5       \* Sec. 8. This Act takes effect July 1, 1983.



# Alaska State Legislature

## Senate

Official Business

Senator Bettye Fahrenkamp  
Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 23, 1983  
3:10 p.m.

211 Beltz Room

### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Ziegler  
Senator Eliason

Senator Vic Fischer ✓  
Senator Mulcahy  
Senator Sturgulewski

- 
- SB 9 - An Act relating to outdoor recreational facilities; providing for a state historical, recreational, and wilderness trails, waterways and campsite system.
- SB 128 - An Act establishing certain areas as marine park units of the Alaska state park system.
- CSHB 151 - An Act making a special appropriation to the Department of Natural Resources, Division of Parks, for acquisition and development of the House of Wickersham in Juneau.
- 

SB 9 - Neil Johannsen, Director, State Division of Parks testified that the administration supports SB 9. He would recommend that the fiscal note be stricken to zero. Discussion followed as to implementation of the bill if it was not funded. Regarding the Iditarod Trail, he stated that BLM will not act on the trail management plan until a joint understanding by the State of Alaska and the Department of Interior has been reached on management strategies. At that time a plan will be submitted to the Alaskan delegation in Washington, D. C. and funds requested.

Senator Vic Fischer listed amendments he wished to see included in SB 9. Senator Fahrenkamp suggested that Sen. Fischer work closely with Citizen's Advisory Commission which has worked on the Iditarod plan.

Senator Fischer moved a zero fiscal note on SB 9. There were no objections.

Jim Wilson representing himself expressed concern over the lack of safeguards in the bill permitting continued historic use of trails for mining, etc.

Mary Lou King representing herself supports SB 9.

SB 128 - Neil Johannsen, Director of Alaska State Parks, gave background information and the history of the acquisition of land for marine parks. Discussion followed regarding amount of state land selected from national forests allocated to prime recreation use, similar projects in other areas, the law suit over land selections with the Forest Service, the support of various groups including Alaska Visitor's Association and communities in the Prince William Sound area. He suggested various amendments to improve upon the bill: i.e. special purpose sites, the inclusion of Board of Game,

permission to construct aquaculture facilities, cooperative agreements with other owners in management and access across marine sites. He recommended a zero fiscal note.

Senator Fischer moved the committee fiscal note. There were no objections.

Jay Nelson, Representative of Alaska Environmental Lobby, testified that SB 128 would assure good conservation of land and supports the bill. He supports zero fiscal note on SB 128. He also supports CSHB 151 and SB 9.

Carl Yanagawa, Department of Fish and Game testified that his department supports SB 128.

Senator Vic Fischer moved that a committee substitute be prepared to incorporate proposed changes. There were no objections.

Senator Fahrenkamp stated that the Committee would consider SB 128 on Monday, March 28.

CSHB 151 - Ned Farquhar, Special Assistant to DNR Commissioner Wunnicke requested permission to delay the Administration's comments on CSHB 151 one week.

Senator Fahrenkamp concurred in the request.

Kitty Gaer, a private citizen testified in support of CSHB 151.

Perry Lovett, Mayor of Cordova and a member of Alaska Parks and Recreation testified in support of SB 9 and SB 128. He also supports amendments offered by State Division of Parks. However, he expressed concern regarding a zero fiscal note.

Meeting adjourned at 4:15 p.m.

**Sitka State Parks Citizen's Advisory Board**  
**Resolution No. 6**

*A resolution urging the the passage of Senate Resolution No. 4 relating to a statewide system of trails.*

WHEREAS water, land and snow based trails are an important recreation facility for both Alaska residents and visitors; and  
WHEREAS trails provide access to public lands and resources; and  
WHEREAS The State of Alaska has selected Federal lands which contain all or segments of existing trails; and  
WHEREAS trail rights-of-way have been reserved across native selected lands at the request of the Alaska Department of Fish & Game; and  
WHEREAS some of the existing trails were maintained by volunteer groups; and  
WHEREAS the State of Alaska has not designated agencies to assume responsibility for existing trails and trail right's-of-way on State lands; and  
WHEREAS municipalities, Federal agencies and volunteer groups have no State agency they can work with in maintaining trails; and  
WHEREAS right's-of-way reserved to provide public access to public resources across private lands are being lost due to neglect;

NOW THEREFORE BE IT RESOLVED by the Sitka State Parks Citizen's Advisory Board that the following actions be initiated:

1. That the State Legislature pass Senate Concurrent Resolution No. 4 relating to a statewide system of trails.
2. That the Governor designate an appropriate agency to assume responsibility for existing trails and trail rights-of-way on State lands.

Passed and approved this 16th day of April, 1985.

*Craig V. Courtright*  
for Dick Wilson, Chairman

6

# LYNN CANAL CONSERVATION, INC.

POST OFFICE BOX 521  
HAINES, ALASKA 99827

March 20, 1983

Senator Vic Fischer  
Pouch V  
Juneau, Alaska 99811

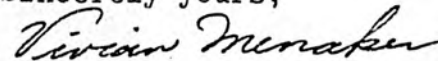
Re: Senate Bill No. 9 (Alaska State Trails System)

Dear Senator Fischer:

We support creation of the Alaska State Trails System (SB 9). It is an attempt to create a systematic approach to state-wide trail designation, development and maintenance. An integrated system of trails provides a framework for recreational opportunities which have in the past been scattered and piecemeal at best. State visitors and residents would both benefit from a coordinated selection of trail locations and design. The State Trails System would also allow for a more efficient means of management with planning, construction and maintenance responsibilities designated.

Tourism increasingly contributes to our state's economy. This system will provide another dimension to encourage tourism.

Sincerely yours,



Vivian Menaker, President

CC: Senator Betoye Fahrenkamp, Chairman  
Senator Don Bennett, Finance Committee Chairman  
Senator Jalmar Kerttula, President  
Senator Richard Eliason, Resources Committee  
Representative Peter Goll, Resources Committee

## SCR 19 - RELATING TO A STATEWIDE SYSTEM OF TRAILS

(Senate Resources Committee - Friday, April 29, 1983 - Senator Vic Fischer)

1. for two years you've had a bill pending establishing a statewide trails system.
2. recent hearings on the bill and meetings with various agencies within DNR and DOTPF have illustrated some major problems:
  - A. The state (Governor) has no state policy towards trails - in fact, no one is charged with nor responsible for planning, and developing a policy.
  - B. If trails are administered through the Division of Parks they are parks, with all the perhaps unwanted and unnecessary restrictions associated with parks that may not be applicable to trails
  - C. Who is the most appropriate agency to administer and plan for trails? How can we assure coordination between agencies in developing and preserving trails.
  - D. Many of Alaska's trails are used primarily for transportation with recreation use second. Particularly historical trails may be the only access to mining claims and homesteads.
3. It became apparent that:
  - A. Alaska should develop a statewide trails system.
  - B. That system should be planned, should provide for nominations into the system, should assure interagency coordination, should provide for the state to help local government units manage their trail system.
  - C. The Resources Committee (Bettye) felt a resolution would be a more appropriate vehicle - and that the policy decisions should be made administratively (or, at least, that we should give them (the Gov) a chance before we did it by legislation.
4. SCR 19 is modeled after the trails bill. It's 'whereas' list all the things that need addressed and why in planning for a statewide trails system and it's therefore's ask the Governor to direct appropriate agencies to develop a plan that accommodates all the needs and issues identified in the 'whereas'.
5. SCR 19 requests a report be given to next year's legislature outlining progress in implementing and developing a trails plan, including recommendations for statutory change or other legislative measures.

/gb  
4/29



## Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954

February 26, 1985

To: Senator Sturgulewski, Chair  
Senate Resources Committee

From: Senator Vic Fischer

Re: SCR 4 - statewide trails system

Attached are copies of SCR 4, my statement of February 8, and Esther Wunnicke's letter of February 22.

I would very much like to have us move on SCR 4. As indicated in my memo, the same resolution passed the Senate unanimously in 1983 and was unanimously ok'd by the House Resources and Finance committees. Only my friend Ramona's intransigence kept it from being enacted last year.

Esther's letter indicates that DNR might provide a "0" fiscal note, though they'd prefer to go ahead with \$131,000 per year. From a practical standpoint, I would rather go with a zero fiscal note, as I'm sure DNR, with DOTPF and local government assistance, could make significant progress toward trail system planning, and designation.

cc: Senator Coghill

\*\*\*\*\*  
\*  
\* DELIVER TO: JPOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 02/21/85 TIME: 10:12 \*  
\* FROM: LANA TRUJILLO \*  
\* SUBJECT: FOM \*  
\* PRINT DATE: 02/21/85 TIME: 10:13 \*  
\*  
\*\*\*\*\*

TO: SEN. COGHILL, ELIASON, FAHRENKAMP, FAIKS, FERGUSON, F  
FISCHER, VIC FISCHER, HALFORD, JOSEPHSON, KERTTULA, SACKETT,  
STURGULEWSKI AND ZHAROFF

REP. ADAMS, BINKLEY, CATO, COTTEN, DUNCAN, FRANK, HERRMANN,  
JENKINS, LARSON, MW MILLER, PEARCE, POURCHOT, RIEGER, RINGSTAD,  
SHULTZ, SUND, SZYMANSKI, THOMPSON, UEHLING AND WALLIS

FROM: SHERWIN START, 320 MCCARREY, ANCHORAGE, 99504, 337-8988(HM)

RE: SCR 4

THIS BILL WILL GO A LONG WAYS TOWARDS PROVIDING FUTURE  
RECREATIONAL ACCESS AND THEREFORE PROVIDE FOR A MUCH NEEDED  
DIVERSIFICATION OF THE STATES REVENUE BASE.

\*\*\*\*\*MATR-0036\*\*\*\*\*FEB. 15\*\*\*\*\*MARTIE/MATSU\*\*\*\*\*

TO: SENATORS DEVIRES, V. FISCHER, JOSEPHSON, AND KERTTULA

FROM: JOE ORTNER  
PO BOX 1178  
PALMER 99645  
745-2442

RE: SCR 4, STATEWIDE SYSTEM IF TRAILS

PLOW AHEAD FULL SPEED ON THIS. A SYSTEM OF TRAILS STATEWIDE  
WOULD BE A REAL BENEFIT TO THE PEOPLE OF ALASKA AND TO TOURISM.



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,  
Anchorage, Alaska 99501  
(907) 278-3654

November 15, 1983

Honorable William Sheffield  
Governor, State of Alaska  
Pouch A  
Juneau, Alaska 99811

Dear Bill:

I am writing to urge your help in initiating efforts to establish a state-wide system of trails, trail-heads, and waterways.

Alaska's vast statewide system of historical and recreational trails has been largely ignored by past administrations. In spite of this, the demand for trail oriented recreation experiences in Alaska has grown phenomenally. With tourism rapidly becoming Alaska's most vital industry short of oil development, it's unlikely this pressure will diminish.

Although the benefits of establishing a comprehensive trails system are obvious and compelling - tourism development, increased recreation opportunities, national and historical interest, expanding state transportation links, connecting existing parks and tourist facilities with local government recreation areas - the potential has never been realized. Alaska will need your direct help and intervention to assure that this resource lives up to it's full promise.

Currently Alaska has no policy or program to identify and catalog known trails, to coordinate efforts in managing and preserving them or, indeed, any overall strategy that recognizes the economic, historic, and recreation potential of trails or encourages their development.

Instead, the state has exacerbated the problem considerably in the last few years by inadvertently including trails in land disposals, failing to acquire rights-of-way, and developing settlements and transportation corridors in conflict with existing historical trails.

While the benefits are clear, we should also weigh the costs of doing nothing. The list of known state trails reads like the pages of Alaska's history book: Iditarod, Chilkoot, Resurrection Pass, Eagle Summit. Many of these will quickly become history lost without your intervention.

I have enclosed a copy of SCR19 - a resolution basically urging the same action I'm urging through this letter. SCR 19 passed the Senate unanimously last year and is currently in the House Resources Committee. While I anticipate no problems with it's final passage, I'd rather not pursue a legislative solution for what may require simple executive action.

Since first introducing legislation in 1981 to establish a trails system, I've had the opportunity to attend several public hearings/teleconferences where overwhelming support was voiced from constituents, recreation enthusiasts, Alaska's historical community, tourists, and citizens generally interested in parks and recreation issues.

While that statewide support and enthusiasm has not diminished, when it came to the "nuts and bolts" of drafting the bill, serious policy considerations and problems became apparent. These problems should be thoroughly considered by the Governor and pertinent state agencies in order to decide what subsequent action, if any, should be pursued. Among the issues that concern me are:

- The state has no policy towards trails and no state agency is responsible for planning and developing a policy. In this case, the buck hasn't stopped anywhere - it never got started in the first place.
- In the absence of a state policy, plan, or system for surveying, identifying and designating trails, we are continuously and forever losing patents, rights-of-ways and ownership/management authority of state owned trails.
- Which is the most appropriate agency to administer and plan for trails? How can we assure coordination between agencies in identifying, cataloging, developing and preserving trails, trail heads and associated waterways? Can we have joint management or at least a coordinated agreement between state agencies dealing with trails that could include joint management agreements with local governments?
- Many of Alaska's trails, particularly historical ones, were created and used primarily for transportation, specifically mining operations, with recreation as a "second" use. How can we administer trails as "parks" and still allow adequate access and use as transportation corridors?
- If trails are administered through the Division of Parks they are parks, with all the perhaps unwanted or inappropriate restrictions associated with parks that may not be applicable to trails. If trails are to be administered as "long, skinny parks," how can we dilute park restrictions without also diluting the Division's authority to protect established units?
- Finally, can an "in-house" coordinated effort adequately establish and preserve a comprehensive statewide trails system without creating a new agency or authority, reams of regulations and red tape, and subsequent increased budget demands? Can the administration at least assure that the most immediate and pressing problems - acquiring rights-of-way that are about to be lost and not disposing of or endangering existing state owned trails - are taken care of while it plans for longer term considerations?

Senator Vic Fischer

(907) 465-4954

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



MEMORANDUM

TO: Reps. John Ringstad and Richard Shultz  
Co-Chairs, House Resources Committee

FROM: Senator Vic Fischer

DATE: April 23, 1984

RE: SCR 19

SCR 19, a resolution urging the Governor to establish a statewide trails system, is currently before the House Resources Committee.

SCR 19 passed the Senate unanimously during the last week of the 1983 session. It makes clear the wishes of the legislature that Alaska's statewide trail system be preserved and maintained for use by all Alaskans.

Without its passage, we are likely to continue to see our trail system whittled at by loss of rights-of-way, inability to develop cooperative management with private, state, federal and other landowners, and restriction of public use by inappropriate designations.

I'd greatly appreciate it, therefore, if you would schedule this resolution for hearing at your earliest convenience. Please let me know if any additional background information is needed.

Thanks.

Bill, I have faith that the new energy and direction of your administration can be applied here. You have the people, the brains, and the commitment to see that Alaska's history, along with our growing recreation and tourism industry, is enhanced and encouraged by a nationally recognized trails system stretching from Ketchikan to Barrow.

What we need here is a fresh look, a businessman's perspective, and a decision to do what to be needs done. I'll help in any way I can.

Best regards,

Senator Vic Fischer

cc: Dan Casey, Commissioner of DOTPF  
Esther Wunnike, Commissioner DNR  
Tom Hawkins, Division of Lands  
Neil Johannsen, Division of Parks

/gb



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

### MEMORANDUM

TO: Rep. John Ringstad and Richard Shultz  
Co-Chairs, House Resources Committee

FROM: Senator Vic Fischer 

DATE: February 28, 1984

RE: SCR 19

SCR 19, a resolution urging the Governor to establish a statewide trails system, is currently before the House Resources Committee.

I would greatly appreciate it if you could schedule the bill for hearing before the committee at your convenience.

Attached is back-up material for committee members. Please let me know if additional material is required.

Thanks.

/gb



McKai:

here is a complete "package" on SCR 4, the statewide trails resolution.

In 1981 Victor introduced Sb 189, creating a statewide trails system. The bill didn't get past the Senate Finance Committee.

In 1982 Vic re-introduced the same bill. (By the way, in 1981 we had overwhelming support from local communities for the trail system with a letter of endorsement from over 35 towns and villages)

The 1982 bill was SB 9 (copy enclosed). When SB 9 got to Fahrenkamp's committee, Bettye had some problems with it. These problems are outlined somewhat in the attached memo's.

the upshot was that (as explained in the letter to the Governor) that too many basic policy issues had to be decided before we proceed with a bill so a Resolution seemed in order. Hence SCR 19 which passed the Senate unanimously and the House committees unanimously only to die in House Rules because that's the political breaks (VF had already had six bills pass into law that session, enough was enough).

The rest, as they say, is history (in the form of SCR 4). We still have no comprehensive approach to trail planning, Parks still doesn't know what Div. of Land & Water is doing and no one is talking to DOTPF, let alone the Div. of Tourism or DEC or a host of other state/local/federal agencies having some jurisdiction over trails.

Something needs done, someone needs to be in charge of at least inventoring what trails we have and making a list of agencies involved with their management. Seems simple enough.

Another note: research on

/g.Baim  
3/18/85

Introduced: 2/11/85  
Referred: Resources and  
Finance

1 IN THE SENATE

BY V.FISCHER AND JOSEPHSON

2

SENATE CONCURRENT RESOLUTION NO. 4

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to ~~a~~ statewide ~~system of~~

6

trails. *systems*

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

WHEREAS Alaska has many historical, recreational, and wilderness  
9 trails, waterways, and campsites; and

10

WHEREAS it is in the best interest of the state to develop a statewide  
11 trails system to increase recreational opportunities for residents and  
12 visitors alike; and

13

WHEREAS it is necessary that the state develop a method of protecting  
14 known trails from loss from public ownership; and

15

WHEREAS it is in the best interest of the state to protect, provide  
16 for, and enhance the use and enjoyment of publicly owned land and resources  
17 by the public; and

18

WHEREAS a statewide trails system would provide access to areas of  
19 historical, natural, or recreational interest; and

20

WHEREAS it is in the best interest of the state to provide a method  
21 for the connection of state trails with other existing or potential units  
22 of a statewide system of trails, including trails located on federal or  
23 municipal land; and

24

WHEREAS there is currently no comprehensive statewide plan for devel-  
25 oping a trails system or including trails nominated by local governments  
26 for inclusion in the state system; and

27

WHEREAS tourism constitutes the third largest industry in the state  
28 and the development of recreational opportunities through a statewide  
29 system of trails is in the public interest; and

1 WHEREAS it is in the best interest of the state to encourage state  
2 agencies to work cooperatively to reserve and develop trail heads to serve  
3 a statewide system of trails; and

4 WHEREAS it is in the best interest of the state to design, designate  
5 and develop trails, trailheads, and public access areas in conjunction with  
6 the construction of transportation and other public works projects; and

7 WHEREAS it is in the best interest of the state to develop standards  
8 and guidelines for inclusion of trails into a statewide system of trails;  
9 and

10 WHEREAS information to members of the public about the use and loca-  
11 tion of state trails is necessary to ensure safe and maximum public enjoy-  
12 ment of publicly owned land and resources;

13 BE IT RESOLVED by the Alaska State Legislature that the governor is  
14 respectfully requested to direct appropriate state agencies to develop a  
15 plan for a comprehensive statewide system of trails that will

16 (1) provide for standards, procedures, and management guidelines  
17 for designating trails within a statewide trails system;

18 (2) provide access to areas of historical, natural, or recrea-  
19 tional interests;

20 (3) protect and enhance the use and enjoyment of publicly, owned  
21 land and resources by the public;

22 (4) protect existing trails now in public ownership and access  
23 from loss to the public;

24 (5) propose a state and local government capital improvement  
25 plan which includes inter-agency coordination and cooperation in the  
26 design, development and management of a statewide system of trails; and be  
27 it

28 FURTHER RESOLVED that the governor is respectfully requested to pre-  
29 pare and maintain a five-year development plan for the system and shall

- 1st 15<sup>th</sup>.
- 1 include the plan in annual reports to the Second Session of the Fourteenth
  - 2 Legislature and to subsequent legislatures.

~~be it further resolved that -~~

and <sup>immediately</sup> concentrate ~~on~~ initial efforts on providing input to appropriate federal agencies acting on Federal Management plans to assure adequate protection of current and future access for recreational and other <sup>purposes</sup> opportunities.

Introduced: 2/11/85  
Referred: Resources and  
Finance

*applies to or includes  
RS 24775*

1 IN THE SENATE

BY V.FISCHER AND JOSEPHSON

2

SENATE CONCURRENT RESOLUTION NO. 4

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to a statewide system of  
trails.

6

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS Alaska has many historical, recreational, and wilderness  
9 trails, waterways, and campsites; and

10 WHEREAS it is in the best interest of the state to develop a statewide  
11 trails system to increase recreational opportunities for residents and  
12 visitors alike; and

13 WHEREAS it is necessary that the state develop a method of protecting  
14 known trails from loss from public ownership; and

15 WHEREAS it is in the best interest of the state to protect, provide  
16 for, and enhance the use and enjoyment of publicly owned land and resources  
17 by the public; and

18 WHEREAS a statewide trails system would provide access to areas of  
19 historical, natural, or recreational interest; and

20 WHEREAS it is in the best interest of the state to provide a method  
21 for the connection of state trails with other existing or potential units  
22 of a statewide system of trails, including trails located on federal or  
23 municipal land; and

24 WHEREAS there is currently no comprehensive statewide plan for devel-  
25 oping a trails system or including trails nominated by local governments  
26 for inclusion in the state system; and

27 WHEREAS tourism constitutes the third largest industry in the state  
28 and the development of recreational opportunities through a statewide  
29 system of trails is in the public interest; and

1 WHEREAS it is in the best interest of the state to encourage state  
2 agencies to work cooperatively to reserve and develop trail heads to serve  
3 a statewide system of trails; and

4 WHEREAS it is in the best interest of the state to design, designate  
5 and develop trails, trailheads, and public access areas in conjunction with  
6 the construction of transportation and other public works projects; and

7 WHEREAS it is in the best interest of the state to develop standards  
8 and guidelines for inclusion of trails into a statewide system of trails;  
9 and

10 WHEREAS information to members of the public about the use and loca-  
11 tion of state trails is necessary to ensure safe and maximum public enjoy-  
12 ment of publicly owned land and resources;

13 ~~WHEREAS~~ *Many Federal Management plans are presently being prepared by all fed*  
~~BE IT RESOLVED~~ *agencies as directed in ANILCA*  
14 by the Alaska State Legislature that the governor is  
15 respectfully requested to direct appropriate state agencies to develop a  
16 plan for a comprehensive statewide system of trails that will

17 (1) provide for standards, procedures, and management guidelines  
18 for designating trails within a statewide trails system;

19 (2) provide access to areas of historical, natural, or recrea-  
20 tional interests;

21 (3) protect and enhance the use and enjoyment of publicly owned  
22 land and resources by the public;

23 (4) protect existing trails now in public ownership and access  
24 from loss to the public; *would include RS 2477's*

25 (5) propose a state and local government capital improvement  
26 plan which includes inter-agency coordination and cooperation in the  
27 design, development and management of a statewide system of trails; and be  
28 it *(6) [give special consideration to and their management in the new fed management plans for federal conservation units]*  
*[Protect + provide for future] Trails when reviewing all fed*

29 FURTHER RESOLVED that the governor is respectfully requested to pre-  
pare and maintain a five-year development plan for the system and shall

- 1 include the plan in annual reports to the Second Session of the Fourteenth
- 2 Legislature and to subsequent legislatures.

## FISCAL NOTE

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

REQUESTBill/Resolution No.: SCR 4Title: Statewide trailsSponsor: V. Fischer

Requestor: \_\_\_\_\_

Date of Request: \_\_\_\_\_

FISCAL DETAILAgency Affected: Natural ResourcesProgram Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

Land and Water, Parks and Outdoor Recreation

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> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

|                  |  |  |  |  |  |  |
|------------------|--|--|--|--|--|--|
| <b>FULL-TIME</b> |  |  |  |  |  |  |
| <b>PART-TIME</b> |  |  |  |  |  |  |
| <b>TEMPORARY</b> |  |  |  |  |  |  |

ANALYSIS: Attach a separate page if necessary

No fiscal impact. The department will continue to conduct trails planning within area plans, in cooperation with local and federal agencies and the local public. Because the resolution carries no deadline for the completion of statewide trails plans and policies, the department will attempt to develop these in the course of its activities without additional cost or staff.

Prepared By: Ned FarquharDivision: Commissioner's OfficePhone: 465-2400Date: March 22, 1985Approved by Commissioner: Wm D. Arns DeputyAgency: Natural ResourcesDate: March 22, 1985Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

~~WHEREAS many federal plans are currently in preparation~~

WHEREAS the federal government is conducting management planning for conservation units that encompasses many important trails.

1 WHEREAS it is in the best interest of the state to encourage state  
2 agencies to work cooperatively to reserve and develop trail heads to serve  
3 a statewide system of trails; and

4 WHEREAS it is in the best interest of the state to design, designate  
5 and develop trails, trailheads, and public access areas in conjunction with  
6 the construction of transportation and other public works projects; and

7 WHEREAS it is in the best interest of the state to develop standards  
8 and guidelines for inclusion of trails into a statewide system of trails;  
9 and

10 WHEREAS information to members of the public about the use and loca-  
11 tion of state trails is necessary to ensure safe and maximum public enjoy-  
12 ment of publicly owned land and resources;

13 ~~WHEREAS~~ BE IT RESOLVED by the Alaska State Legislature that the governor is  
14 respectfully requested to direct appropriate state agencies to develop a  
15 plan for a comprehensive statewide system of trails that will

16 (1) provide for standards, procedures, and management guidelines  
17 for designating trails within a statewide trails system;

18 (2) provide access to areas of historical, natural, or recrea-  
19 tional interests;

20 (3) protect and enhance the use and enjoyment of publicly owned  
21 land and resources by the public; ~~including the traditional uses of the land~~

22 (4) protect existing trails now in public ownership and access  
23 from loss to the public;

24 (5) propose a state and local government capital improvement  
25 plan which includes inter-agency coordination and cooperation in the  
26 design, development and management of a statewide system of trails; ~~and be~~

27 ~~it~~ (6) Give special consideration to trails, ~~and~~ and their management in the review  
of management plans for federal conservation units; ~~and be it~~

28 FURTHER RESOLVED that the governor is respectfully requested to pre-  
29 pare and maintain a five-year development plan for the system and shall

SCR 4 FURTHER RESOLVED that efforts immediately concentrate on providing  
input to appropriate agencies acting on Federal Management  
plans to assure adequate protection of current and future  
access for recreational and other purposes.

Introduced: 2/11/85  
Referred: Resources and  
Finance

1 IN THE SENATE

BY V.FISCHER AND JOSEPHSON

2

SENATE CONCURRENT RESOLUTION NO. 4

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to a statewide system of

6

trails.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

WHEREAS Alaska has many historical, recreational, and wilderness  
9 trails, waterways, and campsites; and

10

WHEREAS it is in the best interest of the state to develop a statewide  
11 trails system to increase recreational opportunities for residents and  
12 visitors alike; and

13

WHEREAS it is necessary that the state develop a method of protecting  
14 known trails from loss from public ownership; and

15

WHEREAS it is in the best interest of the state to protect, provide  
16 for, and enhance the use and enjoyment of publicly owned land and resources  
17 by the public; and

18

WHEREAS a statewide trails system would provide access to areas of  
19 historical, natural, or recreational interest; and

20

WHEREAS it is in the best interest of the state to provide a method  
21 for the connection of state trails with other existing or potential units  
22 of a statewide system of trails, including trails located on federal or  
23 municipal land; and

24

WHEREAS there is currently no comprehensive statewide plan for devel-  
25 oping a trails system or including trails nominated by local governments  
26 for inclusion in the state system; and

27

WHEREAS tourism constitutes the third largest industry in the state  
28 and the development of recreational opportunities through a statewide  
29 system of trails is in the public interest; and

1 WHEREAS it is in the best interest of the state to ~~encourage state~~  
2 ~~agencies to work cooperatively to reserve and develop trail heads to serve~~  
3 a statewide system of trails; and

4 WHEREAS it is in the best interest of the state to ~~design, designate~~  
5 ~~and develop trails, trailheads, and public access areas in conjunction with~~  
6 the construction of transportation and other public works projects; and

7 WHEREAS it is in the best interest of the state to ~~develop standards~~  
8 ~~and guidelines for inclusion of trails into a statewide system of trails;~~  
9 and

10 WHEREAS ~~information to members of the public about the use and loca-~~  
11 ~~tion of state trails~~ is necessary to ensure safe and maximum public enjoy-  
12 ment of publicly owned land and resources;

13 BE IT RESOLVED by the Alaska State Legislature that the ~~governor~~ is  
14 respectfully requested to ~~direct appropriate state agencies to develop a~~  
15 ~~plan for a comprehensive statewide system of trails that will~~

16 (1) ~~provide for standards, procedures, and management guidelines~~  
17 for designating trails within a statewide trails system;

18 (2) ~~provide access to areas of historical, natural, or recrea-~~  
19 ~~tional interests;~~

20 (3) ~~protect and enhance the use and enjoyment of publicly owned~~  
21 ~~land and resources by the public;~~ *including traditional use of the land*

22 (4) ~~protect existing trails now in public ownership and access~~  
23 ~~from loss to the public;~~

24 (5) ~~propose a state and local government capital improvement~~  
25 ~~plan which includes inter-agency coordination and cooperation in the~~  
26 ~~design, development and management of a statewide system of trails; and be~~  
27 it

28 FURTHER RESOLVED that the ~~governor~~ is respectfully requested to ~~pre-~~  
29 ~~pare and maintain a five-year development plan for the system and shall~~

*whereas many federal lands*

*Resolved*

- First* *Fifteenth*
- 1 ~~include the plan in annual reports~~ to the ~~Second~~ Session of the ~~Fourteenth~~
  - 2 Legislature and to subsequent legislatures.

FEB 21 1985

\*\*\*\*\*  
\*  
\* DELIVER TO: JPOM  
\*  
\*  
\* ORIGINAL  
\* SENT: 02/21/85 TIME: 10:12  
\* FROM: LANA TRUJILLO  
\* SUBJECT: POM  
\* PRINT DATE: 02/21/85 TIME: 10:13  
\*  
\*\*\*\*\*

TO: SEN. COGHILL, ELIASON, FAHRENKAMP, FAIKS, FERGUSON, P.  
FISCHER, VIC FISCHER, HALFORD, JOSEPHSON, KERTTULA, SAWYETT,  
STURGULEWSKI AND ZHAROFF

REP. ADAMS, BINKLEY, CATO, COTTEN, DUNCAN, FRANK, HERRMANN,  
JENKINS, LARSON, MW MILLER, PEARCE, POURCHOT, RIEGER, RINGSTAD,  
SHULTZ, SUND, SZYMANSKI, THOMPSON, UEHLING AND WALLIS

FROM: SHERWIN START, 320 MCCARREY, ANCHORAGE, 99504, 337-8988(HM)

RE: SCR 4

THIS BILL WILL GO A LONG WAY TOWARDS PROVIDING FUTURE  
RECREATIONAL ACCESS AND THEREFORE PROVIDE FOR A MUCH NEEDED  
DIVERSIFICATION OF THE STATES REVENUE BASE.



**Fairbanks  
North  
Star  
Borough**

*Scot*  
MAR 22 1985

Mayor: B.B. Allen

March 21, 1985

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

Dear Senator Sturgulewski: *Arless*

The Fairbanks North Star Borough Planning Commission has recommended to me that the Fairbanks North Star Borough support State Concurrent Resolution No. 4.

Within the Fairbanks North Star Borough, trail use has continually been identified as a top priority by residents. Our Commission feels a Statewide Trail System would benefit the State enormously and facilitate coordination between local trail planning efforts.

I concur with my Planning Commission's recommendations and recommend support of Concurrent Resolution No. 4.

Sincerely yours,

*B. B. Allen*  
B. B. Allen  
Mayor

BBA:jb

cc: Senator Vic Fischer  
Senator Joe Josephson  
Mr. Edwin (Rocky) Rhoades, Chairman,  
Trails Advisory Commission

Introduced: 2/11/85  
Referred: Resources and  
Finance

1 IN THE SENATE

BY V.FISCHER AND JOSEPHSON

2

SENATE CONCURRENT RESOLUTION NO. 4

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to a statewide system of

6

trails.

7

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

8

WHEREAS Alaska has many historical, recreational, and wilderness

9

trails, waterways, and campsites; and

10

WHEREAS it is in the best interest of the state to develop a statewide

11

trails system to increase recreational opportunities for residents and

12

visitors alike; and

13

WHEREAS it is necessary that the state develop a method of protecting

14

known trails from loss from public ownership; and

15

WHEREAS it is in the best interest of the state to protect, provide

16

for, and enhance the use and enjoyment of publicly owned land and resources

17

by the public; and

18

WHEREAS a statewide trails system would provide access to areas of

19

historical, natural, or recreational interest; and

20

WHEREAS it is in the best interest of the state to provide a method

21

for the connection of state trails with other existing or potential units

22

of a statewide system of trails, including trails located on federal or

23

municipal land; and

24

WHEREAS there is currently no comprehensive statewide plan for devel-

25

oping a trails system or including trails nominated by local governments

26

for inclusion in the state system; and

27

WHEREAS tourism constitutes the third largest industry in the state

28

and the development of recreational opportunities through a statewide

29

system of trails is in the public interest; and

1 WHEREAS it is in the best interest of the state to encourage state  
2 agencies to work cooperatively to reserve and develop trail heads to serve  
3 a statewide system of trails; and

4 WHEREAS it is in the best interest of the state to design, designate  
5 and develop trails, trailheads, and public access areas in conjunction with  
6 the construction of transportation and other public works projects; and

7 WHEREAS it is in the best interest of the state to develop standards  
8 and guidelines for inclusion of trails into a statewide system of trails;  
9 and

10 WHEREAS information to members of the public about the use and loca-  
11 tion of state trails is necessary to ensure safe and maximum public enjoy-  
12 ment of publicly owned land and resources;

13 BE IT RESOLVED by the Alaska State Legislature that the governor is  
14 respectfully requested to direct appropriate state agencies to develop a  
15 plan for a comprehensive statewide system of trails that will

16 (1) provide for standards, procedures, and management guidelines  
17 for designating trails within a statewide trails system;

18 (2) provide access to areas of historical, natural, or recrea-  
19 tional interests;

20 (3) protect and enhance the use and enjoyment of publicly owned  
21 land and resources by the public;

22 (4) protect existing trails now in public ownership and access  
23 from loss to the public;

24 (5) propose a state and local government capital improvement  
25 plan which includes inter-agency coordination and cooperation in the  
26 design, development and management of a statewide system of trails; and be  
27 it

28 FURTHER RESOLVED that the governor is respectfully requested to pre-  
29 pare and maintain a five-year development plan for the system and shall

- 1 include the plan in annual reports to the Second Session of the Fourteenth
- 2 Legislature and to subsequent legislatures.

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JACK COGHILL  
DICK ELIASON  
VIC FISCHER  
RICK HALFORD  
FRED ZHAROFF



POUCH V  
JUNEAU, ALASKA. 99811  
(907) 465-4907

## Senate Committee on Resources

### Senate Resources Committee Minutes

March 22, 1985  
1:35 pm

### Senate Resource Members Present

Senator Arliss Sturgulewski, Chairman  
Senator Bettye Fahrenkamp, Vice Chair  
Senator Dick Eliason  
Senator Fred Zharoff

Senator Rick Halford  
Senator Jack Coghill  
Senator Vic Fischer

### Calendar

SCR 4 Relating to a statewide system of trails.

SB 11 "An Act relating to the fisheries business tax."

---

### Senator Sturgulewski

Called the meeting to order. She stated the committee had SCR 4 before them and opened the Public Hearing on SCR 4.

Senator Vic Fischer, prime sponsor of the resolution, stated the bill is to encourage state agencies to work cooperatively to reserve and develop statewide trail systems planning in Alaska.

Ned Farquhar, Special Assistant, DNR, stated support for SCR 4. Mr. Farquhar stated that it will assist in DNR's planning processes and the RS 2477 issue. He stated the department will handle the resolution within its planning process and therefore have submitted a zero fiscal note.

Linda Anderson, Fairbanks, testified in support of SCR 4.

Senator Sturgulewski closed the Public Hearing

Committee members discussed SCR 4 and noted the following concerns:

1. whether or not a report could be completed in time to submit to the Second Session of the Fourteenth Legislature as stated on page 3;
2. whether or not the resolution allowed for traditional uses of the land;

3. whether or not a further resolve clause should be added to directing DNR to concentrate initial input to agencies acting on Federal Management Plans

Senator Sturgulewski asked committee staff to work on SCR 4 to reflect committee member's concerns and stated she would bring it back at the end of the meeting.

---

Senator Sturgulewski stated that SB 11 was before the committee and that there were no members of the public on hand to testify on the bill.

Committee members discussed SB 11 and noted the following concerns:

1. should the state give a tax credit to some one who is delinquent on their taxes;
2. how can the state be sure that the tax credit money is going to upgrading the plants;
3. a person may be making a profit by receiving tax credits from the state and the federal governments.

Senator Halford moved the following amendment to SB 11: p. 1, l. 25: replace "related to a" with "for"; replace "facility" with "facilities improvement" and asked unanimous consent.

Senator Sturgulewski hearing no objection, so ordered. She asked that Senator Zharoff work with committee staff on SB 11 and then she would bring the bill back before the committee.

---

Senator Sturgulewski stated that SCR 4 was back before the committee.

Senator Vic Fischer moved that CS SCR 4 (Resources) be before the committee.

Senator Sturgulewski hearing no objection, so ordered.

Senator Vic Fischer moved CS SCR 4 (Resources) with individual recommendations and asked unanimous consent.

Senator Sturgulewski hearing no objection, so ordered.

---

Senator Sturgulewski adjourned the meeting at 2:45.

# Senator Vic Fischer

Alaska State Legislature

Pouch V • Juneau, Alaska 99811 • (907) 465-4954



February 8, 1985

To: Interested Parties

From: Senator Vic Fischer

Re: SCR 4 - statewide trails system

SCR 4, introduced in the Senate today, calls on the Governor to coordinate the efforts of state agencies land management agencies to maintain, protect and enhance our statewide trail system.

Alaska's vast statewide system of historical and recreational trails has been largely ignored by past administrations. In spite of this, the demand for trail oriented recreation experiences in Alaska has grown phenomenally. With tourism rapidly becoming Alaska's most vital renewable industry, it's unlikely this pressure will diminish.

Currently, Alaska has no policy or program to identify and catalog known trails or to coordinate efforts in managing and preserving them. There is no overall strategy that recognizes the economic, historic, and recreation potential of trails or encourages their development.

Instead, the state has exacerbated the problem considerably in the last few years, often inadvertently. Thus some trails, including parts of the Iditerod Trail, have been included in proposed land disposals. Settlements and transportation corridors have been established in conflict with existing historical trails. Rights-of-way have not been reserved when the opportunity was available.

SCR 4 asks the Governor to pursue interagency coordination, with guidelines set by the legislature, to develop a comprehensive statewide system of trails that will:

- provide for standards, procedures, and management guidelines for designating trails within the system

- provide access to areas of historical, natural, or recreational interest

- protect and enhance the use and enjoyment of publicly owned land and resources by the public

- protect existing trails now in public ownership and access from loss to the public

- propose a state and local government capital improvement plan that includes interagency coordination and cooperation in the design, development, and management of a statewide system of trails

Further, SCR 4 requests the Governor to make a report to the legislature on the development and implementation of a statewide trails system plan, including recommendations to the legislature for statutory changes.

SCR 4 is identical to SCR 19, that passed the Senate unanimously in 1983 and went on to pass, unanimously again, both the House Resources and House Finance Committee. It died in the House Rules Committee on adjournment.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

February 22, 1985

The Honorable Vic Fischer  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Fischer:

You have asked for our position on Senate Concurrent Resolution No. 4, which relates to a statewide system of trails. We are very much in favor of the development of a comprehensive statewide plan for trails, for the purposes listed in the resolution, and believe that some trail planning can be accomplished as part of the current state planning program within the Department of Natural Resources.

Because of the decline in state revenues and the need for economy in all areas of government, however, we are unable to undertake the development of a truly comprehensive trail planning program at this time. A comprehensive trail planning program would include the following:

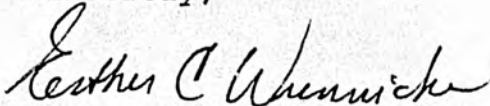
- ° Establishment of a statewide trail inventory coordinator, such as exists in many other states.
- ° Expanded identification of trails throughout the state through the statewide area planning process. ANCSA 17(b) type easement identification would be expanded to state, private and federal land throughout the state.
- ° Expanded review and preparation of cases to assert RS 2477 trails and right-of-ways in court.
- ° Assistance to the federal government in its task of reserving a network of trails on ANCSA lands (179(b)) through the development of regional atlases that show all trails in the state. If the public knows where trails and easements are, trespassing problems can be alleviated.

February 22, 1985

If the Legislature desires to have a comprehensive trail planning program completed more rapidly than our current or projected budgets allow, with the addition of approximately \$131,000 per year the actions described above could be taken. This level of funding would allow for two full-time employees to research and identify trails and coordinate and compile trail information. It would also allow for the publication of regional trail atlases.

Please let me know if I may provide additional information about our current or proposed trail planning projects.

Sincerely,



Esther C. Wunnicke  
Commissioner

cc: Senator Joe Josephson  
Tom Hawkins  
Neil Johannsen



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

February 28, 1984

TO: Members, House Resources Committee  
FROM: Senator Vic Fischer *Vic Fischer*  
Re: SCR 19 - establishing a statewide trails system

In 1981, I introduced SB 189, legislation that would have created a statewide system of recreational and scenic trails. I reintroduced basically the same bill in 1983 in the form of SB 9.

Before the Senate Resources committee hearing on SB 9, I met with personal from the Division of Parks, DOTPF, and Senator Fahrenkamps's staff. Those meetings illustrated some major problems with the bill including:

- the state has no comprehensive policy towards trails, in fact, no one is responsible for planning and developing such a policy
- if trails are administered through the Division of Parks they are parks, with all the restrictions associated with parks that may not be applicable to trails
- the Division of Land and Water Management has, in the past, inadvertently included the rights of way for historical, and recreational trails in land disposals. While they are getting much better, lack of adequate surveying and funding to identify and preserve rights-of-way remains a problem
- most of Alaska's major trails cross a mixture of public and private land. How can we preserve and maintain a statewide trail that crosses federal, state, municipal, borough, native, and other privately owned land as an integral unit?
- many of Alaska's trails are used primarily for transportation with recreation use second. Historical trails particularly may be the only access to mining claims and homesteads
- DOTPF is responsible for planning and construction involving transportation corridors. But what about trailheads, recreational trails, water crossings and campsites associated with transportation corridors and recreational trails?
- who, therefore, is the most appropriate agency to administer and plan for trails. How can we assure coordination between agencies in developing and preserving trails?

It became apparent to me that SB 9 may have been premature in that the Governor should have the opportunity first to provide for interagency coordination in planning and managing statewide trails before such management is "cast in concrete" through legislation.

SCR 19 is an attempt to allow the Governor the freedom to pursue interagency coordination with guidelines set by the legislature as to what we believe a statewide trails system should encompass.

SCR 19 is modeled after SB 9. It asks the Governor to direct appropriate state agencies to develop a plan for a comprehensive statewide system of trails that will

- provide for standards, procedures, and management guidelines for designating trails within the system

- provide access to areas of historical, natural, or recreational interest

- protect and enhance the use and enjoyment of publicly owned land and resources by the public

- protect existing trails now in public ownership and access from loss to the public

- propose a state and local government capital improvement plan which includes inter-agency coordination and cooperation in the design, development and management of a statewide system of trails

Further, SCR 19 requests the Governor to make a report to the legislature on the development and implementation of a statewide trails system plan, including recommendations to the legislature for statutory changes.

This section of the resolution, page 2, lines 28 and 29, will have to be amended in the House as they call for the Governor to report to this session of the legislature. The section obviously reflects a bit of wishful thinking on my part, as I anticipated early passage of this resolution last year.

SCR 19 passed the Senate unanimously in the last weeks of the 1983 session. I hope it finds such favor in the House and I thank you for consideration of the resolution in committee.

/gb

FOR IMMEDIATE RELEASE:  
April 20, 1983

VIC FISCHER INTRODUCES RESOLUTION  
TO ESTABLISH STATEWIDE TRAIL SYSTEM

JUNEAU, AK. -- Anchorage Senator Vic Fischer today introduced a Senate Concurrent Resolution requesting Governor Bill Sheffield to develop a plan for a comprehensive statewide system of trails in the 49th state.

"In a state with all the scenic wonders that Alaska possesses it is appalling that we do not have a statewide trail system or plans for such a system," Fischer said today. "The trails would increase recreational opportunities for Alaskan residents as well as visitors."

Fischer said establishment of a trails system would help prevent the loss to the public of some existing trails; would provide access to areas of historical, natural, or recreational interest; and would help promote tourism in Alaska. "By promoting tourism, a statewide trail system would help bring additional revenues into the state," Fischer said. "At a time when our revenues are declining, this is an important incentive for a statewide trail system."

The resolution also asks the governor to provide for standards, procedures, and management guidelines for designating trails within a statewide system; and asks the governor to prepare and maintain a five-year development plan for the system. The five-year plan would include annual reports to the Legislature beginning next session.

(more)

"A statewide trail system would not only allow Alaskans more recreational opportunities, it would also allow them a greater appreciation of the grandeur of our state and just how fortunate we are to be Alaskans," Fischer said.

-30-

For further information, contact:  
Ginger Baim, Tel.: 465-4954

042083



# 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.

James O. Smith  
Signature of Camera Operator

11/24/89  
Date

SCR

18

Hein

A M E N D M E N T

Offered in the SENATE

*Coghill*  
By Sturgulewski

TO: CSSB 294 (Resources)

Page 12, line 5, after "camp" insert:

"or being present in the field for the purpose of providing  
meatpacking services for a big game animal only after the animal has  
been killed"

Hein  
3/17/86

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an  
7 effective date."

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

9 \* [REDACTED] AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 \* [REDACTED] AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -  
13 June 30, 1990 [1986]).

14 \* [REDACTED] AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the  
17 purposes of licensing and regulating the activities of guides in the  
18 interest of the state's wildlife resources there [THERE] is created  
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.  
20 No more than three members of the board shall have a guide license.  
21 The other members must [SHALL] have a general knowledge of the game  
22 resources of the state. A minimum of 10 years residence in the state  
23 is required for all members of the board. For administrative pur-  
24 poses, the board is in the Department of Commerce and Economic Devel-  
25 opment.

26 [REDACTED] AS 08.54.020 is amended to read:

27 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of  
28 the board shall be appointed by the governor and confirmed by the  
29 legislature for staggered terms of three years or until their

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE  
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR  
3 THREE YEARS.] A member may be removed at the pleasure of the gover-  
4 nor.

5 [REDACTED] AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the  
7 board constitute a quorum for the transaction of business, for the  
8 performance of a duty, and for the exercise of any power under this  
9 chapter. The board may not adopt a regulation, revoke, suspend, or  
10 deny renewal of a license, or assign, modify, or revoke a restricted  
11 guide area unless the action is approved by a vote of a majority of  
12 the full membership of the board.

13 \* [REDACTED]. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may  
16 include oral examinations of applicants who demonstrate limited abil-  
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants  
19 for licenses and authorize the issuance of licenses to those who  
20 qualify;

21 (3) establish guide performance standards and regulate  
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]  
24 register of master and registered guides who have not been convicted  
25 of a violation of a federal or state sport fish, game, or guiding  
26 statute or regulation; a guide listed in the register whose license is  
27 revoked or suspended shall be removed from the register while the  
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

*Went*

guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMMEDIATELY PRECEDING THE PUBLISHING OF THE RECORD];

(6) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

(7) after a hearing, revoke, suspend or deny renewal of a license in accordance with AS 08.54.200;

(8) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, [AND] reasonable, and consistent procedure for limiting the number of guides to that quota; preference shall be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(9) meet at least twice annually, once in Anchorage and once in another municipality.

~~AS 08.54.045~~ AS 08.54.045 is repealed and reenacted to read:

Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a special guide license to a person who applies to conduct a guided hunt for a specific species of marine mammal in a specifically designated area if the applicant

(1) is 21 years of age or older;

(2) has, for at least 10 years, resided and hunted in the area of the state in which the applicant is to guide;

(3) is physically able to perform the duties of a special guide;

(4) has demonstrated knowledge of the following areas to an extent and degree satisfactory to the board.

- 1 (A) fish and game laws and regulations;  
2 (B) relevant characteristics of the specific species  
3 to be hunted;  
4 (C) field preparation of trophies;  
5 (D) care of game meat;  
6 (E) use of guiding gear;  
7 (F) firearm safety;  
8 (G) practical first aid;  
9 (H) booking and contracting hunts;

10 (5) has not been convicted of a game or guiding law viola-  
11 tion during the previous five years.

12 \* [REDACTED] AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A  
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of  
18 firearms, hunting, judging trophies, field preparation of trophies,  
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation  
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared  
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-  
25 dards of competence and ethical conduct and has not been convicted of  
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part  
28 of each of five years in a manner directly contributing to the per-  
29 son's experience and competency as a guide;

1           (7) [(8)] has been licensed as and performed the services  
2 of an assistant guide in the state for a part of each of three years,  
3 or has guided in the state for a part of each of three years under a  
4 special guide license issued under AS 08.54.045;

5           (8) [(9)] submits a written recommendation to the board  
6 from a registered guide for whom the applicant has worked; however,  
7 the requirements of this paragraph do not apply to a person who has  
8 guided under a special guide license for three years;

9           (9) [(10)] is capable of performing the physical duties  
10 associated with guiding activities;

11           (10) [(11)] has been favorably recommended in writing by two  
12 hunters that the person has guided or assisted in guiding during each  
13 year of the person's three years as an assistant guide, whose recom-  
14 mendations have been solicited by the board from a list provided by  
15 the applicant [;

16           (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY  
17 REQUIRE].

18 \* [REDACTED] AS 08.54 is amended by adding a new section to read:

19           Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE  
20 LICENSE. An assistant guide

21           (1) may not contract for guided hunts; and

22           (2) shall be employed and supervised by a registered or  
23 master guide at all times while the assistant guide is in the field on  
24 guided hunts.

25 \* [REDACTED] AS 08.54.170 is amended to read:

26           Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce  
27 and Economic Development shall set license fees under AS 08.01.065 for  
28 each of the following:

29           (1) master guide;

- (2) registered guide;
- (3) class A assistant guide;
- (4) assistant guide;
- (5) special guide [TRANSPORTER].

(b) The license fee for a master guide, registered guide, special guide, class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting or fishing license.

\* [REDACTED] AS 08.54 is amended by adding a new section to read:

Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall administer the qualification examination required under AS 08.54.110 at least twice a year. An examination may not be given within 90 days after the previous exam. At least once every other year the board shall give the examination at a location other than Anchorage.

\* [REDACTED] AS 08.54.190 is amended by adding a new subsection to read:

(d) A master guide, registered guide, special guide, class-A assistant guide, or assistant guide license expires biennially, on a date set by the Department of Commerce and Economic Development.

\* [REDACTED] AS 08.54 is amended by adding a new section to read:

Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the board may establish and assign guide areas for master guides or registered guides. The board shall adopt regulations under the Administrative Procedure Act (AS 44.62) that establish uniform and consistent criteria, including a point system, to be used by the board when it creates and assigns a restrictive guide area.

(b) The board shall consider the following factors before it assigns a restrictive guide area:

- (1) the extent to which the guide who has applied for the area has used the game management unit in which the area is located;
- (2) the extent to which the guide occupied and invested in

1 the area;

2 (3) the effect on other guides that would result from  
3 creation of the area;

4 (4) big game populations in the area;

5 (5) the land ownership status of the area; and

6 (6) other relevant facts or circumstances.

7 (c) The board may adopt regulations establishing a schedule of  
8 fees to be charged to persons to whom the board transfers restrictive  
9 guide areas.

10 (d) The board shall transfer a restrictive guide area to a  
11 person qualified for assignment who has been recommended by the guide  
12 to whom the area was assigned, or by a person on behalf of the guide,  
13 if the recommendation is made

14 (1) after five years have elapsed from the date of the  
15 assignment of the guide area; or

16 (2) during the first five years after the date of assign-  
17 ment and the guide has died or suffered a major disability, as defined  
18 by the board.

19 ~~AS 08.54.200(a)~~ AS 08.54.200(a) is repealed and reenacted to read:

20 (a) The board shall hold a hearing to determine whether disci-  
21 plinary action is necessary if (1) complaints concerning a licensee's  
22 guiding activities are filed with the board by three or more of the  
23 licensee's clients from separate parties; (2) a complaint concerning a  
24 guide's conduct during a life-threatening situation is filed with the  
25 board; or (3) a licensee has been convicted of a violation of a state  
26 hunting or guiding statute or regulation. The board may hold a hear-  
27 ing to determine whether disciplinary action is necessary if a com-  
28 plaint concerning a licensee's guiding activities is filed with the  
29 board by a client of the licensee.

1 \* [REDACTED] AS 08.54.200(b) is amended to read:

2 (b) After a hearing, the board may revoke, suspend, or deny  
3 renewal of a license if the board finds that the licensee

4 (1) engaged in unethical activity, unsafe activity, or  
5 activity that [WHICH] adversely affects the natural resources of the  
6 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL  
7 AND LEGITIMATE] purposes of the contract hunt; or

8 (2) violated a provision of a federal or state sport fish,  
9 game, or guide statute or regulation.

10 \* [REDACTED] AS 08.54.200(c) is amended to read:

11 (c) After a hearing, the board shall revoke a license if the  
12 board finds that the licensee

13 (1) does not meet the qualifications specified by statute  
14 or regulation for the class of license held;

15 (2) is incompetent as a master guide, registered guide,  
16 special guide, class-A assistant guide, or assistant guide;

17 (3) during the five years immediately preceding the hearing  
18 has been convicted of a violation [TWO VIOLATIONS] of a federal or  
19 state statute or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne; or

22 (C) hunting during a closed hunting season; or

23 (4) during the five years immediately preceding the hear-  
24 ing, has been convicted of two violations of a state statute or regu-  
25 lation prohibiting hunting in

26 (A) a restricted area not assigned to the licensee and  
27 without proper written permission; or

28 (B) an area closed by the board [SPORT FISH, GAME OR  
29 'GUIDE STATUTES OR REGULATIONS].

1 \* [REDACTED] AS 08.54.200(d) is repealed and reenacted to read:

2 (d) A person who is disciplined under this section may not  
3 engage in a guiding activity during the period of license revocation  
4 or disciplinary action. A person licensed under this chapter may not  
5 knowingly hire as a guide a person whose guide license is suspended or  
6 revoked under this section. A guide whose license is suspended or  
7 revoked may not guide in the employ of a person licensed under this  
8 chapter.

9 \* [REDACTED] AS 08.54.200 is amended by adding new subsections to read:

10 (f) If certified copies of two judgments of conviction of a  
11 guide for offenses described under (c)(3) of this section are filed  
12 with the board, the board shall immediately suspend the guide's li-  
13 cense. The suspension may be ordered even if the conviction resulted  
14 from a plea of nolo contendere or if the conviction is under appeal.  
15 The order remains in effect until after the final disposition of the  
16 disciplinary proceeding under this section.

17 (g) A certified copy of a judgment of conviction of a guide for  
18 an offense is conclusive evidence of the commission of that offense in  
19 a disciplinary proceeding instituted against the guide or outfitter  
20 under this section based on that conviction.

21 (h) In this section "two violations of a state statute or regu-  
22 lation" means two violations of a single statute or a single regu-  
23 lation, or violations of two statutes or two regulations, or one  
24 violation of a statute and one violation of a regulation.

25 \* [REDACTED] AS 08.54.210 is amended to read:

26 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

27 (1) a master guide, registered guide, special guide,  
28 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail  
29 to timely report to the Department of Public Safety, division of fish

1 and wildlife protection, and in no event later than 30 days, a viola-  
2 tion [VIOLATIONS BY A CLIENT] of a state fish, game, or guiding stat-  
3 ute or regulation that the guide reasonably believes was committed by  
4 a client or an employee of the guide;

5 (2) a master guide, registered guide, special guide,  
6 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid  
7 the commission of a violation of this chapter or of AS 16.05 or a  
8 regulation adopted [PROMULGATED] under either chapter, or permit the  
9 commission of a violation in the guide's [OR TRANSPORTER'S] sight  
10 without attempting to prevent it, short of using force, and without  
11 reporting it;

12 (3) a person to guide [OR TRANSPORT] as defined in this  
13 chapter without being licensed under this chapter and without having  
14 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-  
15 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR  
16 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE  
17 OF BUSINESS OF THE BUSINESS ENTITY;]

18 (4) a person to imply by advertisement, representation, or  
19 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a  
20 licensed master guide, registered guide, special guide, class-A assis-  
21 tant guide, or assistant guide [OR TRANSPORTER] without being current-  
22 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

23 (5) a person to act as a registered or master guide as  
24 defined in this chapter without having a current valid resident hunt-  
25 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

26 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE  
27 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

28 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT  
29 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

(b) A person who violates (a)(1) - (4) [(6)] of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both, and the person's license may be revoked for a period up to five years. However, a person who engages in guiding [OR TRANSPORTING] activity during the period for which the person's license is suspended or revoked under this chapter, or who violates (a)(5) of this section, is guilty of a felony punishable, upon conviction, by a fine of not more than \$5,000 and by imprisonment for not less than one year nor more than three years. In addition to punishment for a felony, all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in during the period of suspension or revocation shall be seized [CONFISCATED] by persons authorized to enforce this chapter. [A PERSON WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) - (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.]

**[REDACTED]**. AS 08.54.240 is amended to read:

Sec. 08.54.240. DEFINITIONS. In this chapter

(1) "board" means the Guide [LICENSING AND CONTROL] Board;

(2) "guide" [, "GUIDES"] or "guiding" means (A) being physically present in the field to provide a service related to a hunt for compensation or with the intent or an agreement to receive compensation for the service; or (B) assisting another person directly or through an assistant, to locate or take, or attempt to locate or take, big game for compensation or with the intent or an agreement to

1 receive compensation for the assistance; "guide" or "guiding" does not  
2 include the services of [licensed commercial carriers] who limit their  
3 services solely to transportation and who do not remain in the field;  
4 in this paragraph, "present in the field" does not include being  
5 present at a lodge or camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH  
6 THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE  
7 SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR  
8 THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT  
9 SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

10 (3) "resident" has the meaning given in AS 16.05.940 [MEANS  
11 A PERSON WHO

12 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

13 (B) REPEALED

14 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION  
15 TO PERMANENTLY RESIDE IN THIS STATE];

16 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS  
17 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR  
18 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY  
19 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE  
20 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG  
21 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME  
22 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

23 (5)] "unethical activity" means

24 (A) deception or misrepresentation [IN ANY DEGREE]  
25 involving prospective or actual clients either before, during, or  
26 following a contract hunt, including misrepresentation through  
27 private or public advertising of the type, duration, cost or  
28 conditions of the contract hunt [HUNTS];

29 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE

1 COMMUNICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE,  
2 DURATION, COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

3 (C)] making a guaranty that a species or certain  
4 number of species of game will be taken on a contract hunt;

5 (C) engaging in unsafe or unsportsmanlike activities  
6 that are detrimental to the game resources of the state, as  
7 defined by regulations of the board, including violations of  
8 state or federal hunting or guiding laws or regulations; or

9 (D) accepting a deposit for guiding services before  
10 signing a contract to provide the services;

11 (5) "big game" means brown bear, grizzly bear, polar bear,  
12 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain  
13 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

14 \* [REDACTED] AS 16.05.407(a) is amended to read:

15 (a) It is unlawful for a nonresident to hunt, pursue or take  
16 brown bear, grizzly bear, polar bear, or sheep in this state, unless  
17 personally accompanied by

18 (1) a person who is licensed as a master guide, registered  
19 guide, class-A assistant guide or assistant guide by the Guide [LI-  
20 CENSING AND CONTROL] Board; or

21 (2) a resident over 19 years of age who is

22 (A) the spouse of the nonresident; or

23 (B) is related to the nonresident, within and includ-  
24 ing the second degree of kindred, by marriage or blood.

25 \* [REDACTED] AS 16.05.407(b) is amended to read:

26 (b) An applicant for a nonresident big game tag for the taking  
27 of an animal specified in (a) of this section or in regulations adopt-  
28 ed under this section shall first furnish to the state, on a form  
29 provided by the state, an affidavit showing that the applicant will be

1 personally accompanied while hunting by a person who is qualified  
2 under the terms of (a) of this section. A person who falsifies the  
3 required affidavit is guilty of perjury under AS 11.56.200.

4 \* [REDACTED] AS 16.05.407(d) is amended to read:

5 (d) A nonresident who violates (a) [OR (c)] of this section, or  
6 who fails to furnish an affidavit under (b) of this section, is guilty  
7 of a misdemeanor and upon conviction is punishable by imprisonment for  
8 not more than one year, or by a fine of not more than \$5,000, or by  
9 both.

10 \* [REDACTED] AS 39.50.200(b) is amended by adding a new paragraph to  
11 read:

12 (48) the Guide Board.

13 [REDACTED] AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-  
14 05.340(e) and 16.05.407(c) are repealed.

15 \* [REDACTED] This Act takes effect July 1, 1986.

Introduced: 4/10/85  
Referred: Resources

*appeared  
before committee*

1 IN THE SENATE

BY FAIKS

2

SENATE CONCURRENT RESOLUTION NO. 18

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to the Guide Licensing and

6

Control Board.

7

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

8

WHEREAS the Guide Licensing and Control Board governs a system that

9

controls entry into the big game guiding industry in the state and assigns

10

exclusive guiding areas throughout the state; and

11

WHEREAS three of the board's seats are occupied by licensed guides and

12

many of the remaining seats often have been occupied by former guides or

13

others having a direct personal interest in the industry; and

14

WHEREAS unless the board adopts objective criteria and complies

15

strictly with the criteria when issuing licenses and assigning exclusive

16

guide areas, the public may perceive that the board's decisions are based

17

on self-interest rather than the public interest, and this perception would

18

erode public confidence in state government;

19

BE IT RESOLVED by the Alaska State Legislature that the Guide Licens-

20

ing and Control Board is requested to adopt regulations relating to the

21

following:

22

(1) publication of notice of board meetings and the procedures

23

the board follows at its meetings;

24

(2) establishment of a maximum number of guides who can be

25

licensed for a particular area;

26

(3) objective and detailed criteria for the issuance and reas-

27

signment of guide area permits;

28

(4) guidelines for placing conditions on the issuance or reas-

29

signment of guide area permits;

1           (5) other matters in which the public may perceive an appearance  
2 of impropriety or conflict of interest by board members; and be it

3           FURTHER RESOLVED by the Alaska State Legislature that the Guide Li-  
4 censing and Control Board is requested to comply strictly with and document  
5 its deliberations on regulations adopted in accordance with this resolu-  
6 tion.

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R

Commissioner, Department of  
Commerce and Economic Development

Loren H. Lounsbury

Deputy Commissioners, Department of  
Commerce and Economic Development

Terry Elder  
Greg Baker

Members of the  
Guide Licensing and Control Board

Chairman  
Member  
Member  
Member  
Member  
Member  
Member

Ray McNutt  
Edward J. Shavings, Sr.  
Douglas Pope  
Charles Weir  
Poldine Carlo  
Ralph G. Fenner  
James Harrower

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

November 22, 1985

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the  
Alaska Statutes (sunset legislation), the attached report is  
submitted for your review.

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

## TABLE OF CONTENTS

|                                                                                       | <u>Page</u> |
|---------------------------------------------------------------------------------------|-------------|
| Purpose and Scope of the Report . . . . .                                             | 1           |
| Organization and Function . . . . .                                                   | 3           |
| Report Conclusion . . . . .                                                           | 5           |
| Findings and Recommendations. . . . .                                                 | 7           |
| Analysis of Public Need . . . . .                                                     | 15          |
| Appendixes:                                                                           |             |
| A. Guide Licensing and Control Board<br>Revenues Compared with Expenditures . . . . . | 21          |
| B. Guide Licensing and Control Board<br>Examination Statistics. . . . .               | 23          |
| C. Guide Licensing and Control Board<br>Administrative Statistics . . . . .           | 24          |
| Agency Response:                                                                      |             |
| Department of Commerce and Economic<br>Development . . . . .                          | 25          |
| Guide Licensing and Control Board . . . . .                                           | 27          |

## PURPOSE AND SCOPE OF THE REPORT

### Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Guide Licensing and Control Board for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Guide Licensing and Control Board should be reestablished. The law now specifies that the Board will terminate June 30, 1986 and will have one year from that date to conclude its affairs.

### Scope

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with the license examiners.
3. Tests of files and documents of licensees.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General Opinions applicable to professional boards.

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Guide Licensing and Control Board was established by the 1973 Legislature and succeeded the Board of Fish and Game, Department of Fish and Game, which previously had regulated the guiding industry. The seven member Board is appointed by the Governor with confirmation by the Legislature and is restricted to having no more than three members as licensed guides. Board members serve staggered terms of three years or until their successors are appointed.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The Division assists the Board in the performance of their duties by providing administrative, licensure, and investigative support.

By law, a nonresident may not hunt, pursue, or take brown bear, grizzly bear, polar bear, or sheep in Alaska unless personally accompanied by a licensed master, registered, or assistant guide. Nonresidents hunting with an Alaskan relative are exempt from this requirement. The Guide Licensing and Control Board was appointed in part to protect these nonresident hunters from incompetent individuals holding themselves out to be qualified Alaskan guides.

The function of the Board is primarily regulatory, mandated by AS 08.54.040. Accordingly, the Board has the capacity to administer examinations, determine qualifications of guides, establish performance standards and regulate activities, maintain guide registers, prohibit harmful guiding activities, conduct hearings regarding licensure, and establish quotas of guides for specified geographical areas (exclusive guiding areas). The Board, through the assignment of exclusive guiding areas, limits hunting pressure by guides within a specific geographical area.

In addition, the Board licenses "transporters"; a licensed "transporter" is a person who transports hunters for hire.

(Intentionally left blank)

## REPORT CONCLUSION

### Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

### Report Conclusion

In our opinion, the Guide Licensing and Control Board should be reestablished. The regulation and licensing of qualified guides is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum qualification and experience requirements that provide reasonable assurance that persons licensed are both capable of safely conducting guided hunts and familiar with their prospective guiding areas. Assurance that those licensed act in a competent manner is also provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

(Intentionally left blank)

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Guide Licensing and Control Board (GLCB) should develop a prioritized set of criteria to use in assigning both exclusive and joint-use guiding areas (EGAs).

Alaska Statute 08.54.040(a)(8) allows GLCB to:

Establish a quota of licensed operating guides who may operate within designated geographical units or subunits of the state and provide for an equitable and reasonable procedure for limiting the number of guides to that quota; preference shall be given to qualified available guides who reside within the designated game unit or subunit.

GLCB has implemented this provision through the establishment of both exclusive and joint-use guide areas (EGAs), which limit the number of guides who can conduct hunts in various regions of the State. The GLCB's authority to assign EGAs is supported by an April 1977 Attorney General memorandum which determined that GLCB's regulations and activities implementing exclusive guiding areas were within their statutory powers.

This limitation on the practice of guiding ostensibly provides public benefits by providing for better game management, promotion and enforcement of ethical guiding practices; maintaining the "wilderness" aspect of big game hunting experience by separating guided hunting parties; and allows for the separation of non-compatible forms of hunting. The limits are also designed to provide for a greater degree of safety to the guided hunter by allowing guides to become familiar with the terrain and seasonal weather conditions of their assigned area.

GLCB does not act consistently when considering the assignment of exclusive and joint-use guiding areas. The criteria on which any given area assignment decision is made varies from decision to decision. Additionally, GLCB often does not adequately document the basis on which they make their assignments. We found inconsistencies and contradictions in the way that GLCB applied the following criteria when awarding EGAs:

1. Game Management Information - GLCB does not consistently review game management information in their area assignment decisions. What game information they do consider usually is second hand and anecdotal, provided by applicants or current users (see Recommendation No. 2).

2. Demonstration of Experience - When applying for an EGA, applicants must demonstrate that they have had guiding experience in the applicable game unit. Guides demonstrate their experience through the submittal to GLCB of a Statement of Financial Remuneration (SFR) for each guided hunt. SFRs list the names of hunters, guides assisting in the hunt, game units hunted, and the type of game taken.

Under the Board's regulations, SFRs are the primary evidence of a guide's activity and familiarity with the game unit involved. However, we found instances where the Board awarded EGAs to guides with no SFRs in the appropriate game unit, while denying other EGA applicants because they had no SFRs on file demonstrating their experience or activity.

3. Transfers of guiding areas - GLCB has been essentially approving transfers of guiding areas with little or no consideration of any other criteria such as game management, objections of joint users, or experience of the guide receiving the transferred area (see Recommendation No. 3).

This inconsistency on the part of GLCB in its decision-making, along with the lack of proper documentation of its rationale, ultimately results in a loss of effective control over the activities and policy of the guiding industry.

During the past four years, hearing officers have repeatedly found Board decisions to be arbitrary and capricious with little or no support. In effect, the Board has abdicated much of its control over area assignments through its inconsistent application of criteria. Hearing officer decisions are beginning to effectively replace GLCB in setting quotas for guides. Essentially, GLCB has not fully met its statutory responsibility to adopt an equitable and reasonable procedure for the assignment of guide areas.

We believe GLCB's responsibility would be better met by identifying pertinent criteria to be used in area assignment decisions, assigning some priorities to those criteria, and applying them consistently.

#### Recommendation No. 2

GLCB should improve methods of obtaining game management information from independent sources, such as the Alaska Department of Fish and Game (ADFG).

One of the primary justifications for the whole concept of EGAs is to enhance overall management of the public's game resources. Guides are awarded exclusive or joint-use areas so that they have a long-term interest in managing the game

in their EGA. GLCB has adopted regulations [12 AAC 38.053(d) (1)] that require it to consider an area's ability "... to sustain an additional guided hunting operation, in terms of game populations, terrain, methods of hunting, and use by other guides and hunters."

As stated in Recommendation No. 1, we found that GLCB rarely considers independent information regarding game populations and management concerns when assigning EGAs. GLCB relies on information provided by applicants and guides operating in the region under consideration. Certainly, the assessment of an active registered guide is important and should be considered. However, whether coming from an applicant or current user, it must be recognized that the guide has a vested interest in how the information is presented and interpreted.

Oftentimes, information presented to the Board is conflicting, depending on the desire of the guide. New applicants for areas claim game is plentiful, and the area is under-utilized. Current users, on the other hand, emphasize game scarcity and hunting pressures.

If GLCB established better, more formal communications with ADFG they would better meet their regulatory and statutory obligation to enhance the management of the State's game resources. ADFG information may be no better than that of guides; however, it is more independent and more objectively developed. ADFG is charged with management of the State's game resources, and guided, non-resident hunters take up to an estimated 40% of the game in the State. We believe GLCB should attempt to improve communications and coordination with ADFG while taking steps to include their assessment of game populations and hunting pressures when considering assignment of EGAs.

### Recommendation No. 3

GLCB should take more responsibility for area assignments by repealing regulations that allow a guide to designate to whom his EGA be reassigned.

Registered and master guides may each have a maximum of three EGAs. Typically, when a guide wishes to retire or perhaps become eligible for another, different EGA, he is allowed to turn back an existing EGA to the Board and designate the recipient of this reassignment. GLCB regulations currently allow, but do not necessarily require, this practice.

We found that these designated transfers override all other area assignment criteria. Essentially, GLCB has been automatically approving transfers of EGAs regardless of game management considerations, demonstration of experience

in the area by the transferee, and over the objections of affected joint users. Whereas GLCB evaluates, albeit inconsistently, regular area assignments, our review indicated they gave transfers much less scrutiny.

We believe that this lack of scrutiny encourages the practice of guides selling their EGAs to other guides in violation of GLCB regulations. With the Board giving little review to transfers, they greatly increase the potential of EGAs being awarded based solely on economic consideration; i.e., can the designated recipient afford to buy the area from its holder? This potential abuse is contrary to GLCB's statutory responsibility of establishing quotas for guide areas in an equitable and reasonable manner. We feel that all qualified guides for the area should receive equal chance at receiving an EGA, regardless of their ability to "buy" the rights from the previous holder.

By not adequately reviewing transfers of guide areas, the GLCB is missing an opportunity to achieve one of its stated policy goals. In the Board's FY 85 annual report, they state one of their policy objectives is to not allow additional joint use in areas that already have enough guides operating.

We feel that it would be better if the EGAs were surrendered to the Board; the Board review pertinent and prioritized criteria to determine if the region would support one or more additional guide operations; then consider all applications for the area under a equitable and reasonable method of allocation. Such a method could take into consideration unique qualifications such as a son or daughter who had worked as an assistant to their father, or perhaps a registered guide, who had "apprenticed" in the region under the surrendering EGA holder and accordingly, is more knowledgeable of the area than other applicants. By following such a procedure the Board would promote compliance with its own regulation restricting the transfer of guiding area permits.

#### Recommendation No. 4

GLCB should adopt procedures to improve the administration of the oral portion of the registered guide examination.

The oral portion of the registered guide examination is arbitrary and inconsistent in content and grading. This is because the examination content and grading guidelines are left to the discretion of the individual examiners.

To qualify for licensure as a registered guide, an applicant must successfully pass the registered guide examination. This examination, which is prepared and administered by GLCB, is composed of two parts, a written and an oral section. Passage of the examination requires the applicant to obtain a score of 80% on both sections.

GLCB procedures require the oral portion of the registered guide examination to be administered by three examiners, consisting of a Board member and two master guides. Questions asked by the examiners are based on an oral exam sheet, which does not limit examiners to specific questions nor does it provide predetermined question grading values.

This allows individual examiners to emphasize whatever subject areas they wish in the questioning of applicants. Despite the lack of specific grading criteria on which to base examination scores, instances were noted in which applicants narrowly failed exams by combined examiner scores as high as 79%.

The inconsistency of exam content and grading is demonstrated by the following example. In February 1985, an applicant failed the oral portion of the examination. The reason for failure noted by the examiners was that the applicant needed more hunting experience in the field. Examiners recommended the applicant obtain specific area experience along with spring, late fall, and winter experience. One month later, the applicant took the oral examination again, and was passed by an examination committee made up of three different examiners.

GLCB appears to have demonstrated its own doubts regarding the validity of oral examination results. GLCB's regulation 12 AAC 38.010(c), states the failure to achieve a passing score on either section of the examination constitutes failure of the entire examination. However, on several occasions, after having been petitioned by applicants who passed the written portion of the exam while failing the oral portion, the Board waived the requirement that the written portion of the examination be retaken.

The lack of specific guidelines dictating the objective administration of the oral portion of the registered guide examination has resulted in inconsistent content and grading between individual examinations. The likelihood of exam passage is as much affected by who the examiners are and their individual judgement as it is by the knowledge and competence of the applicant.

Structured guidelines governing the administration of the oral portion of the registered guide examination should be implemented by GLCB. These guidelines need to provide examiners with specific directions as to examination questions to be asked and their assigned grading values. If implemented, structured guidelines will provide a more objective means of administering the examination. This will provide the Board with more of a fair and consistent test of applicant competence.