

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9376 HOUSE RESOURCES

In addition to enthusiastic individual support, the following groups representing in excess of 25,000 Alaskan outdoor users support HB 23: Alaska Marine Dealers, Resource Development Council, Alaska Visitors Association, Alaska Air Carriers, Alaska Airmen's Association, Alaska Bow Hunters, Alaska Snowmobile Assoc., Alaska Boaters Assoc., Mat-Su Motor Mushers, Mat-Su Boaters, Alaska Outdoor Council, Territorial Sportsmen, Alaska Outdoor Council, Ketchikan Sport and Wildlife Club, and Mat Valley Sportsmen.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

State Capitol
Juneau, AK 99801
(907) 465-2679

Official Business

CSHB 23 / SECTIONAL ANALYSIS

- SECTION 1) Intent Language clarifying private property will not be affected by this legislation.
- SECTION 2) This section is a complete rewrite from the original version which was an amendment to AS 38.05.300(a). The new language amends AS 38.04.55 which has to do with access through private use areas. The amendments to AS 38.04.055 include changing the authority for making restrictions from the Director to the Commissioner (page 1, line 6) and changing may to shall (page 1, line 10) which will require the commissioner to provide for access in relation to historical use. Also, new language is added to include traditional outdoor activity in the listing of historical uses.
- SECTION 3) This section amends AS 38.04.058 by changing the authority from the Director to the Commissioner and by adding new language giving the commissioner authority to provide for restrictions on easements or right-of-ways to protect public safety and property. The restrictions applied under this section also must be made so as to protect as access to the maximum extent possible and must be made in a written finding.
- SECTION 4) Body of bill. Requires legislative approval if the Commissioner of Natural Resources intends, through land management, to block access for long periods of time or in large areas, including blockages for development or aesthetic values.

Definitions: Defines aesthetic values as those values held by a portion of the public and are social or cultural in nature. Also defines "traditional outdoor activity" and "traditional means of access".

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 3, 1997

SUBJECT: Sectional Summary of CSHB 23(RES). (Work Order No. 20-LS0158\H)

TO: Representative Beverly Masek
Attn: Eddie

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill clarifies the intent of the legislature.

Section 2 of the bill amends AS 38.04.055 specifying when the commissioner of natural resources must retain easements and rights-of-way when making land available for private use.

Section 3 of the bill limits the authority of the commissioner of natural resources to restrict the use of easements or rights-of-way.

Section 4 of the bill provides that the commissioner may not manage state land, water, or land and water so that a traditional means of access for traditional outdoor activities is restricted for the purpose of protecting aesthetic values of the land, water, or land and water unless the restriction is small in size, is temporary, is for the purpose of developing natural resources and the commissioner has identified and approved an alternative for the access, is for the protection of public safety and public or private property, or is approved by the legislature. Definitions are provided in this bill section.

GPL:pl
97-053.plm

0-LS0158F
Luckhaupt
2/26/97

CS FOR HOUSE BILL NO. 23()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MASEK

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land; and relating to access to land."

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

3 * Section 1. INTENT. It is the intent of the legislature that nothing in this Act affects
4 private property owners' rights that exist on the effective date of this Act.

5 * Sec. 2. AS 38.04.055 is amended to read:

6 Sec. 38.04.055. Access through private use areas. The commissioner
7 [DIRECTOR] shall reserve easements and rights-of-way on and across land that
8 [WHICH] is made available for private use as necessary to reach or use public water and
9 public and private land. An easement or right-of-way reserved under this section shall
10 [MAY] include trails that have an established history of use for commerce, recreation,
11 [OR] transportation, or providing access to a traditional outdoor activity. In this
12 section. "traditional outdoor activity" has the meaning given in AS 38.04.200.

13 * Sec. 3. AS 38.04.058 is amended to read:

14 Sec. 38.04.058. Restrictions on easement or right-of-way use. The
15 commissioner [DIRECTOR] may, under terms agreed to in writing by a grantee, lessee,

1 or interest holder of state land, restrict the use of an easement or right-of-way reserved
 2 under AS 38.04.050, 38.04.055, or other law in order to protect public safety or property.
 3 The commissioner may not agree to or enforce a restriction under this section
 4 unless the restriction is narrowly tailored to achieve the protection of public safety
 5 and property while preserving access to the maximum extent practicable and the
 6 commissioner makes a written finding identifying how the restriction will protect
 7 public ~~and~~ safety and property. ^{Public or Private}

8 * Sec. 4. AS 38.04 is amended by adding a new section to read:

9 **Article 3A. Access To State Land.**

10 **Sec. 38.04.200. Traditional means of access.** (a) The commissioner may not
 11 manage state land, water, or land and water so that a traditional means of access for
 12 traditional outdoor activities is restricted for the purpose of protecting aesthetic values
 13 of the land, water, or land and water or is prohibited unless the restriction or
 14 prohibition is

15 (1) for an area of land, water, or land and water that encompasses 640
 16 contiguous acres or less;

17 (2) temporary in nature and effective cumulatively less than eight
 18 months in a three-year period;

19 (3) for the development of natural resources and a reasonable
 20 alternative for the traditional means of access across the land, water, or land and water
 21 for traditional outdoor activities on other land, water, or land and water is available
 22 and approved by the commissioner; or

23 (4) authorized by act of the legislature.

24 (b) In this section,

25 (1) "aesthetic values" means those values that exist as an expression of
 26 the social or cultural viewpoint held by a portion of the population;

27 (2) "traditional means of access" means those types of transportation
 28 on, to, or in the state land, water, or land and water, for which a popular pattern of use
 29 has developed; the term includes flying, ballooning, boating, using snow vehicles,
 30 operation of all-terrain vehicles, horseback riding, mushing, skiing, snowshoeing, and
 31 walking;

32 (3) "traditional outdoor activities" means those types of activities that

1 people may use for sport, exercise, subsistence, including the harvest of foodstuffs, or
2 personal enjoyment, including hunting, fishing, trapping, gathering, or recreational
3 mining, and that have historically been conducted as part of an individual, family, or
4 community life pattern on or in the state land, water, or land and water.

CS FOR HOUSE BILL NO. 23(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MASEK

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 32 walking;

1
2
3
4
5

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RESOURCES AGENDA

2/27/97

I. Gavel to order

- A. Ask Fairbanks if Irene Nicholia is on-line.
- B. Ask to see if Anchorage, Mat-su and Kenai are all on line.

II. HB 23 is the bill of the day

- A. Rep. Masek/Eddie Grasser - speak to changes
- B. Questions
- C. Adopt CS

III. Testimony

- A. Jane Angvik (Division of Land)
 - 1. Jane will have an amendment that Beverly will agree with.
- B. Adopt amendment
- C. Public testimony on CS

IV. Vote

- A. If there is an objection, ask the secretary to call the roll



Tanana Valley Sportsmen's Association
INCORPORATED

P.O. Box 698

Fairbanks, Alaska 99707

Phone (907) 474-0437

January 20, 1997

The Honorable Beverly Masek
Alaska State House of Representatives

Dear Representative Masek:

The Tanana Valley Sportsmen's Association supports the intent of House Bill No. 23. The proliferation of both Federal and State restrictions on access to and on public lands is abominable. The impunity which non-elected officials circumvent the public's wishes is an embarrassment to our system of government.

The provision for temporary restrictions, AS 38.05.300 (d) (1), is not acceptable. It would allow 80 days each year for three years. This effectively precludes traditional access for hunting, trapping, berry picking, mushroom gathering, firewood cutting etc. at peak use periods. Prime time for berry picking, mushroom gathering, is usually only a few days to a few weeks a year. Moose seasons over much of the State are only 2 to 4 weeks long. Caribou may be available in an area for only a few days as they migrate through.

The State has access restrictions off of the Dalton Highway which are strictly designed to accommodate some peoples sensibilities and are unrelated to maintenance of the habitat or conservation of renewable or non-renewable resources. AS 38.05.300 (d) (1) must be eliminated or shortened to 10 days or less.

Sincerely,

Oliver "Bud" Burris,
Chairman, Legislative Affairs Committee



January 17, 1997

Alaska Boating Association • P.O. Box 210430 • Anchorage, Alaska 99521

Representative Beverly Masek
Alaska House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative Masek:

This letter is in response to your proposed HB0023 relating to traditional means of access for traditional outdoor uses. At a regularly scheduled meeting of the Alaska Boating Association held on January 16, 1997, our organization voted unanimously to support your efforts and to strongly urge this legislation be passed. This letter is to communicate to you the organizations official position on this legislation.

In addition, many of our individual members will be corresponding with individual letters, POM's, testimony at teleconferences, etc. This bill is important to all members of our organization since traditional means of access is not only important to us for recreational considerations; but, in some cases is vital to some members livelihood.

Thank you for your efforts and continue to keep us informed of any and all related legislative matters we can be effective in supporting.

Yours truly,

Roy J. Burkhart, Legislative Affairs Officer
Alaska Boating Association
Voice: (907)495-6337 FAX:(907)495-6338 E-Mail: rjburk@alaska.net

cc: Donald Sherwood, President, Alaska Boating Association



ALASKA OUTDOOR COUNCIL

P.O. BOX 2790
PALMER, AK. 99645
(907) 376-2913

Jan. 17, 1996

The Honorable Scott Ogan, Co-Chair
The Honorable Bill Hudson, Co-Chair
House Resources Committee
Alaska State House
Juneau, Ak. 99801

Dear Rep. Ogan & Hudson:

The Alaska Outdoor Council fully supports efforts to protect public access for all Alaskans. Rep. Beverly Masek's efforts over the last two years with HB 447, and now with HB 23 are very much appreciated by Alaskans everywhere.

The Alaska Outdoor Council represents over 45 outdoor groups with a membership of around 12,000. Our interests are sound, scientifically based wildlife management, equal access to public resources and public access to common property resources.

The need for HB 23 has become more and more apparent over the past few years as the administration continually attempts to institute unwarranted restrictions on Alaskans wishing to access public lands and waters. Without such measures, we believe traditional Alaskan activities will continue to be restricted without justification.

Since HB 23 is essentially the same as last year's HB 447, and since that legislation passed both Houses of the Legislature with overwhelming bi-partisan support the Alaska Outdoor Council urges you to expedite the movement of this legislation at your earliest convenience.

Thank you for your time and attention to this important issue, it is very much appreciated.

Sincerely,

Rod Arno, President



January 21, 1997

Re: HB 23

To Whom It May Concern:

Mat-Su Motor Musers is a family-oriented snowmachine club encompassing the Mat-Su Borough, representing approximately 500 members. In the past, we have strenuously opposed closing public land areas to motorized access. Our mission statement reflects our commitment to public access to public lands and we support HB23 as a mechanism to protect access for all Alaskans.

Thank you for this consideration.

Sincerely,

Glenda Smith

Glenda Smith
Legislative Chair



Resource Development Council for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
(907) 276-0700 Fax: (907) 276-3887 e-mail: rdc@aonline.com

Founded 1973

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Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles

January 21, 1997

Representative Bill Hudson, Co-Chair
Representative Scott Ogan, Co-Chair
House Resources Committee
State Capitol
Juneau, AK 99801-1182

**RE: Support for HB 23, an act relating to Traditional
Means of Access for Traditional Outdoor Uses.**

Dear Representative Hudson & Ogan:

The Resource Development Council (RDC) encourages your prompt consideration of HB 23, an act relating to traditional means of access for traditional outdoor uses.

Access to Alaska's vast lands is a major priority of RDC. It is imperative Alaska retain the widest possible range of multiple uses on its lands and preserve as many options as possible for access, especially traditional access for recreation and other uses.

Access is a paramount concern to RDC in light of the fact that so much of Alaska's federal and State conservation units are already managed for the preservation of backcountry qualities for those who demand solitude and untracked wilderness experiences. Alaska's parks, both state and federal, can contribute a great deal to tourism and local recreational needs, but reasonable access must be permitted. Tourism demands access and infrastructure to accommodate growing numbers of visitors, and these visitors, as well as local residents, demand a wide variety of opportunities, including flightseeing and aircraft landings.

This legislation would make the process of increasing access restrictions and prohibitions more open to the people of Alaska. HB 23 would help ensure that all Alaskans would have proper representation by their elected officials in cases involving restrictions on traditional recreational access. Important access decisions would be kept at the legislative level where they will be debated openly.

Traditional forms of access, including aircraft, snowmobiles and boats, are an essential element in Alaska's unique access

Page 2/ RDC support for HB 447

June 27, 1996

equation. Alaskans are very defensive of their rights to access the vast public lands of this northern state.

Thank you for considering RDC's position on this bill, which deserves your support.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.



Becky/Gay
Executive Director



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

Twentieth Legislature - First Session

HB 23

“An Act relating to traditional means of access for traditional outdoor uses and to the classification and the sale, lease, or other disposal of state land, water, or land and water.”

With over 100 million acres of state land in Alaska, sufficient opportunity exists to balance the interests of users of motorized means to access this land with the interests of homeowners, cabin owners, and other users who seek quiet recreation and enjoyment. Enacting HB 23 will make it more difficult to find this balance. The Alaska Environmental Lobby opposes HB 23 because it would contribute to this contentious land use issue by exacerbating conflict; in addition, HB 23 would:

- essentially prohibit the Department of Natural Resources from protecting the intrinsic values, such as quiet and wildness, of land it manages from the intrusion of motorized activities without the authorization of the legislature. The administrative process for enacting land use decisions, with its requirements of public notice and hearing, is far more accessible to most Alaskans than is the legislative process,
- benefit commercial helicopter, airplane, and other motorized interests at the expense of those Alaskans and visitors who seek out the intrinsic values of our state lands,
- promote the great imbalance between the abundant amount of state land opened to unrestricted motorized use and the tiny amount that has limited motorized access,
- equate helicopters, ATV's, and airboats as “traditional uses” with canoes, snowshoes, and dog teams.

(OVER)





ALA

Post-it* Fax Note#	7671	Date	1/23/97	# of pages	1
To	Rep. Mead	From	Fbx L10		
Co./Dept.	WRITTEN TEST	Co.	ALASKA		
Priority	HB 23 TELEPHONE	Priority	URGENT		
Form#		Case#	1/23/97		

URE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Resources/Finance
 COMMITTEE ON HB 23 ~~access~~ access DATED 01-23-97
 BILL/SUBJECT COMMITTEE NAME

As a horseman for over 1/2 century and a user of public lands, I ask that you pass HB 23 out of committee and on ~~to~~ the floor for a vote. Access to and use of public lands are continually being lost - mostly thru department regulations. This bill, while protecting public land and resources, also protects the public's right to and use of our (the public) land. The recent attempt by the Division of Parks to deny access and use to many lands under its control is one example of the "locking up" of Alaska by its own government.

^{to} ~~to~~ clarify wording for the bill, on line 23, 27, and 28 after the word including you should add the words - "but not inclusive to" this will cover uses ~~or~~ ^{or} means that may have been over looked. Again, please pass HB 23 to assure access to and use of public lands by the public.

SIGNED

TESTIFIER

Beverly A. Nester (Beverly A. Nester) (horse users)

REPRESENTING (OPTIONAL)

5465 Chena Hot Springs Road, FBKS. 99712

ADDRESS/PHONE NUMBER

907-488-6356

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

Twentieth Legislature - First Session

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(OVER)



- threaten the serenity and right of quiet enjoyment of Alaskan home owners and cabin owners.

The vast majority of us who live in Alaska as well as the majority of visitors that come to our state greatly value the vast natural landscape we encounter. The careful balancing of our use of this landscape, including the means by which we access it, can be accomplished if we maintain a willingness to hear all viewpoints with a commitment to fairness and respect for differing values. The politically-charged environment of the legislature is not the appropriate forum in which to perform this balancing act.

1/23/97



ALA

Post-It® Fax Note	7671	Date	1/23/97	# of PAGES	1
To	Rep. Dean	From	Fbx L10		
Co/Dept	WRITTEN TESTIMONY	Co.			
Phone	HB23	Event	TELEPHONE	1/23/97	

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Beverly A. Nester (Beverly A. Nester) (horse users)

REPRESENTING (OPTIONAL)

5465 Chena Hot Springs Road, FBKS. 99712

ADDRESS/PHONE NUMBER

907-488-6356

January 22, 1997

Representative Beverly Masek
Alaska House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative Masek:

I am writing in response to your proposed legislation on traditional means of access for traditional outdoor uses, HB0023. I am a 30 year plus resident of Alaska and have used the public lands and waterways for years on an ongoing basis for recreational uses and for consumptive use hunting and fishing.

I strongly urge that continued access to public lands remain open to traditional uses for all citizens. If ever it becomes necessary to impose reclassification of uses or impose restrictions, limited or otherwise, it is important that the reclassification or restriction apply to ALL USERS and not only to singled out groups. This can only be assured if the power to make these decisions is placed into the hands of the Legislature. Too many times we have gone before the state agency representatives in a Public Hearing process and had the decision that finally is made on the issue be made for the convenience of the agency. Time and time again, these decisions have totally gone against the majority of the testifiers. It has become a mockery to the system and the citizen is becoming complacent to even testify, because they know that too often, their view will be ignored...even if it is in the majority view. The legislature is under the control of the citizen voter of this state and we, the users, can and do have control of who makes up that body. Currently we can do nothing about the bureaucratic individuals that control decisions being made for us at the agency level. It is critical that the control of these decisions become a legislative process.

One area of access to public lands that is too often overlooked is concern for the elderly and/or disabled citizen. I myself have limitations due to physical disabilities. Motorized access continues to be attacked. It is all well and good that certain citizens want their "remote experience" free of noise or other distraction. We who are limited certainly feel discriminated against by this thought process. It seems truly discriminatory to restrict an elderly or disabled citizen from access to the same public use area as anyone else, simply because the sound of a motor may infringe upon someone else's "experience". Are these same people traumatized when their neighbor uses a power lawnmower in the summer or a snowblower in the winter? This area too often is not mentioned when access becomes discussed. The limited individuals rights must not be overlooked.

Page Two(2), 01/22/97, To Rep. Masek from R. Burkhart, re.: HB0023

I STRONGLY SUPPORT HB0023. I want to thank you, once again for your sponsorship of this very worthwhile legislation. Please keep me informed of any other legislation which I can be supportive of.

Yours truly,



Roy J. Burkhart

Member, Board of Directors, Alaska Boating Association

Legislative Affairs Officer, Alaska Boating Association

P.O. Box 204

Willow, AK 99688-0204

Voice: 495-6337, FAX 495-6338, E-Mail: rjburk@alaska.net

cc: Members of House Resources Committee:

Rep. Bill Hudson, Co-Chair

Rep. Scott Ogan, Co-Chair

Rep. Ramona Barnes

Rep. Fred Dyson

Rep. Joe Green

Rep. Bill Williams

Rep. Irene Nicholas

Rep. Reggie Joule

Don Sherwood, President, Alaska Boating Association

Karen Holt
P.O. Box 489
Talkeetna, Alaska 99676

January 19, 1997

To: Chairman Ogan
for distribution to the members of the House Resource Committee
Fax: (907)465-3265

Re: HB 23

The Department of Natural Resources has recently changed the Alaska State Park Regulations as they effect aircraft use in Denali State Park. Because of these regulation changes we can no longer land aircraft in Denali State Park east of the Parks Highway. At the same time, these regulation changes also allow helicopter landings in five specific areas of the Park.

I appreciate the beauty of Denali State Park and understand the necessity for this land to be protected both for and from those who enjoy it. Denali State Park is a major component of the state park system, which exists primarily to serve Alaska residents. Alaska already has more than 50 million acres of national park land that is set aside for the tourism industry. **Our state park land should be for the purpose of accessible recreation for Alaska residents, and not be managed with all the same restrictions that go along with the national park lands.**

This regulation change divides the Alaska resident user groups, and through liberal helicopter access leaves the door wide open for the large scale tourism industry. Princess Tours clientele now has better entrance to Denali State Park than those Alaska residents who choose to use airplanes to access alpine country of the park.

i support any legislation that will prevent a major commercial user of state park land getting better access than Alaskan residents.

Sincerely,


Karen Holt



JAN 2 1997

ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

Honorable Bill Hudson
Honorable Scott Ogan
Co-Chairmen
House Resources Committee
Capitol Building
Juneau, AK 99801

January 22, 1997

RE: House Bill 23, Traditional Access

Dear Representatives Hudson and Ogan,

Thank you for the opportunity to comment on House Bill 23 which addresses the need to protect traditional means of access. We have reviewed this bill and are in support of it with one minor change.

As now written, Section 4 of the bill provides for restricting access when mining claims have been converted into mining leases. However, it does not provide for restricting access where mining occurs on claims that have not been converted to lease. The miner is not required to convert to a lease. Large operations will typically convert to a lease, whereas, small operations will normally stay with mining claims.

Given the title of 38.05.316. "Restriction on outdoor activities upon sale, lease, or other disposal of land and water", we are not sure how to best include access restrictions when mining claims are involved.

Unless there is a change, it may be difficult to restrict access on mining claims that may have areas that could be dangerous to the public. Water diversion ditches, surface mine pits, power cables for equipment, flyrock from blasting, etc. are all potential hazards to the public. Also, it must be noted that federal law requires that the mine operators control access and keep the public from potential hazards.

A change is needed to insure that restricting access to mining claims is allowed. Thank you for the opportunity to comment and we look forward to reviewing some alternate language to address this issue.

Sincerely,

Steven C. Borell, P.E.
Executive Director

cc: Representative Beverly Masck

An equal rights law for recreationists

Last year the Legislature passed two bills to restrict the powers of state officials to close state lands to traditional recreation access.

Gov. Tony Knowles vetoed both bills on the same day, saying they would tie up public land management and open it to delay and litigation.

The State House is pushing ahead quickly with a new effort to pass its version of last year's bill, which is House Bill 23 in the current Legislature. At its first hearing they seem to be eyeing a chance to pass it again and perhaps override any new veto.

The bill was introduced by Rep. Beverly Masek, R-Willow, who also pushed the House measure in the past Legislature.

Masek's action last year came after the state expanded the southern boundary of Denali State Park to take in the northern shore of Blair Lake, a popular site for fly-in fishing about 15 miles north of Talkleetna (not to be confused with the Blair Lakes in the Tanana Flats).

A suspicious conjunction of the state action and a related move by the Mat-Su Borough resulted in Blair Lakes being closed to aircraft landings and open only to tourists from the new Princess Hotel built on a private land inholding on the southern boundary of the state park.

This brought howls of protest from around southcentral Alaska.



Fred
Pratt

The issue has been fed since then by the Knowles administration's attempts to close the popular Curry Ridge area of Denali State Park to snowmachines, and by new restrictions on motorboat use.

Masek's House bill states simply that the commissioner of the Department of Natural Resources may not classify state land and/or water so that "a traditional means of access for traditional outdoor activities is restricted for the purpose of protecting intrinsic values of the land or water." If more than 640 acres of such land is closed in this way, it has to go to the Legislature for approval.

Masek's bill defines "traditional means of access" as those types of transportation on, to or in state-owned land and water "for which a popular pattern of use has developed." The definition goes on to specifically include flying, ballooning, boating, and using snow vehicles, all-terrain vehicles, horses, dogsleds, skis, snowshoes and walking.

In addition, it requires public transportation use easements or

other access guarantees across state land that is sold or leased.

Masek's bill does allow temporary restrictions. It allows state-owned land to be closed to recreational use that conflict with mines or other natural resource developments, but only if reasonable alternative access is provided.

The bill is aimed only at general land management authority. It would have no impact on the authority of the Board of Game or Board of Fish to close areas to certain types of access for hunting and fishing. It attacks only restrictions that presume to protect "intrinsic values" of land or water, not restrictions to protect real land uses.

It's supported by the Alaska Outdoor Council, hunters, fishermen, the snowmachiners and the Alaska Boaters Association.

The biggest shortcoming in Masek's bill is that it doesn't go far enough. It doesn't apply to state parks, for instance, and wouldn't address the Blair Lake incident. It also lacks teeth on rivers where the state has moved to restrict motorboat use through management plans.

So far the biggest service to the public from Masek's efforts has been the unmasking of the hypocrisy behind our state's self-appointed defenders of "the environment."

In the statewide teleconference on HB 23 Jan. 23, the environmental lobby attempted to

portray the bill as an effort by motorized vehicle users to run at will over the state. The bill is an equal rights measure for recreation users of public land, and it scares people who don't believe in equal rights.

It was particularly amusing to hear the Knowles administration's director of the Division of Lands complain about "clouding the title" with easements across state lots sold in land disposals.

HB 23 does nothing new. State land sales have always included easements for everything from utility lines to dogsled trails. We transferred 40 million acres of federal land to Native corporations with the same public use stipulations, but when it comes to sales of only surface rights to state land the Knowles people don't want to sell anyway, suddenly we start hearing about "clouded titles."

HB 23 seemed at first to be on a fast track so the Legislature could pass it quickly and have time to override the governor's veto before the session ends.

Unfortunately the bogus arguments raised by opponents seem to have slowed the bill's progress. It remains in the House Resources Committee, despite the committee chairman's stated attempt to move it out before the end of January.

Fred Pratt, a Fairbanks freelance writer, is a longtime reporter and observer of Alaska politics.

HB

25

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 25

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Residency requirements: fish and game licenses BRU: Administration
 Component: Administration
 Sponsor: Representative Ogan
 Requester: House Fisheries COMPONENT SERIAL NO. 479

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Kevin Brooks *Kevin Brooks*
 Division: Administration
 Approved by Commissioner: Caron Bruce *Caron Bruce*
 Agency: Department of Fish and Game

Phone: 465-5999
 Date: 1/14/97
 Date: 1/28/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 25

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to residency for Fish and BRU: Fish and Wildlife Protection
Game purposes Component: Detachments
 Sponsor: Representative Ogan
 Requestor: H. Fostl COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This Bill will improve the Division's ability to meet program objectives and will have no significant affect on the Division's budget.

Prepared By: Lt. Joel L. Hard Phone: 269-5409
 Division: Fish and Wildlife Protection Date: January 22, 1997

Approved by Commissioner: *Joel Smith* Date: 1/31/97
 Agency: Ronald L. Otte, Department of Public Safety

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Alaska State Legislature

Co-Chair, House Resources
Community & Regional Affairs
Legislative Council
Special Committee on Fisheries
Special Committee on Oil and Gas



State Capitol
Room 128
Juneau, Alaska 99801
(907) 465-3878
1-800-862-3878
Fax (907) 465-3265

Representative Scott Ogan
House District 27

HB-25 SPONSOR STATEMENT

I have introduced HB-25 to make the residency law applying to the taking of fish and game resources a more workable, consistent, enforceable provision.

Like many other valuable state programs there is always the temptation by nonresidents to bend the rules, or circumvent the letter of the law. By changing the language in existing statute we can close some of the loop holes that have plagued law enforcement officials.

Last session this measure was supported by both the administration and overwhelmingly by the legislature.

I hope I can count on your support this session.

Thank you.

A handwritten signature in cursive script that reads "Scott Ogan".

CS FOR HOUSE BILL NO. 25(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE OGAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the issuance of hunting, trapping, and noncommercial fishing
2 licenses, tags, and permits and to residency for fish and game purposes; and
3 providing for an effective date."

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

5 * Section 1. AS 16.05.340 is amended by adding a new subsection to read:

6 (g) A hunting, trapping, or fishing license, tag, or permit for which a fee is
7 authorized under this section or for which the fee is waived or modified under
8 AS 16.05.330 - 16.05.430 may be issued only to a natural person.

9 * Sec. 2. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.415. Determination of residency. (a) In AS 16.05.330 -
11 16.05.430, a person, except as provided in (c) - (f) of this section, is a resident if the
12 person

13 (1) is physically present in the state with the intent to remain in the
14 state indefinitely and to make a home in the state;

1 (2) has maintained the person's domicile in the state for the 12
2 consecutive months immediately preceding the application for a license;

3 (3) is not claiming residency in another state, territory, or country; and

4 (4) is not obtaining benefits under a claim of residency in another state,
5 territory, or country.

6 (b) A person who establishes residency in the state under (a) of this section
7 remains a resident during an absence from the state unless during the absence the
8 person

9 (1) establishes or claims residency in another state, territory, or country;

10 or

11 (2) performs an act, or is absent under circumstances, that are
12 inconsistent with the intent required under (a) of this section.

13 (c) A person who is a member of the military service or the United States
14 Coast Guard is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person
15 has been stationed in the state for the 12 consecutive months immediately preceding
16 the application for a license. This subsection does not apply to a person who
17 establishes and maintains residency in the state under (a) and (b) of this section.

18 (d) A person who is the dependent of a resident member of the military service
19 or the United States Coast Guard under (a) or (c) of this section is a resident for the
20 purposes of AS 16.05.330 - 16.05.430 if the person has lived in the state for the 12
21 consecutive months immediately preceding the application for a license. This
22 subsection does not apply to a person who establishes and maintains residency in the
23 state under (a) and (b) of this section.

24 (e) A person who is an alien is a resident for the purposes of AS 16.05.330 -
25 16.05.430 if the person

26 (1) is physically present in the state with the intent to remain in the
27 state indefinitely and to make a home in the state;

28 (2) has maintained the person's domicile in the state for the 12
29 consecutive months immediately preceding the application for a license;

30 (3) is not claiming residency in another state, territory, or country; and

31 (4) is not obtaining benefits under a claim of residency in another state,

1 territory, or country.

2 (f) In AS 16.05.330 - 16.05.430, a person that is not a natural person, other
3 than a sole proprietorship, establishes residency by maintaining its main office or
4 headquarters in the state and providing proof, satisfactory to the commissioner, of that
5 fact to the department or an agent of the department upon demand. A sole
6 proprietorship has the same residency as the person, whether natural or otherwise, who
7 is the proprietor of the entity. The commissioner may adopt regulations as necessary
8 to implement this subsection.

9 (g) A natural person who does not qualify as a resident under (a) - (e) of this
10 section does not qualify as a resident by virtue of an interest in a resident business
11 entity under (f) of this section.

12 (h) In AS 16.05.330 - 16.05.430, a nonresident

13 (1) person is a person who does not qualify as a resident under (a) -
14 (f) of this section; and

15 (2) alien is an alien person who does not qualify as a resident under (e)
16 of this section.

17 (i) In this section, "license" means a license, tag, permit, stamp, identification
18 card, or other indicia of permission to engage in an activity subject to AS 16.05.330 -
19 16.05.430.

20 * Sec. 3. AS 16.05.940(26) is amended to read:

21 (26) "resident" means

22 (A) a person who for the [PRECEDING] 12 consecutive months
23 immediately preceding the time when the assertion of residence is made
24 has maintained the person's domicile [A PERMANENT PLACE OF ABODE]
25 in the state and who is neither claiming residency in another state, territory,
26 or country nor obtaining benefits under a claim of residency in another
27 state, territory, or country;

28 (B) [HAS CONTINUALLY MAINTAINED A VOTING
29 RESIDENCE IN THE STATE; AND IN THE CASE OF] a partnership,
30 association, joint stock company, trust, or corporation [, "RESIDENT" MEANS
31 ONE] that has its main office or headquarters in the state; a natural person

1 who does not otherwise qualify as a resident under this paragraph may not
2 qualify as a resident by virtue of an interest in a partnership, association,
3 joint stock company, trust, or corporation;

4 (C) [HOWEVER,] a member of the military service, or United
5 States Coast Guard, who has been stationed in the state for the
6 [PRECEDING] 12 consecutive months immediately preceding the time when
7 the assertion of residence is made;

8 (D) a person who is [A RESIDENT FOR THE PURPOSES OF
9 THIS PARAGRAPH, AND] the dependent of a resident member of the military
10 service, or the United States Coast Guard, and who has lived [BEEN
11 LIVING] in the state for the 12 consecutive months immediately preceding
12 the time when the assertion of residence is made; or

13 (E) [PRECEDING YEAR IS A RESIDENT FOR THE
14 PURPOSES OF THIS PARAGRAPH; AND A PERSON WHO IS] an alien
15 [BUT] who for the 12 consecutive months immediately preceding the time
16 when the assertion of residence is made [ONE YEAR] has maintained the
17 person's domicile [A PERMANENT PLACE OF ABODE] in the state and
18 who is neither claiming residency in another state, territory, or country
19 nor obtaining benefits under a claim of residency in another state,
20 territory, or country [IS A RESIDENT FOR THE PURPOSES OF THIS
21 PARAGRAPH];

22 * Sec. 4. This Act takes effect January 1, 1998.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 1, 1997

SUBJECT: HB 25: An act relating to the issuance of hunting, trapping, and noncommercial fishing licenses, tags, and permits and to residency for fish and game purposes (HB 25)

TO: Representative Scott Ogan
Attn: Dave Stancliff

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is in response to your request for a description of what HB 25 does.

HB 25 addresses the issue of residency for fish and game purposes generally, as well as, addressing residency for hunting, trapping, and noncommercial fishing licenses in particular.

Section 1 of the bill expresses in writing the generally understood requirement that a hunting, trapping, or noncommercial fishing license, tag, or permit may be issued only to a natural person. A natural person is a human being and not a nonhuman legal person such as a corporation, partnership, etc.

HB 25 contains two provisions relating to residency for fish and game purposes. The first provision is contained in sec. 2 of the bill and applies to the determination of residency for purposes of issuing hunting, trapping, and noncommercial fishing licenses. The second provision is contained in sec. 3 of the bill and sets out the definition of "resident" for other purposes under AS 16.

Section 2 of the bill amends AS 16.05. by adding a new section establishing how residency is determined for hunting, trapping, and noncommercial fishing licenses. The basic requirements for a person to establish residency are physical presence in the state with the intent to remain in the state and to make a home in the state; maintaining a domicile in the state for the preceding 12 months; and not doing anything contrary to the assertion of residency such as claim residency in another state or country or obtain benefits in another state or country under a claim of residency in that state or country.

A resident does not lose his or her residency in the state by being absent from the state. In order to lose residency, the person must be absent from the state and claim residency in an

Representative Scott Ogan

February 1, 1997

Page 2

other state or country or the person must do something that is not consistent with the basic requirements for residency set out in this section.

Members of the military who have been stationed in the state for the preceding 12 months and their dependents who have lived in the state for the preceding 12 months are considered as residents. These military personnel and their dependents do not have to surrender their legal residency in their home state or benefits based on their residency in another state. This bill provides that members of the Coast Guard and their dependents shall be eligible for resident status. The Coast Guard is not clearly a branch of the military service, so the bill clarifies that members of the Coast Guard and their dependents are to receive the same benefit as members of the military service and their dependents.

An alien establishes residency in the state by maintaining a domicile in the state for the preceding 12 months and not claiming residency in another state or country or obtaining a residency benefit under a claim of residency in another state or country.

In those instances where a business may apply for a license, such as a taxidermy or fur dealers license, the residency of the business is determined by the location of the business' main office or headquarters. A nonresident person who has an interest in a resident business (such as a partnership or joint venture) in the state cannot qualify as a resident by virtue of that interest in a resident business.

Section 3 of the bill amends AS 16.05.940(26) which is the general definition of "resident" for AS 16. One change that is made to this definition is the replacement of the undefined term "place of abode" with "domicile". Though the terms have substantially similar meanings in the common law, the term "domicile" is already defined in AS 16.05.940(11).¹

The other changes made to the definition of "resident" in AS 16.05.940(26) provide that residency is to be determined in a manner comparable to that used in sec. 2 of the bill. For example, a person cannot maintain residency if the person claims residency in another state or obtain benefits in another state or country under a claim of residency; a natural person cannot claim residency based on an interest in a resident business entity; members of the Coast Guard and their dependents get the same privileges as members of the military service and their dependents.

*

¹ For purposes of AS 16, "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game. AS 16.05.940(11).

Representative Scott Ogan

February 1, 1997

Page 3

In AS 16.05.940, the definition of "resident" is not as detailed as that set out in sec. 2, because there is not an apparent need for a more detailed definition for AS 16. The residency issues that have arisen relate to eligibility for resident hunting, trapping, and noncommercial fishing licenses and those are addressed by sec. 2 of the bill.

If I may be of further assistance, please advise.

GU:lmb

97-023.lmb

**Wayne
Anthony
Ross**

Wayne Anthony Ross
Edward L. Miner

Law Offices of
ROSS & MINER
A Professional Corporation
327 East Fireweed Lane, Suite 201
Anchorage, Alaska 99503

MAR 04 1997

(907) 276-5307
(907) 276-6672 - FAX

February 26, 1997

Representative Bill Hudson
State Capitol
Juneau, Alaska 99801-1182

Dear Bill:

Attached please find an Attorney General's opinion rendered for the Alaska Department of Public Safety.

I have a son, Brian, who is presently a First Lieutenant in the United States Marine Corps, stationed at Camp Pendleton, California. Brian was born in Alaska, lived here all of his life, and graduated from the United States Naval Academy, Class of 1994 as the top Marine Corps Officer (12th in his class).

Despite being assigned by the Corps to a billet "Outside", Brian is an Alaskan through and through. He proudly displays Alaskan personalized plates on his car (BAR¹), votes in Alaskan elections via absentee ballot, has retained his Alaskan Driver's license, and comes home to visit the old folks at least once a year. Yet, according to this AG opinion, Brian cannot get a resident hunting license to hunt or fish with his dad, mom, brothers, and sister, even if he is lucky enough to get time off during hunting season.

Our home, I hope, will always be "home" to Brian in Alaska, as long as we are alive. Alaska, itself, will always be "home" to Brian, too, and he intends to return here after his discharge, whenever that occurs. (Brian will probably make the Marine Corps his first career. After that he is talking about teaching history in Alaska.) But since the Marine Corps furnishes lodging to Brian, his place of abode is wherever the Marine Corps tells him to rest his head. He cannot be stationed here as a career, active duty officer, because the Marines don't have an active duty unit in Alaska.

It appears to me to be grossly unfair for Brian, the Roscovius boy (who I know personally), and other similarly situated young people from Alaska, who have chosen to serve their country, to lose their residency for hunting or fishing purposes, because that service must be outside the State.

¹Brian's wife has MRSBAR on her Alaska plates and is looking forward to the day they will settle in Alaska.

February 25, 1997
Page 2

May I suggest that you consider amending the current law in one of the following ways:

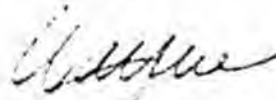
1. Provide that Alaskan residents' sons and daughters and brothers and sisters, who are in the military service, and who have maintained their Alaska residency status while in service, may hunt or fish as Alaskan residents provided they hunt with members of their family who are Alaskan Residents (Acceptable), or
2. Provide that Alaskan residents' sons and daughters and brothers and sisters, who are in the military service, and who have maintained their Alaska residency status while in service, may hunt or fish as Alaskan residents (Better), or
3. Provide that Alaskan residents, who have lived in Alaska for more than one year immediately prior to their military service, or during their military service, and who have maintained their Alaska residency, may hunt or fish as Alaskan residents (Better Still), or
4. Take out the provision that requires the maintenance of a permanent place of abode in Alaska for persons who are in the military service (Good).

As Alaskan parents, we often see our children leave the State for college or military service. We all hope, however, that our children will eventually choose to return to Alaska to live. Our children's ability to retain their hunting and fishing rights as Alaskan residents, despite their military service, is just another encouragement to them to come home when they can, on a temporary basis, and to return home permanently, when their service is over.

I would appreciate your assistance in making the necessary changes to this law immediately. Brian is due to come home in August for a visit, and I'm getting too old to pack a moose or caribou by myself.

Call me if you have any questions.

Best regards,



Wayne Anthony Ross, a/k/a "Dad"

STATE OF ALASKA
Department of Law
Attorney General's Office
1031 W. 4th Avenue, Suite 200
Anchorage, Alaska 99501-1994

Phone No. (907) 269-5100
FAX No. (907) 279-2834

FAX TRANSMITTAL SHEET

Please deliver the following pages:

DATE: May 17, 1996 TIME: _____ TOTAL NO. OF PAGES 1
(including cover sheet)

TO: Brian Stevenson Fax Nos. (907) 822-5594

RE: Military Residency Question

FR: Lance B. Nelson
Assistant Attorney General

IF YOU DO NOT RECEIVE ALL THE PAGES OR HAVE ANY PROBLEMS, PLEASE
CALL Gloria AT (907) 269-5240. THANK YOU.

REMARKS:

Under AS 16.50.940(26), if a member of the military service has not been stationed in Alaska the preceding 12 months, then he/she would have to qualify as any other resident by having maintained a permanent place of abode and a voting residence in Alaska the preceding 12 months. If John Roscovius has not maintained his own permanent place of abode in Alaska during the preceding 12 months, he they would not be a resident for fish and game purposes, even though he may well be a resident for other purposes.

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Rec 5/17/96 at NLEB

HB

26

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 26

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Big Game Tags for Wolves BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Ogan
 Requester: House Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	3.6	3.6	3.6	3.6	3.6	3.6
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Reduced fees may be an incentive for more nonresidents and nonresident aliens, who come to Alaska to hunt other big game species, to purchase big game tags for wolves. Sales estimates are based on the following assumptions: (1) average annual nonresident and alien licensees will remain constant at 8,050 and 310, respectively; (2) 53% of nonresident/alien hunters who indicated an unwillingness to pay any more for their hunts* will not purchase wolf tags; (3) of the remainder, 30% of hunters who oppose wolf control* will not purchase wolf tags; (4) of the remainder, 50% of hunters who do not already purchase wolf tags, will purchase wolf tags (assumption #4 is speculative). Using these assumptions, the number of nonresident/alien wolf tags sold annually will increase from the present 215/30 to 1500/75.

*from: D.W. McCollum and S.M. Miller, 1994, Alaska voters, Alaska hunters, and Alaska nonresident hunters: their wildlife related trip characteristics and economics and their characteristics and attitudes toward wildlife.

Prepared by: Phil Koehl, Wildlife Biologist *PK*
 Division: Wildlife Conservation

Phone: 465-4190
 Date: 1/17/97

Approved by Commissioner: *Goran Bruce for*
 Agency: Alaska Department of Fish and Game

Date: 1/21/97

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HOUSE COMMITTEE REPORT

(9)
Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 1/30/97

The RESOURCES Committee considered:

HB 26

HOUSE BILL NO. 26

BIG GAME TAGS FOR WOLVES

“An Act relating to big game tags for wolves; and providing for an effective date.”

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) F & G

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Paul Ryan</i>	✓			
<i>W. J. Williamson</i>	✓			
<i>Joseph [unclear]</i>	✓			
<i>Barbara H. Bruner</i>			✓	
<i>Scott Ogan</i>	✓			
<i>Bill Henderson</i>			✓	
<i>Loann [unclear]</i>	✓			
<i>[unclear]</i>	✓			

CHAIR'S SIGNATURE *Rail Henderson - Co Chair* *Scott Ogan - co-chair*

Alaska State Legislature

Co-Chair Resources Committee
Special Committee on Oil & Gas
Legislative Council
Community and Regional Affairs
Fisheries



Room 128
State Capitol
Juneau, Alaska 99801
907-465-3878
Fax: 907-465-3265
1-800-862-3878

Representative Scott Ogan

House District: 27

Sponsor Statement HB-26

I have introduced HB-26 (HB-313 last session), because the need to provide our wildlife specialists with the proper management tools is extremely important, especially in areas identified as needing intensive management. In light of Ballot Initiative #3 being approved, it is even more important we pass HB-26. Without sufficient latitude, it is difficult for the Department of Fish and Game and Board of Game to meet the requirements of sustained yield management under Article VIII of our State Constitution..

To maintain a healthy population of moose, caribou, and sheep for both human and natural (secondary) harvest the Department and Board of Game have few choices once hunting has been reduced or eliminated. One of the only practical remaining options to further decrease mortality of ungulates is a reduction in natural predation. To assist the Department in meeting their sustained yield goals, HB-26 provides increased incentives for nonresident hunters who consider the purchase of a big game tag to harvest wolves.

These hunters are generally under the supervision of a professional guide which requires a more closely monitored entry into the field. This, together with more stringent reporting requirements of animals both taken and shipped, gives the Department a very well controlled tool in attaining the scientifically established population goals for a given area.

It should be noted, that of the some 10,000 nonresident who typically hunt in Alaska annually, less than 3% purchase tags for harvesting a wolf. The main reason for low tag sales is the opportunity to harvest a wolf is remote at best. Consequently, most hunters are unwilling to pay a large sum of money with such poor odds. By establishing a more reasonable price on tags, the Department should see a significant rise in sales which will in turn put more dollars into the Fish and Game Fund while also increasing the incidental take of wolves.

In summary, HB-26 will provide a wider latitude for the Board of Game in making adjustments to meet the needs of both human and secondary utilization of our important ungulate resources while increasing the revenues for better management. I urge your support for this modification as provided in HB-26.

Thank you.

Alaska State Legislature

Co-Chair Resources Committee
Special Committee on Oil & Gas
Legislative Council
Community and Regional Affairs
Fisheries



Room 128
State Capitol
Juneau, Alaska 99801
907-465-3878
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Representative Scott Ogan House District 27

HB-26 (Original)

SECTION by SECTION ANALYSIS

Section 1. AS 16.05.340 (a) (15) amended (J)

(J) Reduces the big game wolf tag fee for nonresident hunters from \$175.00 to \$30.00.

Adds language to eliminate the wolf tag requirement for nonresident hunters in units the Board of Game have identified as needing intensive management.

Section 2. AS 16.05.340 (a)(21) amended (K)

(K) Reduces the big game wolf tag fee for nonresident aliens hunters from \$250.00 to \$50.00.

Adds language to eliminate the wolf tag requirement for nonresident alien hunters in units the Board of Game has identified as needing intensive management.

Section 3.

Establishes January 1, 1998 as the effective date of the Act.



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

HB 26 - Twentieth Legislature

" An Act relating to big game tags for wolves; and providing for an effective date."

Alaska Environmental Lobby is opposed to the reduction of tag fees for the taking of wolves. The use of hunting as a means of management of wolf populations is not cost effective. The Alaska Environmental Lobby cannot support HB26 for the following reasons:

* This bill is clearly in response to the public's wishes expressed by the passage of Proposition 3. It is not good public policy for legislators to attempt to circumvent the will of the public they serve. This is the kind of legislative micro-management of wildlife that led a frustrated public to pass the initiative in the first place.

* Economically this bill seems counter productive. HB 26 calls for a reduction of fees for nonresident hunters for the taking of wolves. If wolf sightings are rare, and the number of hunters interested in actually taking them is so few, then realistically there would not be an increase in the sale of wolf tags.

* From a biological standpoint there is the natural role of the wolf as a control in of the populations of moose, and caribou. Solely pursuing the wolf as an attempt to increase the populations of these ungulates is a poor management tool. The complex relationship between predator and prey cannot easily be controlled. These are dynamic wild relationships not easily subjected to the type of manipulation used with domestic livestock.

This bill is yet more legislation that seeks out the wolf for persecution. By allowing nonresidents to enjoy the reduction in tag fees the State continues to risk negative publicity in regard to its wildlife management strategies.

HB

28

File 1

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CS HB 28

Revision Date (Note if correction) _____	Dept. Affected <u>Office of the Governor</u>
Title <u>Repealing the Alaska Coastal Management</u>	BRU <u>Office of Management & Budget</u>
Program and the Alaska Coastal Policy Council	Component <u>Governmental Coordination</u>
Sponsor <u>Representative Therriault</u>	
Requester <u>House Resources</u>	Component Serial No. <u>18</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	447.7	105.3	52.7	52.7	52.7	0.0
Travel	14.4	4.0	4.0	4.0	4.0	0.0
Contractual	(6.5)	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	697.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	1,152.6	109.3	56.7	56.7	56.7	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(6.5)					
1003 GF Match						
1004 GF	1,159.1	109.3	56.7	56.7	56.7	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1,152.6	109.3	56.7	56.7	56.7	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary	15	2	1	1	1	

ANALYSIS: (Attach a separate page if necessary)

The cumulative effect of the proposed amendments in the House Resources Committee CS constitute a significant program amendment under the federal Coastal Zone Management Act. Alaska would need to complete a new environmental impact statement (EIS), a multi-year project, to analyze and justify these fundamental program changes. To complete this effort, DGC would dedicate 1.5 non-temporary FTE of existing senior-level staff to this task. During the first two years, staff would write the new NEPA EIS document; during years 3 - 5, .5 non-temporary FTE of existing senior-level staff would be needed to work with the federal approving agency. It would be necessary to hire 2 temporary FTE at Range 18, for the first two years, and 1 temporary FTE for years 3 - 5 to offset increased workload. The travel time represents in part annual meetings among senior staff and OCRM in Washington, D.C. to facilitate the development of the EIS and to argue Alaska's case for federal approval. In addition to DGC staff,

Prepared by <u>Diane E. Mayer, Director</u>	Phone <u>465-3562</u>
Division <u>Governmental Coordination</u>	Date <u>2/26/98</u>
Approved by <u>Commissioner</u>	Date <u>2/26/98</u>
Agency <u>Office of the Governor</u>	

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Additional workload will also be incurred by other networked agencies. These agencies have submitted separate fiscal notes.

In addition to the cumulative effects of the bill, certain sections of the bill also have separate fiscal costs associated with them.

Sections 1(11), 4 and 5 of the CS clearly affect project consistency review, but the specific effects are hard to discern in terms of project number and workload. These effects would only be fully known after completion of the EIS described above. While a reduction in project reviews is likely--the CS threatens federal consistency and eliminates CRSA district programs -- these amendments would also jeopardize federal approvability and funding. It is impossible to speculate on changes in project numbers without knowing whether the program would remain viable.

Section 2 requires 11 coastal districts to revise their existing coastal district boundaries. In addition, Section 3 would require that 23 district plans and 7 AMSA plans be amended to eliminate any incorporation, by reference, of other statutes and regulations. Both efforts must be completed within 180 days. To meet these ambitious requirements, based on 20 years of program administration, 13 full-time temporary positions would be needed to complete district program amendments. One round trip from Juneau to each of the 11 districts where boundaries are impacted is reflected in the Travel line. Face to face meeting and field visits are typically required to negotiate amendments of this magnitude. Coastal districts would also need additional funding. The average cost for district plan amendments where mapping is a significant component is \$80,000 per plan. Minor amendments such as deleting policies can probably be accomplished for \$20,000 per plan. Typically \$225,000 (federal) of special project funding is available on an annual basis. The remaining \$697,000 is reflected as an increase in the Grants line. Boundary reductions are not expected to decrease number of projects reviewed. On a case-by-case basis, districts will use the same justification that included the zone of indirect influence to argue that they have a right to review projects proposed in areas excluded by HB 28.

Section 6 would repeal project and program petitions. Petitions are rare (less than 0.5% in the last 4 years), and when they occur, existing staff absorb the increased workload above and beyond their normal duties. As a result, even if petitions are eliminated we do not believe this program change would reduce the need for personal services. However, cost savings could be realized in contractual monies (teleconference and transcripts) as reflected in this fiscal note.

Section 7, in addition to specifying a 180-day deadline for certain program modifications, also authorizes to the CPC to modify district boundaries even if the necessary analysis and approval process has not been completed within the specified time. Under this scenario, if the CPC were to institute program changes, without federal approval, the state stands to lose \$2.6 million dollars in federal funding, on an annual basis.

A zero fiscal note in 2004 assumes federal approval of the new coastal program with a commensurate level of federal funding. Impacts to specific line items cannot be projected without further definition of what the new program would be. The fiscal note should include funding in the contractual line to cover an increase in telephone bills, printing of documents and distributions of the documents across all five years. At this time, it is not feasible to project the impact on DGC's budget.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28(RES)

Revision Date (Note if correction) _____	Dept. Affecte <u>Dept of Fish & Game</u>
Title <u>An Act modifying the Alaska Coastal Management Program</u>	BRU <u>Habitat and Restorabon</u>
Sponsor <u>Rep. Themault</u>	Component <u>Habitat</u>
Requester <u>House Resources</u>	Component Senal No <u>486</u>

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	173.3	187.9	233.9	240.0		
Travel	10.0	10.0	10.0	10.0		
Contractual	12.0	12.0	12.0	12.0		
Supplies	2.5	2.5	3.5	3.5		
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	197.8	212.4	259.4	285.5	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	197.8	212.4	259.4	285.5		
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	197.8	212.4	259.4	285.5	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	2	2	3	3		
Part-time	4	4	3	3		
Temporary						

ANALYSIS: (Attach a separate page if necessary)
See attached.

Prepared by <u>Lance Trasky</u>	Phone <u>287-2335</u>
Division <u>Habitat & Restoration</u>	Date <u>2/26/98</u>
Approved by Commissioner: <u>Frank Rue</u> <i>(Signature)</i>	Date <u>2/26/98</u>
Agency <u>Fish and Game</u>	

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Attachment to Fiscal Note - CSHB 28(RES)
February 26, 1998

The amendments to the Alaska Coastal Management Program (ACMP) in CS for HB 28, together comprise a significant program amendment under the federal Coastal Management Program. These changes are so significant that it seems unlikely that the federal office of management would approve the new state program under CSHB 28. It also seems unlikely that there would be any benefit to the state or districts from continued participation. A new EIS would have to be written to describe the effect of these changes and explain how the ACMP might still meet the requirements of the federal Coastal Management Act. The NEPA process would take several years. Based on the Department of Fish and Game's participation in the development adoption and federal approval of the current ACMP, one FTE range 18 biologist would be required to assist the DGC in writing the new EIS, and to work with the federal approving agency.

In addition to the cumulative effects of CSHB 28, other sections of the bill have substantial fiscal costs. These are:

Sections 1, 4 and 5 limit coastal project reviews, but is difficult to quantify without a complete analysis and completion of the EIS. The number of coastal reviews would decline because HB 28 eliminates unorganized boroughs. It would also halt any consideration of projects where there was no direct state or local authority, which would halt most review of federally authorized projects. Because CSHB 28 jeopardizes all aspects of the program, including federal approval and funding, it would likely require that the state develop an entirely new coordinated project review process. This would have a substantial fiscal cost.

Section 2 requires revision of existing district coastal boundaries. It is not clear what would happen to boundaries in the former coastal districts. Section 3 would require that 23 district plans and 7 AMSA plans be revised to eliminate any reference to other statutes or regulations within 180 days. Based on the ADF&G's participation in the development of the original district boundaries, and district program, two range 16 biologists, a cartographer, with support from an analyst programmer, and a clerk typist would be required to complete these changes. The boundary changes proposed probably will not significantly reduce the number of projects reviewed.

Section 6 repeals the project and program petitions. Petitions occur so infrequently that this change is unlikely to have any fiscal impact. However, this provision is likely to further reduce the chances of federal approval and funding of the ACMP.

Section 7 authorizes the Coastal Policy Council to modify district boundaries, prior to federal approval of the changes to the ACMP resulting from HB 28. ADF&G would be required to help justify the new boundaries, rectify with adjacent boundaries and to redraft the maps. Because it would probably not meet federal requirements, federal funding could not be used for this task.

FISCAL NOTE

Work Draft B

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28 (RES)

Revision Date (Note if correction)		Dept Affected	Law
Title	An Act modifying the Alaska coastal management program and the responsibilities of the Ak Coastal Policy Council	BRU	Civil Division
Sponsor	Representative Therault	Component	Natural Resources
Requester	House Resources Committee	Component Serial No	2212

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	37.7	9.4	9.4	9.4	9.4	
Travel	1.6	1.5	1.5	1.5	1.5	
Contractual	6.1	1.5	1.5	1.5	1.5	
Supplies	0.6	0.2	0.2	0.2	0.2	
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	46.0	12.6	12.6	12.6	12.6	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	46.0	12.6	12.6	12.6	12.6	
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	46.0	12.6	12.6	12.6	12.6	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill proposes to amend statutory provisions governing the review of a project for consistency with the Alaska Coastal Management Program (ACMP). Most significantly, the bill proposes to allow a state agency or coastal resource district "only [to] stipulate to a matter or subject for which the agency or district has authority under a statute outside" the coastal management statutes. This provision drastically alters the design of the ACMP, which presently confers upon a state agency or community, in addition to that entity's existing authority, the authority and duty to apply the ACMP's enforceable policies.

Federal approval of the ACMP was necessary for the state to have a voice in federal actions and to receive federal funding under the federal Coastal Zone Management Act. In turn, federal approval depended in large part upon the expanded authority and duties that the ACMP conferred upon communities and existing state agencies. Because

Prepared by	Joan M. Kasson <i>Joan M. Kasson</i>	Phone	465-5370
Division	Attorney General's Office	Date	2/26/98
Approved by Commissioner	Bruce M. Botelho, Attorney General	Date	2/26/98
Agency	Department of Law		

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FISCAL NOTE

Work Draft B

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28 (RES)

ANALYSIS CONTINUATION

CSHB 28(RES), if enacted, would repeal this expanded grant of authority, resubmission of the program for federal approval would be required. Obtaining federal approval would likely require legal negotiations over the next few years. The department anticipates approximately 120 hours of attorney time per year would be necessary for these negotiations. In addition, travel to Washington, D.C., would be required at least once a year.

CSHB 28(RES) would also prohibit a coastal resource district either from setting boundaries landward of two enumerated zones or from incorporating by reference "statutes and administrative regulations adopted by state agencies." In addition, the bill proposes a 180-day period from the effective date for coastal districts and the Coastal Policy Council to amend district coastal management programs to conform to the proposed statutory provisions.

The boundary changes, while unlikely to generate additional demands for legal services at the state level, may trigger questions from the federal government, and thus require negotiations as to whether the proposed amendments cover all lands that the federal government views as part of the state's coastal zone. The amendment to eliminate the proscribed incorporations by reference would increase demand for legal services, given that roughly 23 district programs and 7 "areas meriting special attention" presently incorporate state statutes or regulations by reference.

Review of the necessary revisions to district programs and programs for areas meriting special attention is estimated to require three months of attorney time, assuming 12 hours per program.

Estimates are based on the department's FY98/99 standard attorney cost schedule (\$92.72/hour). The cost schedule includes clerical support, communication, lease, and other standard overhead costs. Direct case costs, such as case-specific travel, are not included in the rate. \$1,500 per year is added for travel to Washington, D.C.

Cost estimates in this fiscal note are in addition to tasks funded under the federal Coastal Zone Management grant through reimbursable services agreement. Therefore, these costs are reflected as an increase in general funds.

COST SUMMARY

<u>Annual Negotiations</u>		FY99	FY00-03
120 hours	\$92.72/hr	11.1	11.1
case specific travel		1.5	1.5
		12.6	12.6
<u>Revise District Programs and AMSAs - FY99</u>			
360 hours	\$92.72/hr	33.4	
		46.0	12.6

FISCAL NOTE

Revision Date: February 26, 1998 Dept. Affected: Community & Regional Affairs
 Title: An Act modifying the Alaska Coastal Management Program and ... BRU: _____
 Sponsor: Rep. Therriault, Kelly Component: _____
 Requestor: House Resources Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:	Federal	Federal	Federal	Federal	Federal	Federal
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current (FY98) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)
 HB 28 significantly modifies the Coastal Management Program. The modifications included in the bill: reduce the coastal zone boundary by excluding the zone of indirect influence; limits the ability of a coastal district or State agency to stipulating to matters related to coastal uses, activities, and habitats, eliminates the petition process; and, requires plan modifications identified in the bill to be completed in 180 days.
 (continued on attached page)

Prepared by: Michael Cushing, Research Analyst IV Phone: 465-4708
 Division: Municipal and Regional Assistance Division Date: 2/26/98
 Approved by Commissioner: [Signature] Date: 2/26/98
 Agency: Community & Regional Affairs

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FISCAL NOTE
Fiscal Note Analysis Continued

At this time, DCRA does not foresee a fiscal impact to the department. If the changes proposed in the CS are adopted or not adopted, DCRA anticipates that our program funding level will continue. However, if the proposed changes result in the State losing federal approval of the program, federal funding provided through DGC, which supports DCRA's participation in the program, will be lost.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CS HB 28 (RES)

Revision Date (Note if correction) 03-Mar-98 Dept. Affected: Environmental Conservation
 Title: An Act repealing the Alaska Coastal BRU: Air and Water
 Management Program _____ Component Water Quality
 Sponsor: Representative Therriault
 Requester: (H) RES Component Serial No. 2062

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	31.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	31.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	31.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	31.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	1	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The revisions to this bill would require the Department to hire a temporary staff person (Environmental Specialist III) halftime over a one year period to participate in the review of coastal district plans as dictated by the requirements and timeframes in the legislation.

Prepared by: Susan Braley
 Division: Air & Water Quality
 Approved by Commissioner: [Signature]
 Agency: Department of Environmental Conservation

Phone: 465-5308
 Date: 3/3/98
 Date: 3/3/98

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POSITION INFORMATION H. BEEN UPDATED AND FUNDING .S BEEN UPDATED.
03/03/98 Position Information Inquiry/Update Prior 11:02:43

			Yr Actual	Budgeted
Position: 18-18#027	Project: 0	Salary:	0	23,142.00
Comp: 18-30-00-00-00-70	Region:	Benefits:	0	7,737.64
Scenario: 2	FY: 99	COLA %: 0.000	Total: 0	30,879.64

Actuals not available (Status: UNKNOWN) FLSA: | Retirement Code: A

00/00/00	Step: C for 6.0 months & Step: D for 0.0 months (total: 6.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 18 (actual:)
	Location Code: AWA Place: JUNEAU
	Job Class Code: P8311 Title: ENVIRONMENTAL SPEC III
	Seasonal Indic.: S Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28 (RES)

Revision Date: 3-Mar-98
 Title: An act modifying the Alaska coastal management program and the responsibilities of the Alaska Coastal...
 Sponsor: Reps. Therriault, Kelly
 Requestor: (H) RES

Dept Affected: Natural Resources
 BRU: Management & Administration
 Component: Commissioner's Office
 Component Serial No. 423

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	31.3					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	31.3	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.3					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.3	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ none

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	1	0	0	0	0	0

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

Through IA receipts DNR, Division of Land, receives \$152.1 to implement the coastal management program. DNR uses the funding for portions of 4 ACMP support positions and provides a dollar-for-dollar match as required. DNR anticipates that this funding level would continue notwithstanding the changes proposed in the CS. The CS requires revision of 11 coastal district plans within 180 days of the effective date. Normally, DNR would absorb review of district plan revisions into our work plan such that, while other work may be delayed, plan revisions would not result in a fiscal impact to the Department. However, the requirement to complete the revisions within 180 days would require additional staff (1 full-time nonpermanent position, Range 18C for 6 months) and the resulting fiscal impact.

Prepared by: Patty Bielawski *[Signature]* Phone: 269-8431
 Division: Commissioner's Office Date: 3-Mar-98
 Approved by Commissioner: *[Signature]* Date: 3-3-98
 Agency: Natural Resources

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FISCAL NOTE ANALYSIS CONTINUED

BILL NO. CSHB 28 (RES)

If, as a result of the CS, Alaska's program loses federal approval, federal funding would be discontinued as would IA receipt money and the dollar-for-dollar match.

There are costs associated with ACMP implementation not directly covered by IA receipts.

Costs include permit staff time resolving placement of stipulations; staff time to prepare for elevations and ensure defensible Department actions should a petition be made to the Coastal Policy Council; Director and Commissioner time hearing elevations; and Deputy Commissioner time hearing petitions to the Council. Some cost savings is assumed if elevations and petitions are reduced.

Staff resources not required for elevations and petitions are committed to processing of already pending projects and permit proposals as well as backlog.

FISCAL NOTE

Revision Date: March 5, 1998 Dept. Affected: Community & Regional Affairs
 Title: An Act modifying the Alaska Coastal Management Program and ... BRU: Local Government Assistance
 Component: Training & Development
 Sponsor: Rep. Therriault, Kelly
 Requestor: House Resources Committee COMPONENT SERIAL NO. 672

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	47.9	47.9	0.0	0.0	0.0	0.0
TRAVEL	6.0	3.0	0.0	0.0	0.0	0.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	53.9	50.9	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:	Federal	Federal	Federal	Federal	Federal	Federal
----------------------	---------	---------	---------	---------	---------	---------

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	53.9	50.9	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	53.9	50.9	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	1.0	1.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current (FY98) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

HB 28 significantly modifies the Coastal Management Program. The proposed modifications: reduce the coastal zone boundary by excluding the zone of indirect influence; limit the ability of a coastal district or State agency to stipulating to matters related to coastal uses, activities, and habitats, eliminate the petition process; and, require plan modifications identified in the bill to be completed in one year.

(continued on attached page)

Prepared by: Michael Cushing, Research Analyst IV *(Signature)* Phone: 465-4751
 Division: Municipal and Regional Assistance Division Date: 3/05/98
 Approved by Commissioner: *(Signature)* Date: 3/05/98
 Agency: Community & Regional Affairs

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FISCAL NOTE
Fiscal Note Analysis Continued

Based on the information contained in the fiscal note prepared by the Division of Governmental Coordination, DCRA has revisited the fiscal implications associated with HB 28. Major amendments to 11 coastal management plans plus policy amendments to 23 other coastal management plans and 7 AMSA plans within a one year time period, will add an additional work load to professional level and clerical level staff. Major plan amendments require DCRA staff to prepare more detailed grant agreements; review and approve subcontracts between consultants and districts; coordinate additional meetings involving district representatives; attend additional meetings involving district representatives and involved agencies; have more frequent discussions with districts concerning the status of the project; review additional interim products, and, review and comment on draft products required by the program. Although, HB 28 requires district plans to be update within one year, we anticipate that completing the updates will require at a minimum, two years to complete. DCRA also anticipates district coordinators and local officials will request presentations concerning the program changes required by HB 28 and the options available to address the changes.

DCRA is responsible for the ACMP grant award process. The plan updates required under HB 28 and the additional funds to support the updates will increase the time required by both professional and clerical level staff to organize and conduct the awards process.

Additional travel will be required for DCRA staff to work with the 11 districts required to update their coastal boundaries.

To address the increased work load required by HB 28 over the next two years, DCRA is proposing an increase of 0.5 non-temporary FTE of existing professional level staff, and 0.5 non-temporary FTE of existing clerical level staff. To address the additional travel required, DCRA is proposing a \$6,000 increase in travel for FY 99 and a \$3,000 increase in travel for FY 00.

FYI - The increase in FY 99 is \$53.9 and in FY 00, \$50.9

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT
P.O. Box 55326
North Pole, Alaska 99705
(907) 488-0862

House District 33

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797

House Of Representatives

MEMORANDUM

TO: Representative Bill Hudson, Co-Chair
Representative Scott Ogan, Co-Chair
House Resources Committee

FROM: Representative Gene Therriault *GT.*

DATE: February 4, 1997

SUBJECT: Scheduling of HB 28

I respectfully request House Bill 28, "An Act repealing the Alaska Coastal Management Program and the Alaska Coastal Policy Council, and making conforming amendments because of those repeals" be scheduled in the House Resources Committee.

For the past four years, as the Finance subcommittee chairman of two resource agencies' budgets, I have heard from administration officials, business representatives and constituents that in the effort to continue to reduce budgets, we must also limit the agencies' statutory responsibilities. The ACMP has been criticized for being a cumbersome, duplicative review process that, in theory, may have some benefits however, in practice, does not work as intended.

The sponsor statement and a copy of HB 28 is attached. I would like to meet with you to discuss what backup information the Resources committee requires to become fully knowledgeable of the program and its problems.

I appreciate your consideration of my request.

Attachments

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
FAX: (907) 488-4271



While in Session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884

House Of Representatives

House District 33

HOUSE BILL 28

"An Act repealing the Alaska Coastal Management Program and the Alaska Coastal Policy Council, and making conforming amendments because of those repeals."

SPONSOR: Representative Gene Therriault

SPONSOR STATEMENT:

Alaska chose to participate in the federal voluntary Coastal Zone Management program by creating the Alaska Coastal Management Program (ACMP) approved by the Legislature in 1977. The ACMP is supported by federal and state matching funds and is designed as a "voice" for state and local interests to be addressed in decisions affecting the coastal areas.

Since 1977, there have been many state and federal laws such as the clean water act, spill prevention laws, and wetlands legislation affecting coastal districts diminishing the need for the ACMP. After 20 years of existence it is time for the Alaska State Legislature to determine whether the Coastal Zone Management program warrants Alaska's continued participation.

Concerns leading to the introduction of HB 28 include:

The ACMP allows state agencies to require stipulations on permitted activities beyond the agencies' statutory authority.

Coastal districts not associated with a local government participate in the ACMP by forming a Coastal Resource Service Area (CRSA). This creates a situation where a local district board with appointed (not elected) officials essentially has "veto" authority over development projects in these service areas. These quasi-governmental entities are dependent upon state agencies to enforce the local plans.

A purported benefit of the ACMP is the requirement of cooperation among those involved in the development of Alaska's coastal resources. However, the ACMP standards are vague and open to differing interpretations by the state agencies and local districts eventually leading to expensive elevation hearings and appeals.

For the past four years, as the Finance subcommittee chairman of two resource agencies' budgets, I have heard from administration officials, business representatives and constituents that in the effort to continue to reduce budgets, we must also limit the agencies' statutory responsibilities. The ACMP has been criticized for being a cumbersome, duplicative review process that, in theory, may have some benefits however, in practice, does not work as intended.

The ACMP deserves a thorough review by this Legislature to determine if the purported benefits outweigh the expensive and time consuming process that evolved from Alaska's participation in this program.

Handwritten notes:
Amended by House Bill 28

Handwritten mark: +

HOUSE BILL NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE THERRIAULT

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the Alaska Coastal Management Program and the Alaska
2 Coastal Policy Council, and making conforming amendments because of those
3 repeals."

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

5 * Section 1. AS 38.05.037(b) is amended to read:

6 (b) The division of lands may exercise its zoning power

7 [(1)] within federal land in the unorganized borough only at the times
8 and in the areas it is requested to do so by the Secretary of the Interior to facilitate
9 sales of federal land within the unorganized borough under P.L. 88-608, 78 Stat. 988
10 [;

11 (2) WITHIN ANY PORTION OF A THIRD CLASS BOROUGH
12 COVERED BY THE ALASKA COASTAL MANAGEMENT PROGRAM . . .ADOPTED
13 IN ACCORDANCE WITH THE PROVISIONS OF AS 46.40 IF THE
14 MUNICIPALITY HAS NOT DONE SO].

1 * Sec. 2. AS 38.05.177(c) is amended to read:

2 (c) Within 20 days of receipt of a lease application, the director shall give
3 notice under AS 38.05.945 of receipt of the lease application and call for comments
4 from the public. The director's call for public comments must provide opportunity for
5 public comment for a period of 60 days. If, after review of information received
6 during the public comment period, the director determines that the discovery of a local
7 source of natural gas would benefit the residents of an area, the director shall execute
8 a lease for the area described in (b) of this section. The director shall execute the
9 lease within 90 days after the close of the public comment period [OR, IF REVIEW
10 IS REQUIRED UNDER AS 46.40, WITHIN 30 DAYS AFTER THE FINAL
11 CONSISTENCY DETERMINATION IS MADE UNDER AS 46.40, WHICHEVER
12 IS LATER]. A lease entered into under this subsection gives the lessee the exclusive
13 right to explore for, develop, and produce, for a term of three years, natural gas on the
14 state land described in the lease; the right to explore for, develop, and produce is
15 limited to gas derived from natural gas within 3,000 feet of the surface.

16 * Sec. 3. AS 38.05.825(a) is amended to read:

17 (a) Unless the commissioner finds that the public interest in retaining state
18 ownership of the land clearly outweighs the municipality's interest in obtaining the
19 land, the commissioner shall convey to a municipality tide or submerged land
20 requested by the municipality that is occupied or suitable for occupation and
21 development if the

22 (1) land is within or contiguous to the boundaries of the municipality;

23 (2) use of the land would not unreasonably interfere with navigation
24 or public access;

25 (3) municipality has applied to the commissioner for conveyance of the
26 land under this section;

27 (4) land is not subject to a shore fisheries lease under AS 38.05.082,
28 or, if the land is subject to a shore fisheries lease, the commissioner determines it is
29 in the best interests of the state to convey the land;

30 (5) land is classified for waterfront development or for another use that
31 is consistent or compatible with the use proposed by the municipality, or the proposed

1 use of the land is consistent or compatible with a land use plan adopted by the
 2 municipality or [,] the department [, OR THE ALASKA COASTAL POLICY
 3 COUNCIL]; and

4 (6) land

5 (A) is required for the accomplishment of a public or private
 6 development approved by the municipality;

7 (B) is the subject of a lease from the state to the municipality;

8 or

9 (C) has been approved for lease to the municipality.

10 * Sec. 4. AS 38.05.945(d) is amended to read:

11 (d) Notice at least 30 days before action under (a)(5) or (6) of this section
 12 shall be given to appropriate

13 [(1)] regional fish and game councils established under AS 16.05.260

14 [; AND

15 (2) COASTAL RESOURCE SERVICE AREAS ORGANIZED UNDER
 16 AS 46.40.110 - 46.40.210].

17 * Sec. 5. AS 41.17.090(d) is amended to read:

18 (d) Within five days after receipt of a detailed plan of operations under (c) of
 19 this section, the state forester shall distribute the information received under (c) of this
 20 section to affected state agencies and municipalities [COASTAL DISTRICTS], and
 21 shall distribute the information received under (c)(1) of this section to each member
 22 of the public who has asked to receive copies of notifications for the affected area.

23 * Sec. 6. AS 41.17.098(a) is amended to read:

24 (a) In administering this chapter, the commissioner shall coordinate with other
 25 agencies and affected municipalities [COASTAL DISTRICTS] that have jurisdiction
 26 over activities subject to regulation under this chapter.

27 * Sec. 7. AS 41.17.098(b) is amended to read:

28 (b) In a review or implementation of a detailed plan of operations under
 29 AS 41.17.090 and in a decision on a proposed variation from requirements under
 30 AS 41.17.087, the commissioner shall consider the comments of each affected state
 31 agency and, where applicable, each affected municipality [COASTAL DISTRICTS].

1 * Sec. 8. AS 41.17.900(b) is amended to read:

2 (b) For federal land,

3 [(1)] the degree of resource protection may not be less than that
4 established by this chapter for state land except that AS 41.17.119 establishes the
5 minimum riparian standard [;

6 (2) A TIMBER HARVEST ACTIVITY SUBJECT TO THIS
7 CHAPTER SHALL SATISFY THE REQUIREMENT TO BE CONSISTENT TO THE
8 MAXIMUM EXTENT PRACTICABLE WITH THE ALASKA COASTAL ZONE
9 MANAGEMENT PROGRAM IF THE FEDERAL LAND MANAGEMENT PLANS,
10 GUIL ELINES, AND STANDARDS APPLICABLE TO THAT TIMBER HARVEST
11 ACTIVITY PROVIDE NO LESS RESOURCE PROTECTION THAN THE
12 STANDARDS THAT ARE ESTABLISHED IN THIS CHAPTER PROVIDE FOR
13 STATE LAND EXCEPT THAT

14 (A) AS 41.17.119 ESTABLISHES THE MINIMUM RIPARIAN
15 STANDARDS; AND

16 (B) THIS PARAGRAPH DOES NOT APPLY TO A TIMBER
17 HARVEST ACTIVITY THAT REQUIRES A STATE OR FEDERAL
18 AUTHORIZATION UNDER A PROVISION OF LAW OTHER THAN THIS
19 CHAPTER].

20 * Sec. 9. AS 41.17.900(d) is amended to read:

21 (d) Notwithstanding any other provision of this chapter, the commissioner may
22 not employ the authority vested by this chapter so as to duplicate or preempt the
23 statutory authority of other state agencies to adopt regulations or undertake other
24 administrative actions governing resources, values, or activities on forest land, except
25 for

26 [(1) REGULATIONS UNDER THE COASTAL MANAGEMENT
27 ACT; AND

28 (2)] regulations, if authorized by the commissioner of environmental
29 conservation, relating to control of nonpoint source pollution.

30 * Sec. 10. AS 41.21.492(b) is amended to read:

31 (b) Nothing in AS 41.21.491 - 41.21.495 affects the responsibilities of

1 (1) the Department of Fish and Game, the Board of Fisheries, or the
2 Board of Game under AS 16 and AS 41.99.010; or

3 (2) the Department of Environmental Conservation under AS 46.03 [;
4 OR

5 (3) STATE AGENCIES AND MUNICIPALITIES UNDER
6 AS 44.19.145(a)(11) AND AS 46.40.100].

7 * Sec. 11. 41.21.504(b) is amended to read:

8 (b) Nothing in AS 41.21.500 -41.21.514 affects the applicability of

9 (1) AS 41.99.010 and AS 16 regarding the responsibilities of the
10 Department of Fish and Game or the Board of Fisheries or the Board of Game; or

11 (2) AS 46.03 regarding the responsibilities of the Department of
12 Environmental Conservation [; OR

13 (3) AS 44.19.145(a)(11) AND AS 46.40.100 REGARDING THE
14 RESPONSIBILITIES OF STATE AGENCIES AND MUNICIPALITIES].

15 * Sec. 12. AS 41.23.420(d) is amended to read:

16 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

17 (1) the Department of Fish and Game, the Board of Fisheries, the Board
18 of Game, or the Department of Commerce and Economic Development under AS 08.54,
19 AS 16, or AS 41.99.010; or

20 (2) the Department of Environmental Conservation under AS 46.03 [; OR

21 (3) STATE AGENCIES AND MUNICIPALITIES UNDER
22 AS 44.19.145(a)(11) AND AS 46.40.100].

23 * Sec. 13. AS 44.47.720 is amended to read:

24 **Sec. 44.47.720. Boundaries.** The boundaries of an area studied shall conform
25 to the boundaries indicated in the request for the study under AS 44.47.710 unless the
26 commissioner, after a public hearing held in the area of the proposed study, determines
27 that the boundaries should be altered. In determining the boundaries of an area to be
28 studied, the commissioner shall consider

29 (1) the standards applicable to the incorporation of boroughs under
30 AS 29.05.031;

31 (2) boundaries of regional corporations established under 43 U.S.C.
32 1606;

- 1 (3) census divisions of the state used for the 1980 census;
2 (4) boundaries of the regional educational attendance areas established
3 under AS 14.08.031; and
4 (5) boundaries of the coastal resource service areas that were
5 organized under former AS 46.40.110 - 46.40.210.

6 * Sec. 14. AS 44.47.730(b) is amended to read:

- 7 (b) A study under this section must include
8 (1) a recommendation for or against incorporation of a borough
9 containing all or part of the area studied;
10 (2) an evaluation of the economic development potential of the area
11 studied;
12 (3) an evaluation of capital facilities needs of the area studied;
13 (4) an evaluation of demographic, social, and environmental factors
14 affecting the area studied;
15 (5) an evaluation of the relationships among regional educational
16 attendance areas [, COASTAL RESOURCE SERVICE AREAS,] and other regional
17 entities responsible for providing services in the area studied;
18 (6) an evaluation of the relationships between the existing cities within
19 the area studied and regional entities responsible for providing services in the area; and
20 (7) specific recommendations for
21 (A) organization of a home rule or general law borough
22 government if one is recommended;
23 (B) changes in organization of cities in the area studied; or
24 (C) the improvement of the delivery of services to the public
25 by the state in the area studied.

26 * Sec. 15. AS 46.06.041(b) is amended to read:

- 27 (b) The department may issue matching grants from money in the account to
28 a municipality, to an unincorporated community, to an organization representing two
29 or more municipalities or unincorporated communities within a region, to a nonprofit
30 organization, [COASTAL RESOURCES SERVICE AREA,] or to a regional health
31 corporation for the purpose of a community solid waste management plan.

1 * **Sec. 16.** AS 39.50.200(b)(38); AS 41.17.900(e); AS 44.19.145(a)(11), 44.19.155,
2 44.19.160, 44.19.161, 44.19.162; AS 44.47.095; AS 46.40.010, 46.40.020, 46.40.030,
3 46.40.040, 46.40.050, 46.40.060, 46.40.070, 46.40.080, 46.40.090, 46.40.094, 46.40.096,
4 46.40.100, 46.40.110, 46.40.120, 46.40.130, 46.40.140, 46.40.150, 46.40.160, 46.40.170,
5 46.40.180, 46.40.190, 46.40.200, 46.40.210; and secs. 1 and 2, ch. 84, SLA 1977, are repealed.

Alaska State Legislature

House Resources Committee

Co-Chair Scott Ogan
(907) 465-3715
FAX (907) 465-3265
Capitol Building, Room 124
Juneau, Alaska 99801



Co-Chair Bill Hudson
(907) 465-6820
FAX (907) 465-2273
Committee Meetings
T/Th 1 - 4 p.m.

Vice Chair: Beverly Masek,
Representatives Ramona Barnes, Fred Dyson, Joe Green, Reggie Joule, Irene Nicholia, William Williams

WITNESS LIST

FEBRUARY 13, 1997
Committee Hearing of HB 28

1. Representative Therriault - The Sponsor of HB 28
2. Diane Mayer - Director of Governmental Coordination
Supporting witnesses:
 - A. Craig Tillery - Department of Law - Environmental Section
 - B. Marty Rutherford - Deputy Commissioner of the Department of Natural Resources
3. Harry Noah - Former Commissioner of the Department of Natural Resources
4. Scott Novak - Former public Co-Chair of the Coastal Policy Council



Alaska State Legislature

Please enter into the record my testimony to the House Resources Committee
committee name

committee on H.B. 28 , dated 2-25-97
bill/subject

After attending this third teleconference concerning HB 28, I am pleased to hear that members of the committee are becoming aware of how important this ACMP is to the people of Alaska. I have recently attended meetings set up by Governor Knowles to address the concerns of the people in the Kenai Peninsula Borough regarding Lease Sale 85/A, which included Commissioner Shively and other notable representatives of various state departments. These representatives, including Commissioner Shively, all referred many times to the ACMP as the avenue through which the local people could address their very relevant concerns. It was disturbing to me to hear the ACMP being offered as a "life ring," so to speak, with this HB 28 looming in the background.

In other issues that I have been involved with over the last year (having nothing to do with Lease Sale 85/A), I found a very disturbing attitude within the DNR concerning the ACMP. It seems to me there may be an inter-departmental power struggle, and , of course, that concern was supported by Mr. Noah's testimony at the first House Resource Committee hearing on HB 28.

I respectfully urge that you, our elected representatives, consider this matter very carefully and not allow an inter-agency power struggle to derail a very valuable and productive program for all parties concerned. Thank you.

Signed: Sinda Wright
Testifier

Myself and my family
Representing (Optional)

Box 108, Kaslof, AK 99610
Address

(907) 262-9694

fax to Bill Hudson 455-2273 Chairman



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name

committee on HB 28 Repeat CZMP, dated Feb. 25, 1997
bill/subject

The Coastal Zone Management Plan is vital to our state without it there will be haphazard development in conflict with ~~other~~ resources. The ultimate cost to the state will be very high, as developments will be inefficiently located, and infrastructure connections not logically laid out. Tourism lodge locations, for example, can not just sprout up wherever someone wants to have them, or their cumulative impact will damage fisheries habitat, local recreational use, commercial fishing grounds, and ultimately conflict themselves, as they crowd out the values which originally made the tourists want to come. There is increasing pressure on all coastal resources. The only to maximize their use is to have a plan which considers all factors and makes good decisions on allocations and future needs and pressures.

Signed: Richard KiNelson Box 2808 Sitka, ME 99835
Page 2219 SMC, Sitka, AK 99835

Testifier Joe Schmidt Box 1110 Sitka, AK 99835

Representing (Optional)

2219 SMC, Sitka AK

Address

907-747-7448 H - 7509 W

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Resources
 committee name
 committee on HB 28 Repeal CZMP, dated Feb 25, 1997
 bill/subject

I support the Coastal Zone Management Plan
 remaining in effect, as without its guidelines
 development will place the Coastal zones
 at risk

Signed: Christa Lopez, Brian McTuit
 Testifier
 Representing (Optional)
115 Simon Drive
 Address
Sitka, Ak 99835
 Phone No.



General Teamsters Local 959 State of Alaska

Affiliated with the International Brotherhood of Teamsters

ANCHORAGE, ALASKA 99504, 4300 BONIFACE PKWY. 1907) 269-4122 FAX (907) 337-6668 GERALD L HOOD (Secretary/Treasurer)

FAIRBANKS, ALASKA 99707, P.O. Box 70609. (907) 452-2959 FAX (907) 452-5051
JUNEAU, ALASKA 99801, 306 Willoughby, (907) 586-3225 FAX (907) 586-1227

facsimile TRANSMITTAL

to: *Marieke*
fax #: *465-2273*
re: *NCHA Facility*
date: *2-25-97*

pages: *2* [Pages (including cover sheet)], including this cover sheet.

From the desk of...

Tim Sunday
Teamsters Local 959
306 Willoughby
Juneau, Alaska 99801

(907) 586-3225
Fax (907) 586-1227

Comments: HB 28-----

FOR Teleconference hearing
1-230 PM Today

Chairman Hudson and honorable members of the House Resources Committee:

I would like to support the retention of the Coastal Zone Management Program.

I have had personal experience using the CMZP in Washington state and most recently in Alaska to have input that has meant something, that I feel has empowered me in my concerns about what happens to the coastal areas I love. All my life I have never moved more than 50 miles from the ocean. If you look at the western United States and Canada you'll see the major population concentrations are along the coastal areas, I must not be alone in my preferences! 30 years ago myself and neighbors used the Coastal Zone Management laws to stop a horrendous over the water condominium development. 10 years ago we used it to enforce public access to the waterfront being closed by an RV park and most recently to have my voice heard about a waterfront development in Southeast Alaska.

It has been a tool for the people to protect them from business interests and persons only interested in their own profits or personal enhancement at the expense of the public citizens. It is one of the laws that specifically benefits mostly the public rather than business/private interests. It is power for the people!

As you know projects get lost in the maze of bureaucracy and agencies. Instead of being an additional layer impeding a project from the point of view of the promoters of a development, the CZMP is a tool to ensure the purposes of the maze of different regulations enforced by the different agencies is consistent with common sense and each bureaucrat doesn't go off on his/her own petty power trip.

Alaska's Coastal Management Program is not merely equal to another of the layers of bureaucracy but is the umbrella under which they all must come so that anyone trying to make sense of and have an impact upon a coastal development can marshal all the facts and concerns of everybody together and make sense of it all. This particularly benefits the people who won't, then, get shoved off to other agencies as a diversionary tactic to deplace responsibility. It is like someone has spent all the time and effort for you to find the way through the maze. It is an efficient piece of legislation that make the others work effectively. It is the "honcho" you want to prevent the others from running amok! Thank you. Paul Post, a sailor homeported in Juneau and moored in Sitka. Please kill this bill, HB28

Paul Post 2/23/97

February 12, 1997

1:30 PM - Panel and Informational Meeting and discussion re: NOAA/NMFS Facility

Panel: John Gorman NOAA
 Tony Gharett University of Alaska (Southeast)
 Marie Olson Auke Tribe

People in attendance:

Patty Ann Polley	Chamber of Commerce (Director)
Charlie Northrip	Juneau Economic Development Council
Jerry Wedel	President of Alaska Federal Savings
Kirk Flanders	J EDC staff
Rosemary Hagevig	Assemblymember
Rod Swope	Assemblymember
Tom Cashen	Commisioner of Labor
Rick Urion	Lobbyist for AFL-CIO
Jamie Parsons	Ex-Mayor of Juneau
Don Ethridge	Local 942
Dale Reid	IUOE
Gary Pond	Local 262
Pat Cargill	Carpenters
Mike Notar	IBEW
Cindy Spanyers	ASEA
Meiinda Holfstad	Staff for Rep. Hudson
Jim Powell	Assemblymember
Rep. Kim Elton	
Sen. Jim Duncan	
Lori Thompson	Reporter for Juneau Empire
Barbara May	IAM Local 23
Craig Dahl	President of First National Bank
<i>Tim Sunday</i>	<i>Juneau Building Trades - Teamsters Local 959</i>
<i>Olle Nelson</i>	

BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD
P.O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062

20 February 1997

Representative Reggie Joule
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Joule:


Subject: House Bill 28 - A Bill to Repeal the Alaska Coastal Management Program

The Bering Straits Coastal Resource Service Area Board sincerely opposes this bill. Coastal management is a joint effort of local, state, federal governments and the private sector to manage coastal resources and promote their wise and balanced use. For the people of rural Alaska, it is an important opportunity for meaningful participation in federal and state decisions that affect their lives.

The process works very well even when there are disagreements among participants. When a party disagrees with a ruling there is an appeal process to follow.

We appreciate your efforts on our behalf.

Sincerely,


Johnson Eningowuk
Chairman

cc: BSCRSA Board
Governor Tony Knowles
Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young
Affected Communities

Bristol Bay CRSA
P.O. Box 849
Dillingham, AK. 99576
Phone: (907) 842-2666 Fax: (907) 842-2776

February 24, 1997

Representative Bill Hudson, Co-Chair
Representative Scott Ogan, Co-Chair
House Resources Committee
Alaska State Legislature

RE: House Bill 28 - Repealing the Alaska Coastal Management Program

Dear Co-Chairs and House Resources Committee Members:

I am writing on behalf of the Bristol Bay CRSA, one of four coastal resource service areas in the Unorganized Borough that participates in and benefits from the Alaska Coastal Management Program.

The Bristol Bay CRSA opposes HB 28 and thinks it would be a grave mistake to eliminate the ACMP. The underlying purpose of the program is to achieve a balance between resource protection and economic development. More importantly, it gives local communities a key role in shaping economic development through coastal district plans and legal standing to participate in the permit review process for proposed projects and activities. In our experience, having a coastal management plan has enabled our district to address community concerns and also provide support for projects.

Our coastal district takes its responsibilities in the coastal management program very seriously. In addition to our basic coastal management plan, we worked with the Departments of Natural Resources and Fish and Game to develop a recreation management plan for the Nushagak and Mulchatna drainages. The plan is unique in that it is both a land use plan for DNR and an Area Meriting Special Attention plan for our coastal district as well as the Lake & Peninsula Borough. Special project funding from the ACMP helped to fund this cooperative planning effort. From an implementation standpoint, the plan has forged a strong working relationship between DNR and our coastal district in interpreting and applying plan guidelines to meet the management intent of the plan.

We understand one of the concerns expressed with the ACMP is that CRSA coastal management plans rely on the state agencies to enforce these plans. The ACMP intentionally allowed areas in the Unorganized Borough to develop coastal district plans and recognized that communities in these areas should have the right to participate in coastal management planning and development decisions that affect them. As with other coastal resource service areas, the Bristol Bay CRSA fills an important need by informing affected communities of proposed projects and