

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

4/12/77

Date: 4-9-86

The Committee on FINANCE has had HB 93

"An Act establishing a system of recreation rivers; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 93 (FIN) same title
 new title
- and recommends NO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Albert H. Adams
Jim H. ...
Ronald J. ...
Pat ...
Pat ...
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MEMBERS HAVING
OTHER RECOMMENDATIONS:

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Albert H. Adams
CHAIRMAN

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 4/9/86

REQUEST

Bill/Resolution No. : CSHB 93 (Fin)
 Title : Recreational Rivers

 Sponsor : Rules/Governor
 Requestor : House Finance
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Land and Water Management
Parks and Outdoor Recreation

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The bill designates land without requiring any immediate management or planning. There is no fiscal impact expected during the next three to five years.

Prepared by : Ned Farquhar ^{NF} Phone : 465-2400
 Division : Commissioner's Office Date : 4/9/86
 Approved by Commissioner : *Eileen P. Wamsnick* Date : 4/9/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

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

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 93 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND 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 41.23 is amended by adding new sections to read:

10 ARTICLE 2. STATE RECREATION RIVERS.

11 Sec. 41.23.200. PURPOSES. (a) The purpose of AS 41.23.200 -
12 41.23.220 is to establish management guidelines for those rivers
13 designated for recreation under AS 41.23.200 - 41.23.220 while permit-
14 ting each river to be individually managed under a multiple use man-
15 agement plan.

16 (b) The goals and objectives by which a recreation river shall
17 be managed include

18 (1) the protection and maintenance of the fish and wildlife
19 populations and habitat on a sustained yield basis so as to maintain,
20 restore, and enhance fishing, hunting, and trapping activities;

21 (2) protection of the scenic and natural integrity of the
22 river and continuation of the traditional recreational uses of the
23 river by the public including boating, hiking, snowmachining, skiing,
24 dog mushing, and wildlife viewings;

25 (3) management of upland activities for the protection and
26 maintenance of water quality and stream flow.

27 (c) The commissioner shall allow an activity when compatible
28 with (b)(1) - (3) of this section and a management plan adopted under
29 AS 41.23.220 including, but not limited to use of aircraft,

1 powerboats, snowmachines, all-terrain vehicles, and other motorized
2 transportation; harvest of wood products; sand and gravel extraction
3 for public use; and public use facilities. AS 41.23.200 - 41.23.280
4 may not be construed as permitting an activity that is incompatible
5 with the purposes of AS 41.23.200(b)(1) - (3).

6 Sec. 41.23.210. GENERAL MANAGEMENT OF RECREATION RIVER. (a)
7 The land and water within the area designated as a recreation river
8 under AS 41.23.280(c) is assigned to the Department of Natural Re-
9 sources for multiple use management consistent with the purposes of
10 AS 41.23.200 - 41.23.280.

11 (b) Within three years from the effective date of the desig-
12 nation of a river as a recreation river under AS 41.23.280(c), the
13 commissioner shall, after consultation with appropriate state agen-
14 cies, reserve to the state under AS 46.15.145 an instream flow or
15 level for the water in the river described in AS 41.23.280(c) that is
16 adequate to achieve the purposes of AS 41.23.200 - 41.23.280.

17 (c) The provisions of AS 41.23.200 - 41.23.280 do not affect the
18 responsibility of

19 (1) the Department of Fish and Game, the Board of Fisher-
20 ies, the Board of Game, or the Guide Licensing and Control Board under
21 AS 08.54, AS 16, or AS 41.99.010;

22 (2) the Department of Environmental Conservation under
23 AS 46.03; or

24 (3) state agencies and municipalities under AS 44.19.145-
25 (a)(11) and AS 46.40.100.

26 (d) The commissioner shall not infringe upon the use of weapons,
27 including firearms, within a recreation river except in sites of high
28 public use such as picnic areas, boat ramps, camping grounds, and
29 parking areas when the commissioner determines that the use of weapons

1 constitutes a threat to public safety. Except as provided in this
2 subsection, the commissioner may not restrict the exercise of fishing,
3 hunting, or trapping within a recreation river.

4 (a) The commissioner may lease land cooperatively within a
5 recreation river to a person for the construction and operation of a
6 public use facility within the recreation river.

7 (f) The commissioner may not restrict commercial activities
8 existing within the boundaries of an area designated as a recreation
9 river under AS 41.23.280(c) at the time of the designation unless the
10 commissioner determines that the commercial activity threatens the
11 quality of the water or an essential habitat within the recreation
12 river.

13 Sec. 41.23.280. MANAGEMENT PLAN. (a) The commissioner shall
14 adopt and may revise a comprehensive multiple use management plan for
15 a river designated as a recreation river under AS 41.23.280(c). The
16 commissioner shall consult with the Department of Fish and Game during
17 the formulation or revision of a management plan governing the use of
18 an area within a recreation river. The commissioner shall comply with
19 the notice requirements of AS 38.05.945 and shall hold at least one
20 public hearing in the municipalities and communities that are prox-
21 imately located to the recreation river and with the local fish and
22 game advisory committee in the area in the adoption or revision of a
23 management plan. The comprehensive multiple-use management plan shall
24 establish long-range guidelines and management practices consistent
25 with the purposes of AS 41.23.200 - 41.23.280 to

26 (1) protect the fish and wildlife habitat and the free-
27 flowing nature of the river;

28 (2) identify special recreational values and manage the
29 level of intensity and types of recreational uses;

1 (3) designate compatible land uses and management guide-
2 lines for associated development;

3 (4) manage commercial activities or development, including
4 recreational services such as guiding;

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

7 (6) allow reasonable and necessary access to public land
8 and private holdings and to land beyond the recreation river corri-
9 dor;

10 (7) establish criteria and timelines to review future
11 proposed uses for compatibility with the purposes of AS 41.23.200 -
12 41.23.280;

13 (8) establish guidelines and setback restrictions for an
14 activity occurring under AS 41.23.200(c).

15 (b) The commissioner may adopt regulations necessary to imple-
16 ment the plan.

17 (c) A comprehensive management plan adopted or revised by the
18 commissioner under (a) of this section shall be submitted to the
19 legislature for review within the first 10 days of the first regular
20 session of the legislature to convene after the adoption or revision
21 by the commissioner.

22 (d) The Department of Fish and Game and the Boards of Fish and
23 Game shall consult with the commissioner before adopting or revising
24 regulations governing fish and game management in an area designated
25 as a recreation river.

26 Sec. 41.23.239. MANAGEMENT OF MUNICIPAL LAND. If a municipality
27 commits land for inclusion in a recreation river designated under
28 AS 41.23.280(c), the commissioner shall obtain the concurrence of the
29 municipality to the management plan proposed under AS 41.23.220 as it

applies to municipal land.

23 Sec. 41.23.240. ACQUISITION OF ADDITIONAL LAND. (a) The com-
24 missioner may acquire in the name of the state land that is adjacent
25 to or located within the land described in AS 41.23.230(c) by pur-
26 chase, lease, gift, or exchange.

27 (b) The commissioner may not acquire land for inclusion in a
28 recreation river by eminent domain.

29 Sec. 41.23.250. APPLICATION OF PUBLIC LAND LAWS. Except to the
30 extent that a provision is inconsistent with a provision of AS 41.-
31 23.200 - 41.23.230 the provisions of AS 38.04; AS 38.05; AS 38.35; and
32 AS 38.95 apply to land described in AS 41.23.230(c).

33 Sec. 41.23.260. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The
34 commissioner may enter into a cooperative management agreement for the
35 management of land and water described in AS 41.23.230(c) or other
36 adjacent land and water with a federal agency, a municipality of the
37 state, another agency of the state, or a private landowner.

38 (b) The commissioner may transfer the management of a specific
39 site within a recreation river described in AS 41.23.230(c) to a state
40 agency to assist in the development of a facility or to carry out a
41 program authorized by law.

42 (c) The commissioner may not manage a recreation river described
43 in AS 41.23.230(c)(1) - (6) as a unit of the state park system.

44 Sec. 41.23.270. RECOMMENDATIONS BY COMMISSIONER. (a) Before
45 recommending the establishment of a recreation river to the legisla-
46 ture, the commissioner shall adopt a plan for the area encompassing
47 the proposed recreation river.

48 (b) In the adoption of a plan recommending the establishment of
49 a recreation river, the commissioner shall

(1) after notice under AS 38.05.045, hold a public hearing

In each community that is located proximately to or within the boundaries of an area proposed for inclusion within a recreation river;

(2) prepare a summary of the testimony offered at each public hearing held under (1) of this subsection with regard to the establishment of the proposed recreation river for inclusion in the plan;

(3) consult with each fish and game advisory committee with responsibilities for an area within the boundaries of an area proposed for inclusion within a recreation river and include the recommendations of the local fish and game advisory committee in the plan; and

(4) provide a copy of the plan to each community in which a hearing was held under (1) of this subsection.

Sec. 47.23.288. DESIGNATED RIVERS. (a) Subject to valid existing rights, the state-owned land and water designated as a recreation river under (c) of this section constitute a special purpose area under art. VIII, sec. 7 of the Alaska Constitution. State-owned land and water may be designated as a recreation river only by the legislature.

(b) The state-owned land and water described in this section are closed to mineral entry and leasing under AS 38.05.150 - 38.05.175 and 38.05.185 - 38.05.275. The state-owned land and water described in this section is closed to land disposals under AS 38.05.035(b), 38.05.045 - 38.05.069, AS 38.08 and AS 38.09 within one-half mile upland of the meander of the ordinary high water mark of the river.

(c) The land and water presently owned by the state and all land and water acquired by the state in the future, including shore and submerged land, that lies within the following described parcels are designated recreation rivers:

(1) Taichulitna State Recreation River

- (A) Township 16 North, Range 10 West, Tenth Meridian
 Section 6: 31/2
 Section 7: NW1/4
- (B) Township 16 North, Range 11 West, Tenth Meridian
 Section 1: 31/2, SW1/4
 Section 2: 31/2, NW1/4
 Section 3
 Section 11: 31/2
 Section 12: 31/2
- (C) Township 17 North, Range 10 West, Tenth Meridian
 Section 6: 31/2, SW1/4
 Section 7
 Sections 11 - 13
 Sections 22 - 24
- (D) Township 17 North, Range 11 West, Tenth Meridian
 Section 1: 31/2, SW1/4
 Section 2: 31/2
 Sections 4 - 6
 Section 8: 31/2
 Sections 9 - 11
 Section 14: 31/2
 Section 15
 Section 17: NW1/4
 Section 18: 31/2, SW1/4
 Section 19: NW1/4, SW1/4
 Section 22
 Section 23: 31/2

Section 25: 31/21/2

Section 26: 31/2

Section 27

Section 28

Section 29: 31/2

(E) Township 17 North, Range 12 West, Tward Meridian

Section 7: 31/2

Section 8: 31/2

Section 9

Section 10: 31/2

Section 11: 31/2

Section 12: 31/2

Sections 13 - 15

Section 16: 31/2

Sections 17 - 19

Section 20: 31/2, 31/21/2

(F) Township 17 North, Range 12 West, Tward Meridian

Section 6: 31/2

Section 10: 31/2

Section 11: 31/2

Section 12: 31/2

Sections 13 - 15

Section 24: 31/2

(G) Township 18 North, Range 10 West, Tward Meridian

Section 18: NW1/4SE1/4

Section 19: NW1/4, N1/2NE1/4, N1/2SW1/4, SE1/4

Section 20: 31/2, SE1/4

Section 21

Section 22: 31/2NW1/2

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Section 26: NE1/4, SW1/4, NW1/4

Section 27: NE1/4, SW1/4

Sections 28 - 29

Section 30: NE1/4, SW1/4

Section 31: NE1/4, SW1/4, NW1/4, SE1/4, SW1/4

Section 32: SE1/4, SW1/4

Section 34: SW1/4

(10) Township 18 North, Range 11 East, Seward Meridian

Section 6: NE1/4, SW1/4, NW1/4

Section 7

Section 11: NE1/4, SW1/4

Section 12: NE1/4, SW1/4

Section 13: NE1/4, SW1/4, NW1/4

Section 18: SW1/4

Sections 17 - 16

Section 19: SW1/4

Section 20: NE1/4, SW1/4

Section 21: SW1/4

Section 24: SW1/4

Section 27

Section 28: SW1/4

Section 30: SW1/4

Section 33

(11) Township 18 North, Range 12 East, Seward Meridian

Sections 1 - 2

Section 17: NE1/4, SW1/4

(12) Township 19 North, Range 12 East, Seward Meridian

Section 3: NE1/4, SW1/4

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Section 4: E1/2E1/2, W1/2SE1/4, SE1/4SW1/4
 Section 9: E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4
 Section 10: NW1/4
 Section 15: W1/2SW1/4, SW1/4NW1/4
 Section 16
 Section 31
 Section 33: SW1/2SW1/2, E1/2SE1/4, SW1/4SE1/4
 Sections 37 - 38
 Section 34
 Section 35: S1/2, NW1/4

(10) Township 20 North, Range 11 West, Seward Meridian

Section 18: W1/2
 Section 19: S1/2

(11) Township 20 North, Range 11 West, Seward Meridian

Section 1
 Section 2: S1/2
 Section 11: S1/2
 Sections 12 - 13
 Section 14: E1/2
 Sections 22 - 24
 Section 25: W1/2
 Section 26
 Section 27: E1/2
 Section 34: S1/2, SE1/4, SW1/4NW1/4
 Section 35: NW1/4

(12) Township 21 North, Range 11 West, Seward Meridian

Section 31: SW1/4

(13) Township 21 North, Range 12 West, Seward Meridian

Section 25: that portion south of the Skwentna

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River

Section 16: that portion south of the Skowanna
River

Section 15: that portion south of the Skowanna
River

Section 26: that portion south of the Skowanna
River

(2) Alexander Creek State Recreation River

(A) Township 16 North, Range 7 West, Seward Meridian
Sections 5 - 7

Sections 18 - 19

(B) Township 17 North, Range 7 West, Seward Meridian

Section 10: NE 1/4, SE 1/4

Section 11

Sections 10 - 11

Section 12: SE 1/4

(C) Township 17 North, Range 8 West, Seward Meridian

Section 1

Section 2: NE 1/4, SE 1/4

Section 3: NE 1/4

Section 4: NE 1/4, SE 1/4

Section 11: SE 1/4

Section 12

Section 13: NE 1/4, SE 1/4

Section 14: NE 1/4, SE 1/4

(D) Township 16 North, Range 8 West, Seward Meridian

Section 4: NE 1/4

Section 5

Section 6: SE 1/4

Section 8: N1/2, SE1/4

Section 9

Section 10: SW1/4

Section 14: N1/2SW1/4, SE1/4SW1/4

Section 15: N1/2, SE1/4, S1/2NE1/4

Section 16: N1/2, SE1/4

Section 22: N1/2, N1/2SE1/2, S1/2SE1/4

Section 23: N1/2, N1/2SE1/4

Section 26: N1/2, N1/2SE1/2, N1/2SE1/4

Section 27: S1/2NE1/4

Section 33: SW1/4, S1/2SW1/4

Section 34: S1/2SE1/2

Section 35

Section 36: 1/2

(5) Township 19 North, Range 9 West, Seward Meridian

Section 18: N1/2, S1/2SE1/2

Section 19: N1/2SW1/2

Section 30

Section 31: N1/2, N1/2SW1/2

Section 32

(7) Township 19 North, Range 9 West, Seward Meridian

Sections 3 - 4

Sections 9 - 10

Section 13: S1/2

Section 14: S1/2

Sections 15 - 16

Section 22: N1/2

Section 23: N1/2

Section 24

(5) Lake Creek State Recreation River

(A) Township 21 North, Range 9 West, Second Meridian

Section 3

Section 4: Including Tracts A, B, C and D

Section 9: $\frac{1}{2}$ Including Tracts A and B

Section 10

Section 15

(B) Township 22 North, Range 9 West, Second Meridian

Section 4: $\frac{1}{4}$, $\frac{1}{2}$

Section 5: $\frac{1}{2}$, $\frac{1}{4}$

Section 9: $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{4}$

Section 10: $\frac{1}{4}$, $\frac{1}{4}$

Section 15: $\frac{1}{2}$

Section 16: $\frac{1}{2}$, $\frac{1}{4}$

Section 21: $\frac{1}{2}$

Section 22: $\frac{1}{2}$

Section 27: $\frac{1}{2}$

Section 28: $\frac{1}{2}$

Section 34

(C) Township 23 North, Range 9 West, Second Meridian

Section 3: $\frac{1}{2}$

Section 4

Section 5: $\frac{1}{2}$, $\frac{1}{4}$

Section 7: $\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$

Section 8: $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$

Section 9: $\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$

Section 17: $\frac{1}{2}$, $\frac{1}{4}$

Section 18: $\frac{1}{2}$

Section 19: $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{4}$

Section 28: N1/2, SE1/4, S1/2NE1/4, NW1/4NE1/4

Section 29

Section 30: NE1/4, S1/2NW1/4, NE1/4SW1/4, SE1/4

Section 32

Section 33: S1/2SW1/4, NW1/4SW1/4

(5) Township 24 North, Range 9 West, Seward Meridian

Section 25: S1/2SW1/4, SW1/4SE1/4

Section 28: NW1/4, S1/2

Section 30

Section 31: N1/2

Section 32: SW1/4, E1/2

Section 33

Section 34: NW1/4SW1/4

(6) Township 24 North, Range 10 West, Seward Meridian

Section 5

Section 6: N1/2

Section 10

Section 11: S1/2, S1/2SE1/4, SW1/4NE1/4

Section 13: S1/2SW1/4

Section 14

Section 15: NE1/4

Section 23: N1/2, SE1/4

Section 24: N1/2, S1/2SE1/4, NW1/4SE1/4

Section 25

Section 36: NE1/4, S1/2NW1/4

(7) Township 25 North, Range 10 West, Seward Meridian

Sections 6 - 7

Section 8: S1/2, SW1/4

Section 16: N1/2

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Section 17

Section 18: E1/2

Section 19: SE1/4, E1/2

Section 20

Section 21: E1/2

Section 22: SE1/4

Section 23: E1/2

Section 24

Section 25: E1/2, SE1/4

Sections 24 - 25

Section 26: E1/2

(20) Township 25 North, Range 11 West, Tenth Meridian

Section 1: E1/2

(21) Township 26 North, Range 11 West, Tenth Meridian

Section 31

(22) Township 26 North, Range 11 West, Tenth Meridian

Sections 3 - 4

Section 9: E1/2

Section 10

Section 11: E1/2

Section 12

Section 13: E1/2, SE1/4

Section 14

Section 15: E1/2, SE1/4

Section 16

Section 17: SE1/4

Section 18: SE1/4

Section 19

(23) Township 27 North, Range 11 West, Tenth Meridian

Section 6: SW1/4

Section 7

Section 8: SW1/4

Sections 17 - 19

Section 19: NE1/2, SW1/4

Section 20

Section 21: SW1/4

Sections 28 - 29

Section 30: NE1/4

Section 32: E1/2

Section 33

Section 34: NE1/4

(3) Township 17 North, Range 12 West, Seward Meridian

Sections 1 - 2

Section 10: NE1/2, SE1/4

Sections 11 - 14

Section 15: SW1/4

Section 23: NE1/4

Section 24: NE1/2

(2) Township 18 North, Range 12 West, Seward Meridian

Sections 1 - 5

Sections 8 - 12

Sections 13 - 17

Sections 21 - 24

Sections 25 - 29

Sections 33 - 36

(4) Krote Creek and Moose Creek State Recreation River

(A) Township 19 North, Range 5 West, Seward Meridian

Section 2: SW1/4

Section 3

Section 10: $SE1/2$

Section 11

Section 16

Section 15: $SE1/2SE1/2$

Section 22: $SE1/2SE1/2$

Section 23

Section 25: that portion west of the eastern-
most bank of the Susitna River

Section 26

Section 27: $SE1/2SE1/2$

Section 34: $SE1/4NE1/4$

Section 35

Section 36: that portion west of the eastern-
most bank of the Susitna River

(C) Township 10 North, Range 6 West, Tenth Meridian

Section 4

Section 5: $SE1/2$

Section 21: $SE1/4, SE1/2SE1/4$

Section 2

Section 13: $SE1/2$

Section 14

Section 11: $SE1/2, SE1/2NE1/4, SE1/4NE1/4$

Section 12: $SE1/4, SE1/2$

Section 27

Section 24

(C) Township 11 North, Range 6 West, Tenth Meridian

Section 3

Section 9: $SE1/2SE1/4, SE1/4SE1/4$

Section 10

Section 15: NE1/2, SE1/2SW1/4

Section 16

Section 20: SE1/2

Section 21

Section 22

Section 29: SE1/2

Section 32: SE1/2SW1/2, SE1/4SW1/4

Section 33

Section 34: SW1/4

(D) Township 22 North, Range 4 West, Seward Meridian

Sections 4 - 5

Section 6: SE1/2, SE1/2SW1/2

Sections 7 - 8

Sections 16 - 17

Section 19 - 21

Section 27

Section 28: SE1/2, SE1/4, SE1/2SW1/4

Section 29: SE1/2SW1/4

Section 33: SE1/2SW1/4, SE1/4SW1/4

Section 34

(E) Township 23 North, Range 3 West, Seward Meridian

Section 4

Section 7: SE1/2

Section 9

Section 16

Section 17: SE1/4SW1/4

Sections 18 - 19

Section 20: SE1/2NW1/4

Section 8: 31/25M/4

Section 7

Section 6: 31/7, 31/6

(17) Township 14 North, Range 7 East, Section 5

Section 5

Section 4: 31/21/7, 31/7

Section 3: 31/6, 31/25M/4, 31/45M/4

Section 2: 31/7, 31/25M/4

Section 1: 31/7, 31/25M/4

Section 10

Section 10: 31/4, 31/25M/4

Section 9

Section 8: 31/7, 31/25M/4, 31/25M/4

Section 7: 31/4, 31/25M/4

Section 6

Section 5

(18) Township 16 North, Range 7 East, Section 6

Section 6: 31/25M/4

Section 5: 31/7, 31/6

Section 4

Sections 3 - 13

Section 2: 31/7

Section 1

(19) Township 15 North, Range 7 East, Section 10

Section 10

Section 10: 31/7

Section 10 - 11

Section 10

Section 11

Section 16: N1/2, N1/2SE1/2

Section 17

Section 18: N1/2SE1/2, SE1/4SW1/4, S1/2NE1/4,
N1/2SE1/4, SE1/4SE1/4

Section 19: NE1/4NE1/4

Section 20: N1/2

Section 21: N1/2, SE1/4, N1/2SE1/4

Section 27

Section 28: N1/2

Section 33: SE1/4NE1/4

Section 34: N1/2, N1/2SE1/2, SE1/4SW1/4

Section 35: N1/2, SE1/4, N1/2SE1/4

Section 36: N1/4

(1) Township 14 North, Range 6 West, Seward Meridian

Section 11: N1/2

Section 12: SE1/4, N1/2SE1/4

Section 13: NE1/4NE1/4

(2) Township 15 North, Range 6 West, Seward Meridian

Section 5

Section 6

Section 17

Section 18: SE1/4

Section 19: N1/2, N1/2SE1/2

Section 20: N1/2SW1/2

Section 29: N1/2SW1/2

Section 30: N1/2, N1/2SW1/2

Section 31: N1/2

Section 32: N1/2SW1/2, SE1/4SW1/4

(3) Township 25 North, Range 7 West, Seward Meridian

Section 5

Section 6: SE1/4, SW1/4

Section 7: SW1/2, SW1/4, SW1/4SW1/4

Section 8: SW1/4, SW1/4SW1/4

Sections 18 - 19

Sections 30 - 31

(ii) Township 25 North, Range 5 West, Seward Meridian

Section 13: SW1/2 SW1/4

Section 24: SW1/4SW1/4

(iii) Township 26 North, Range 6 West, Seward Meridian

Section 5

Section 8

Section 12: SW1/2, SW1/4, SW1/4SW1/4, SW1/4SW1/4

Section 16: SW1/4

Section 20: SW1/2, SW1/4, SW1/4SW1/4, SW1/4SW1/4

Section 28: SW1/2, SW1/4

Section 30: SW1/2, SW1/4, SW1/4SW1/4

Section 31: SW1/4SW1/4, that portion of SW1/4-

SW1/4 within detached segment 150' each side

(iii)

Section 35: lands within 150' (iii)

(iv) Township 26 North, Range 7 West, Seward Meridian

Section 4: SW1/2

Section 5: SW1/2, SW1/4SW1/4

Section 7: SW1/4

Section 8

Section 9: SW1/4, SW1/4SW1/4

Section 17

Section 18: SW1/2

Section 19

Section 29: N1/2

Section 29: S1/2, NW1/4

Section 30

Section 31: NE1/4

Section 32

(C) Township 27 North, Range 6 West, Seward Meridian

Section 4

Section 5: E1/2

Section 8: E1/2

Section 9

Section 16

Section 17: N1/2

Section 18: N1/2

Section 21

Section 28: N1/2

Section 32: N1/2

Section 32: E1/2

Section 33: N1/2

(D) Township 27 North, Range 7 West, Seward Meridian

Section 7

Section 8: S1/2, SW1/4

Section 9: N1/2

Section 16

Section 17: N1/2, SE1/4

Section 20: E1/2

Section

Section 28: N1/2, SW1/4

Section 29: E1/2

Section 32: 31/2

Section 33: 31/2

(C) Township 27 North, Range 2 West, Seward Meridian
Section 18: SE1/4

(D) Township 28 North, Range 6 West, Seward Meridian
Section 32: 31/2SE1/4

Section 33: 31/2SE1/2

(5) Talkoona State Recreation River

(A) Township 26 North, Range 3 West, Seward Meridian
Section 1

Section 2

Sections 3 - 6: including ASLS 21-196, ASLS
18-94, ASLS 80-84

(B) Township 25 North, Range 4 West, Seward Meridian
Section 1: exclusive of ASLS 75-149

Section 2: exclusive of ASLS 79-149

Section 3: exclusive of ASLS 79-149

Section 4: 31/2, 31/4 exclusive of ASLS 79-149

Section 7: 31/2

Section 8: 31/2 exclusive of ASLS 79-149

Section 9: 31/2, 31/2SE1/4

Section 10: 31/2NW1/2, SE1/4SE1/4

Section 11: 31/2SE1/2

Section 15: 31/2NW1/4, 2SE1/4SE1/4

Section 16: 31/2, 31/2SE1/2

Section 17: that portion north of the south
bank of the Talkoona River

Section 18: exclusive of DOT 290642

(C) Township 26 North, Range 5 West, Seward Meridian

Section 12: E1/2SE1/4

Section 13: E1/2, E1/2SE1/4, SW1/4SW1/4

Section 13: that portion northeast of the south
bank of the Susitna River

Section 14: that portion east of the left bank
of the Susitna River and west of the right
bank of the main channel of the Talkeetna
River (that channel of the river that runs
diagonally through the NE1/4 and SW1/4 of
Sec. 14)

(D) Township 27 North, Range 2 West, Seward Meridian

Section 1: SW1/4

Section 3: E1/2

Section 4: E1/2

Section 5: SE1/4, E1/2SW1/4

Section 7: SE1/4

Sections 8 - 12

Section 13: E1/2

Section 14: E1/2NE1/4

Section 17

Section 18: E1/2, SW1/4

Section 19

Section 20: E1/2, SW1/4

Section 30: E1/2

(E) Township 27 North, Range 3 West, Seward Meridian

Section 24: E1/2

Section 25

Section 26: SE1/4

Section 31: E1/2

Section 27: E1/2 exclusive of ASLS 79-149

Section 28: E1/2E1/2 exclusive of ASLS 79-149

Section 29: E1/2E1/2 exclusive of ASLS 79-149
and ASLS 75-135

Sections 30 - 35

(P) Township 17 North, Range 4 West, Seward Meridian

Section 36: E1/2SE1/4 exclusive of ASLS 74-76
and ASLS 74-77

(6) Little Susitna State Recreation River: the water column of the main stream of the Little Susitna River from mean high water mark to mean high water mark, from the point at which the river crosses the section line dividing Sections 3 and 16 in Township 19 North, Range 4 West, Seward Meridian downstream to the point at which the river crosses the section line between Sections 13 and 14 in Township 16 North, Range 5 West, Seward Meridian; the water column of Lake Frank from mean high water mark to mean high water mark, from the point at which the lake crosses the section line dividing Sections 10 and 11, Township 16 North, Range 4 West, Seward Meridian downstream to the confluence with the Little Susitna River; and

(7) Township 16 North, Range 5 West, Seward Meridian

Section 3

Section 4: E1/4 E1/4

Section 10: E1/2, E1/2E1/2

Section 15: E1/2, E1/2E1/2

(8) Township 17 North, Range 4 West, Seward Meridian

Section 4

Section 6: E1/4

Section 7: E1/2, E1/2SE1/4

Section 8: E1/2, E1/2SE1/4

Section 17: NW1/4

Section 18: SW1/2, SW1/4SW1/4

(C) Township 17 North, Range 5 West, Seward Meridian

Section 11

Section 12

Section 13

Section 14

Section 15

Section 16: SW1/4SE1/4, SW1/4NW1/4

Section 21

Section 22

Section 23: SW1/2NW1/2, SW1/4NW1/4, SW1/4SW1/4

Section 24: SW1/4NW1/2

Section 25

(D) Township 16 North, Range 1 East, Seward Meridian

Section 8: NW1/4, SW1/4NE1/4, SW1/4NW1/4NE1/4

(E) Township 16 North, Range 1 East, Seward Meridian

Section 15: SW1/4NW1/4

Section 16: NW1/4, SW1/4NE1/4, SW1/4NW1/4

(F) Township 18 North, Range 1 East, Seward Meridian

Section 15: NW1/4, SW1/4NE1/4, SW1/4NW1/4

Section 16: SW1/2

Section 17: SW1/2

Section 18: SW1/4, SW1/4NE1/4, SW1/4SW1/4.

(G) Township 18 North, Range 3 West, Seward Meridian

Section 19

Section 20: NW1/4, SW1/4SE1/4, SW1/4NW1/4,

SW1/4NW1/4

Section 28: SW1/4NW1/4, SW1/4SW1/4

Section 29: NE1/4

19
20
21
22
23
24
25
26
27
28
29

Section 30

(N) Township 18 North, Range 4 West, 66th Meridian

Section 11: SW1/4, SW1/4SE1/4, SW1/4SW1/4

Section 13: S1/2, SW1/4SW1/4

Section 14

Section 24

Section 25: S1/2

Section 26

Section 27: S1/2

Section 32: S1/2, S1/2NE1/4

Section 34

Section 35: SW1/4, S1/2NE1/4

SECTION 3. GENERAL PROVISIONS.

Sec. 1. Short title. This Act may be cited as the "Natural Resources Management Act".

Sec. 2. Purpose. The purpose of this Act is to provide for the management of natural resources.

Sec. 3. Management plan. A management plan has been adopted for a designated river under AS 41.23.006. The purpose of this Act is to provide for the management of natural resources.

Sec. 4. Management plan. The commissioner of natural resources shall adopt management plans for each river established under AS 41.23.006 as located in sec. 1 of this Act by July 1, 1989, except that the commissioner of natural resources shall adopt a management plan for the most extensively used rivers by July 1, 1989.

Sec. 5. This Act takes effect immediately in accordance with AS 01.16.070(c).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: March 27, 1985

REQUEST

Bill/Resolution No.: CSHB 93
Title: Recreational Rivers

Sponsor: Rules/Governor
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		94.0	94.0	94.0	94.0	94.0
200 TRAVEL		3.0	3.0	3.0	3.0	3.0
300 CONTRACTUAL		10.0	15.0	30.0	30.0	30.0
400 SUPPLIES		.5	.5	.5	.5	.5
500 EQUIPMENT		16.2	12.5	2.0	2.0	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		123.7	125.0	129.5	129.5	129.5

CAPITAL		400.0				
----------------	--	-------	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		523.7	125.0	129.5	129.5	129.5
FEDERAL FUNDS						
OTHER						
TOTAL		523.7	125.0	129.5	129.5	129.5

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Fiscal note revised to reflect 1) removal from state parks system; 2) addition of five southcentral rivers; 3) reduced revenue forecasts.

See attachment

Prepared By: Ned Farguhar
Division: Commissioner's Office

Phone: 465-2400
Date: March 27, 1985

Approved by Commissioner: William D. Arnold, Deputy
Agency: Natural Resources

Date: March 27, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

CSHB 93 - Attachment

- 100 - 2 Natural Resource Technicians (to conduct planning through FY 87 and then to focus on management of the recreation rivers)
 - 200 - Regional travel
 - 300 - Printing costs for comprehensive plan through FY 87, then janitorial and maintenance costs for Little Susitna facility
 - 400 - Hand tools and commodities
 - 500 - Pickup truck in FY 86 and boat/trailer in FY 87
- Capital - Boat launch, parking at Little Susitna River

Revision Date: April 23, 1985

REQUEST

Bill/Resolution No.: CSHB 93 (Fin)
Title: Rivers

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

Sponsor: Governor
Requestor:
Date of Request:

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		42.5	42.5	42.5	42.5	42.5
200 TRAVEL		3.0	3.0	3.0	1.5	1.5
300 CONTRACTUAL		13.0	13.0	13.0	5.0	5.0
400 SUPPLIES		2.0	2.0	2.0	2.0	2.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		60.5	60.5	60.5	51.0	51.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		60.5	60.5	60.5	51.0	51.0
FEDERAL FUNDS						
OTHER						
TOTAL		60.5	60.5	60.5	51.0	51.0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Revisions remove proposed capital project (400.0) and reduce planning/management staff to one. The fiscal note does not provide for on-the-ground recreation management of proposed facilities such as the Little Susitna Boat Launch.

Prepared By: Ned Farquhar
Division: Commissioner's Office

Phone: 465-2400
Date: April 23, 1985

Approved by Commissioner: *MMS D. Arnold, Deputy*
Agency: Natural Resources

Date: April 23, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

1.	POSITION TITLE Natural Resource Officer II				RANGE/STEP 16A	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DI	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT							
	1			2		3					
	PERSONAL SERVICES										
5.	Salary		32.4								
6.	Benefits		10.1								
7.	Supplemental Benefits										
8.	Fixed Benefits										
9.	TOTAL PERSONAL SERVICES		01		42.5						
10.	Travel		02		3.0						
11.	Contractual		03		13.0						
12.	Commodities		04		2.0						
13.	Equipment		05								
14.	Other										
15.	TOTAL COST				60.5						
16.	RECEIPT CODE	FUND	SOURCE								
17.		Federal R	1002								
18.		G.F. Mat	1003								
19.		General Funds	1004	60.5							
20.		I-A Receipts	1005								
21.		Program Receipts	1028								
		Other									
FOR B&M USE ONLY KEY NUMBER _____											

In accord with the statutory mandate in HB 93 for completion and adoption of a management plan within three years, this position will develop management plans to establish long-range management guidelines to direct recreational use, manage commercial activities or development, provide for necessary public services, and consider other compatible uses such as forestry, access, and sand and gravel extraction. The position will coordinate the planning team, provide for full public participation and review, negotiate resolution of potential land management conflicts, conduct hearings, and edit the plan (AS 41.23.040).

The position also will prepare and submit instream flow reservation applications as required by the statute (AS 41.23.030). This will require data collection and analysis and preparation of full instream flow requests in accordance with laws and regulations (AS 46.15.145 and 11 AAC 93).

The position will conduct interim management for the area consistent with the purposes of the act. This will include permit review, consideration of management alternatives, and monitoring and management of recreation uses.

After the plan is complete the position will be responsible for implementing the plan and managing the units.

Contractual, travel, and commodities line items will support specialized plan-related research, publication and distribution of the plan, and travel and support for hearings and other meetings for planning and management.

**REQUEST FOR
NEW POSITION**

AGENCY Natural Resources
PROGRAM Recreation Rivers Management
BRU Land and Water Management
COMPONENT Land and Water Public Use

Page of
Revised Date

FY 80

League of Women Voters of Alaska

9151 Skywood Lane
Juneau, Alaska.
March 22, 1985

Representative Adelheid Herrmann (Co-Chairman)
Representative Richard Shultz (Co-Chairman)
House Resources Committee
Alaska Legislature
Room 116, Capitol Building
Juneau, Alaska 99801

Re: HB 93: Recreational Rivers System

Dear Co-Chairmen Herrmann and Shultz:

House Bill 93 would establish a system of recreational rivers in Alaska, and would begin that system with a portion of the Little Susitna River.

The League of Women Voters of Alaska supports House Bill 93, as a wise dedication to public use emphasizing all types of recreational activities (including those dependent upon wildlife) within each area designated to become part of the recreational river system.

Your committee may be subjected to pressures to weaken HB 93's protections of the recreational and wildlife related uses as they now exist in the bill's statement of purposes (proposed AS 41.21.308) and criteria for the establishment of a comprehensive management plan and regulations (proposed AS 41.21.314). We would oppose any weakening amendments that would tend to compromise the recreational use integrity of a recreational river in favor of resource extraction (e.g. timber, sand and gravel, mining). On the other hand, we would support strengthening amendments, such as any requiring concurrence of the Commissioner of Fish and Game and the Director of the Division of Parks before any specific resource extraction project is permitted within the boundaries of a designated recreational river and its protected margins.

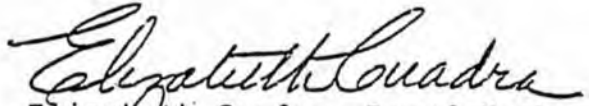
The bill as presently worded already allows more than adequate discretion to the DNR commissioner to provide for such resource extraction activities in such few cases as may exist

Representative Adelheid Herrmann
Representative Richard Shultz
March 22, 1985
Page Two

where there is no feasible alternative site available, and to place conditions on such activities if and where they are allowed under the adopted management plans and regulations. The whole purpose of this legislation, after all, is to protect the recreational qualities of those river segments selected to become part of the recreational river system.

Thank you for considering our views.

Sincerely,


Elizabeth Cuadra, Board Member
(Natural Resources Portfolio)

DEC:sd

cc: Committee Members (Wallis, Sund, Thompson, M. W. Miller,
Cato, Pearce, and Jenkins)
Commissioner Wunnicke (DNR)
Commissioner Collinsworth (DF&G)
Paula Ziegler (LWVAK President)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 17, 1985

SUBJECT: Constitutionality of exemption for one year
resident veterans from certain costs under
the homesite entry program (CSHB 21(Fin))

TO: Representative Al Adams

FROM: Randall J. Moen 
Legislative Counsel

Your request under CSHB 21 (Fin) to exempt only those qualified Alaska resident veterans who have resided at any time in the state for one year from certain costs under the homesite entry program is subject to serious constitutional challenges under the 14th Amendment (Equal Protection Clause) of the U.S. Constitution and Article I, sec. 1 of the Alaska Constitution. I shall address only the 14th Amendment problem.

The Equal Protection Clause protects new residents of a state from being disadvantaged because of their recent migration. Zobel v. Williams, 457 U.S. 55, 72 L.Ed. 2d 672, 102 S. Ct. 2309 (1982). A state statute which distributes benefits based on the length of residency violates the equal protection clause of the 14th Amendment unless the state can show valid state interests are rationally served by conditioning of the benefits on the length of residency. Id.

The effect of CSHB 21 (Fin) allows only those Alaska resident veterans who have resided in Alaska at any time for one year to forego reimbursement to the state of certain costs incurred by the state under the homesite entry program. Thus, newly arrived Alaska resident veterans are treated differently than other Alaska resident veterans who have lived in Alaska at any time for at least one year.

It is difficult to envision a legitimate state interest that can be rationally served by making a durational residency distinction between the two classes of Alaska resident veterans. Unless it can be demonstrated by the state that a legitimate state interest exists and that your committee substitute is rationally related to the legitimate state

Representative Al Adams
April 17, 1985
Page 2

interest, your committee substitute will be deemed
unconstitutional under the Equal Protection Clause of the
U.S. Constitution.

RJM:ojb
J14/003



Resource Development Council

for Alaska, Inc.

807 "B" Street, Suite 208, Anchorage, Alaska 99501-3448
 Box 100518, Anchorage, Alaska 99518-0518 - 607/278-8700

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 Congressman Don Young
 Governor Bill Sheffield

March 29, 1985

Representative Dick Shultz
 Co-Chairman House Resource Committee
 Pouch V
 Juneau, AK 99811

Dear Dick:

The Resource Development Council has reviewed the March 22 draft Resources Committee substitute for HB 93. We appreciate this opportunity to comment on the proposed legislation.

RDC believes this version of the recreational river is a far better proposal than that originally introduced. As far as we can see the management priorities for recreational use are protected in the draft substitute and other uses are addressed more effectively.

Our remaining problems with the draft substitute involve the following:

- 1) RDC still doubts the need for this legislation given the existing statutory and administrative mandates for management of these areas. Our letter of March 22 addresses this concern more completely.
- 2) Because we have been unable to look at a revised map addressing the draft substitute we are unable to properly comment on appropriateness of the lands proposed for inclusion. We do, however, hope that the boundaries outlined for the Little Susitna River in the original proposal are not indicative of the entire system proposed in the draft. A recreational river system does not need lands located more than a few hundred yards from the riverbank.
- 3) The management plan should be mandated to address acreage included in the recreational river system which is determined to be inappropriate for recreational enhancement. This will give the legislature the input necessary to remove unnecessarily withdrawn lands from the system and place them back into the public domain.
- 4) RDC also believes that the closure of these streams to mineral entry may not be necessary given the water quality standards in place today. Properly enforced water quality standards can alleviate the conflicts between miners and other river users.

Representative Shultz
HB 93
page 2

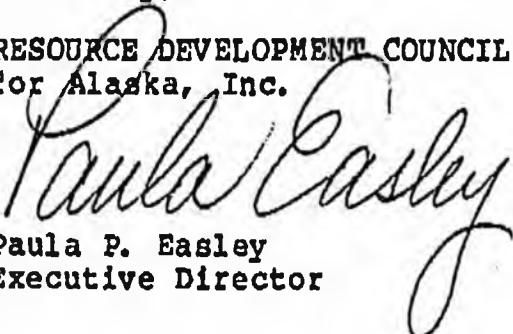
5) The legislation should also address utility and transportation corridors through these areas. Population growth in and around these rivers may necessitate the development of utility and transportation access through these areas. We suggest that these considerations be included as a subsection of the proposed language for Sec. 41.23.010. The management plans should also address these concerns and plan for their potential development.

These issues address the primary concerns the Resource Development Council has with the draft substitute. We would, however, stress the positive nature of the changes made to this bill since its referral to your committee. We commend all who took part in the development of this substitute.

Thank you for the opportunity to review and comment on the proposed substitute to the recreational river legislation.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.


Paula P. Easley
Executive Director

BILL SHEFFIELD
GOVERNOR



HB 93

cc

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

1/18/85

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the creation of a system of recreation rivers.

The bill is based in part on legislation enacted last session creating the Kenai River Special Management Area. The establishment of the Kenai River Special Management Area was a significant beginning in our program to improve the quality of recreation for Alaskans and to reduce the resource damage that results from overuse.

This year I will be introducing several pieces of legislation directed at expanding and diversifying recreational opportunities in southcentral Alaska. To provide for the growing recreation demands of Alaskans, who are among the most active anglers, hikers, boaters, hunters and campers in the United States, we must take action now to designate appropriate state lands and waters for special use.

Today I am introducing two recreation bills: to establish a state recreation rivers system, including the Little Susitna River; and to designate the Willow Creek State Recreation Area. Both of these areas were recommended for special designation on the Willow Subbasin Plan adopted two years ago. On March 1, after the Susitna Area Plan is adopted, I will introduce legislation to create several more special areas as recommended in the final plan.

Section 1 of this bill amends AS 41.21.022 to allow the discharge of firearms for lawful hunting in recreation river corridors except when public safety requires otherwise.

Section 2 contains the body of the bill. New AS 41.21.308 states the purposes of the new sections in AS 41.21, which

include dedication of a recreation river and adjacent state land as a unit of the state park system. New AS 41.21.310 designates the Little Susitna River corridor and adjacent state lands as a recreation river. New AS 41.21.312 delegates to the Department of Natural Resources the regulatory responsibilities for the river corridor subject to the existing powers of the Department of Fish and Game, Board of Fisheries, Board of Game, Guide Licensing and Control Board, and Department of Environmental Conservation.

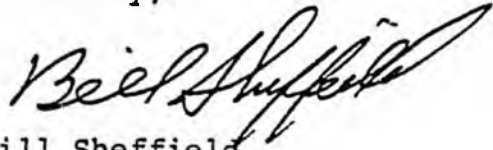
Under new AS 41.21.314, the commissioner of natural resources is directed to develop and adopt a comprehensive management plan for the river corridor through a public hearing process and consultation with affected local municipalities and other interested state and local agencies. Once the plan is adopted, the commissioner is directed to adopt regulations under the Administrative Procedure Act (AS 44.62) to implement the plan. These regulations, as a minimum, must designate appropriate transportation and utility corridors for the area in cooperation with the Department of Transportation and Public Facilities; establish guidelines for the extraction of sand and gravel for public purposes and the harvest of forest products; and establish appropriate land use controls where necessary to maintain the river in its natural and free flowing state. The commissioner is also directed in new AS 41.21.314(c) to reserve an in-stream flow or level for the river adequate to insure that there is sufficient water so that the purposes of the Act can be fulfilled.

Under new AS 41.21.316, the commissioner is given authority to acquire in the name of the state an interest in other land where acquisition would effectuate the purposes of the Act. The use of the power of eminent domain, however, is expressly prohibited. The commissioner is also given authority in new AS 41.21.318 to enter into cooperative agreements with other public and private parties.

Finally, new AS 41.21.320 gives the commissioner express authority to seek an injunction to enforce regulations adopted under AS 41.21.308 -- 41.21.320. The last three new sections all parallel sections adopted in the Kenai River legislation passed last session.

In light of the increasingly intensive recreational use of the Little Susitna River and other rivers throughout the state, and their importance both to the recreational needs of Alaskans and to the tourist industry, I urge your prompt action on this measure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield". The signature is written in dark ink and is positioned above the typed name.

Bill Sheffield
Governor

MEMORANDUM

TO: Senator Fahrenkamp
FROM: Mark Boyer
RE: CSHB 93, An Act establishing a system of special use rivers
DATE: 4-12-85

The House Resources Committee has just reported HB 93 from committee with general support except for the amended title. Several members are concerned that under the broadened title that the Senate may offer amendments which would destroy the original intent of the Governor's bill. I thought it appropriate to reiterate our thoughts on the bill and the necessity for a broadened title.

Originally the Governor's bill sought to enact very special legislation designed to reclassify some of the State's rivers and creeks from their current multiple use designation to that of recreation rivers with very specific management practices and limitations to use. What we have sought to do by broadening the title is to enact general legislation which will allow for special uses/designations including recreational, community water supply, aquaculture, wildlife, community recreation, specified historical and seasonal uses including but not limited to agriculture, fish

processing, mining and timber; and industrial. Each special use category would be established separately and have its own management scheme. This is not unlike state parks (AS 41.21) which sets up the broad structure and has separate state parks, marine parks, eagle preserves, etc. ... each with it's own management scheme.

Throughout the debate surrounding the placer mining water quality issue we have been repeatedly told that it is nearly impossible to "reclassify" our streams and that reclassification is at best only a partial relief to the problem miners have in meeting the state and federal water quality standards. HB 93, effectively reclassifies select rivers and streams to a more restrictive use and would manage the designated rivers for multiple use but the goals and objectives are for the protection and maintenance of fish and wildlife habitat, the protection of scenic values and the continuation of traditional recreational uses. The bill further closes the river corridor to future mineral entry and land disposals.

The overall goals and objectives of HB 93 are laudable and worthy of support. In fact, these are two Interior rivers which have been recommended for designation as recreational rivers in the Tanana River Basin Plan. It is absolutely imperative that the integrity of these designations be maintained and perhaps even strengthened. For instance, should the Chatanika River be added as a recreational river, any miner currently operating on the river or a tributary would have to meet the most stringent water quality standards or ultimately be closed down. When the bill comes to the Senate we could add the Chatanika and Nenana Rivers as recommended by the plan as well as the Salcha.

However, the bill also presents an opportunity to establish a mechanism for designating some Interior streams as placer mining

streams which would be managed primarily for placer mining purposes. This can only be accomplished under a broader more general title. Such an approach could complement the State's overall approach to basin-wide planning and best mining practices while also providing a method for relaxing the turbidity standard for a specific period of time. My idea is to take four or five Interior mining streams which have no downstream conflicts with village or municipal water supplies, little or no recreational value and no anadromous fish species; rivers with no conflicts. We would designate these rivers for placer mining and manage them for this purpose separate from recreational rivers.

To reinforce the State's current enforcement policy, we will, as part of the management plan, require that all miners operating on these placer mining streams comply with the settleable solids requirements of the Department of Environmental Conservation. However, as will be the practice this season on priority streams, we will suspend the turbidity requirement. This will not be open ended. On these streams and as part of the plan, the Departments of Environmental Conservation and Natural Resources will determine the life of mining activity on the streams given relative prices of gold. For instance, let's say that there are six miners operating on a stream and they expect to be able to economically extract all of the gold within 10 years. The Departments would enter into agreements with each miner to develop practices which will help them to meet the settleable solids requirements and also reclaim the lands after mining. There currently is no provision for reclamation on mining claims. The goal is progressive as is the Clean Water Act. We want to get the gold out while keeping miners legal and ultimately clean up the streams. The law provides for compliance orders for miners to meet the water quality standards. Time is relative and where there

are no conflicts which would require an immediate action with regard to the turbidity problem, we should use the management plan mechanism as a substitute compliance order.

During the ten year useful mining life of the stream we would build in or require that a use-attainability analysis be performed to determine whether or not the stream, absent mining activity, could ever sustain fish or be suitable for contact recreation and drinking water. If the answer is yes, the departments will work with miners to provide for this. Things like proper placement of tailings for use in silt filtration and later revegetation are examples of the kinds of things which might be in the plans. At the end of the designated time, the river or stream will be thoroughly reviewed and either the designation will be extended or the water body will be redesignated for multiple use management.

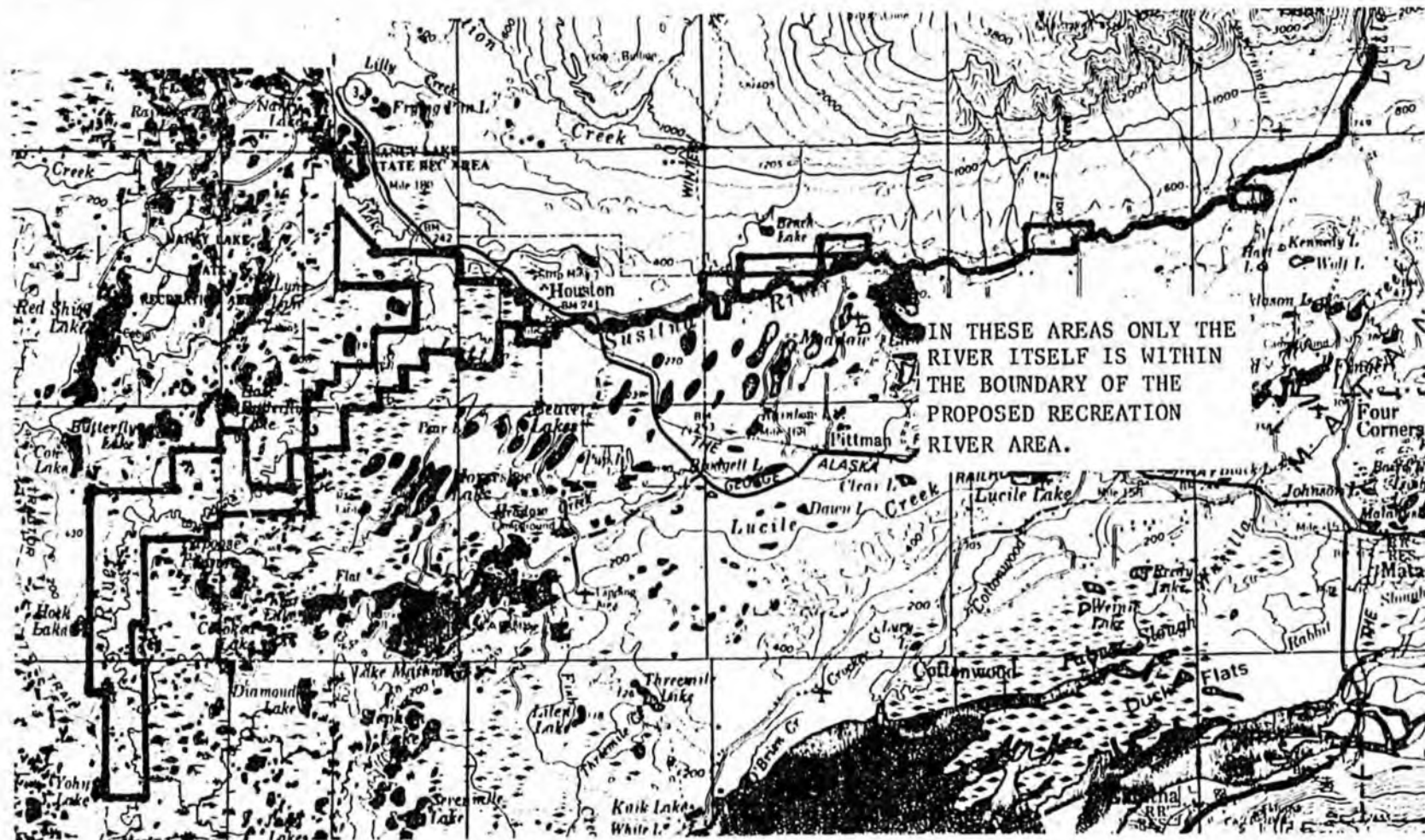
So where is the real relief to the miners? The relief is in the form of an assurance that the turbidity standard will not be enforced. Miners will be legal and will know with certainty what is expected of them by the end of their mining period. This certainty is bankable.

The benefits to the state are that we legislatively reinforce DEC's enforcement policy, we introduce the requirement for reclamation and we clean up the streams in a time certain.

This approach will only work on those streams with minimal or no conflicts. It is only one part of the water quality solution. The Environmental Protection Agency has indicated a willingness to work with the State in this direction. We cannot get away with wholesale stream degradation. This proposal only seeks to recognize that some streams should be managed for their primary purpose but not without some certainty that over the long run the stream's water quality would not be improved.

LITTLE SUSITNA RIVER

Proposed Recreational River Corridor



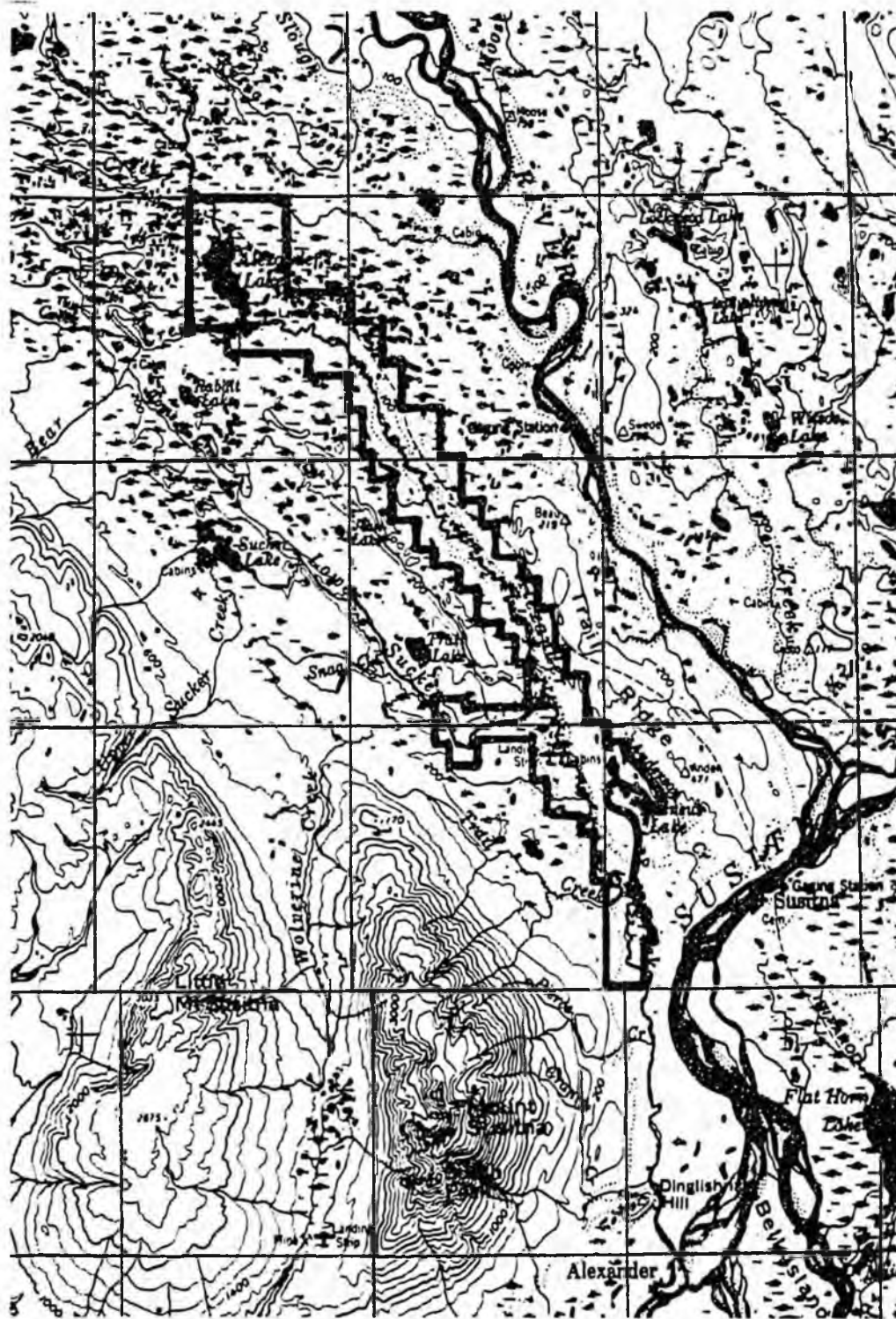
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ALEXANDER CREEK

Proposed Recreational River Corridor



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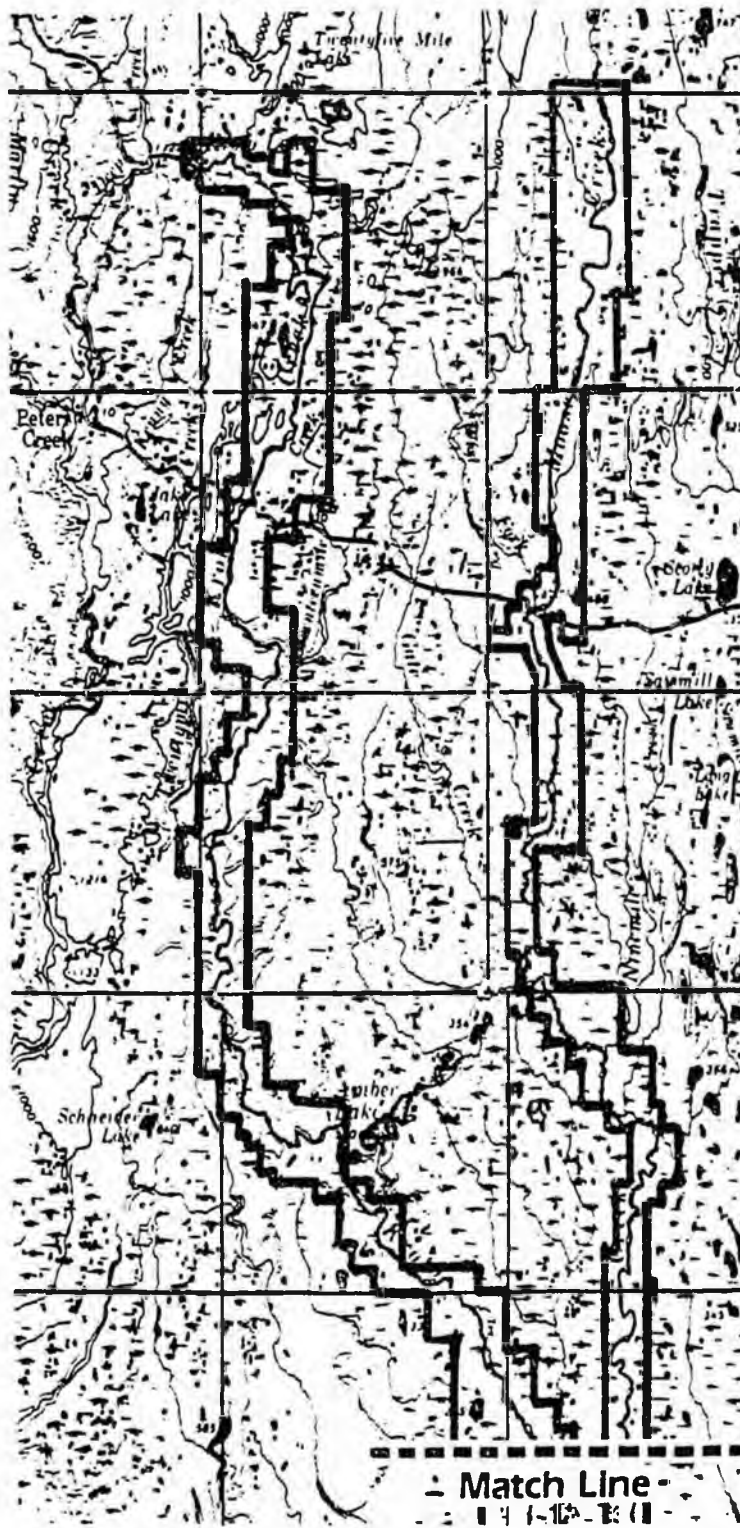


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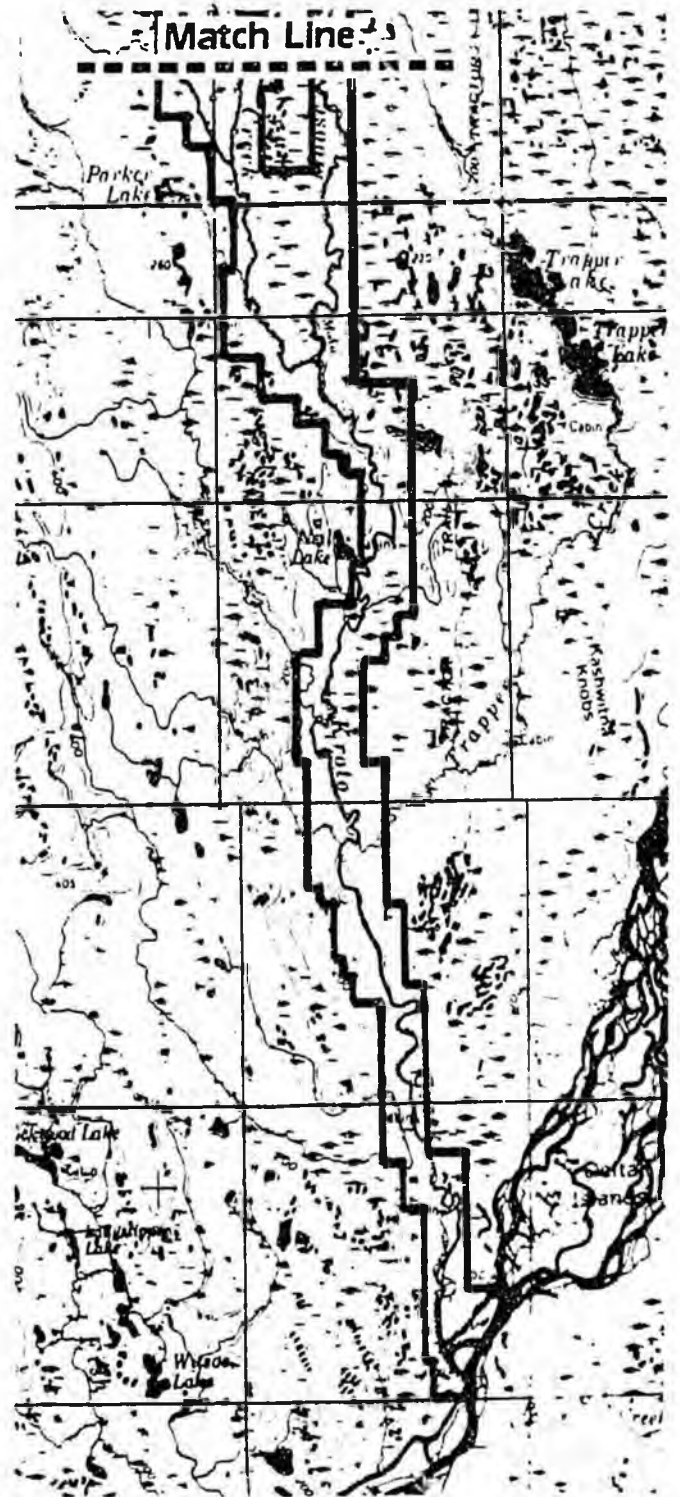
KROTO CREEK — MOOSE CREEK

Proposed Recreational River Corridor

North Half



South Half



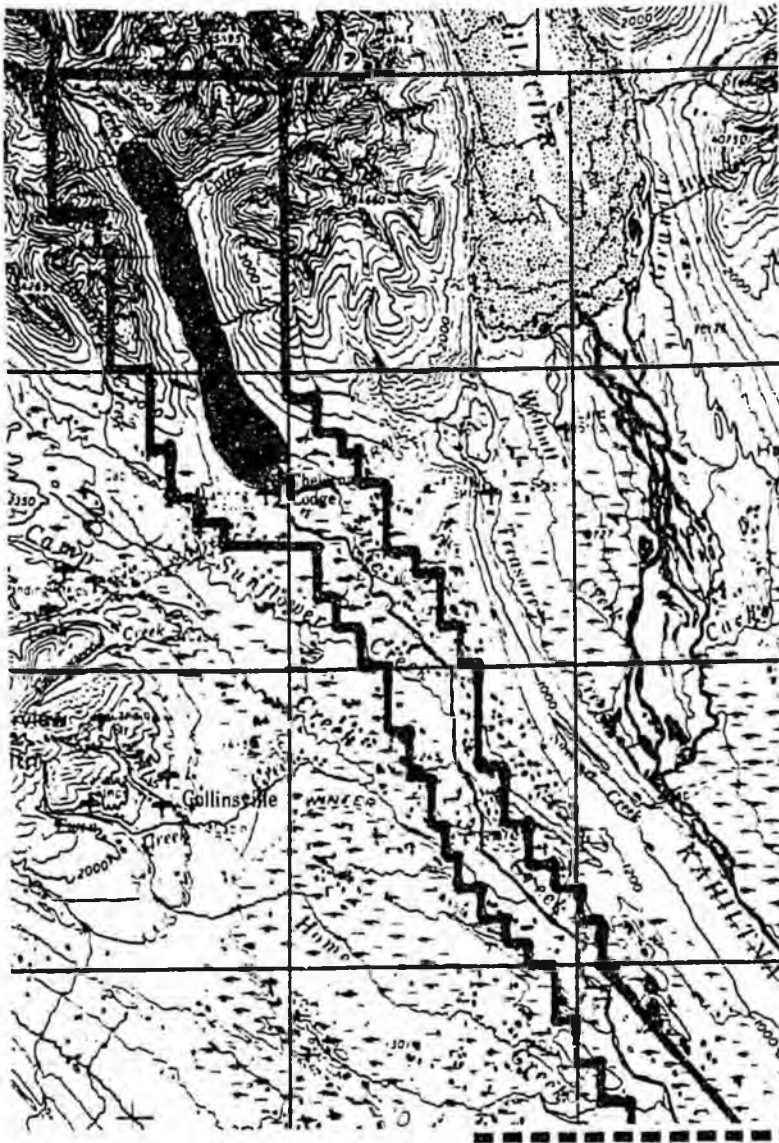
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LAKE CREEK

Proposed Recreational River Corridor

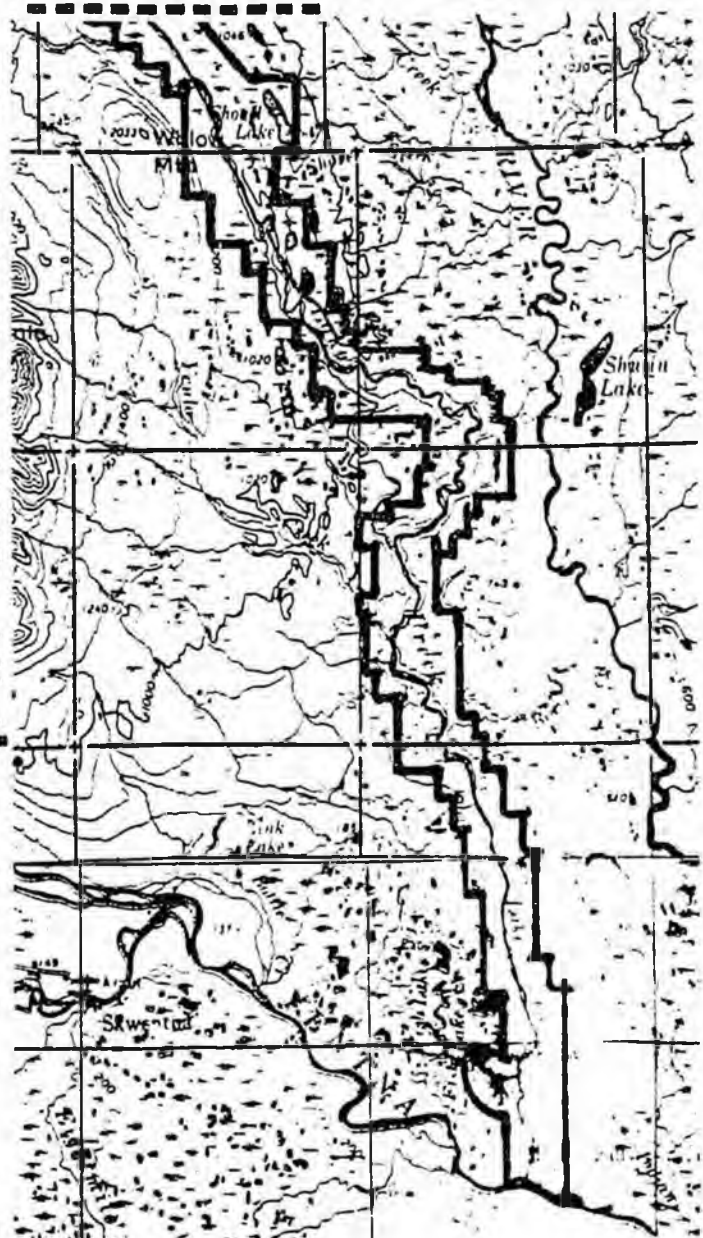
North Half



Match Line

Match Line

South Half



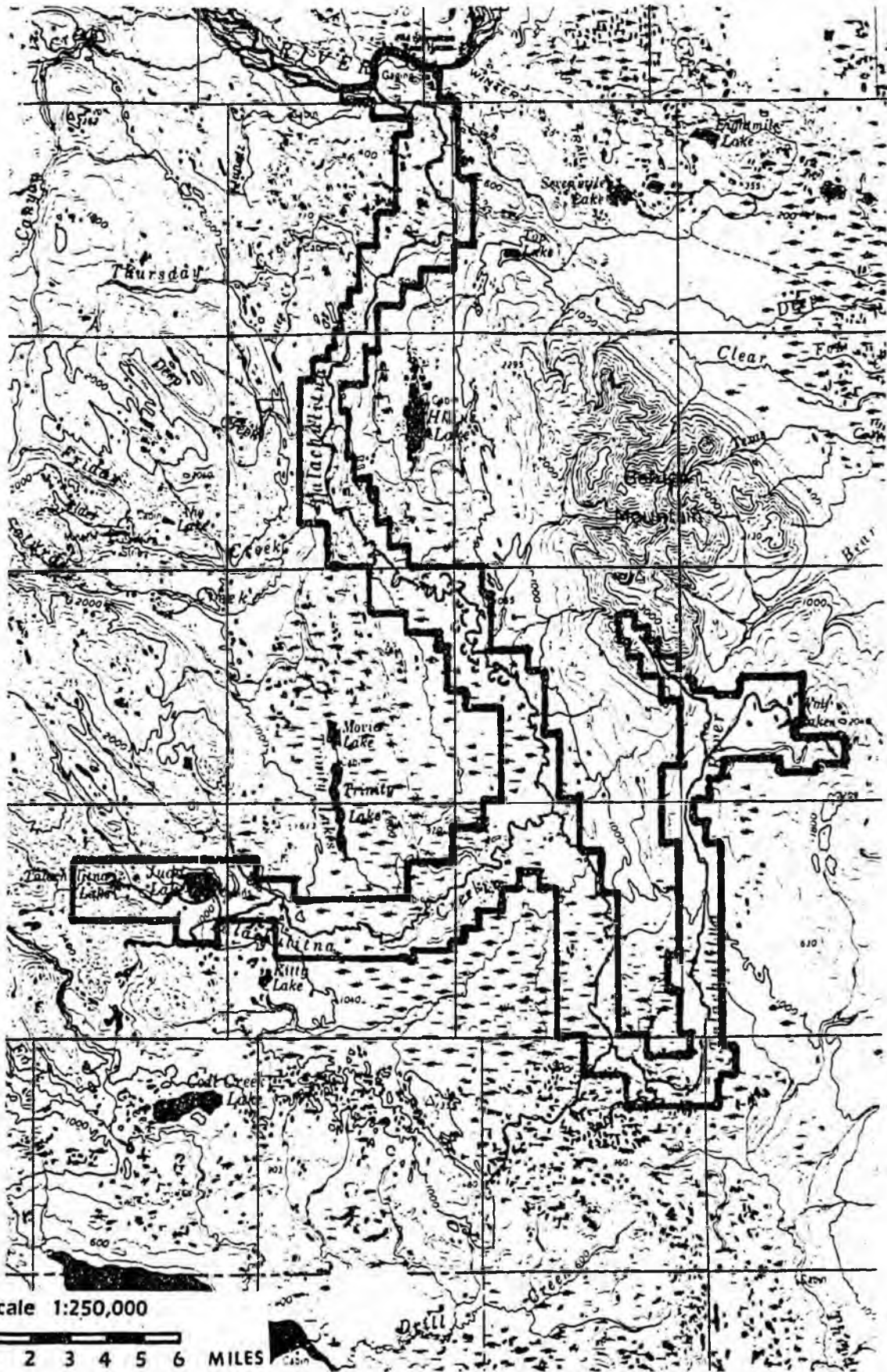
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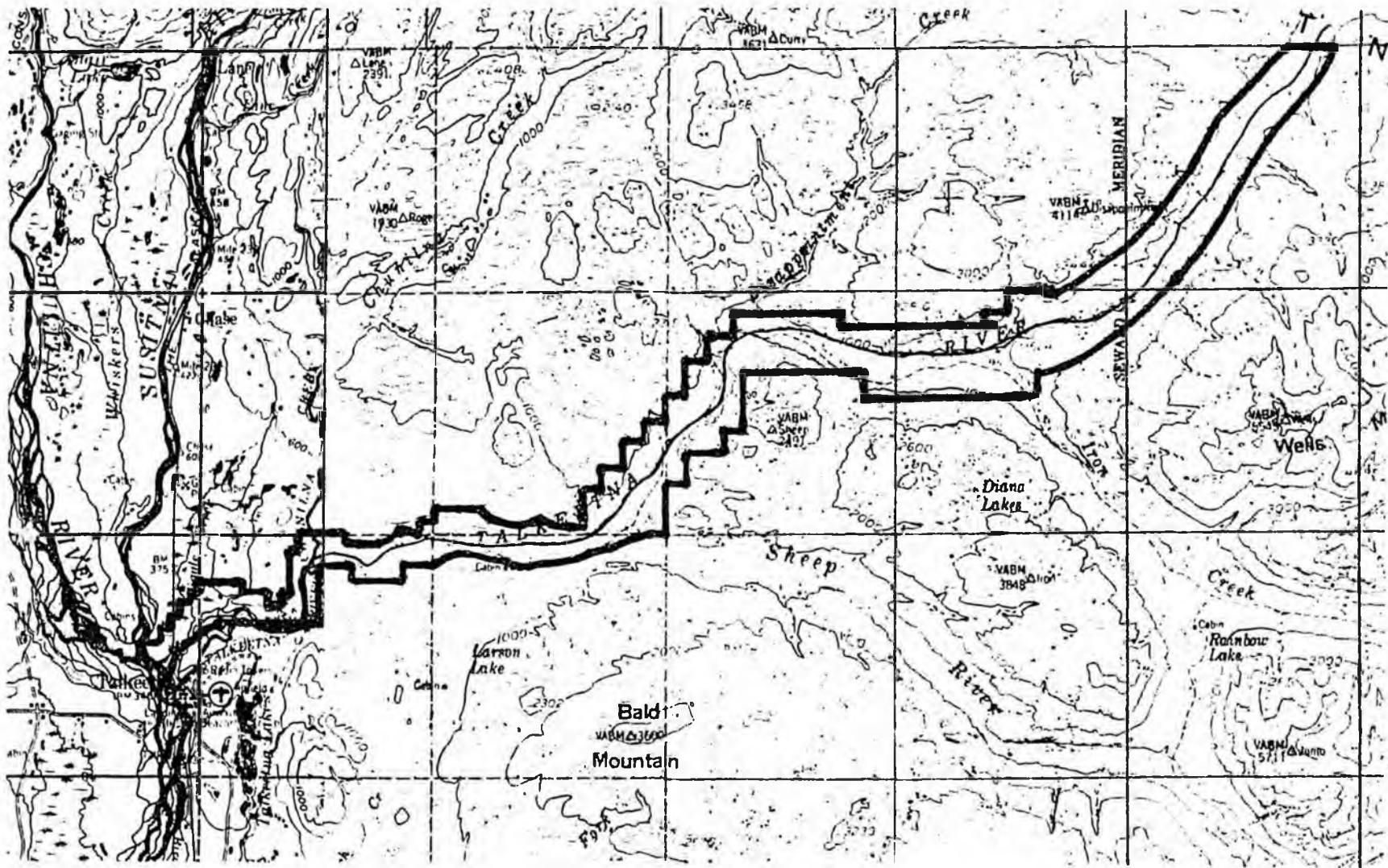
TALACHULITNA CREEK

Proposed Recreational River Corridor



TALKEETNA RIVER

Proposed Recreational River Corridor



Scale 1:250,000



0 1 2 3 4 5 6 MILES

Sectional Analysis - HB 93

Section 1:

41.23.200 - Sets up a new category of retained lands multiple use management and establishes general goals and objectives for management of the land; specifies compatible uses and allows other compatible uses.

41.23.210 - Assigns land management authority to the Department of Natural Resources, requires an instream flow reservation of the water within three years; clarifies that there is no effect on the statutory responsibilities of other agencies and municipalities; generally prohibits limitation on discharge of firearms; allows for leasing of land for public use facilities and provides that no restrictions may be put on existing commercial activities unless those activities threaten water quality or essential habitat.

41.23.220 - Requires the adoption of a management plan, and sets guidelines for the management plan which require submittal to the Legislature; requires consultation of the Commissioner of DNR before the department or the Boards of Fish and Game can adopt regulations.

41.23.230 - Requires the concurrence of a municipality for the management plan to affect municipal land.

41.23.240 - Allows for the acquisition of additional land by gift, purchase, lease or exchange, but prohibits acquisition by eminent domain.

41.23.250 - Provides that AS 38.04, 38.05, 38.35 and 38.95 do not apply to lands designated where those provisions are inconsistent with the act.

41.23.260 - Provides for cooperative management agreements with other land owners, allows for interagency transfers for specific purposes and provides the land may not be managed as a state park.

41.23.270 - Provides for the commissioner to propose to the Legislature other recreation rivers, after adopting a plan, publishing notice, holding public hearings, consulting with communities and fish and game advisory boards and preparing summaries of testimony.

41.23.280 - Designates public land and water to be part of the recreation rivers; prohibits mineral leasing and mineral entry and land disposals within one-half mile of the mark of ordinary high water, including land leasing.

Section 2:

Provides for interim management of the land and water consistent with the provisions of the act, until a management plan can be adopted and provides for adoption of a management plan by 1992.

Section 3:

Provides for an immediate effective date.

Offered: 4/12/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 93 (Resources)
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 special use 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 is amended by adding a new chapter to read:

10 CHAPTER 23. MULTIPLE USE MANAGEMENT OF PUBLIC RESOURCES.

11 ARTICLE STATE RECREATIONAL RIVERS.

12 Sec. 41.23. PURPOSES. (a) The purpose of AS 41.23.010 -
13 41.23.090 is to establish management guidelines for those rivers
14 designated for recreation under AS 41.23.010 - 41.23.090 while permit-
15 ting each river to be individually managed under a multiple use man-
16 agement plan providing for traditional uses that have occurred on the
17 river.

18 (b) The goals and objectives by which a recreational river shall
19 be managed include

20 (1) the protection and maintenance of the fish and wildlife
21 populations and habitat on a sustained yield basis so as to preserve
22 and enhance sport and subsistence fishing, hunting, and trapping
23 activities;

24 (2) protection of the scenic and natural integrity of the
25 river and continuation of the traditional recreational uses of the
26 river by the public;

27 (3) the closure to future mineral entry under AS 38.05.-
28 185 - 38.05.275 and land disposals within a recreational river.

29 (c) The commissioner shall permit the following activities when

1 compatible with (b)(1) and ~~623~~ of this section:
2 (1) use of aircraft, powerboats, snowmachines, all terrain
3 vehicles, and other motorized transportation;
4 (2) timber harvesting for personal use including fi. wood
5 and house logs;
6 (3) commercial timber harvesting;
7 (4) sand and gravel extraction for public use;
8 (5) grazing;
9 (6) public use facilities; and
10 (7) other uses determined compatible with (b)(1) and (2) of
11 this section by the commissioner.

12 Sec. 41.23.020. DESIGNATED RIVERS. (a) Subject to valid exist-
13 ing rights, the state-owned land and water designated as a recreation-
14 al river under (c) of this section constitute a special purpose area
15 under art. VIII, sec. 7 of the Alaska Constitution. State-owned land
16 and water may be designated as a recreational river only by the legis-
17 lature.

18 (b) The state-owned land and water described in this section are
19 closed to mineral entry and mining leasing under AS 38.05.185 -
20 38.05.275.

21 (c) The land and water presently owned by the state and all land
22 and water acquired by the state in the future, including shore and
23 submerged land, that lies within the following described parcels are
24 designated recreational rivers:

- 25 (1) Talachulitna State Recreational River
26 (A) Township 16 North, Range 10 West, Seward Meridian
27 Section 6: W1/2
28 Section 7: NW1/4
29 (B) Township 16 North, Range 11 West, Seward Meridian

1	Section 1: E1/2, SW1/4
2	Section 2: S1/2, NW1/4
3	Section 3
4	Section 11: N1/2
5	Section 12: N1/2
6	(C) Township 17 North, Range 10 West, Seward Meridian
7	Section 6: W1/2, W1/2SE1/4
8	Section 7
9	Sections 18 - 19
10	Sections 30 - 31
11	(D) Township 17 North, Range 11 West, Seward Meridian
12	Section 1: E1/2E1/2
13	Section 3: W1/2
14	Sections 4 - 5
15	Section 6: S1/2
16	Sections 7 - 8
17	Section 9: N1/2, SE1/4
18	Section 10
19	Section 14: W1/2
20	Section 15
21	Section 17: NW1/4
22	Section 18: N1/2, SW1/4
23	Section 19: NW1/4NW1/4
24	Section 22
25	Section 23: W1/2
26	Section 25: E1/2E1/2
27	Section 26: W1/2
28	Section 27
29	Section 34

1 Section 31: NE1/4, S1/2NW1/4, NE1/4NW1/4,
2 SW1/4, W1/2SE1/4
3 Section 33: NE1/4NE1/4
4 Section 34: N1/2NW1/4
5 (H) Township 18 North, Range 11 West, Seward Meridian
6 Section 6: W1/2, W1/2E1/2, E1/2SE1/4
7 Section 7
8 Section 11: E1/2SE1/4
9 Section 12: SW1/4SW1/4
10 Section 13: NW1/4, E1/2SW1/4, SE1/4
11 Section 16: SW1/4
12 Sections 17 - 18
13 Section 19: NE1/4
14 Section 20: N1/2, SE1/4
15 Section 21: W1/2
16 Section 24: E1/2NE1/4
17 Section 28
18 Section 29: E1/2
19 Section 32: E1/2
20 Section 33
21 (I) Township 18 North, Range 12 West, Seward Meridian
22 Sections 1 - 2
23 Section 12: N1/2, SE1/4
24 (J) Township 19 North, Range 12 West, Seward Meridian
25 Section 3: N1/2, SW1/4
26 Section 4: E1/2E1/2, W1/2SE1/4, SE1/4SW1/4
27 Section 9: E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4
28 Section 10: NW1/4
29 Section 15: W1/2SW1/4, SW1/4NW1/4

1 Section 16

2 Section 21

3 Section 22: W1/2W1/2, E1/2SW1/4, SW1/4SE1/4

4 Sections 27 - 28

5 Section 34

6 Section 35: S1/2, NW1/4

7 (K) Township 20 North, Range 11 West, Seward Meridian

8 Section 18: W1/2

9 Section 19: W1/2

10 (L) Township 20 North, Range 12 West, Seward Meridian

11 Section 1

12 Section 2: N1/2

13 Section 11: E1/2

14 Sections 12 - 13

15 Section 14: E1/2

16 Sections 23 - 24

17 Section 25: N1/2

18 Section 26

19 Section 27: E1/2

20 Section 34: S1/2, NE1/4, SE1/4NW1/4

21 Section 35: NW1/4

22 (M) Township 21 North, Range 11 West, Seward Meridian

23 Section 31: SW1/4

24 (N) Township 21 North, Range 12 West, Seward Meridian

25 Section 25: that portion south of the Skwentna

26 River

27 Section 26: that portion south of the Skwentna

28 River

29 Section 35: that portion south of the Skwentna

1 River
2 Section 36: that portion south of the Skwentna
3 River
4 (2) Alexander Creek State Recreational River
5 (A) Township 16 North, Range 7 West, Seward Meridian
6 Sections 6 - 7
7 Sections 18 - 19
8 (B) Township 17 North, Range 7 West, Seward Meridian
9 Section 18: S1/2, W1/2NW1/4
10 Section 19
11 Sections 30 - 31
12 Section 32: W1/2
13 (C) Township 17 North, Range 8 West, Seward Meridian
14 Section 1
15 Section 2: E1/2, N1/2NW1/4
16 Section 3: N1/2N1/2
17 Section 4: N1/2, N1/2SE1/4
18 Section 11: NE1/4
19 Section 12
20 Section 13: E1/2, E1/2NW1/4
21 Section 24: NE1/4, E1/2SE1/4
22 (D) Township 18 North, Range 8 West, Seward Meridian
23 Section 4: W1/2
24 Section 5
25 Section 6: NE1/4
26 Section 8: N1/2, SE1/4
27 Section 9
28 Section 10: SW1/4
29 Section 14: W1/2SW1/4, SE1/4SW1/4

1	Section 15: W1/2, SE1/4, S1/2NE1/4
2	Section 16: N1/2, SE1/4
3	Section 22: N1/2, N1/2S1/2, S1/2SE1/4
4	Section 23: W1/2, W1/2SE1/4
5	Section 26: W1/2, W1/2E1/2, E1/2SE1/4
6	Section 27: E1/2NE1/4
7	Section 33: SW1/4, S1/2SE1/4
8	Section 34: S1/2S1/2
9	Section 35
10	Section 36: W1/2
11	(E) Township 19 North, Range 8 West, Seward Meridian
12	Section 19: W1/2, W1/2E1/2
13	Section 29: W1/2W1/2
14	Section 30
15	Section 31: E1/2, E1/2W1/2
16	Section 32
17	(F) Township 19 North, Range 9 West, Seward Meridian
18	Sections 3 - 4
19	Sections 9 - 10
20	Section 13: S1/2
21	Section 14: S1/2
22	Sections 15 - 16
23	Section 22: N1/2
24	Section 23: N1/2
25	Section 24
26	(3) Lake Creek State Recreational River
27	(A) Township 21 North, Range 9 West, Seward Meridian
28	Section 3
29	Section 4: Excluding Tracts A, B, C and D

1	Section 9: N1/2 Excluding Tracts A and B
2	Section 10
3	Section 15
4	(B) Township 22 North, Range 9 West, Seward Meridian
5	Section 4: NW1/4, S1/2
6	Section 5: N1/2, E1/2SE1/4
7	Section 9: N1/2, SE1/4, E1/2SW1/4
8	Section 10: W1/2SW1/4, SW1/4NW1/4
9	Section 15: W1/2
10	Section 16: E1/2, E1/2W1/2
11	Section 21: E1/2
12	Section 22: W1/2
13	Section 27: W1/2
14	Section 28: E1/2
15	Section 34
16	(C) Township 23 North, Range 9 West, Seward Meridian
17	Section 3: W1/2W1/2
18	Section 4
19	Section 5: E1/2, E1/2SW1/4
20	Section 7: SE1/4, SE1/4NE1/4, E1/2SW1/4
21	Section 8: S1/2, NE1/4, S1/2NW1/2, NE1/4NW1/4
22	Section 9: N1/2NW1/4, SW1/4NW1/4, NW1/4SW1/4
23	Section 17: W1/2, W1/2E1/2
24	Section 18: E1/2
25	Section 19: N1/2, SE1/4, E1/2SW1/4
26	Section 20: W1/2, SE1/4, S1/2NE1/4, NW1/4NE1/4
27	Section 29
28	Section 30: NE1/4, E1/2NW1/4, NE1/4SW1/4, SE1/4
29	Section 32

1	Section 22: W1/2
2	Section 25: SW1/4
3	Section 26: S1/2
4	Section 27
5	Section 28: E1/2, NW1/4
6	Sections 34 - 35
7	Section 36: W1/2
8	(G) Township 25 North, Range 11 West, Seward Meridian
9	Section 1: E1/2
10	(H) Township 26 North, Range 10 West, Seward Meridian
11	Section 31
12	(I) Township 26 North, Range 11 West, Seward Meridian
13	Sections 3 - 4
14	Section 9: E1/2
15	Section 10
16	Section 14: W1/2
17	Section 15
18	Section 22: E1/2, E1/2NW1/4
19	Section 23
20	Section 25: S1/2, NW1/4
21	Section 26
22	Section 27: NE1/4
23	Section 35: NE1/4
24	Section 36
25	(J) Township 27 North, Range 11 West, Seward Meridian
26	Section 6: SW1/4
27	Section 7
28	Section 8: SW1/4
29	Sections 17 - 18

1	Section 19: N1/2, SE1/4
2	Section 20
3	Section 21: SW1/4
4	Sections 28 - 29
5	Section 30: NE1/4
6	Section 32: E1/2
7	Section 33
8	Section 34: W1/2
9	(4) Kroto Creek and Moose Creek State Recreational River
10	(A) Township 19 North, Range 6 West, Seward Meridian
11	Section 2: SW1/4
12	Section 3
13	Section 10: E1/2
14	Section 11
15	Section 14
16	Section 15: E1/2E1/2
17	Section 22: E1/2E1/2
18	Section 23
19	Section 25: that portion west of the eastern-
20	most bank of the Susitna River
21	Section 26
22	Section 27: E1/2E1/2
23	Section 34: NE1/4NE1/4
24	Section 35
25	Section 36: that portion west of the eastern-
26	most bank of the Susitna River
27	(B) Township 20 North, Range 6 West, Seward Meridian
28	Section 4
29	Section 5: E1/2

1	Section 8: NE1/4, E1/2SE1/4
2	Section 9
3	Section 15: W1/2
4	Section 16
5	Section 21: E1/2, N1/2NW1/4, SE1/4NW1/4
6	Section 22: NW1/4, S1/2
7	Section 27
8	Section 34
9	(C) Township 21 North, Range 6 West, Seward Meridian
10	Section 3
11	Section 9: E1/2SE1/4, SE1/4NE1/4
12	Section 10
13	Section 15: W1/2, W1/2NE1/4
14	Section 16
15	Section 20: E1/2
16	Section 21
17	Section 28
18	Section 29: E1/2
19	Section 32: E1/2E1/2, NW1/4NE1/4
20	Section 33
21	Section 34: SW1/4
22	(D) Township 22 North, Range 6 West, Seward Meridian
23	Sections 4 - 5
24	Section 6: E1/2, E1/2W1/2
25	Sections 7 - 9
26	Sections 16 - 18
27	Sections 20 - 21
28	Section 27
29	Section 28: N1/2, SE1/4, E1/2SW1/4

1 Section 29: E1/2NE1/4
 2 Section 33: N1/2NE1/4, SE1/4NE1/4
 3 Section 34
 4 (E) Township 23 North, Range 6 West, Seward Meridian
 5 Section 4
 6 Section 7: W1/2
 7 Section 9
 8 Section 16
 9 Section 17: SW1/4SW1/4
 10 Sections 18 - 19
 11 Section 20: W1/2NW1/4
 12 Section 21
 13 Section 28
 14 Sections 30 - 31
 15 Section 32: S1/2
 16 Section 33
 17 (F) Township 23 North, Range 7 West, Seward Meridian
 18 Section 1
 19 Section 2: E1/2
 20 Sections 12 - 13
 21 Section 24
 22 Section 25: N1/2, SE1/4
 23 Section 36: N1/2NE1/4
 24 (G) Township 24 North, Range 6 West, Seward Meridian
 25 Section 4: W1/2
 26 Section 5
 27 Section 6: NE1/4, E1/2SE1/4
 28 Section 8: N1/2, SE1/4, E1/2SW1/4
 29 Section 9

1 Section 15: SW1/4, SW1/4NW1/4
 2 Section 16
 3 Section 17: NE1/4, N1/2SE1/4
 4 Section 21: E1/2, SE1/4SW1/4
 5 Section 22: NW1/4, N1/2SW1/4, SW1/4SW1/4
 6 Section 28: E1/2W1/2, E1/2
 7 Section 33
 8 (H) Township 24 North, Range 7 West, Seward Meridian
 9 Section 6: S1/2, NW1/4
 10 Section 7
 11 Section 8: S1/2SW1/4
 12 Section 16: W1/2, W1/2E1/2
 13 Section 17
 14 Section 18: N1/2N1/2, SE1/4NW1/4, S1/2NE1/4,
 15 N1/2SE1/4, SE1/4SE1/4
 16 Section 19: NE1/4NE1/4
 17 Section 20: N1/2
 18 Section 21: W1/2, SE1/4, W1/2NE1/4
 19 Section 27
 20 Section 28: E1/2
 21 Section 33: NE1/4NE1/4
 22 Section 34: E1/2, E1/2W1/2, NW1/4NW1/4
 23 Section 35: W1/2, SE1/4, S1/2NE1/4
 24 Section 36: SW1/4
 25 (I) Township 24 North, Range 8 West, Seward Meridian
 26 Section 1: E1/2
 27 Section 12: NE1/4, E1/2SE1/4
 28 Section 13: NE1/4NE1/4
 29 (J) Township 25 North, Range 6 West, Seward Meridian

1 Section 5
 2 Section 8
 3 Section 17
 4 Section 18: SE1/4
 5 Section 19: E1/2, E1/2W1/2
 6 Section 20: W1/2W1/2
 7 Section 29: W1/2W1/2
 8 Section 30: E1/2, E1/2W1/2
 9 S S S S S S S
 10 Section 32: W1/2W1/2, SE1/4SW1/4
 11 (K) Township 25 North, Range 7 West, Seward Meridian
 12 Section 5
 13 Section 6: SE1/4, S1/2NE1/4
 14 Section 7: E1/2, SW1/4, E1/2NW1/4
 15 Section 8: NW1/4, W1/2SW1/4
 16 Sections 18 - 19
 17 Sections 30 - 31
 18 (L) Township 25 North, Range 8 West, Seward Meridian
 19 Section 13: E1/2 SE1/4
 20 Section 24: E1/2NE1/4
 21 (M) Township 26 North, Range 6 West, Seward Meridian
 22 Section 5
 23 Section 8
 24 Section 17: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4
 25 Section 19: SE1/4
 26 Section 20: E1/2, SW1/4, S1/2NW1/4, NE1/4NW1/4
 27 Section 29: E1/2, NW1/4
 28 Section 30: S1/2, NE1/4, SE1/4NW1/4
 29 Section 31: E1/2NE1/4, that portion of NW1/4-

1	NE1/4 within retained easement (50' each side
2	of MHWB)
3	Section 32: lands within 150' of MHWB
4	(N) Township 26 North, Range 7 West, Seward Meridian
5	Section 4: W1/2
6	Section 5: E1/2, S1/2SW1/4
7	Section 7: SE1/4
8	Section 8
9	Section 9: NW1/4, N1/2SW1/4
10	Section 17
11	Section 18: E1/2
12	Section 19
13	Section 20: W1/2
14	Section 29: S1/2, NW1/4
15	Section 30
16	Section 31: NE1/4
17	Section 32
18	(0) Township 27 North, Range 6 West, Seward Meridian
19	Section 4
20	Section 5: E1/2
21	Section 8: E1/2
22	Section 9
23	Section 16
24	Section 17: E1/2
25	Section 20: E1/2
26	Section 21
27	Section 28: W1/2
28	Section 29: E1/2
29	Section 32: E1/2

1 Section 7: S1/2
2 Section 8: S1/2 exclusive of ASLS /9-149
3 Section 9: E1/2, E1/2W1/2
4 Section 10: W1/2W1/2, NE1/4NE1/4
5 Section 11: N1/2N1/2
6 Section 15: W1/2NW1/4, NW1/4SW1/4
7 Section 16: N1/2, N1/2S1/2
8 Section 17: that portion north of the south
9 bank of the Talkeetna River
10 Section 18: exclusive of DOT 200642
11 (C) Township 26 North, Range 5 West, Seward Meridian
12 Section 12: E1/2SE1/4
13 Section 13: E1/2, E1/2SW1/4, SW1/4SW1/4
14 Section 23: that portion northeast of the south
15 bank of the Susitna River
16 Section 24: that portion east of the left bank
17 of the Susitna River and west of the right
18 bank of the main channel of the Talkeetna
19 River (that channel of the river that runs
20 diagonally through the NE1/4 and SW1/4 of
21 Sec. 24)
22 (D) Township 27 North, Range 2 West, Seward Meridian
23 Section 4: S1/2
24 Section 5: SE1/4, E1/2SW1/4
25 Section 7: SE1/4
26 Sections 8 - 9
27 Section 13: N1/2
28 Section 14: N1/2NE1/4
29 Section 17

1 Section 18: E1/2, SW1/4
2 Section 19
3 Section 20: N1/2, SW1/4
4 Section 30: W1/2
5 (E) Township 27 North, Range 3 West, Seward Meridian
6 Section 24: E1/2
7 Section 25
8 Section 26: SE1/4
9 Section 31: S1/2
10 Section 32: S1/2 exclusive of ASLS 79-149
11 Section 33: S1/2S1/2 exclusive of ASLS 79-149
12 Section 34: S1/2S1/2 exclusive of ASLS 79-149
13 and ASLS 76-138
14 Sections 35 - 36
15 (F) Township 27 North, Range 4 West, Seward Meridian
16 Section 36: S1/2SE1/4 exclusive of ASLS 74-78
17 and ASLS 74-77
18 (6) Little Susitna River: the water column of the main
19 stream of the Little Susitna River from mean high water mark to mean
20 high water mark, from the point at which the river crosses the section
21 line dividing Sections 23 and 26 in Township 19 North, Range 1 East,
22 Seward Meridian downstream to the point at which the river crosses the
23 section line between Sections 15 and 22 in Township 16 North, Range 5
24 West, Seward Meridian; the water column of Lake Creek from mean high
25 water mark to mean high water mark, from the point at which the creek
26 crosses the section line dividing Sections 10 and 11, Township 18
27 North, Range 4 West, Seward Meridian downstream to the confluence with
28 the Little Susitna River; and
29 (A) Township 16 North, Range 5 West, Seward Meridian

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

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

22 Sec. 41.23.030. GENERAL MANAGEMENT OF RECREATIONAL RIVER. (a)
 23 The land and water within the area designated as a recreational river
 24 under AS 41.23.030(c) is assigned to the Department of Natural Re-
 25 sources for multiple use management.
 26 (b) Within ~~two~~ years from the effective date of the designation
 27 of a river as a recreational river under AS 41.23.030(c), the commis-
 28 sioner shall, after consultation with appropriate state agencies,
 29 reserve to the state under AS 46.15.145 an instream flow or level for

1 the water in the river described in AS 41.23.010(c) that is adequate
2 to achieve the purposes of AS 41.23.010 - 41.23.090;

3 (c) The provisions of AS 41.23.010 - 41.23.090 do not affect the
4 responsibility of

5 (1) the Department of Fish and Game, the Board of Fisher-
6 ies, the Board of Game, or the Guide Licensing and Control Board under
7 AS 08.54, AS 16, or AS 41.99.010;

8 (2) the Department of Environmental Conservation under
9 AS 46.03; or

10 (3) state agencies and municipalities under AS 44.19.145-
11 (a)(11) and AS 46.40.100.

12 (d) The commissioner shall ~~the~~ the use of weapons within a
13 recreational river except in sites of high public use such as picnic
14 areas, boat ramps, camping grounds, and parking areas when the commis-
15 sioner determines that the use of weapons constitutes a threat to
16 public safety. Except as provided in this subsection, the commis-
17 sioner may not restrict the exercise of ~~any other substance~~ fishing,
18 hunting, or trapping within a recreational river.

19 (e) The commissioner shall permit access for a use described in
20 this subsection within a recreational river unless the commissioner
21 determines that access is incompatible with AS 41.23.010(b)(1) and

22 (2):

23 (1) access to mining, timber harvest and other resource use
24 areas;

25 (2) access to private property;

26 (3) access for oil and gas and geothermal exploration and
27 development;

28 (4) access for energy related development systems;

29 (5) access for state or municipal land settlement.

1 (f) The commissioner may lease land competitively within a
2 recreational river to a person for the construction and operation of a
3 public use facility within the recreational river.

4 (g) The commissioner may not restrict commercial activities
5 existing within the boundaries of an area designated as a recreational
6 river under AS 41.23.020(c) at the time of the designation unless the
7 commissioner determines that the commercial activity threatens the
8 quality of the water or an essential habitat within the recreational
9 river.

10 Sec. 41.23.040. MANAGEMENT PLAN. (a) The commissioner shall
11 adopt and may revise a comprehensive multiple use management plan for
12 a river designated as a recreational river under AS 41.23.020(c). The
13 commissioner shall consult with the Department of Fish and Game ~~before~~
14 ~~the adoption~~ or revision of a management plan governing the use of an
15 area within a recreational river. The commissioner shall comply with
16 the notice requirements of AS 38.05.945 and shall hold at least one
17 public hearing in the municipalities and communities that are proximi-
18 tely located to the recreational river and with the local fish and
19 game advisory board in the area in the adoption or revision of a
20 management plan.

21 (b) A comprehensive management plan adopted or revised by the
22 commissioner under (a) of this section shall be submitted to the
23 legislature for review within the first 10 days of the first regular
24 session of the legislature to convene after its adoption or revision
25 by the commissioner.

26 (c) The Department of Fish and Game shall consult with the
27 commissioner before it adopts or revises regulations governing fish
28 and game management in an area designated as a recreational river.

29 ~~(d) A comprehensive multiple use management plan adopted for a~~

1 recreational river under (a) of this section shall be adopted within
2 two years from the effective date of the designation of a river as a
3 recreational river under AS 41.23.020(c).

4 (e) The commissioner shall designate in the management plan uses
5 determined incompatible within a recreational river designated under
6 AS 41.23.020(c). If the commissioner determines that a use is incom-
7 patible with one or more other uses in a portion of a river designated
8 as a recreational river, the commissioner shall state in the manage-
9 ment plan adopted or revised under (b) of this section

10 (1) each determination of incompatibility;

11 (2) the specific area where the incompatibility is de-
12 termined to exist;

13 (3) the time within which the incompatibility is determined
14 to exist; and

15 (4) the reasons for each determination of incompatibility.

16 Sec. 41.23.050. MANAGEMENT OF MUNICIPAL LAND. If a municipality
17 commits land for inclusion in a recreational river designated under
18 AS 41.23.020(c), the commissioner shall obtain the concurrence of the
19 municipality to the management plan proposed under AS 41.23.020 as it
20 applies to municipal land.

21 Sec. 41.23.060. ACQUISITION OF ADDITIONAL LAND. (a) The com-
22 missioner may acquire in the name of the state land that is adjacent
23 to or located within the land described in AS 41.23.020(c) by pur-
24 chase, lease, gift, or exchange. ~~Without the approval of the Legislature if~~
25 ~~the appraised fair market value of the state land proposed for the~~
26 ~~particular exchange is in excess of \$100,000.~~

27
28 (b) The commissioner may not acquire land for inclusion in a
29 recreational river by eminent domain.

1 Sec. 41.23.070. APPLICATION OF PUBLIC LAND LAWS. Except to the
2 extent that a provision is inconsistent with a provision of this
3 chapter, the provisions of AS 38.04, AS 38.05, AS 38.35, and AS 38.95
4 apply to land described in AS 41.23.020(c).

5 Sec. 41.23.080. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The
6 commissioner may enter into a cooperative management agreement for the
7 management of land and water described in AS 41.23.020(c) or of other
8 adjacent land and water with a federal agency, a municipality of the
9 state, another agency of the state, or a private landowner.

10 (b) The commissioner may transfer the management of a specific
11 site within a recreational river described in AS 41.23.020(c) to
12 another state agency to assist in the development of a facility or to
13 carry out a program authorized by law.

14 (c) The commissioner may not manage a recreational river de-
15 scribed in AS 41.23.020 as a unit of the state park system.

16 Sec. 41.23.090. RECOMMENDATIONS BY COMMISSIONER. (a) Before
17 recommending the establishment of a recreational river to the legisla-
18 ture, the commissioner shall adopt an ~~area~~ plan for the area within
19 which the proposed recreational river will be located that complies
20 with the requirements of (b) of this section.

21 (b) In the adoption of an ~~area~~ plan preparatory to a recommenda-
22 tion for the establishment of a recreational river, the commissioner
23 shall

24 (1) ~~after~~ notice under AS 38.05.945, hold a public hearing
25 in each community that is located proximately to or within the bound-
26 aries of an area proposed for inclusion within a recreational river;

27 (2) prepare a summary of the testimony offered at each
28 public hearing held under (1) of this subsection with regard to the
29 establishment of the proposed recreational river for inclusion in the

1 plan;

2 (3) consult with each fish and game advisory committee with
3 responsibilities for an area within the boundaries of an area proposed
4 for inclusion within a recreational river and include the recommenda-
5 tions of the local fish and game advisory committee in the area plan;
6 and

7 (4) provide a copy of the area plan to each community in
8 which a hearing was held under (1) of this subsection.

9 ~~ARTICLE 2 - GENERAL PROVISIONS~~

10 Sec. 41.23.900. DEFINITION. In this chapter, "commissioner"
11 means the commissioner of natural resources.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 4/9/86

REQUEST

Bill/Resolution No. : CSHB 93 (FTN)
 Title : Establishing a system of recreational rivers; e.d.
 Sponsor : Rls by request of Gov.
 Requestor : House Finance Committee
 Date of Request : 4/9/86

FISCAL DETAIL

Agency Affected : DNR
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		0	0	0	0	0
TOTAL		0	0	0	0	0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

The funds requested by the Department can be absorbed within their FY 87 budget.

Prepared by : Al Adams, Chair Phone : 465-3706
 Division : House Finance Committee Date : 4/9/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

Alaska State Legislature

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MEMBER
HOUSE RESOURCES COMMITTEE
MEMBER
HOUSE STATE AFFAIRS COMMITTEE.

Representative Roger Jenkins

DISTRICT 11

MEMORANDUM

TO: Representative Richard Shultz
Representative Adelhied Hermann
Representative F. Kay Wallis
Representative Bette Cato
Representative Mike W. Miller
Representative Drue Pearce
Representative John Sund
Representative David Thompson
Representative Sam Cotton
Representative Pat Pourchot

FROM: Representative Roger L. Jenkins

DATE: April 1, 1985

SUBJECT: Statement of Intent of Amendment #1 to CSHB #93

Attached are copies of a proposed amendment to Resource CSHB #93 and appropriate portions of the Susitna Area Plan. In my review the amendment satisfies the Susitna Area Plan screening corridor objectives, while providing for adequate protection of the river without precluding other activities.

Your favorable consideration of this change is appreciated.

JUSTIFICATION

CS for House Bill No. 93 (Resources)

Amendment #1

by Jenkins

The intended purpose for CSHB 93 is to establish management guidelines for recreational rivers, while permitting each river to be individually managed under a multiple use management plan. Since statehood the legislatures have designated more land as parks, critical habitats, etc. than for land disposal. At a time of declining oil and gas revenue, the legislature should not be closing additional area to coal and mineral exploration and mining. However, on the other hand the legislature must continue to protect traditional uses of fishing, hunting, and trapping activities. All these goals can be accomplished by creating a 200 feet buffer along these recreational streams. This concept as laid out in the "Susitna Area Plan-PUBLIC REVIEW DRAFT-Summary" has gone through approximately 40 public hearings and over 1000 public comments. The Susitna Area Plan last week also received the Mat-Su Borough Assembly approval.

A M E N D M E N T # 1

Offered in Resources Committee

by Jenkins

TO: HOUSE BILL 93

Page 1, line 28 amend to read:

"185 - 38.05.275 and land disposals within 200 feet upland from the meander of ordinary high water mark of a recreational river."

Page 2, line 20, amend to read:

38.05.275 within 200 feet upland from the meander of ordinary high water mark of a recreational river.

PUBLIC REVIEW DRAFT-Summary



PREPARED BY:
ALASKA DEPARTMENT OF NATURAL RESOURCES
ALASKA DEPARTMENT OF FISH AND GAME
AND THE MATANUSKA-SUSITNA BOROUGH
IN COOPERATION WITH:
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
KENAI PENINSULA BOROUGH
U.S. DEPARTMENT OF AGRICULTURE
AND THE BUREAU OF LAND MANAGEMENT

JUNE 1984

STREAM CORRIDORS

I. STATEWIDE GOALS

- A. Recreation. Provide opportunities for a variety of recreational activities within stream corridors, including both wilderness and developed recreational activities.
- B. Habitat. Protect fish and wildlife riparian habitats.
- C. Private Ownership of Land. Provide opportunities for private ownership of land near streams.
- D. Water Quality. Protect water quality to support domestic uses, fish and wildlife production and recreational activities.
- E. Forest Products. Where consistent with the management objectives of a stream corridor, provide for the harvest of timber from riparian forests.

II. MANAGEMENT GUIDELINES

- A. Priority of Public Uses in Stream Corridors. "Stream Corridor" as used in these management guidelines refers to the stream itself and adjacent lands with stream-related recreational, residential, habitat, timber and hydrologic values. As a general rule, ADNR will set a higher priority on protecting public use values in stream corridors than providing opportunities for private ownership of land. However, the Department recognizes the strong demand for property along streams and will provide land for private purchase in some stream corridors. Prior to the disposal of stream corridor lands, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with the stream corridor. Disposals near streams with important recreation value will be designed to protect access to and along the stream for fishing, hiking, camping and other recreational activities.
- B. Retention of Publicly Owned Buffers as a Management Tool in Stream Corridors.
 - 1. When the management intent for land adjacent to a stream is to permit uses such as fishing, picnicking, hunting, timber harvest, building fires, camping or other similar active uses, public ownership of stream buffers should be used rather than easements to provide for these uses.
 - 2. In state subdivisions stream buffers should, in all cases, be either retained in public ownership or conveyed to a home owners' association. If streams in subdivisions have recreation or habitat values of regional or statewide importance, or are identified as public waters, buffers should be retained in public ownership.
 - 3. Publicly owned buffers adjacent to a stream may be retained along the full length of the stream or on the portions determined to have high current or future public use and habitat values.
- C. Retention of Access Easements as a Management Tool in Stream Corridors.
 - 1. When the primary management intent is to protect the public's right to travel along a stream bank rather than to establish a public use area, an easement should be used to protect this right. Easements along streams should also protect the right to pause briefly to observe wildlife, take photographs or rest, but

2. Easements along streams should establish, at minimum, the right to travel by foot, dogsled, horseback, snowmobile and two and three-wheeled vehicles. On a case-by-case basis the right to travel by all terrain vehicles and four wheeled vehicles may be reserved. Easements should be reserved for roads or railroads only if they are planned for construction.
 3. Easements and publicly owned buffers may be used in combination on a stream to provide opportunities for private ownership near the stream while protecting public use or habitat values on other portions of the stream. Therefore, although easements should not be used where significant public use is to be encouraged, they may be used on portions of a stream with important public recreation and habitat values when most portions of the stream are retained for public use.
- D. Establishing Widths of Publicly Owned Buffers, Easements and Building Setbacks in Stream Corridors.
1. Widths of publicly owned buffers along streams will vary according to management intent. In addition, the buffer width for any given stream may vary along the stream course depending on topography, vegetation and land ownership. Establishing buffer widths for particular streams should be based, at a minimum, on objectives for the following: recreational activities to be supported, habitat protection and management, noise abatement, visual quality, water quality, likelihood of erosion of the riverbank (in which case the buffer should be widened to compensate), and land disposal.
 2. Although buffer and easement widths may vary among streams, a basic level of consistency is needed to avoid confusion about the width of public use and access areas along the state's many streams and because it would be prohibitively expensive to establish separately by fieldwork and site analysis buffer widths for each stream corridor. The following guidelines are intended to establish a reasonable degree of consistency in buffer and easement widths:
 - a. When it is determined that a publicly owned buffer is appropriate, a standard minimum buffer width of 200 feet landward from the ordinary high water mark on each bank generally should be established. This width may be reduced to a minimum of 100 feet on each bank in individual cases consistent with the management objectives of the stream corridor.
 - b. As a general standard publicly owned buffers of at least one-fourth mile landward from the ordinary high water mark on each bank should be retained on streams recommended for legislative designation as State Recreation Rivers to be managed as part of the State Park System. Exceptions to this policy may be made where land ownership, topography, or the nature of anticipated public uses in a stream corridor warrant.
 - c. When it is determined that a public access easement will be reserved on land adjacent to a stream, a minimum easement of 50 feet landward from the ordinary high water mark on each bank will be reserved.
 - d. In all cases where land is sold near a stream a minimum building setback of 100 feet landward from the ordinary high water mark on each bank should be established.

*The Alaska Department of Fish and Game does not endorse excluding fishing from the rights reserved for the public in stream corridor easements.

uses, transportation facilities, and pipelines will, where feasible, require setbacks between these facilities and adjacent water bodies to maintain streambank access and protect adjacent fish habitat, public water supplies, and public recreation. The width of this setback may vary depending upon the type and size of non-water dependent use, but will be adequate to maintain access and protect adjacent waters from degradation below the water quality standard established by DEC. Adjacent to designated anadromous fish spawning habitat this setback will, to the extent feasible, never be less than 100 feet landward of ordinary high water.

Where it is not feasible and prudent to maintain a setback adjacent to fish habitat, public water supplies or recreational waters, other measures will be implemented to meet the intent of this guideline.

- F. Activities in Important Waterfowl Habitat. Activities requiring a permit, lease, or development plan with high levels of acoustical and visual disturbance, such as boat traffic, blasting, dredging, and seismic operations, in important waterfowl habitat will, to the extent feasible and prudent, be avoided during sensitive periods. Where it is not feasible and prudent to avoid such activities, other mitigative measures will be considered to meet the intent of this guideline.
- G. Dredge and Fill in Important Waterfowl Habitat. Permits for dredging and filling in important waterfowl habitat, including permits for gravel extraction and the construction of roads and pads, will not be granted unless it is determined that the proposed activity will not cause significant adverse impacts to essential waterfowl habitat or that no feasible and prudent alternative exists.
- H. Structures in Fish Habitat. To maintain migration of juvenile fish DNR will, to the extent feasible, require that structures in fish habitat be built to minimize impacts on fish migration.
- I. Water Intake Structure. When issuing water appropriations in fish habitat, DNR will require that practical water intake structures be installed that do not entrain or impinge upon fish. The most simple and cost-effective technology may be used to implement this guideline.

Water intake structures will be screened, and intake velocities will be limited to prevent entrapment, entrainment, or injury to the species of fish found in the water. The structures supporting intakes should be designed to prevent fish from being lead into the intake. Other effective techniques may also be used to achieve the intent of this guideline. Screen size, water velocity, and intake design will be determined in consultation with the ADF&G.

- J. Alteration of the Hydrologic System. To the extent feasible channelization, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact on important riverine habitat will be avoided.
- K. Soil Erosion. In addition to the use of publicly owned buffers and building setbacks, soil erosion will be minimized by restricting the removal of vegetation adjacent to streams and by stabilizing disturbed soil as soon as possible.
- L. Forest Management Practices. Personal use of timber or commercial harvest within 200 feet of a stream will be consistent with management objectives of the stream corridor.
- M. Subsurface Development. See section on Subsurface Resources and Materials, this chapter.
- N. Instream Flow. See section on Instream Flow, this chapter.

April 9, 1986

House Finance Committee

Suggested amendments to HB 93 An Act creating a system of recreation rivers

Alaska Environmental Lobby

AMENDMENT #1 Page 1 line ¹²~~13~~ after "guidelines" insert:

"and reserve and protect certain state-owned rivers and river corridors".

Rationale. This clarifies that the bill does not merely intend to establish management guidelines, but to actually take positive action to protect these popular rivers.

AMENDMENT #2 Page 1 line 26 insert after "flow":

"and the free flowing nature of the rivers."

Rationale. This would make the purposes section consistent with language already in the management section of the bill at page 3 line 29.

AMENDMENT #3 Page 3 line ⁴~~4~~ add "or other special values including hunting, recreation and natural values"

OR

Page 3, line ⁴~~4~~ add "or other natural qualities unique to the river"

Rationale. According to the purposes section (page 1, lines 18-26) recreation rivers are to be managed for three goals and objectives: habitat and hunting and fishing, the natural integrity of the river and recreation, and water quality. AS41.23.210 (f) only mentions two of these objectives. This amendment would add the third goal or objective from the purposes section.

AMENDMENT #4 page 6 line ²³~~25~~ delete "within one-half mile upland of the meander of the ordinary high water mark of the river."

Rationale. These rivers should be designated as recreation river corridors free from DNR land disposals without any qualifiers.

Offered: 4/12/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 93 (Resources)
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 special use 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 is amended by adding a new chapter to read:
10 CHAPTER 23. MULTIPLE USE MANAGEMENT OF PUBLIC RESOURCES.
11 ARTICLE 1. STATE RECREATIONAL RIVERS.
12 Sec. 41.23.010. PURPOSES. (a) The purpose of AS 41.23.010 -
13 41.23.090 is to establish management guidelines for those rivers
14 designated for recreation under AS 41.23.010 - 41.23.090 while permit-
15 ting each river to be individually managed under a multiple use man-
16 agement plan providing for traditional uses that have occurred on the
17 river.
18 (b) The goals and objectives by which a recreational river shall
19 be managed include
20 (1) the protection and maintenance of the fish and wildlife
21 populations and habitat on a sustained yield basis so as to preserve
22 and enhance sport and subsistence fishing, hunting, and trapping
23 activities;
24 (2) protection of the scenic and natural integrity of the
25 river and continuation of the traditional recreational uses of the
26 river by the public;
27 (3) the closure to future mineral entry under AS 38.05.-
28 185 - 38.05.275 and land disposals within a recreational river.
29 (c) The commissioner shall permit the following activities when

1 compatible with (b)(1) and (2) of this section:

2 (1) use of aircraft, powerboats, snowmachines, all terrain
3 vehicles, and other motorized transportation;

4 (2) timber harvesting for personal use including firewood
5 and house logs;

6 (3) commercial timber harvesting;

7 (4) sand and gravel extraction for public use;

8 (5) grazing;

9 (6) public use facilities; and

10 (7) other uses determined compatible with (b)(1) and (2) of
11 this section by the commissioner.

12 Sec. 41.23.020. DESIGNATED RIVERS. (a) Subject to valid exist-
13 ing rights, the state-owned land and water designated as a recreation-
14 al river under (c) of this section constitute a special purpose area
15 under art. VIII, sec. 7 of the Alaska Constitution. State-owned land
16 and water may be designated as a recreational river only by the legis-
17 lature.

18 (b) The state-owned land and water described in this section are
19 closed to mineral entry and mining leasing under AS 38.05.185 -
20 38.05.275.

21 (c) The land and water presently owned by the state and all land
22 and water acquired by the state in the future, including shore and
23 submerged land, that lies within the following described parcels are
24 designated recreational rivers:

25 (1) Talachulitna State Recreational River

26 (A) Township 16 North, Range 10 West, Seward Meridian
27 Section 6: W1/2

28 Section 7: NW1/4

29 (B) Township 16 North, Range 11 West, Seward Meridian

1	Section 1: E1/2, SW1/4
2	Section 2: S1/2, NW1/4
3	Section 3
4	Section 11: N1/2
5	Section 12: N1/2
6	(C) Township 17 North, Range 10 West, Seward Meridian
7	Section 6: W1/2, W1/2SE1/4
8	Section 7
9	Sections 18 - 19
10	Sections 30 - 31
11	(D) Township 17 North, Range 11 West, Seward Meridian
12	Section 1: E1/2E1/2
13	Section 3: W1/2
14	Sections 4 - 5
15	Section 6: S1/2
16	Sections 7 - 8
17	Section 9: N1/2, SE1/4
18	Section 10
19	Section 14: W1/2
20	Section 15
21	Section 17: NW1/4
22	Section 18: N1/2, SW1/4
23	Section 19: NW1/4NW1/4
24	Section 22
25	Section 23: W1/2
26	Section 25: E1/2E1/2
27	Section 26: W1/2
28	Section 27
29	Section 34

1 Section 31: NE1/4, S1/2NW1/4, NE1/4NW1/4,
2 SW1/4, W1/2SE1/4
3 Section 33: NE1/4NE1/4
4 Section 34: N1/2NW1/4
5 (H) Township 18 North, Range 11 West, Seward Meridian
6 Section 6: W1/2, W1/2E1/2, E1/2SE1/4
7 Section 7
8 Section 11: E1/2SE1/4
9 Section 12: SW1/4SW1/4
10 Section 13: NW1/4, E1/2SW1/4, SE1/4
11 Section 16: SW1/4
12 Sections 17 - 18
13 Section 19: NE1/4
14 Section 20: N1/2, SE1/4
15 Section 21: W1/2
16 Section 24: E1/2NE1/4
17 Section 28
18 Section 29: E1/2
19 Section 32: E1/2
20 Section 33
21 (I) Township 18 North, Range 12 West, Seward Meridian
22 Sections 1 - 2
23 Section 12: N1/2, SE1/4
24 (J) Township 19 North, Range 12 West, Seward Meridian
25 Section 3: N1/2, SW1/4
26 Section 4: E1/2E1/2, W1/2SE1/4, SE1/4SW1/4
27 Section 9: E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4
28 Section 10: NW1/4
29 Section 15: W1/2SW1/4, SW1/4NW1/4

1 Section 16

2 Section 21

3 Section 22: W1/2W1/2, E1/2SW1/4, SW1/4SE1/4

4 Sections 27 - 28

5 Section 34

6 Section 35: S1/2, NW1/4

7 (K) Township 20 North, Range 11 West, Seward Meridian

8 Section 18: W1/2

9 Section 19: W1/2

10 (L) Township 20 North, Range 12 West, Seward Meridian

11 Section 1

12 Section 2: N1/2

13 Section 11: E1/2

14 Sections 12 - 13

15 Section 14: E1/2

16 Sections 23 - 24

17 Section 25: N1/2

18 Section 26

19 Section 27: E1/2

20 Section 34: S1/2, NE1/4, SE1/4NW1/4

21 Section 35: NW1/4

22 (M) Township 21 North, Range 11 West, Seward Meridian

23 Section 31: SW1/4

24 (N) Township 21 North, Range 12 West, Seward Meridian

25 Section 25: that portion south of the Skwentna

26 River

27 Section 26: that portion south of the Skwentna

28 River

29 Section 35: that portion south of the Skwentna

1 River
2 Section 36: that portion south of the Skwentna
3 River
4 (2) Alexander Creek State Recreational River
5 (A) Township 16 North, Range 7 West, Seward Meridian
6 Sections 6 - 7
7 Sections 18 - 19
8 (B) Township 17 North, Range 7 West, Seward Meridian
9 Section 18: S1/2, W1/2NW1/4
10 Section 19
11 Sections 30 - 31
12 Section 32: W1/2
13 (C) Township 17 North, Range 8 West, Seward Meridian
14 Section 1
15 Section 2: E1/2, N1/2NW1/4
16 Section 3: N1/2N1/2
17 Section 4: N1/2, N1/2SE1/4
18 Section 11: NE1/4
19 Section 12
20 Section 13: E1/2, E1/2NW1/4
21 Section 24: NE1/4, E1/2SE1/4
22 (D) Township 18 North, Range 8 West, Seward Meridian
23 Section 4: W1/2
24 Section 5
25 Section 6: NE1/4
26 Section 8: N1/2, SE1/4
27 Section 9
28 Section 10: SW1/4
29 Section 14: W1/2SW1/4, SE1/4SW1/4

1 Section 15: W1/2, SE1/4, S1/2NE1/4
2 Section 16: N1/2, SE1/4
3 Section 22: N1/2, N1/2S1/2, S1/2SE1/4
4 Section 23: W1/2, W1/2SE1/4
5 Section 26: W1/2, W1/2E1/2, E1/2SE1/4
6 Section 27: E1/2NE1/4
7 Section 33: SW1/4, S1/2SE1/4
8 Section 34: S1/2S1/2
9 Section 35
10 Section 36: W1/2
11 (E) Township 19 North, Range 8 West, Seward Meridian
12 Section 19: W1/2, W1/2E1/2
13 Section 29: W1/2W1/2
14 Section 30
15 Section 31: E1/2, E1/2W1/2
16 Section 32
17 (F) Township 19 North, Range 9 West, Seward Meridian
18 Sections 3 - 4
19 Sections 9 - 10
20 Section 13: S1/2
21 Section 14: S1/2
22 Sections 15 - 16
23 Section 22: N1/2
24 Section 23: N1/2
25 Section 24
26 (3) Lake Creek State Recreational River
27 (A) Township 21 North, Range 9 West, Seward Meridian
28 Section 3
29 Section 4: Excluding Tracts A, B, C and D

1 Section 9: N1/2 Excluding Tracts A and B
 2 Section 10
 3 Section 15
 4 (B) Township 22 North, Range 9 West, Seward Meridian
 5 Section 4: NW1/4, S1/2
 6 Section 5: N1/2, E1/2SE1/4
 7 Section 9: N1/2, SE1/4, E1/2SW1/4
 8 Section 10: W1/2SW1/4, SW1/4NW1/4
 9 Section 15: W1/2
 10 Section 16: E1/2, E1/2W1/2
 11 Section 21: E1/2
 12 Section 22: W1/2
 13 Section 27: W1/2
 14 Section 28: E1/2
 15 Section 34
 16 (C) Township 23 North, Range 9 West, Seward Meridian
 17 Section 3: W1/2W1/2
 18 Section 4
 19 Section 5: E1/2, E1/2SW1/4
 20 Section 7: SE1/4, SE1/4NE1/4, E1/2SW1/4
 21 Section 8: S1/2, NE1/4, S1/2NW1/2, NE1/4NW1/4
 22 Section 9: N1/2NW1/4, SW1/4NW1/4, NW1/4SW1/4
 23 Section 17: W1/2, W1/2E1/2
 24 Section 18: E1/2
 25 Section 19: N1/2, SE1/4, E1/2SW1/4
 26 Section 20: W1/2, SE1/4, S1/2NE1/4, NW1/4NE1/4
 27 Section 29
 28 Section 30: NE1/4, E1/2NW1/4, NE1/4SW1/4, SE1/4
 29 Section 32

1 Section 33: S1/2SW1/4, NW1/4SW1/4

2 (D) Township 24 North, Range 9 West, Seward Meridian

3 Section 28: S1/2SW1/4, SW1/4SE1/4

4 Section 29: NW1/4, S1/2

5 Section 30

6 Section 31: N1/2

7 Section 32: NW1/4, E1/2

8 Section 33

9 Section 34: SW1/4SW1/4

10 (E) Township 24 North, Range 10 West, Seward Meridian

11 Section 3

12 Section 4: E1/2

13 Section 10

14 Section 11: W1/2, W1/2SE1/4, SW1/4NE1/4

15 Section 13: W1/2W1/2

16 Section 14

17 Section 15: NE1/4

18 Section 23: N1/2, SE1/4

19 Section 24: W1/2, S1/2SE1/4, NW1/4SE1/4

20 Section 25

21 Section 36: NE1/4, E1/2NW1/4

22 (F) Township 25 North, Range 10 West, Seward Meridian

23 Sections 6 - 7

24 Section 8: S1/2, NW1/4

25 Section 16: W1/2

26 Section 17

27 Section 18: E1/2

28 Section 20: SE1/4, N1/2

29 Section 21

1 Section 22: W1/2
2 Section 25: SW1/4
3 Section 26: S1/2
4 Section 27
5 Section 28: E1/2, NW1/4
6 Sections 34 - 35
7 Section 36: W1/2
8 (G) Township 25 North, Range 11 West, Seward Meridian
9 Section 1: E1/2
10 (H) Township 26 North, Range 10 West, Seward Meridian
11 Section 31
12 (I) Township 26 North, Range 11 West, Seward Meridian
13 Sections 3 - 4
14 Section 9: E1/2
15 Section 10
16 Section 14: W1/2
17 Section 15
18 Section 22: E1/2, E1/2NW1/4
19 Section 23
20 Section 25: S1/2, NW1/4
21 Section 26
22 Section 27: NE1/4
23 Section 35: NE1/4
24 Section 36
25 (J) Township 27 North, Range 11 West, Seward Meridian
26 Section 6: SW1/4
27 Section 7
28 Section 8: SW1/4
29 Sections 17 - 18

1 Section 19: N1/2, SE1/4
2 Section 20
3 Section 21: SW1/4
4 Sections 28 - 29
5 Section 30: NE1/4
6 Section 32: E1/2
7 Section 33
8 Section 34: W1/2
9 (4) Kroto Creek and Moose Creek State Recreational River
10 (A) Township 19 North, Range 6 West, Seward Meridian
11 Section 2: SW1/4
12 Section 3
13 Section 10: E1/2
14 Section 11
15 Section 14
16 Section 15: E1/2E1/2
17 Section 22: E1/2E1/2
18 Section 23
19 Section 25: that portion west of the eastern-
20 most bank of the Susitna River
21 Section 26
22 Section 27: E1/2E1/2
23 Section 34: NE1/4NE1/4
24 Section 35
25 Section 36: that portion west of the eastern-
26 most bank of the Susitna River
27 (B) Township 20 North, Range 6 West, Seward Meridian
28 Section 4
29 Section 5: E1/2

1	Section 8: NE1/4, E1/2SE1/4
2	Section 9
3	Section 15: W1/2
4	Section 16
5	Section 21: E1/2, N1/2NW1/4, SE1/4NW1/4
6	Section 22: NW1/4, S1/2
7	Section 27
8	Section 34
9	(C) Township 21 North, Range 6 West, Seward Meridian
10	Section 3
11	Section 9: E1/2SE1/4, SE1/4NE1/4
12	Section 10
13	Section 15: W1/2, W1/2NE1/4
14	Section 16
15	Section 20: E1/2
16	Section 21
17	Section 28
18	Section 29: E1/2
19	Section 32: E1/2E1/2, NW1/4NE1/4
20	Section 33
21	Section 34: SW1/4
22	(D) Township 22 North, Range 6 West, Seward Meridian
23	Sections 4 - 5
24	Section 6: E1/2, E1/2W1/2
25	Sections 7 - 9
26	Sections 16 - 18
27	Sections 20 - 21
28	Section 27
29	Section 28: N1/2, SE1/4, E1/2SW1/4

1 Section 15: SW1/4, SW1/4NW1/4
2 Section 16
3 Section 17: NE1/4, N1/2SE1/4
4 Section 21: E1/2, SE1/4SW1/4
5 Section 22: NW1/4, N1/2SW1/4, SW1/4SW1/4
6 Section 28: E1/2W1/2, E1/2
7 Section 33
8 (H) Township 24 North, Range 7 West, Seward Meridian
9 Section 6: S1/2, NW1/4
10 Section 7
11 Section 8: S1/2SW1/4
12 Section 16: W1/2, W1/2E1/2
13 Section 17
14 Section 18: N1/2N1/2, SE1/4NW1/4, S1/2NE1/4,
15 N1/2SE1/4, SE1/4SE1/4
16 Section 19: NE1/4NE1/4
17 Section 20: N1/2
18 Section 21: W1/2, SE1/4, W1/2NE1/4
19 Section 27
20 Section 28: E1/2
21 Section 33: NE1/4NE1/4
22 Section 34: E1/2, E1/2W1/2, NW1/4NW1/4
23 Section 35: W1/2, SE1/4, S1/2NE1/4
24 Section 36: SW1/4
25 (I) Township 24 North, Range 8 West, Seward Meridian
26 Section 1: E1/2
27 Section 12: NE1/4, E1/2SE1/4
28 Section 13: NE1/4NE1/4
29 (J) Township 25 North, Range 6 West, Seward Meridian

1 Section 5
2 Section 8
3 Section 17
4 Section 18: SE1/4
5 Section 19: E1/2, E1/2W1/2
6 Section 20: W1/2W1/2
7 Section 29: W1/2W1/2
8 Section 30: E1/2, E1/2W1/2
9 S S S S S S S
10 Section 32: W1/2W1/2, SE1/4SW1/4
11 (K) Township 25 North, Range 7 West, Seward Meridian
12 Section 5
13 Section 6: SE1/4, S1/2NE1/4
14 Section 7: E1/2, SW1/4, E1/2NW1/4
15 Section 8: NW1/4, W1/2SW1/4
16 Sections 18 - 19
17 Sections 30 - 31
18 (L) Township 25 North, Range 8 West, Seward Meridian
19 Section 13: E1/2 SE1/4
20 Section 24: E1/2NE1/4
21 (M) Township 26 North, Range 6 West, Seward Meridian
22 Section 5
23 Section 8
24 Section 17: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4
25 Section 19: SE1/4
26 Section 20: E1/2, SW1/4, S1/2NW1/4, NE1/4NW1/4
27 Section 29: E1/2, NW1/4
28 Section 30: S1/2, NE1/4, SE1/4NW1/4
29 Section 31: E1/2NE1/4, that portion of NW1/4-

1 NE1/4 within retained easement (50' each side
2 of MHWM)
3 Section 32: lands within 150' of MHWM
4 (N) Township 26 North, Range 7 West, Seward Meridian
5 Section 4: W1/2
6 Section 5: E1/2, S1/2SW1/4
7 Section 7: SE1/4
8 Section 8
9 Section 9: NW1/4, N1/2SW1/4
10 Section 17
11 Section 18: E1/2
12 Section 19
13 Section 20: W1/2
14 Section 29: S1/2, NW1/4
15 Section 30
16 Section 31: NE1/4
17 Section 32
18 (O) Township 27 North, Range 6 West, Seward Meridian
19 Section 4
20 Section 5: E1/2
21 Section 8: E1/2
22 Section 9
23 Section 16
24 Section 17: E1/2
25 Section 20: E1/2
26 Section 21
27 Section 28: W1/2
28 Section 29: E1/2
29 Section 32: E1/2

1 Section 7: S1/2
 2 Section 8: S1/2 exclusive of ASLS 79-149
 3 Section 9: E1/2, E1/2W1/2
 4 Section 10: W1/2W1/2, NE1/4NE1/4
 5 Section 11: N1/2N1/2
 6 Section 15: W1/2NW1/4, NW1/4SW1/4
 7 Section 16: N1/2, N1/2S1/2
 8 Section 17: that portion north of the south
 9 bank of the Talkeetna River
 10 Section 18: exclusive of DOT 200642
 11 (C) Township 26 North, Range 5 West, Seward Meridian
 12 Section 12: E1/2SE1/4
 13 Section 13: E1/2, E1/2SW1/4, SW1/4SW1/4
 14 Section 23: that portion northeast of the south
 15 bank of the Susitna River
 16 Section 24: that portion east of the left bank
 17 of the Susitna River and west of the right
 18 bank of the main channel of the Talkeetna
 19 River (that channel of the river that runs
 20 diagonally through the NE1/4 and SW1/4 of
 21 Sec. 24)
 22 (D) Township 27 North, Range 2 West, Seward Meridian
 23 Section 4: S1/2
 24 Section 5: SE1/4, E1/2SW1/4
 25 Section 7: SE1/4
 26 Sections 8 - 9
 27 Section 13: N1/2
 28 Section 14: N1/2NE1/4
 29 Section 17

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

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

22 Sec. 41.23.030. GENERAL MANAGEMENT OF RECREATIONAL RIVER. (a)
 23 The land and water within the area designated as a recreational river
 24 under AS 41.23.020(c) is assigned to the Department of Natural Re-
 25 sources for multiple use management.

26 (b) Within two years from the effective date of the designation
 27 of a river as a recreational river under AS 41.23.020(c), the commis-
 28 sioner shall, after consultation with appropriate state agencies,
 29 reserve to the state under AS 46.15.145 an instream flow or level for

1 the water in the river described in AS 41.23.020(c) that is adequate
2 to achieve the purposes of AS 41.23.010 - 41.23.090.

3 (c) The provisions of AS 41.23.010 - 41.23.090 do not affect the
4 responsibility of

5 (1) the Department of Fish and Game, the Board of Fisher-
6 ies, the Board of Game, or the Guide Licensing and Control Board under
7 AS 09.54, AS 16, or AS 41.99.010;

8 (2) the Department of Environmental Conservation under
9 AS 46.03; or

10 (3) state agencies and municipalities under AS 44.19.145-
11 (a)(11) and AS 46.40.100.

12 (d) The commissioner shall permit the use of weapons within a
13 recreational river except in sites of high public use such as picnic
14 areas, boat ramps, camping grounds, and parking areas when the commis-
15 sioner determines that the use of weapons constitutes a threat to
16 public safety. Except as provided in this subsection, the commis-
17 sioner may not restrict the exercise of sport or subsistence fishing,
18 hunting, or trapping within a recreational river.

19 (e) The commissioner shall permit access for a use described in
20 this subsection within a recreational river unless the commissioner
21 determines that access is incompatible with AS 41.23.010(b)(1) and
22 (2):

23 (1) access to mining, timber harvest and other resource use
24 areas;

25 (2) access to private property;

26 (3) access for oil and gas and geothermal exploration and
27 development;

28 (4) access for energy related development systems;

29 (5) access for state or municipal land settlement.

1 (f) The commissioner may lease land competitively within a
2 recreational river to a person for the construction and operation of a
3 public use facility within the recreational river.

4 (g) The commissioner may not restrict commercial activities
5 existing within the boundaries of an area designated as a recreational
6 river under AS 41.23.020(c) at the time of the designation unless the
7 commissioner determines that the commercial activity threatens the
8 quality of the water or an essential habitat within the recreational
9 river.

10 Sec. 41.23.040. MANAGEMENT PLAN. (a) The commissioner shall
11 adopt and may revise a comprehensive multiple use management plan for
12 a river designated as a recreational river under AS 41.23.020(c). The
13 commissioner shall consult with the Department of Fish and Game before
14 the adoption or revision of a management plan governing the use of an
15 area within a recreational river. The commissioner shall comply with
16 the notice requirements of AS 38.05.945 and shall hold at least one
17 public hearing in the municipalities and communities that are proxi-
18 mately located to the recreational river and with the local fish and
19 game advisory board in the area in the adoption or revision of a
20 management plan.

21 (b) A comprehensive management plan adopted or revised by the
22 commissioner under (a) of this section shall be submitted to the
23 legislature for review within the first 10 days of the first regular
24 session of the legislature to convene after its adoption or revision
25 by the commissioner.

26 (c) The Department of Fish and Game shall consult with the
27 commissioner before it adopts or revises regulations governing fish
28 and game management in an area designated as a recreational river.

29 (d) A comprehensive multiple-use management plan adopted for a

1 recreational river under (a) of this section shall be adopted within
2 two years from the effective date of the designation of a river as a
3 recreational river under AS 41.23.020(c).

4 (e) The commissioner shall designate in the management plan uses
5 determined incompatible within a recreational river designated under
6 AS 41.23.020(c). If the commissioner determines that a use is incom-
7 patible with one or more other uses in a portion of a river designated
8 as a recreational river, the commissioner shall state in the manage-
9 ment plan adopted or revised under (b) of this section

10 (1) each determination of incompatibility;

11 (2) the specific area where the incompatibility is de-
12 termined to exist;

13 (3) the time within which the incompatibility is determined
14 to exist; and

15 (4) the reasons for each determination of incompatibility.

16 Sec. 41.23.050. MANAGEMENT OF MUNICIPAL LAND. If a municipality
17 commits land for inclusion in a recreational river designated under
18 AS 41.23.020(c), the commissioner shall obtain the concurrence of the
19 municipality to the management plan proposed under AS 41.23.030 as it
20 applies to municipal land.

21 Sec. 41.23.060. ACQUISITION OF ADDITIONAL LAND. (a) The com-
22 missioner may acquire in the name of the state land that is adjacent
23 to or located within the land described in AS 41.23.020(c) by pur-
24 chase, lease, gift, or exchange. Notwithstanding AS 38.50, the ex-
25 change may not be completed without the approval of the legislature if
26 the appraised fair market value of the state land proposed for the
27 particular exchange is in excess of \$100,000.

28 (b) The commissioner may not acquire land for inclusion in a
29 recreational river by eminent domain.

1 Sec. 41.23.070. APPLICATION OF PUBLIC LAND LAWS. Except to the
2 extent that a provision is inconsistent with a provision of this
3 chapter, the provisions of AS 38.04, AS 38.05, AS 38.35, and AS 38.95
4 apply to land described in AS 41.23.020(c).

5 Sec. 41.23.080. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The
6 commissioner may enter into a cooperative management agreement for the
7 management of land and water described in AS 41.23.020(c) or of other
8 adjacent land and water with a federal agency, a municipality of the
9 state, another agency of the state, or a private landowner.

10 (b) The commissioner may transfer the management of a specific
11 site within a recreational river described in AS 41.23.020(c) to
12 another state agency to assist in the development of a facility or to
13 carry out a program authorized by law.

14 (c) The commissioner may not manage a recreational river de-
15 scribed in AS 41.23.020 as a unit of the state park system.

16 Sec. 41.23.090. RECOMMENDATIONS BY COMMISSIONER. (a) Before
17 recommending the establishment of a recreational river to the legisla-
18 ture, the commissioner shall adopt an area plan for the area within
19 which the proposed recreational river will be located that complies
20 with the requirements of (b) of this section.

21 (b) In the adoption of an area plan preparatory to a recommenda-
22 tion for the establishment of a recreational river, the commissioner
23 shall

24 (1) after notice under AS 38.05.945, hold a public hearing
25 in each community that is located proximately to or within the bound-
26 aries of an area proposed for inclusion within a recreational river;

27 (2) prepare a summary of the testimony offered at each
28 public hearing held under (1) of this subsection with regard to the
29 establishment of the proposed recreational river for inclusion in the

1 area plan;

2 (3) consult with each fish and game advisory committee with
3 responsibilities for an area within the boundaries of an area proposed
4 for inclusion within a recreational river and include the recommenda-
5 tions of the local fish and game advisory committee in the area plan;
6 and

7 (4) provide a copy of the area plan to each community in
8 which a hearing was held under (1) of this subsection.

9 ARTICLE 2. GENERAL PROVISIONS.

10 Sec. 41.23.900. DEFINITION. In this chapter, "commissioner"
11 means the commissioner of natural resources.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

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).