

Introduced: 1/18/85
Referred: Resources and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 93

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a system of recreation rivers;
7 and providing for an effective date."

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

9 * Section 1. AS 41.21.022 is amended to read:

10 Sec. 41.21.022. DISCHARGE OF FIREARMS. The discharge of fire-
11 arms during lawful hunting, trapping, and fishing is permitted within
12 the boundaries of: (1) Caines Head State Recreation Area; (2) Chena
13 River State Recreation Area; (3) Chugach State Park; (4) Denali State
14 Park; (5) Kachemak Bay State Park; (6) Kachemak Bay State Wilderness
15 Park; (7) Marine Parks established in AS 41.21.300 -- 41.21.306; (8)
16 Quartz Lake State Recreation Area; [AND] (9) Wood-Tikchik State Park,
17 or a recreation river created under AS 41.21.308 -- 41.21.320, except
18 that all or part of a state park, marine park, wildlife preserve,
19 recreation river, or recreation area may be closed to the discharge of
20 firearms by regulations adopted by the department for purposes of
21 public safety or, with the concurrence of the Board of Game, for
22 limited areas of Chugach State Park for public display of local wild-
23 life under AS 41.21.121.

24 Sec. 2. AS 41.21 is amended by adding new sections to read:

25 Article 3A. STATE RECREATION RIVERS.

26 Sec. 41.21.308. PURPOSES. (a) The purposes of creating a
27 recreation river are

28 (1) to dedicate as a unit of the state park system under
29 this chapter the land and water described in AS 41.21.310;

1 (2) to protect and perpetuate the fish and wildlife re-
2 sources and habitat and provide for recreational opportunities in the
3 unit;

4 (3) to protect the scenic and natural values and wilderness
5 attributes of the river system;

6 (4) to maintain the water quality and the stream flow of
7 the river system;

8 (5) to manage development activities in a manner compatible
9 with the primary purposes of protecting and enhancing the habitat in
10 the unit, and protecting and enhancing recreational values and provid-
11 ing opportunities in the unit, such as fishing, hunting, trapping,
12 gold panning, skiing, hiking, boating, and wildlife observation.

13 (b) Other resource management activities may occur if designed
14 to be compatible with the purposes set out in (a) of this section.

15 Sec. 41.21.310. DESIGNATED LAND AND WATER. (a) The land and
16 water presently owned by the state, and all land and water acquired by
17 the state in the future, including shore and submerged land, lying
18 within the following areas and parcels is designated a state recre-
19 ation river:

20 Little Susitna River:

21 the water column of the main stream of the Little Susitna
22 River from mean high water mark to mean high water mark, from the
23 point at which the river crosses the section line dividing Sections 23
24 and 26 in Township 19 North, Range 1 East, Seward Meridian downstream
25 to the point at which the river crosses the section line between
26 Sections 15 and 22 in Township 16 North, Range 5 West, Seward
27 Meridian;

28 the water column of Lake Creek from mean high water mark to
29 mean high water mark, from the point at which the creek crosses the

1 section line dividing Sections 10 and 11, Township 18 North, Range 4
 2 West, Seward Meridian downstream to the confluence with the Little
 3 Susitna River; and
 4 Township 16 North, Range 5 West, Seward Meridian
 5 Section 3
 6 Section 4: E1/2, NE1/4
 7 Section 10: E1/2, E1/2W1/2
 8 Section 15: E1/2, E1/2W1/2
 9 Township 17 North, Range 5 West, Seward Meridian
 10 Section 12
 11 Section 13
 12 Section 14
 13 Section 15
 14 Section 22
 15 Section 23: N1/2N1/2, SW1/4NW1/4, W1/2SW1/4
 16 Section 26: W1/2W1/2
 17 Section 27
 18 Section 34
 19 Township 17 North, Range 4 West, Seward Meridian
 20 Section 4
 21 Section 6: SW1/4
 22 Section 7: W1/2, S1/2SE1/4
 23 Section 8: E1/2, S1/2SW1/4
 24 Section 17: NW1/4
 25 Section 18: N1/2, N1/2SW1/4
 26 Township 18 North, Range 4 West, Seward Meridian
 27 Section 11: SW1/4, SW1/4SE1/4, SW1/4NW1/4
 28 Section 13: S1/2, SW1/4NW1/4, W1/2SE1/4NW1/4,
 29 S1/2NW1/4NW1/4

1 Section 14
 2 Section 24
 3 Section 25: N1/2
 4 Section 26
 5 Section 27: S1/2
 6 Section 33: S1/2, S1/2NE1/4
 7 Section 34
 8 Section 35: NW1/4, W1/2NE1/4
 9 Township 18 North, Range 3 West, Seward Meridian
 10 Section 19
 11 Section 20: SW1/2, W1/2SE1/4, S1/2NW1/4, NW1/4NW1/4
 12 Section 28: W1/2NW1/4, NE1/4NW1/4
 13 Section 29: NE1/4
 14 Section 30
 15 Township 18 North, Range 1 West, Seward Meridian
 16 Section 15: N1/2NW1/4
 17 Section 16: NW1/4, N1/2NE1/4, SE1/4NE1/4
 18 Township 18 North, Range 1 East, Seward Meridian
 19 Section 8: NW1/4, SW1/4NE1/4, S1/2NW1/4NE1/4
 20 Township 18 North, Range 2 West, Seward Meridian
 21 Section 15: NW1/4, N1/2NE1/4, NW1/4SW1/4
 22 Section 16: S1/2
 23 Section 17: S1/2
 24 Section 20: NW1/4, W1/2NE1/4, E1/2SW1/4.

25 (b) Subject to valid existing rights, the land and water de-
 26 scribed in (a) of this section are designated as special purpose areas
 27 under art. VIII, sec. 7, of the Alaska Constitution

28 (c) Except for oil and gas leasing under AS 38.05.180, the
 29 mineral estate in the state-owned land and water described in (a) of

1 this section is closed to mineral entry under AS 38.05.181 -- 38.05.-
2 280.

3 Sec. 41.21.312. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)
4 The land and water described in AS 41.21.310(a) are assigned to the
5 department for control, maintenance, and development consistent with
6 the purposes of AS 41.21.308 -- 41.21.320.

7 (b) Nothing in AS 41.21.308 -- 41.21.320 affects the applicabil-
8 ity of

9 (1) AS 41.99.010, AS 16, or AS 08.54 regarding the respon-
10 sibilities of the Department of Fish and Game, the Board of Fisheries,
11 the Board of Game, or the Guide Licensing and Control Board;

12 (2) AS 46.03 regarding the responsibilities of the Depart-
13 ment of Environmental Conservation; or

14 (3) AS 44.19.145(a)(11) and AS 46.40.100 regarding the
15 responsibilities of state agencies and municipalities.

16 Sec. 41.21.314. COMPREHENSIVE MANAGEMENT PLAN; REGULATIONS.

17 (a) The commissioner shall develop and adopt a comprehensive manage-
18 ment plan for the land and water described in AS 41.21.310(a) through
19 the public hearing process in consultation with affected local munici-
20 palities and other state and federal agencies. The plan must, as a
21 minimum, establish long-range management policies consistent with the
22 purposes of AS 41.21.308 -- 41.21.320 which are necessary to

23 (1) protect and perpetuate the fish and wildlife habitat
24 and maintain the free-flowing character of the water;

25 (2) manage the level of intensity and types of recreational
26 uses;

27 (3) designate land zones and manage land uses and asso-
28 ciated development;

29 (4) manage commercial activities or development, including

1 commercial recreational services such as guiding; and

2 (5) provide for necessary public services, such as trans-
3 portation and utility corridors, public safety, and law enforcement.

4
5 (b) The commissioner shall adopt regulations under the Adminis-
6 trative Procedure Act (AS 44.62) to implement the plan adopted under
7 (a) of this section. The regulations must, as a minimum,

8 (1) designate incompatible uses and prohibit or restrict
9 them;

10 (2) designate transportation and utility corridors in
11 cooperation with the Department of Transportation and Public Facili-
12 ties so as to provide reasonable public and private access consistent
13 with the purposes of AS 41.21.308 -- 41.21.320;

14 (3) establish guidelines for the extraction of sand and
15 gravel for public purposes and the harvest of forest products, consis-
16 tent with the purposes of AS 41.21.308 -- 41.21.320, as determined by
17 the commissioner; and

18 (4) establish adequate setback restrictions and other land
19 use controls to protect stream banks and maintain the river in a free
20 flowing state.

21 (c) Within one year after the effective date of this section,
22 the commissioner shall, after consultation with other appropriate
23 state agencies, reserve to the state under AS 46.15.145 an instream
24 flow or level for the water described in AS 41.21.310(a) adequate to
25 effectuate the purposes of AS 41.21.308 -- 41.21.320.

26 Sec. 41.21.316. ADDITIONAL LAND. To achieve the purposes of
27 AS 41.21.308 -- 41.21.320, the commissioner may acquire, in the name
28 of the state, title to or an interest in land or an improvement on
29 land that is adjacent to or within the boundaries of the land and

1 water described in AS 41.21.310(a) by lease, purchase, exchange under
2 AS 38.50, bequest, gift, or other lawful means, including land trusts
3 or similar arrangements with municipalities, but not by eminent do-
4 main.

5 Sec. 41.21.318. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-
6 sioner may enter into cooperative agreements for the management of the
7 land and water described in AS 41.21.310 or other adjacent land and
8 water, with a federal agency, a municipality, another state agency, or
9 a private landowner.

10 Sec. 41.21.320. CIVIL ENFORCEMENT. In addition to any other
11 remedy provided by law, the attorney general may seek an injunction
12 and damages at the request of the commissioner for a violation of a
13 regulation adopted under AS 41.21.308 -- 41.21.320 or any other regu-
14 lation that is applicable to the land or water described in AS 41.21.-
15 310(a).

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).