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SUMMARY OF CSHB 93

The broad based goal of this legislation is to protect certain rivers.

The need for this legislation is based on the premise that all types of uses of rivers and surrounding lands can not continue to increase without damage to the river's ecosystem which in turn threatens traditional recreational activities.

In limiting uses, an effort was made to preserve and protect as many traditional uses as possible with the caveat that certain multiple uses would have to be compatible with the general recreational goals and objectives set out in this legislation.

Sec. 41.23.010

(a) Establishes management structure.

(b)(1) Sets out protection of fish and wildlife populations and habitat so as to enhance sport and subsistence fishing, hunting, and trapping activities.

(b)(2) Scenic and natural integrity of the river and the continuation of traditional recreational uses of the river by the public are established.

(b)(3) Rivers are closed to future mineral entry and land disposals.

(c) Multiple uses that may be allowed for each river listed with the provision that they are found to be compatible with (b)(1) and (b)(2).

Sec. 41.23.220

(a) Rivers are designated into the special purposes section of the constitution by the legislature only.

(b) Rivers are closed to mineral entry and mining leasing.

(c) Description of the designated rivers.

Sec. 41.23.030

(a) DNR receives multiple use management authority.

(b) Instream flow must be reserved within two years of a river being designated by DNR.

(c)(1) Fish and Game management stays with the proper Agencies and Boards.

(c)(2) Water quality authority is maintained by DEC.

(c)(3) Municipalities retain their respective authorities under AS 44.19.145 (a) (11) and AS 46.40.100.

(d) The use of weapons is expressly permitted except in areas of high public use when the safety of the public is threatened. The exercise of sport and subsistence hunting, fishing or trapping is protected except as it should endanger the public's safety.

(e) Access is granted for specific activities unless a determination of incompatibility with (b)(1) or (b)(2) is found to exist.

(f) Competitive leasing for the construction and operation of public use facilities is allowed.

(g) Existing commercial activities are protected unless they threaten water quality or habitat.

Sec. 41.23.040

(a) A management plan must be adopted. ADF&G must be consulted in the management plan process as well as local communities located in or near a recreational river.

(b) Management plans are submitted to the legislature.

(c) ADF&G must consult with DNR before adopting regulations involving recreational rivers.

(d) DNR must adopt a management plan within 2 years of the legislature designating a recreational river.

(e) The commissioner must state in each management plan incompatible uses within a recreational river along with location and the time frame associated with each incompatibility.

Sec. 41.23.050

Municipalities which involve their lands in a recreational river management system must concur with that portion of the management plan that affects their land.

Sec. 41.23.060

(a) Additional land may be acquired by DNR by purchase, gift, lease, or exchange. If the exchange involves state land with a fair market value of over \$100,000.00 the legislature must give its approval.

(b) No additional land may be obtained by eminent domain.

Sec. 41.23.070

Public land laws found in AS 38.04, 38.05, and 38.95 apply to recreational rivers except if such provisions are inconsistent with provisions of this chapter.

Sec. 41.23.080

(a) Cooperative management agreements are allowed with federal, state, or municipal governments or private land owners.

(b) The commissioner may transfer management to another agency to assist in the development of a facility or to carry out a program authorized by law.

(c) The management of a recreational river under AS 41.23.020 shall not be as a unit of a park.

Sec. 41.23.090

(a) Before recommending a recreational river the commissioner must adopt an area plan, and involve local communities.

(b) The commissioner shall:

(1) Take testimony at local communities.

(2) Prepare a summary of the testimony.

(3) Consult local fish and game advisory committees.

Sec. 41.23.900

Definitions

Sec. 2. Effective date clause.

Bradley
3/27/85 ✓

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, S

27 Section 6: W1/2

28 Section 7: NW1/4

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

Section 1: E1/2, SW1/4

Section 2: S1/2, NW1/4

Section 3

Section 11: N1/2

Section 12: N1/2

(C) Township 17 North, Range 10 West, Seward Meridian

Section 6: W1/2, W1/2SE1/4

Section 7

Sections 18 - 19

Sections 30 - 31

(D) Township 17 North, Range 11 West, Seward Meridian

Section 1: E1/2E1/2

Section 3: W1/2

Sections 4 - 5

Section 6: S1/2

Sections 7 - 8

Section 9: N1/2, SE1/4

Section 10

Section 14: W1/2

Section 15

Section 17: NW1/4

Section 18: N1/2, SW1/4

Section 19: NW1/4NW1/4

Section 22

Section 23: W1/2

Section 25: E1/2E1/2

Section 26: W1/2

Section 27

Section 34

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Section 35: W1/2

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

Section 7: S1/2

Section 12: S1/2

Section 13

Section 14: S1/2

Section 15: S1/2

Section 16: S1/2

Sections 17 - 18

Section 20: E1/2

Sections 21 - 23

Section 24: N1/2, N1/2S1/2

(F) Township 17 North, Range 13 West, Seward Meridian

Section 9: S1/2

Section 10: S1/2

Section 11: S1/2

Section 12: S1/2

Sections 13 - 16

Section 24: N1/2

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

Section 18: SW1/4SW1/4

Section 19: NW1/4, S1/2NE1/4, E1/2SW1/4, SE1/4

Section 20: S1/2, NE1/4

Section 21

Section 22: W1/2W1/2

Section 26: W1/2SW1/4, SW1/4NW1/4

Section 27: S1/2, S1/2N1/2

Sections 28 - 29

Section 30: E1/2, E1/2W1/2

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

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Section 16

Section 21

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

Sections 27 - 28

Section 34

Section 35: S1/2, NW1/4

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

Section 18: W1/2

Section 19: W1/2

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

Section 1

Section 2: N1/2

Section 11: E1/2

Sections 12 - 13

Section 14: E1/2

Sections 23 - 24

Section 25: N1/2

Section 26

Section 27: E1/2

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

Section 35: NW1/4

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

Section 31: SW1/4

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

Section 25: that portion south of the Skwentna River

Section 26: that portion south of the Skwentna River

Section 35: that portion south of the Skwentna

River

Section 30: that portion south of the Skwentna River

(2) Alexander Creek State Recreational River

(A) Township 16 North, Range 7 West, Seward Meridian Sections 6 - 7

Sections 18 - 19

(B) Township 17 North, Range 7 West, Seward Meridian Section 18: S1/2, W1/2NW1/4

Section 19

Sections 30 - 31

Section 32: W1/2

(C) Township 17 North, Range 8 West, Seward Meridian Section 1

Section 2: E1/2, N1/2NW1/4

Section 3: N1/2N1/2

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

Section 11: NE1/4

Section 12

Section 13: E1/2, E1/2NW1/4

Section 24: NE1/4, E1/2SE1/4

(D) Township 18 North, Range 8 West, Seward Meridian Section 4: W1/2

Section 5

Section 6: NE1/4

Section 7: N1/2, SE1/4

Section 9

Section 10: SW1/4

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

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Section 15: W1/2, SE1/4, S1/2NE1/4

Section 16: N1/2, SE1/4

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

Section 23: W1/2, W1/2SE1/4

Section 26: W1/2, W1/2E1/2, E1/2SE1/4

Section 27: E1/2NE1/4

Section 33: SW1/4, S1/2SE1/4

Section 34: S1/2S1/2

Section 35

Section 36: W1/2

(E) Township 19 North, Range 8 West, Seward Meridian

Section 19: W1/2, W1/2E1/2

Section 29: W1/2W1/2

Section 30

Section 31: E1/2, E1/2W1/2

Section 32

(F) 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

(3) Lake Creek State Recreational River

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

Section 3

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

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Section 9: N1/2 Excluding Tracts A and B

Section 10

Section 15

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

Section 4: NW1/4, S1/2

Section 5: N1/2, E1/2SE1/4

Section 9: N1/2, SE1/4, E1/2SW1/4

Section 10: W1/2SW1/4, SW1/4NW1/4

Section 15: W1/2

Section 16: E1/2, E1/2W1/2

Section 21: E1/2

Section 22: W1/2

Section 27: W1/2

Section 28: E1/2

Section 34

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

Section 3: W1/2W1/2

Section 4

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

Section 7: SE1/4, SE1/4NE1/4, E1/2SW1/4

Section 8: S1/2, NE1/4, S1/2NW1/2, NE1/4NW1/4

Section 9: N1/2NW1/4, SW1/4NW1/4, NW1/4SW1/4

Section 17: W1/2, W1/2E1/2

Section 18: E1/2

Section 19: N1/2, SE1/4, E1/2SW1/4

Section 20: W1/2, SE1/4, S1/2NE1/4, NW1/4NE1/4

Section 29

Section 30: NE1/4, E1/2NW1/4, NE1/4SW1/4, SE1/4

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

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Section 22: W1/2

Section 25: SW1/4

Section 26: S1/2

Section 27

Section 28: E1/2, NW1/4

Sections 34 - 35

Section 36: W1/2

(G) Township 25 North, Range 11 West, Seward Meridian

Section 1: E1/2

(H) Township 26 North, Range 10 West, Seward Meridian

Section 31

(I) Township 26 North, Range 11 West, Seward Meridian

Sections 3 - 4

Section 9: E1/2

Section 10

Section 14: W1/2

Section 15

Section 22: E1/2, E1/2NW1/4

Section 23

Section 25: S1/2, NW1/4

Section 26

Section 27: NE1/4

Section 35: NE1/4

Section 36

(J) Township 27 North, Range 11 West, Seward Meridian

Section 6: SW1/4

Section 7

Section 8: SW1/4

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) Krotz 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

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Section 8: NE1/4, E1/2SE1/4

Section 9

Section 15: W1/2

Section 16

Section 21: E1/2, N1/2NW1/4, SE1/4NW1/4

Section 22: NW1/4, S1/2

Section 27

Section 34

(C) Township 21 North, Range 6 West, Seward Meridian

Section 3

Section 9: E1/2SE1/4, SE1/4NE1/4

Section 10

Section 15: W1/2, W1/2NE1/4

Section 16

Section 20: E1/2

Section 21

Section 28

Section 29: E1/2

Section 32: E1/2E1/2, NW1/4NE1/4

Section 33

Section 34: SW1/4

(D) Township 22 North, Range 6 West, Seward Meridian

Sections 4 - 5

Section 6: E1/2, E1/2W1/2

Sections 7 - 9

Sections 16 - 18

Sections 20 - 21

Section 27

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

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Section 15: SW1/4, SW1/4NW1/4
 Section 16
 Section 17: NE1/4, N1/2SE1/4
 Section 21: E1/2, SE1/4SW1/4
 Section 22: NW1/4, N1/2SW1/4, SW1/4SW1/4
 Section 28: E1/2W1/2, E1/2
 Section 33

(H) Township 24 North, Range 7 West, Seward Meridian

Section 6: S1/2, NW1/4
 Section 7
 Section 8: S1/2SW1/4
 Section 16: W1/2, W1/2E1/2
 Section 17
 Section 18: N1/2N1/2, SE1/4NW1/4, S1/2NE1/4,
 N1/2SE1/4, SE1/4SE1/4
 Section 19: NE1/4NE1/4
 Section 20: N1/2
 Section 21: W1/2, SE1/4, W1/2NE1/4
 Section 27
 Section 28: E1/2
 Section 33: NE1/4NE1/4
 Section 34: E1/2, E1/2W1/2, NW1/4NW1/4
 Section 35: W1/2, SE1/4, S1/2NE1/4
 Section 36: SW1/4

(I) Township 24 North, Range 8 West, Seward Meridian

Section 1: E1/2
 Section 12: NE1/4, E1/2SE1/4
 Section 13: NE1/4NE1/4

(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 Section 31: E1/2
- 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 MHWI)

3 Section 32: lands within 150' of MHWI

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 33: W1/2
- 2 (P) Township 27 North, Range 7 West, Seward Meridian
- 3 Section 7
- 4 Section 8: S1/2, NW1/4
- 5 Section 9: W1/2
- 6 Section 16
- 7 Section 17: N1/2, SE1/4
- 8 Section 20: E1/2
- 9 Section 21
- 10 Section 28: N1/2, SW1/4
- 11 Section 29: E1/2
- 12 Section 32: E1/2
- 13 Section 33: W1/2
- 14 (Q) Township 27 North, Range 8 West, Seward Meridian
- 15 Section 12: NE1/4
- 16 (R) Township 28 North, Range 6 West, Seward Meridian
- 17 Section 32: S1/2SE1/4
- 18 Section 33: S1/2S1/2
- 19 (5) Talkeetna State Recreational River
- 20 (A) Township 26 North, Range 3 West, Seward Meridian
- 21 Section 1
- 22 Section 2
- 23 Sections 3 - 6: excluding ASLS 81-196, ASLS
- 24 80-94, ASLS 80-84
- 25 (B) Township 26 North, Range 4 West, Seward Meridian
- 26 Section 1: exclusive of ASLS 79-149
- 27 Section 2: exclusive of ASLS 79-149
- 28 Section 3: exclusive of ASLS 79-149
- 29 Section 4: E1/2, SW1/4 exclusive of ASLS 79-149

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

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Section 18: E1/2, SW1/4

Section 19

Section 20: N1/2, SW1/4

Section 30: W1/2

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

Section 24: E1/2

Section 25

Section 26: SE1/4

Section 31: S1/2

Section 32: S1/2 exclusive of ASLS 79-149

Section 33: S1/2S1/2 exclusive of ASLS 79-149

Section 34: S1/2S1/2 exclusive of ASLS 79-149
and ASLS 76-138

Sections 35 - 36

(F) Township 27 North, Range 4 West, Seward Meridian

Section 36: S1/2SE1/4 exclusive of ASLS 74-78
and ASLS 74-77

(6) Little Susitna 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 23 and 26 in Township 19 North, Range 1 East, Seward Meridian downstream to the point at which the river crosses the section line between Sections 15 and 22 in Township 16 North, Range 5 West, Seward Meridian; the water column of Lake Creek from mean high water mark to mean high water mark, from the point at which the creek crosses the section line dividing Sections 10 and 11, Township 18 North, Range 4 West, Seward Meridian downstream to the confluence with the Little Susitna River; and

(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

Section 16: S1/2

Section 17: S1/2

Section 19: NW1/4, W1/2NE1/4, E1/2SW1/4.

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

Section 19

Section 20: SW1/4, W1/2SE1/4, SE1/4NW1/4,
W1/2NW1/4

Section 28: W1/2NW1/4, NE1/4NW1/4

Section 29: NE1/4

Section 30

(H) Township 18 North, Range 4 West, Seward Meridian

Section 11: SW1/4, SW1/4SE1/4, SW1/4NW1/4

Section 13: S1/2, SW1/4NW1/4

Section 14

Section 24

Section 25: N1/2

Section 26

Section 27: S1/2

Section 33: S1/2, S1/2NE1/4

Section 34

Section 35: NW1/4, W1/2NE1/4

Sec. 41.23.030. GENERAL MANAGEMENT OF RECREATIONAL RIVER. (a)

The land and water within the area designated as a recreational river under AS 41.23.020(c) is assigned to the Department of Natural Resources for multiple use management.

(b) Within two years from the effective date of the designation of a river as a recreational river under AS 41.23.020(c), the commissioner shall, after consultation with appropriate state agencies, 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 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 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 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 41.23.030 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 (b)(1) of this section 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 (b)(1) of this section.

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 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: Alvin 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

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4453/4530

2201 ROOSEVELT DRIVE
ANCHORAGE, ALASKA 99503
(907) 248-4234



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 foot 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

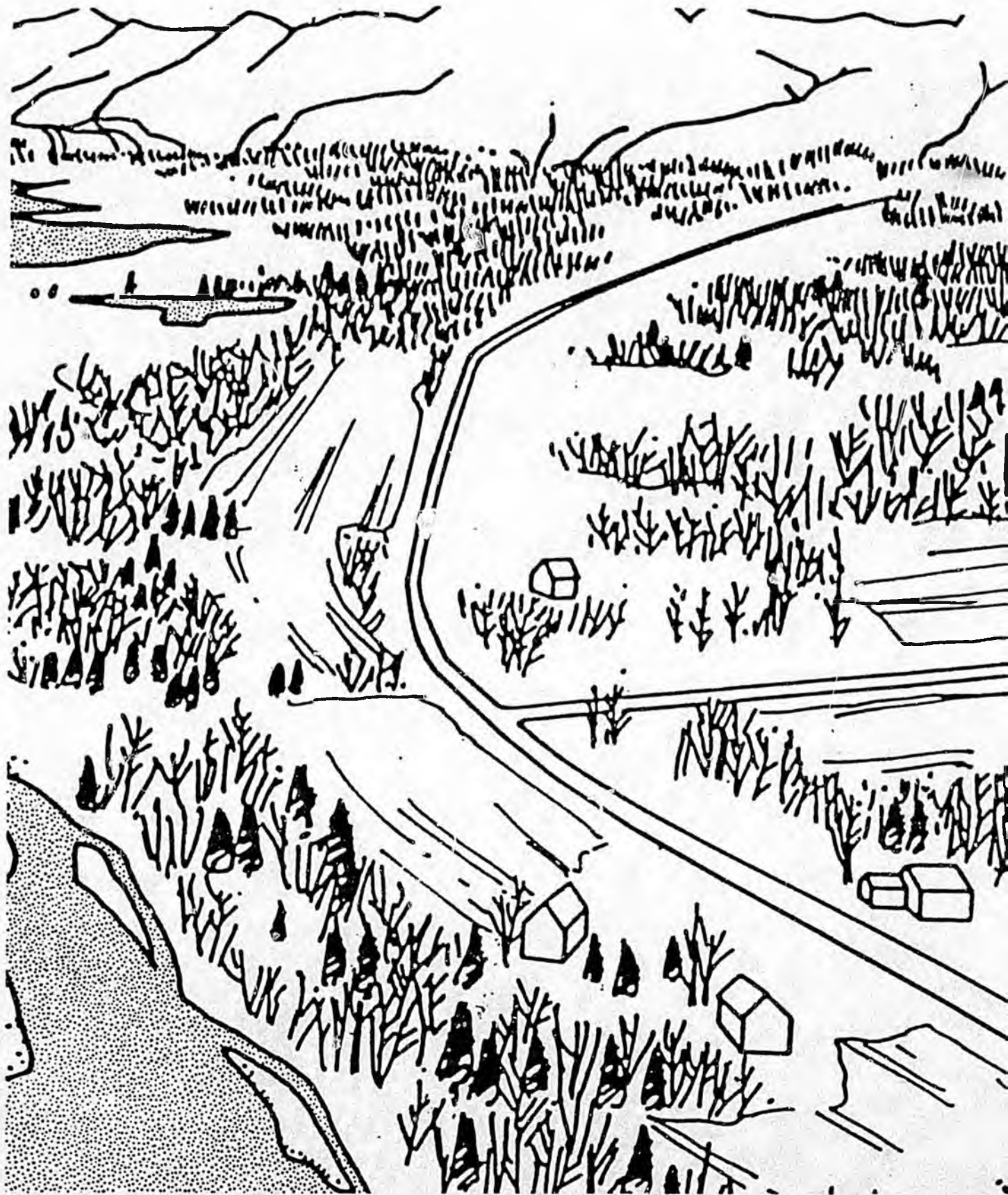
Page 1, line 28 amend to read:

"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.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 26, 1985

SUBJECT: Recreational rivers and lakes
(CSHB 93(Resources))

TO: Representative John Sund

FROM: Richard A. Bradley 
Legislative Counsel

Howard Wayne has asked that I identify for you the areas that would need to be changed in the latest version of CSHB 93 (Res) if the bill moved from "recreational rivers" to "recreational rivers and lakes". The latest draft that I have is dated 3/22 though I expect to start a new one this afternoon.

A copy of that draft is enclosed.

The changes necessary are:

Page 1. Lines 6, 11, 13 - 14, 15, 17, 18, 25, 26, 28.
Page 2. Lines 12, 14, 16, 24.
Page 22. Lines 27, 28.
Page 23. Lines 3(?), 18, 23, 25.
Page 24. Lines 7, 8, 11, 13 - 14, 17, 20, 23.
Page 25. Lines 4, 6, 7, 8, 10, 12, 13, 22.
Page 26. Lines 5, 16, 19, 22, 24, 27.
Page 27. Lines 2, 5, 9.

If I may be of further assistance, please advise.

RAB:lmb
L4/063

Enclosure

DNR AMENDMENT ONE

CSHB 93

March 27, 1985

See also

Add at p. 1, line 27 and renumber section 3 as section 4:

(3) protection and maintenance of water quality and stream
flow; and

DNR AMENDMENT TWO

CSHB 93

March 27, 1985

To include Chelatna Lake (22, 500 acres), and at p. 12, line 17:

T27N R12W S.M.
Sections 1-3
Section 10 N1/2 SE1/4
Sections 11-14
Section 15 NE1/4
Section 23 NE1/4
Section 24 N 1/2

T28N R12W 8.M.
Sections 1-5
Sections 8-12
Sections 13-17
Sections 21-24
Sections 25-28
Sections 33-36

If the Committee wishes to include a smaller area of critical concern (9,800 acres), insert this description instead:

T27N R12W S.M.
Sections 1-2
Sections 3 E1/2 E1/2
Sections 11-13
Section 14 N1/2, SE1/4

T28N R12W S.M.
Section 4 SW1/4
Section 9
Section 10 W1/2, SE1/4
Section 14 SW1/4
Section 15
Section 16 N1/2, SE1/4
Section 21 NE1/4
Section 22
Section 23 W1/2
Section 26
Section 27 N1/2, SE1/4, E1/2, SW1/4
Section 34 E1/2
Section 35
Section 36 SW1/4

DNR AMENDMENT THREE

CSHB 93

March 27, 1985

To include upper portion of the Talkeetna River, add at p. 20,
line 23:

T28N R1E S.M.

Section 2
Section 3 SE1/4
Section 9 SE1/4
Section 10
Section 11 NW1/4, W1/2 NE1/4, W1/2 SW1/4
Section 15 N1/2, SW1/4
Section 16 E1/2 SW1/4
Section 20 SE1/4
Section 21
Section 22 NW1/4
Section 28 N1/2, SW1/4
Section 29 E1/2, SW1/4, SE1/4 NW1/4
Section 31 SW1/4, E1/2
Section 32
Section 33 NW1/4

T28N R1W S.M.

Section 36 SE1/4 SE1/4

T27N R1E S.M.

Section 5 NW1/4
Section 6

T27N R1W S.M.

Section 1
Section 2 S1/2, NE1/4, S1/2 NW1/4
Section 3 S1/2, S1/2 N1/2
Section 4 SE1/4
Sections 7-10
Section 11 N1/2
Section 12 NW1/4
Section 15 NW1/4
Section 16 N1/2
Section 17 N1/2
Section 18 N1/2

T27N R2W S.M.

Section 2 SW1/4
Section 3 S1/2
Sections 10-12



Resource Development Council

for Alaska, Inc.

807 "G" Street, Suite 200, Anchorage, Alaska 99501-3440
 Box 100510, Anchorage, Alaska 99510-0510 - 047276-0700

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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

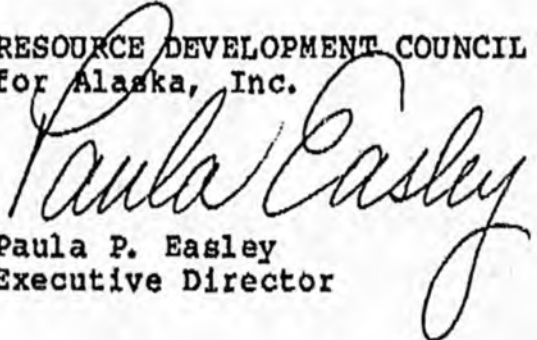
5) The legislation should also address utility and transportation corridors through these areas. Population growth in and around these rivers may necessitate the development of utility and transportation access through these areas. We suggest that these considerations be included as a subsection of the 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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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 printed name and title.

Bill Sheffield
Governor



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

MEMORANDUM

March 21, 1985

TO: RESOURCES COMMITTEE MEMBERS

FROM: Representative Dick Shultz *DS*
Co-Chair, House Resources

SUBJ: HB 93: Recreation Rivers

Please find a copy of the committee substitute for HB 93.

Committee staff has spent numerous hours over the last four weeks working with the Governor's office, the Mat-Su Borough, Representatives: Larson, Cotten, and Pourchot's office to accommodate their concerns.

This bill represents many compromises. The governor's bill in the original form was designed as a limited use park approach to managing certain rivers. This CS sets out a multiple use approach to management with recreation and habitat uses to be considered first and foremost. All other uses must be compatible with these uses if they are to be allowed.

There may remain some areas of minor disagreement surrounding this CS, however, I feel the major concerns of all parties have been addressed on a well balanced basis. I have spoken with Representatives: Larson, Cotten and Pourchot and they are satisfied that we are at a point where we can move ahead with this CS.

It is time to move this legislative on and I would appreciate your taking the time to review this draft as soon as possible in preparation for our upcoming meeting.

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 43
 Title: Recreation Rivers

Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected:
Parks and Outdoor Recreation; 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		56.6	60.0	60.0	60.0	60.0
200 TRAVEL		4.0	1.0	1.0	1.0	1.0
300 CONTRACTUAL		24.0	26.0	26.0	26.0	26.0
400 SUPPLIES		5.0	5.0	5.0	5.0	5.0
500 EQUIPMENT		41.0	4.0	4.0	4.0	4.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		130.6	96.0	96.0	96.0	96.0
CAPITAL		400.0				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		530.6	96.0	96.0	96.0	96.0
FEDERAL FUNDS						
OTHER						
TOTAL		530.6	96.0	96.0	96.0	96.0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Attached.

Prepared By: Peter Paharese
 Division: Parks and Outdoor Recreation

Phone: 265-4517
 Date: January 16, 1985

Approved by Commissioner: [Signature]
 Agency: Natural Resources

Date: January 16, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

State Recreation Rivers - Fiscal Analysis

FY 86

- 100 - Two permanent part-time Park Ranger 1/8 mos.
- 200 - Training and regional coordination
- 300 - Vehicle mileage, refuse collection, janitorial contract
- 400 - Hand tools, maintenance commodities
- 500 - Pickup trucks (2), radios, boat with trailer, zodiac raft, law enforcement equipment such as lights, siren, PA system, handguns

FY 87

Same costs except that equipment purchases would be unnecessary except for additional radio equipment.

Capital expenditures are for road/boat launch/parking at the Little Susitna River.

PROPOSED AMENDMENT TO HB 93
DEPARTMENT OF NATURAL RESOURCES

Delete subsection (b) at p.2, lines 13-14 and replace with the following wording:

(b) Other resource management activities, such as timber harvest, extraction of gravel for public purposes, and provision of access, shall be allowed to occur when designed to be compatible with the purposes set out in (a) of this section.



Alaska Environmental Lobby, Inc.

~~419 6th Street, Suite 328~~ Juneau, Alaska 99801
204 N. Franklin St. Suite 3

907-586-2345

AMENDMENTS TO HB 93 " An Act establishing a system of recreation rivers"

Sec. 41.21.314 (b) (3) delete

Rationale

Since (b) (1) gives the commissioner the ability to "designate incompatible uses and prohibit or restrict them (b) (3) is redundant. At some point and in some areas "extraction of sand and gravel for public purposes and the harvest of forest products" could be determined incompatible use.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB
ALASKA WILDERNESS GUIDES ASSOCIATION • ANCHORAGE AUDUBON SOCIETY,
ARCTIC AUDUBON SOCIETY • DENALI CITIZENS' COUNCIL • FRIENDS OF THE EARTH
JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY • KENAI AUDUBON SOCIETY
KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • NORTHERN ALASKA ENVIRONMENTAL CENTER
SITKA CONSERVATION SOCIETY • SOUTHEAST ALASKA CONSERVATION COUNCIL

STATEMENT OF ROBERT D. ARNOLD
DEPUTY COMMISSIONER, DEPARTMENT OF NATURAL RESOURCES
IN SUPPORT OF HB 86
(Willow Creek State Recreation Area)
AND HB 93
(State Recreation Rivers)

HOUSE COMMITTEE OF RESOURCES
February 1, 1985

Representative Herrmann, Representative Shultz, and members of the Committee, I am Robert Arnold, Deputy Commissioner of the Department of Natural Resources. I am pleased to appear before you today to testify in support of HB 86 and HB 93, both introduced at the request of Governor Sheffield. These bills, which would establish the Willow Creek State Recreation Area and create a new state recreation rivers system with the Little Susitna River as its first component, are very important pieces of legislation that will help meet recreation demands in southcentral Alaska and reduce the potential for resource damage that could result from an absence of recreation management.

As the Governor noted when he transmitted HB 93 to the Speaker of the House, Alaskans are among the most active hunters, anglers, campers, boaters, and hikers in the United States. To meet their growing needs, the Governor last year sponsored legislation to protect the Kenai River -- legislation that was enacted and has already resulted in the inauguration of planning and management for one of Alaska's finest rivers. Recreation use of the Kenai River has doubled in the past four years, and this increased use has diminished the recreation experience for many Alaskans and has resulted in some damage along the river itself.

Both of the bills that you are considering today will help meet current recreation needs, protect valuable resources for the future, and provide for the growing recreation demands of southcentral Alaskans. And both of the legislative proposals have resulted from a public planning process for state and borough lands in southcentral Alaska.

Let me now address each of the bills in turn.

HB 93 - Recreation Rivers

In October of 1982, the Department of Natural Resources adopted the Willow Subbasin Plan with the support of the Matanuska-Susitna Borough (Resolution 82-17). The Plan affected about a million acres of high-value resource lands in the Little Susitna and Willow basins. Among its findings were the recommendations that the Little Susitna be closed to mineral entry and that the corridor be managed "to maintain and enhance the recreation/habitat resources along the Little Susitna River." This primary designation for recreation and habitat uses was paired with a secondary designation for forestry.

Since the adoption of the Willow Subbasin Plan, we have also conducted a planning process for state and borough lands in the Susitna basin. This plan should be finished a month from today, after three years of public participation -- including over 40 public meetings and incorporation of comments and suggestions from hundreds of citizens and from agency and borough staff. The Susitna Area Plan, like the Willow Subbasin Plan, will identify some rivers that should be managed primarily for their recreation and habitat values.

With this groundwork done by the public, state agencies, and the Matanuska-Susitna Borough, we have prepared legislation to establish a recreational rivers system that will first include the Little Susitna River, and later can be amended to include rivers in other areas of the state.

There are several points that I wish to make about this proposed legislation.

First, recreation rivers must be managed primarily for recreation and habitat values, but should also be available for other resource uses, including forestry, gravel extraction for public purposes, and provision of access, when these activities are compatible with recreation and habitat management.

It has been clear throughout our planning processes and from our contact with local governments and the public that recreation and habitat values are dominant in these river corridors, but that other resource values are also important. River corridors are some of the state's best lands: they are accessible and strategically located. To preserve them without opportunities for resource management and use would contradict the public intent found in our planning processes and could unreasonably prevent uses that can be compatible with recreation and habitat management.

Because the current language may be considered ambiguous in this regard, we will be recommending that the purposes section of the bill be amended to clarify that resource management activities are clearly allowed when compatible with recreation and habitat management purposes and to identify what sorts of resource management activities are envisioned. The same considerations are adequately treated later in the management planning section of the bill, but we are concerned that the purposes section be very plain. The proposed amendment has been provided to your staff for consideration in future mark-ups or workshops on the bill.

Second, because management planning for these rivers will be of concern to members of the public and other state and local agencies, I will outline for you the management planning process that the Department will conduct for these rivers.

As presented, the bill requires the commissioner to develop and adopt a comprehensive management plan for each recreation area through a public process in consultation with affected state, local, and federal agencies. In carrying out this statutory responsibility -- which includes the requirement that the plan establish long-term policies for habitat, recreation, and development management -- the commissioner will assign the Division of Parks and Outdoor Recreation to conduct the planning process.

This Division is the state's leading recreation management agency and has been conducting the public, interdisciplinary planning process for the Kenai River Special Management Area. The management plans for recreation rivers will be developed in a similar manner: the Division will conduct the planning in close coordination with an interagency planning team and broad public participation. Controversial resource management decisions will be elevated to the commissioner for decision.

It is important at this time to emphasize that the dedication of these rivers to the state parks system, on lines 28-29 of page 1, does not make them state parks dedicated for single use. The lands are "assigned to the department for control, maintenance, and development" at lines 4-5 on page 5, and we expect them to be managed generally for their various resource values, as long as the resource management is consistent with management planning and recreation and habitat management.

Third, the legislation will affect only state lands, as shown at lines 16-17 on page 2 of the bill. Borough and private lands will not be affected by the designations or by the management planning unless the Borough decides that these lands should be included. If such an agreement is possible now, this legislation could be amended to accommodate the Borough. Another possible approach would be for the State and the Borough to cooperate in recreation rivers management by a memorandum of understanding.

Fourth, this bill does not include a number of other candidate rivers that have been considered for inclusion in the recreation rivers system. Planning for these other rivers has taken place in the Tanana Basin Area Plan and the Susitna Area Plan, which are in their final draft stages. Although we have a general idea of which rivers will eventually be included in the system, we do not wish at this time to anticipate completion of the plans by submitting them in the legislation.

Several legislators have indicated interest in sponsoring amendments to include other rivers affected by these not yet adopted plans; if such amendments come before you, we will have to remain neutral on their passage. When the Susitna and Tanana plans are complete, the Governor intends to bring forward amendments that will add appropriate rivers to the new system.

The proposed legislation to create a recreation rivers system and designate the Little Susitna as Alaska's first recreation river deserves your support. The bill will provide special attention to the recreation needs of our citizens and will establish a solid foundation for management of important lands and waters.

I will now turn briefly to discussion of the other piece of legislation before you -- HB 86, establishing the Willow Creek State Recreation Area.

HB 86 - Willow Creek State Recreation Area

Since the completion of the Willow Subbasin Plan, which allowed for the eventual establishment of the Willow Creek State Recreation Area, there has been a great deal of cooperative planning by the Matanuska-Susitna Borough and the Division of Parks and Outdoor Recreation. Neil Johannsen, the Director of the Division, is here today to address this proposed designation.

The proposal is to create a state recreation area encompassing about 3,500 acres of state land. Eventually, this area should be developed to include roads and a major facility for camping, boating, hiking, and other recreation activities; the Governor's proposal has been to fund design and engineering for this facility in the coming year and to fund its construction in the following two years. At this point, knowing that revenues are declining, we are unable to recommend any more capital funding than just this portion.

Summary

In a Southcentral Recreation Action Plan presented to Governor Sheffield at his request in December, the Departments of Natural Resources and Fish and Game presented a number of proposed actions that would help meet the growing demand for recreation opportunities in southcentral Alaska. The measures before you today were included in this proposed action plan, but we consider them of statewide significance: the new recreation rivers system provides a new opportunity for special management of appropriate river corridors, and the proposed Willow Creek facility will serve all Alaskans by providing for more recreational opportunity in the southcentral area.

The fiscal impacts of these proposed measures are small, especially when considered with the benefits for Alaskans. As the State of Alaska continues to gain land from its statehood entitlement -- and our ownership has doubled to over 80 million acres in the past four years alone -- we need to give more attention to the special needs of our citizens and the special values of our lands. In this case, we have done so with a large measure of public participation, and our proposed legislation reflects much careful discussion and crafting.

On behalf of the Sheffield administration and the many Alaskans who would benefit from the passage of these pieces of legislation, I urge your support for both HB 86 and HB 93. I am available for questions if members of the Committee would like to discuss them.

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, Earce, and Jenkins)
Commissioner Wunnicke (DNR)
Commissioner Collinsworth (DF&G)
Paula Ziegler (LWVAK President)