

SENATE BILL NO. 166

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Collins

Introduced: 3/6/91
Referred: Resources and Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act rejecting the Susitna Basin Recreational Rivers Management Plan submitted by
2 the commissioner of natural resources; and providing for an effective date."

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

4 * Section 1. FINDINGS. The legislature finds that

5 (1) the Second Session of the Fifteenth Alaska State Legislature passed a law relating
6 to management of the resources of six significant rivers in the Susitna Basin;

7 (2) the Act, ch. 122, SLA 1988, declared that "...[t]he special values and uses of six rivers
8 in Southcentral Alaska justify the retention of the rivers and their adjacent corridors for public use. The
9 six rivers should be managed for public recreation and the six river corridors can support many public
10 uses, including some that will enhance the local economy as well as improve access to public and private
11 land outside the river corridors. The designation of the six rivers and their corridors recognizes the value
12 of the rivers and their corridors for public use and is not intended to become an undue impediment to
13 multiple use land and water management or the enjoyment of adjacent public and private land, or to the
14 development of access within, across, and around the rivers and their corridors. The legislature is

1 particularly concerned that an owner of land or a legal interest in land within or adjacent to the river
2 corridors be allowed reasonable access to and the full use of the rights.";

3 (3) AS 41.23.440(a) directs the commissioner of natural resources to prepare and adopt
4 a management plan for the six rivers;

5 (4) consistent with the decision in *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769 (Alaska
6 1980), AS 41.23.440(c) reserves to the legislature the right to review and to disapprove the proposed
7 recreational rivers management plan by law;

8 (5) despite the legislature's explicit expression of particular concern that the proposed
9 management plan not compromise the rights of reasonable access by certain landowners to land within
10 or adjacent to the river corridors, the proposed Susitna Basin Recreational Rivers Management Plan

11 (A) unduly restricts access by persons seeking access to their property within or
12 adjacent to these river corridors using mechanized boats; and

13 (B) sets limits on the use of mechanized boats on these rivers that are neither
14 necessary for the safety of the persons who may use the rivers nor reasonable for the activities
15 of persons who seek to use and enjoy the area covered by the proposed management plan.

16 * **Sec. 2. MANAGEMENT PLAN DISAPPROVED.** The Susitna Basin Recreational Rivers
17 Management Plan, proposed and transmitted by the commissioner of natural resources by letter dated
18 February 1, 1991, and received by the presiding officers of each house of the legislature February 4,
19 1991, is disapproved.

20 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).