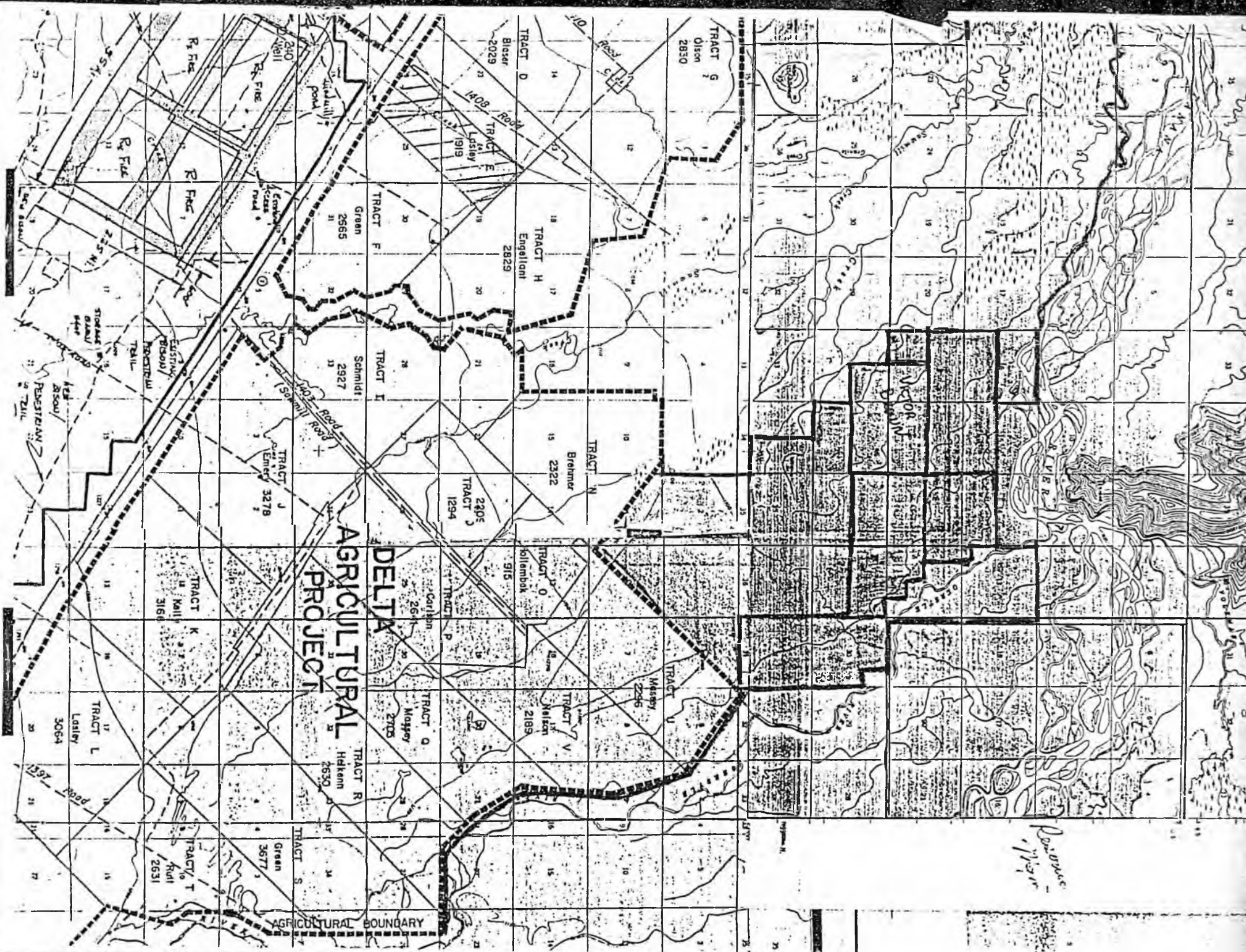


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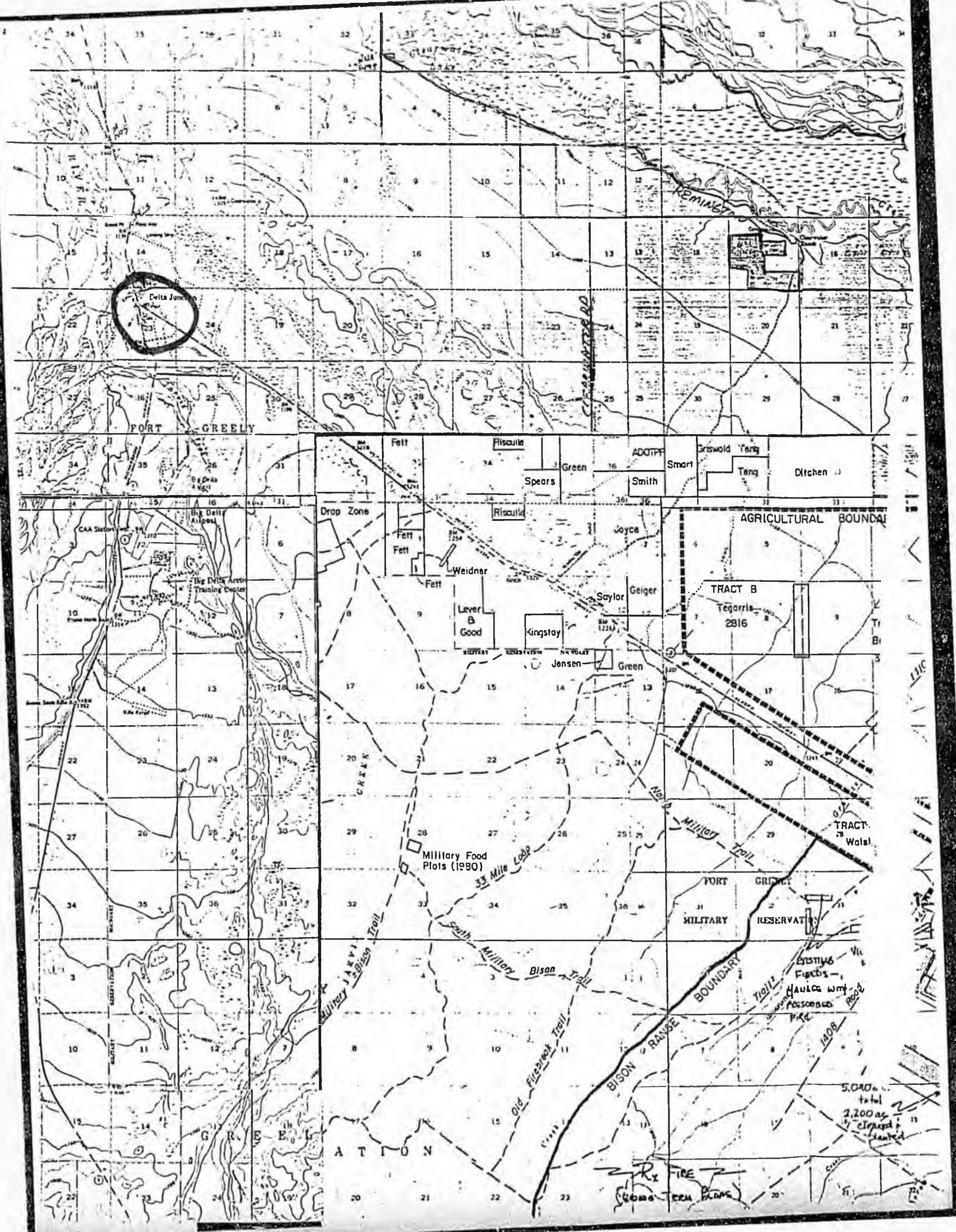


**DELTA
AGRICULTURAL
PROJECT**

AGRICULTURAL BOUNDARY

NEON

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WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

April 10, 1991

The Honorable Lloyd Jones, Chair
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Jones:

Subject: SB 198, which establishes the Delta Clearwater Public Use Area.

Position: We have asked the Legislature to place an informal moratorium on the establishment of new legislative designations, including this one, until the state's final land selection project is completed. Some of the area recommended for designation as a public use area in this bill was recommended for a recreational river designation during the planning process. However, since the area is already being managed to maintain and enhance water quality, fish and wildlife habitat, and recreational resources, a legislative designation at this time is not necessary.

Background: The Tanana Basin Area Plan recommends that the Delta/Clearwater River corridor, its headwaters and surrounding wetlands be designated as a State Recreation River. The special designation is proposed to retain the area in state ownership and maintain the water quality, fish and wildlife habitat, and recreational resources of the river.

The plan states that until the Legislature takes action on the proposed legislative designation, the area will be managed according to the guidelines and recommendations attributed to the area in the planning document.

The legal description for land and water to be designated a public use area in this bill exceeds that recommended in the plan. This bill would include land offered in several former agricultural disposals as well as land proposed for future disposals within the designated area. It would also include portions of the bison range and the state forest in the new public use area.

Recommendation: Defer action on this bill until January, 1994. If action is taken in the future, work with the department to amend the legal description to more closely match the plan recommendations and adjust the language in certain sections of the bill.

Please let me know if you need additional information about this matter.

Sincerely,

Harold C. Heinze

Harold C. Heinze
Commissioner

enclosure

cc: Senator Shultz
Bruce Kendall, Legislative Liaison, Office of the Governor
Carl Rosier, Commissioner, Department of Fish and Game

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

BILL NO. SB 198

Revision Date: _____ Department Affected: Natural Resources
 Title: Delta Clearwater Special BRU: Land & Water Management
Use Area Components: Land & Water Management
 Sponsor: Senator Shultz
 Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS:	(Attach a separate page if necessary)
See Attached	

Prepared by: Gary Gustafson Phone: 762-2692
 Division: Land & Water Management Date: 8-Apr-91

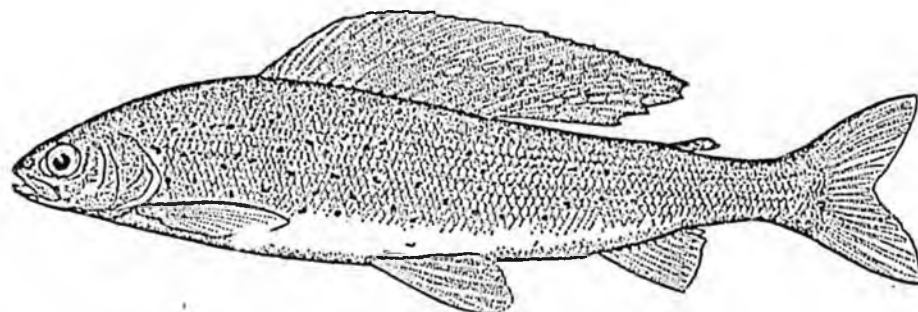
Approved by Commissioner: Harold Heinze Date: 8-Apr-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
 & Impacted Agency(ies).

DRAFT

LEGISLATIVE PROPOSAL:

"RECREATIONAL RIVER CORRIDOR"
FOR THE
DELTA CLEARWATER RIVER



February, 1990

DRAFT

February, 1990

The Delta Junction Fish and Game Advisory Committee, concerned groups, and citizens recommend that the Alaska State legislature designate a special management area for the Delta Clearwater River (DCR); to protect water quality, Aquatic and terrestrial habitat, and maintain the high recreational value to the State of Alaska.

The purpose is to provide habitat protection and management responsibility for the DCR corridor, including all spring fed tributaries. Alaska Statutes (Chapter 23, Article 2, Section 41.23.440) prescribes a comprehensive management plan for rivers valued by recreational users.

Examples of "Recreational River": management practices are:

- Protect, maintain, or enhance the fish and wildlife habitat and water quality of the river.
- Identify and manage recreational values.
- Establish guidelines and restrictions for development and commercial recreation.
- Allow access to public and private lands within the corridor.

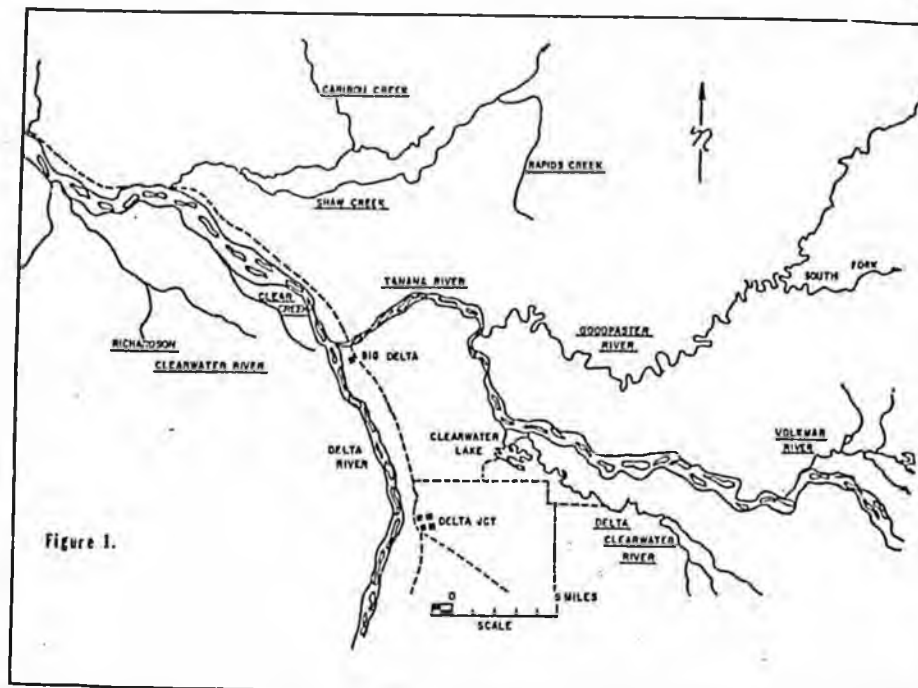
IMPORTANCE OF THE DCR:

The DCR (see figure 1) is one of the largest Arctic grayling fisheries in the interior of Alaska. The average size of DCR grayling is larger than other high use and accessible fisheries, such as the Chena, Salcha, and Chatanika Rivers. The DCR only 20 miles in length, is one of four crystal clear spring fed systems in this area and is the only one with good public access. Spring water at a constant temperature and flow contributes 100% to the 760 cubic feet per second discharge. The purity and slow flow of this spring fed system lends itself to high production of plants and aquatic invertebrates. The continued health of the Arctic grayling fishery is dependent upon this abundant food source.

The DCR also has the largest spawning run of silver salmon in the Yukon River Drainage. In recent years, a combination of large runs and high escapements through the lower Yukon River commercial fisheries, have doubled the number of silver salmon into the DCR. With more fish, a new and growing silver salmon sport fisheries has developed. In 1988, 1,300 silver salmon were harvested. Survival of young silver salmon which rear in fresh water for at least two years will depend on high production in a limited aquatic habitat.

February, 1990

DRAFT



The DCR is also popular for other recreational uses such as wildlife viewing, hunting, and photography. Many people enjoy floating the river eight miles from the State Park campground to Clearwater Lake. Much of this section of river has ascetically pleasing scenic qualities.

ECONOMIC VALUE OF THE DCR SPORT FISHERIES:

Collection of harvest information by the Department of Fish and Game since 1977 indicates that an average of 5,150 Arctic grayling are harvested by 6,340 anglers each year. In 1985, a economic survey on DCR fishermen by the Department of Fish and Game (Sport Fish Division), determined that actual fishing expenditures was in excess of \$650,000. The value of the equipment used to catch these fish exceeded two million dollars.

HABITAT DESTRUCTION A MAIN CONCERN FOR THE DCR:

Agriculture, military, and Delta Bison Range development within the DCR corridor has presented serious threats to water quality.

February, 1990

Before agricultural development; bogs, mats of moss, and forest vegetation filtered silt laden runoff from the Granite Mountain Drainage. Stripping of this protective covering for crops, has exposed the DCR to siltation.

DRAFT

Siltation is a major concern, siltation will:

1. Reduce habitat for aquatic plants and insects by filling spaces between gravel and covering moss beds, thus reducing food for fish.
2. Remain in the system, because of the inability of slow moving water to flush the sediments.
3. Reduce aquatic habitat for resident fish and spawning coho salmon.
4. Suspended particles serve as transport sites for agricultural pollutants such as herbicides, pesticides, and pathogens.

Prior to 1982, no siltation was ever documented in the DCR. A natural buffer of marsh and bog surround the headwater springs, absorbed silted runoff. However, with the development of the Delta Barley Project, lands surrounding the DCR headwaters were cleared beginning in 1978. By 1982, lands within a quarter mile of this buffer zone was either cleared or in crops.

Since 1982, five events of high runoff has caused organic staining in the DCR. High runoff events and spring snow melt have eroded agricultural land and deposited silt in the buffer zone. The water saturated buffer zone filtered sediments, however, organic materials (tannins) leached through the buffer and into the DCR.

Flood events have merged several creeks in the Granite mountains into a single channel. Access roads and trails from the Delta Bison Range and military development compounded the problem. These floods cross the Alaska Highway, erode cultivated lands, and deposit silt in the buffer zone. The silt laden flood waters, will eventually destroy the buffer's ability to filter the sediments by filling it in.

On June 27, 1989 a severe flood event over the Granite Mountains caused flooding that washed out sections of the Alaska Highway and exceeded the buffer zone's ability to filter sediments. The resulting turbidity of the DCR water was similar to that of the glacial silted Tanana River for nearly a week. Fortunately, the silt entering the DCR consisted of fine clay particles that remained suspended; only small amounts of sediment settled out. Damage from siltation of the Buffer zone is not known. Future flooding

events, even on a lesser scale, will pose a greater threat of siltation.

Other concerns relating to habitat include:

- Large river boats contribute additional siltation from bank erosion, dislodge aquatic moss and plants from the river bottom, disrupt quality of fishing downstream of traffic, and poses a safety threat on a relatively narrow river.
- Eutrophication from nitrates and phosphates leached into the DCR from commercial fertilizers applied to cultivated lands.
- Toxicity of pesticides¹ and herbicides from cultivated lands.
- Proper land management attention is needed to provide a compatible relationship between farming and protection of the river.

CURRENT MANAGEMENT OF THE DCR:

No one agency has the authority to manage the DCR and address all the above mentioned concerns. For example, the Fish and Game Advisory committee have formally called upon state agencies for preventative measures, such as flood control, but no one agency was completely responsible or had the power to do something.

Various agencies have collected specific information for management. Studies by the Soil Conservation District provided recommendations to control flooding. Alaska Department of Environmental conservation have collected water quality information. Department of Fish and Game has collected biological information to manage the sport fishery. Parts of the puzzle are there, however an overall management perspective is lacking.

1EFFECTS OF PESTICIDES: Drift spray and seasonal runoff occurring after application of Malathion and Carbaryl pesticides near the DCR may temporarily destroy populations of aquatic invertebrates. In recent years grasshopper control in Delta has been difficult because of a continuous hatch during the summer months. Because Malathion (predominantly used) has such a short life (48 hours) farmers had to spray twice weekly to kill grasshopper hatches and recruits from untreated lands. Outbreaks of grasshoppers are expected to occur again in 1990, and extensive pesticide applications on farmed lands is expected.

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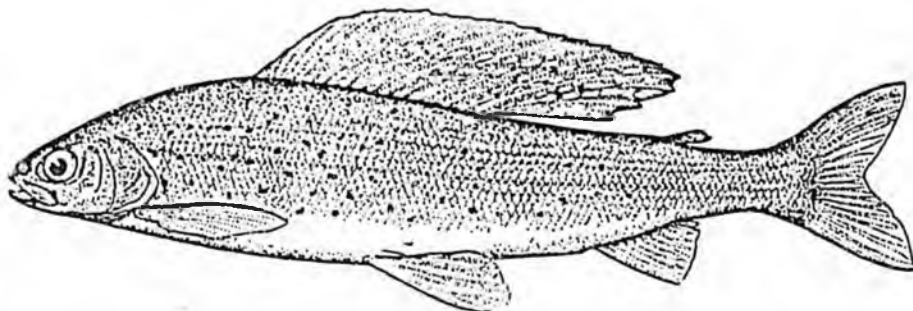
February, 1990

A management plan developed under the auspices of a land manager and advisory board, prescribed in the "Recreational River" legislation, would ensure the needed attention to the concerns of this unique river.

Without corrective measures and proper management, QUALITY OF THE AQUATIC HABITAT WILL DECLINE with each flood event, continuing land development, and increased recreational use.

DELTA CLEARWATER RIVER

INFORMATIONAL PACKET



DECEMBER 1990

DELTA CLEARWATER RIVER

DECEMBER 1990

JAMES F. PARKER
AREA MANAGEMENT BIOLOGIST
ALASKA DEPARTMENT OF FISH AND GAME
SPORT FISH DIVISION

INTRODUCTION

The quality of aquatic habitat and water is directly related to the recreational value of the Delta Clearwater River.

Sport fisheries comprise more than 80% of the recreational use of the Delta Clearwater River (DCR).

Alteration of this unique habitat could detrimentally affect the sport fishery as well as other recreational opportunities.

I. CHARACTERISTICS OF THE DCR:

A. HABITAT:

- * The DCR is entirely spring fed and crystal clear; approximately 20 miles in length, which is relatively short for a large recreational fishery.
- * The DCR maintains a constant cool temperature which is preferred by adult Arctic grayling.
- * Water clarity and low current velocities of a spring fed system (760 cfs) are conducive to growth of aquatic plants (mosses and algae). The aquatic growth in turn provides habitat for abundant populations of aquatic invertebrates.
- * Mineral rich spring water, unique to high productivity.
- * The bottom substrate of the river is primarily gravel.

B. RECREATIONAL:

- * Primary use of the DCR is sportfishing.
- * Fishery began in the 30's with the military establishment at Rikas landing. Homesteads along the

round whitefish in the DCR may be affected. Poor fishing may result.

B. SILVER SALMON:

- * Largest known spawning tributary in the Yukon Drainage.
- * Growing sport fishery, nearly 1,300 silver salmon taken in 1988. 77% of the Tanana River Drainage Silver salmon harvest comes from the DCR.
- * Rearing Silvers occupy the river at least two years before migration to the sea as smolts.

C. ECONOMIC VALUE OF THE SPORT FISHERY:

In 1985 the Sport Fish Division mailed out a survey to DCR anglers requesting economic information for trips on which sport fishing occurred. Responses indicate sport fishing occurred on 82% of the trips.

- * The value of all equipment used at the DCR in 1985 is estimated to exceed two million dollars.
- * Total expenditures for sport fishing trips to the DCR in 1985 exceeded \$650,000.
- * Gross economic value (the willingness to pay and sell a sport fishing trip on the DCR) in 1985 is estimated at between \$0.9 and \$1.3 million dollars.

III CONCERNS FOR THE DCR:

A. CHANGING USE PATTERNS:

- * Increasing recreational use, especially when coho salmon are present.
- * A trend towards increasing recreational use of the upper river where grayling exploitation and habitat is vulnerable to disturbance.

B. THREAT OF SILTATION:

- * Because of the slow current flows of the DCR, sediments are not easily flushed out.
- * Flooding events in the Granite Mt. watershed and associated erosion may be filling the bog buffer zone surrounding the head waters.

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- * Because of the slow current flows of the DCR, sediments are not easily flushed out.
- * Flooding events in the Granite Mt. watershed and associated erosion may be filling the bog buffer zone surrounding the head waters.

- * Each new flooding event brings more siltation closer to the river. There is a greater potential to push sediments further towards the river just from normal rainfall and snow melt.
- * Recreational use contributes silt through bank erosion; cumulative effect may be damaging.

C. DEVELOPMENT:

- * Potential chemical influence from agricultural run-off, consisting of pesticides, herbicides, fertilizer, and animal waste.
- * Contribution of human wastes, from private or commercial establishments.

IV. OBJECTIVES FOR RIVER MANAGEMENT:

- * Maintain water quality.
- * Maintain aquatic habitat.
- * Provide for levels of recreational use consistent with maintaining quality aquatic habitat.
- * Minimize or eliminate adverse effects from development around the river.
- * Provide for diversity of recreational opportunity.

V. RECOMMENDED ACTIONS:

- * Implement protective measures for flooding events as described in the "Granite Mt. - Clearwater Creek Water Quality Planning Project Report and Recommendations".
- * Agricultural Lands affected by Granite Mt. flooding north of the Alaskan Highway, should be set aside for greenbelts and sediment settling ponds. Those areas that currently are not suitable for farming.
- * A water quality monitoring program should be in place that would provide timely and consistent measurements.

VI. RECOMMENDED SOLUTIONS:

Several options are available which individually or in combination with others, could be used to protect and preserve the Delta Clearwater River. The following are some of the possible solutions. This list is not complete nor does the Department endorse any particular option.

- * Intensive land use controls without legislative designation. This would allow DNR to propose special areas (i.e. DCR Watershed Area) which can be incorporated into the Tanana Valley Basin Plan, or "within house," that would give a higher level of scrutiny to land activities that occur within the watershed area. This would apply to land use only.
- * Legislative Recreational River Corridor Designation. The purpose is for the management, protection, and maintenance of fish and wildlife populations and habitat for the river corridor (See attached statute for Six Recreational Rivers). The Commissioner of Natural Resources will appoint a corridor manager, who will submit a management plan, upon public approval, to the Commissioner. Only State-owned lands can be incorporated into the corridor.
- * Legislative ADF&G special use areas. These are special use areas such as the Bison Range and the proposed Critical Habitat area for the Clearwater Lake. Such designations impose restrictions on the use of lands so designated.

**ALASKA LAND ACREAGE SUMMARY
DECEMBER 31, 1989**

	<u>Millions of Acres</u>	<u>% of Total</u>
<u>Total Land Alaska</u>	<u>367.7</u>	<u>100.0%</u>
<u>State Land Entitlement</u> ¹	<u>105.8*</u>	<u>28.8%</u>
Selected Land ² (includes overselection)-----	25.1	
Tentatively Approved ²	49.8	
Patented ²	35.1	
<u>Private Land Owned by Individuals</u> ³	<u>5.0*</u>	<u>1.4%</u>
<u>Native Corporation Land Entitlement</u> ⁴	<u>43.7*</u>	<u>11.9%</u>
Selected Land (includes overselection)-----	35.0	
Interim Conveyed or Patented ⁵	35.8	
<u>Total Federal Land</u>	<u>217.7*</u>	<u>59.2%</u>
<u>National Park System</u>	<u>51.0**</u>	<u>(13.9%)</u>
(Parks Acreage also within the National Wilderness Preservation System: 32.4) ⁶		
Parks/Monuments Established Prior to 1980 ⁷ ---	7.5	
Parks/Monuments Established in ANILCA ⁶ ---	24.6	
Preserves Established in ANILCA ⁶	18.9	
<u>U.S. Fish and Wildlife System</u>	<u>76.0**</u>	<u>(20.6%)</u>
(Refuge Acreage also within the National Wilderness Preservation System: 18.6) ⁶		
Refuges Established Prior to ANILCA ⁸	22.3	
Refuges Established in ANILCA ⁶	53.7	
<u>U.S. Forest System</u>	<u>23.2**</u>	<u>(6.3%)</u>
(Forest Acreage also within the National Wilderness Preservation System: 5.4) ⁶		
Forests Established Prior to ANILCA ⁹	19.8	
Forests Established in ANILCA ⁶	3.4	
<u>Bureau of Land Management</u>	<u>65.0**</u>	<u>(17.7%)</u>
National Petroleum Reserve-Alaska	22.4	
Areas Established in ANILCA ⁶		
Conservation & Recreation Areas	2.2	
Nat'l Wild & Scenic Rivers System	1.5	
Other Alaska Land (Public Domain)	38.9	
<u>Military Land</u> ¹⁰	<u>2.5**</u>	<u>(0.7%)</u>

Note: Because of unresolved overlaps between state and Native selections and various federal designations and because state entitlement land may be disposed of to private owners, the sum of subtotals exceeds the statewide total.

*Figures add to statewide total.

**Figures add to federal total.

For Future Information.

Respectfully,

Bruce Kendall

Bruce B. Kendall, Sr.
Legislative Liaison to
Governor Mickel

SOURCES: 1. Alaska Statehood Act P.L. 85-508 (January 3, 1959)

General Grant Sec. 6(b) -----	102,550,000
Community Grant Sec. 6(a) -----	400,000
Community-National Forest Sec. 6(a)-----	400,000
Territorial Grants -----	1,200,000+
School Land Settlement P.L. 96-487-----	75,000
Other Federal Grants P.L. 94-204-----	1,200,000+

2. Monthly Land Activity Report, Department of Natural Resources. Selected land figure includes unresolved overlap with Native land selections and federal withdrawals.
3. Represents federal, state, and municipal land disposals including an estimated 500,000 acres to be conveyed to individual Alaska Natives under the Native Allotment Act of 1906.
4. Alaska Native Claims Settlement Act P.L. 92-203 (December 18, 1970).
5. U.S. Bureau of Land Management, Division of Conveyance Management.
6. Alaska National Interest Lands Conservation Act P.L. 96-487 (December 2, 1980).
7. U.S. National Park Service, Department of Interior.
8. U.S. Fish and Wildlife Service, Department of Interior.
9. U.S. Forest Service, Department of Agriculture: Chugach Forest, 4.6 million; Tongass Forest, 15.2 million.
10. Public Land Statistics, Bureau of Land Management, 1977.

Prepared By

Alaska Department of Natural Resources
Division of Land and Water Management
Land and Resources Section

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

DATE: 3/13/91

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: _____

Resources Committee considered SB 198

Establishing the Delta Clearwater Public Use Area; efd.

and recommended:

- replace with _____ CS same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chair: Signature and Recommendation

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

April 10, 1991

The Honorable Lloyd Jones, Chair
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Jones:

Subject: SB 198, which establishes the Delta Clearwater Public Use Area.

Position: We have asked the Legislature to place an informal moratorium on the establishment of new legislative designations, including this one, until the state's final land selection project is completed. Some of the area recommended for designation as a public use area in this bill was recommended for a recreational river designation during the planning process. However, since the area is already being managed to maintain and enhance water quality, fish and wildlife habitat, and recreational resources, a legislative designation at this time is not necessary.

Background: The Tanana Basin Area Plan recommends that the Delta/Clearwater River corridor, its headwaters and surrounding wetlands be designated as a State Recreation River. The special designation is proposed to retain the area in state ownership and maintain the water quality, fish and wildlife habitat, and recreational resources of the river.

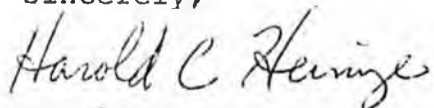
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Recommendation: Defer action on this bill until January, 1994. If action is taken in the future, work with the department to amend the legal description to more closely match the plan recommendations and adjust the language in certain sections of the bill.

Please let me know if you need additional information about this matter.

Sincerely,

A handwritten signature in cursive script that reads "Harold C. Heinze".

Harold C. Heinze
Commissioner

enclosure

cc: Senator Shultz
Bruce Kendall, Legislative Liaison, Office of the Governor
Carl Rosier, Commissioner, Department of Fish and Game

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 198

Revision Date: _____ Department Affected: Natural Resources
 Title: Delta Clearwater Special BRU: Land & Water Management
Use Area Components: Land & Water Management
 Sponsor: Senator Shultz
 Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)
 See Attached

Prepared by: Gary Gustafson Phone: 762-2692
 Division: Land & Water Management Date: 8-Apr-91
 Approved by Commissioner: Harold Heinze Date: 8-Apr-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

M E M O R A N D U M

April 12, 1991

SUBJECT: Senate Bill 108, establishing the Delta Clearwater Public Use Area -- sectional analysis

TO: Senator Lloyd Jones, Chair
Senate Resources Committee

FROM: Jack Chenoweth
Legislative Counsel

The measure sets aside state land located "within the Delta Clearwater watershed" encompassed in the townships set out in proposed AS 41.23.198 as the Delta Clearwater Public Use Area. The material is codified as AS 41.23.180 - 41.23.199. If enacted, the measure would establish the state's fifth land reservation that is statutorily designated as a "public use" area.

Bill section 1 adds eight codified sections to establish the Delta Clearwater Public Use Area --

Proposed AS 41.23.180 enumerates reasons that the area is set aside as a public use area.

Proposed AS 41.23.183 assigns management of the resources of the new public use area to the Department of Natural Resources. It directs the commissioner to prepare and propose a management plan, sets out the intended content of that management plan, provides opportunity for public comment to the proposed plan, and directs submittal of the plan for legislative review. The plan takes effect unless rejected by act of the legislature. Revisions of the plan are to be handled in the same manner. The section directs that, as to the preparation of the initial plan and to any revisions, public hearings must be held in Delta Junction. The section also authorizes the commissioner of natural resources to adopt implementing regulations.

The topic of managing the public use area is addressed in proposed AS 41.23.186. The section authorizes the commissioner to enter into an agreement with the local management board to manage the area. It also specifies that the Department of Fish and Game has responsibility for management of the area's wildlife and fisheries

Senator Lloyd Jones

April 12, 1991

Page 2

resources, the management to be consistent with the statement of the area's purpose. Traditional access is guaranteed, consistent with the statement of the area's purpose.

Proposed AS 41.23.189 enumerates three specific prohibitions relating to the area: (1) Acquisition of land by eminent domain is not authorized. (2) The unit may not be managed as a state park. (3) The commissioner may not limit sport and subsistence activities in the area if those activities are allowed by a regulation of the Board of Fisheries or Board of Game.

Proposed AS 41.23.192 permits the commissioner of natural resources to prohibit or restrict uses within the area that are incompatible with the area's management plan, and spells out specific steps to be taken in the event the commissioner determines that a use is incompatible.

Proposed AS 41.23.195 establishes a ten-member (seven voting members; three non-voting members) Delta Clearwater Management Board, specifies the board's composition, outlines its organization, and sets the members' terms. It explicitly prohibits payment of salary or reimbursement of travel and per diem for voting members, but makes an exception for certain activities of the person who chairs the board. The section authorizes the board to make its own rules and regulations. It relieves the voting members of liability for their decisions. Significantly, the measure spells out the relationship between the management board and the commissioner of natural resources with respect to decisions made by the commissioner in the management of the resources of the Delta Clearwater Public Use Area: a unanimous decision of the voting members may require the commissioner to reconsider the decision.

Proposed AS 41.23.198 identifies the geographic area within which the Delta Clearwater Public Use Area is to be established.

Proposed AS 41.23.199 sets out a necessary definition.

Bill section 2 serves to set the terms of office of the members of the Delta Clearwater Management Board who are first appointed.

Bill section 3 gives the measure an immediate effective date.

JBC:lmb
91-110.lmb



Alaska State Legislature

SENATOR DICK SHULTZ

P.O. Box V
Juneau, Alaska 99811
(907) 465-4940
Home: P.O. Box 487
Tok, Alaska 99780

Member
Finance Committee
Transportation Committee
Special Committee on Oil & Gas

Senate
District J

MEMORANDUM

District 17

ALCAN BORDER
ANDERSON
BIO DELTA
BOUNDARY
CANTWELL
CHICKEN
CHISTOCHINA
CLEAR
COPPER CENTER
DELTA JUNCTION
DENALI PARK
DOT LAKE
DRY CREEK
EAGLE
EAGLE VILLAGE
GAKONA
GLENNALLEN
GULKANA
HEALY
HEALY LAKE
KENNY LAKE
MENDELTA
MENTASTA LAKE
NABESNA
NELCHINA
NENANA
NORTHWAY
PAXSON
SLANA
TANACROSS
TAZLINA
TETLIN
TOK
TOLSONA
TONSINA

TO: ALL SENATORS
FROM: SENATOR SHULTZ *DS*
DATE: MARCH 12, 1991
RE: DELTA CLEAR WATER AREA

I am introducing a bill establishing the Delta Clearwater Public Use Area. There are some important differences in this bill as compared to other bills which seek to so designate an area.

First this bill does not prevent land disposals. Nor does it mandate a management plan. Further it guarantees traditional access and use of the fish and wildlife resources and does not preclude any specific type of development.

In addition the bill sets out a local management board to work with the commissioner in determining what type of plan if any is advisable for the area. The management board has no regulatory authority, but it can by unanimous vote cause an expedient review process of any management decision by the commissioner.

Finally, the bill prevents pay or per diem for management board members and stipulates the governor make appointments from highly active local organizations in the area. Only citizen members will be able to vote on the seven member board. All agency people will be advisory in their capacity on the management board.

District 18

BADGER ROAD
EIELSON/MOOSE CREEK
NEWBY
NORTH POLE
PLACK
RICHARDSON
SALCHA

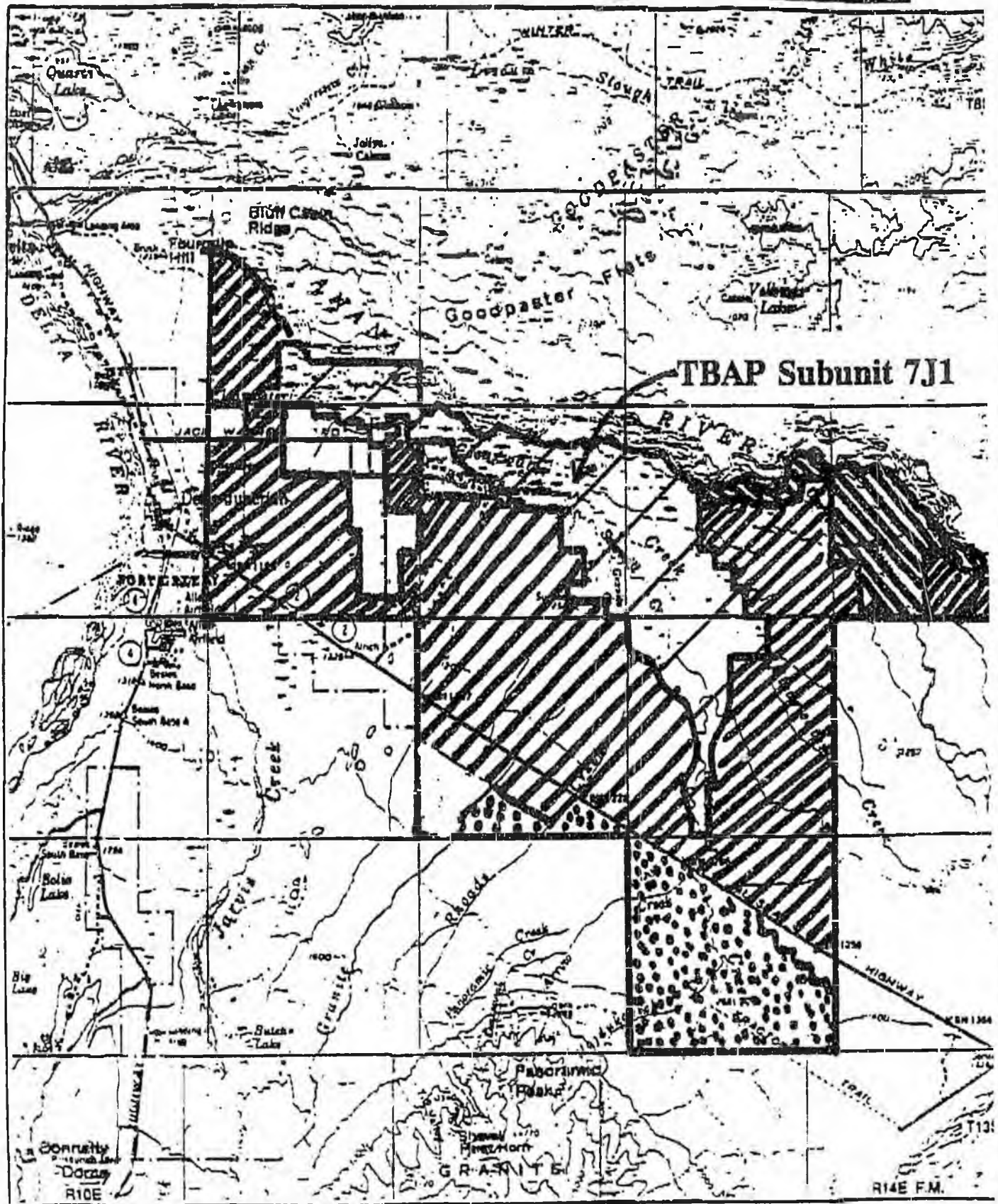
This legislation has the support of the City Council, the Soil and Water District, the local Fish and Game Advisory Board, the Delta Sportsman Association, the local Parks and Recreational Board and the Deltana Corporation.

There are no inter-agency differences nor are there any objections by any federal agencies. In short I have yet to find anyone who locally does not want to see this twenty mile stream designated as a public use area and protected for future generations.




I have been told this unique 20 mile stream which originates as an artesian aquifer has the best water quality in the state. It is an important anadromous stream and supports a unique fresh water fishery. Anyone who has experienced the Clearwater understands the unique value of such a stream.


I invite your support for this legislation.

Tanana Basin Area Plan DELTA/CLEARWATER RIVER



TBAP Subunit 7J1

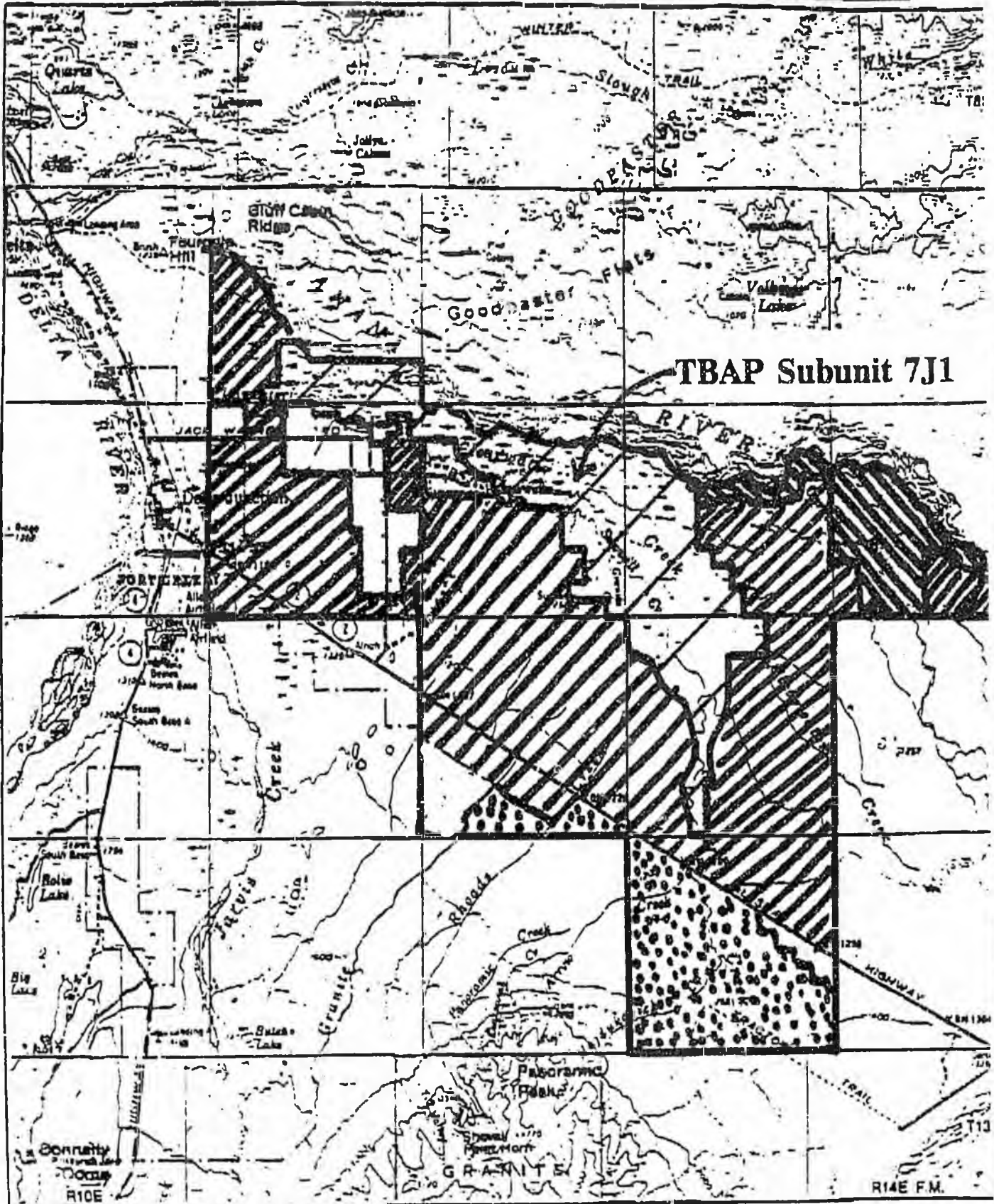
-  Past DNR disposals
-  Tanana Valley State Forest
-  Bison Range

USGS 1:250,000 Big Delta, Mt. Hayes
 PLAN Rec. 0 8
 FOR DENY AREA  SCALE IN MILES




— OUTLINE OF DESIGNATED AREA IN SB 198

These areas ARE included in SB 198

Tanana Basin Area Plan DELTA/CLEARWATER RIVER



TBAP Subunit 7J1

-  Past DNR disposals
-  Tanana Valley State Forest
-  Bison Range

USGS 1:250,000 Big Delta Mt. Mayer
 0 5
 scale in miles

From - TANANA BASIN ARES
PLAN - CHAPTER 1

Management Unit 7J Delta/Clearwater River

Management Intent

General. State lands within this management unit will be managed to maintain and enhance the water quality, fish and wildlife habitat, and recreational resources. The potential effects from adjacent developmental activities on these resources must be considered while making land management decisions within this management unit.

The Delta/Clearwater River corridor, its headwaters, and surrounding wetlands are recommended for legislative designation as a State Recreation River. The purpose of this designation is to maintain the water quality, fish and wildlife habitat, and recreational resources of the river. Boundaries for this legislative designation should reflect the need to maintain these values.

Fish and wildlife. Habitat is a primary use in this unit. Because of the importance of this area as fish and wildlife habitat, any development proposal will require careful consideration of development impacts on fish and wildlife.

Recreation. Recreation is a primary use in this management unit. This management unit receives heavy fishing and boating use. Management of recreational uses, however, shall ensure maintenance and/or improvement of habitat.

Minerals. To prevent conflicts with the habitat, this area is closed to new mineral entry.

Watershed. The Delta/Clearwater River is one of the few entirely spring-fed stream systems in the basin. Protection of water quality is of primary importance to maintain the fisheries and recreation values.

Other resources. Material sales will not be allowed within this unit. Limited personal timber use is allowed where consistent with the primary management intent.

Management Guidelines

Management guidelines that apply to all state land are listed in Chapter 2. Some or all of those guidelines may apply to uses in this unit.

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ANCH DLWM

03/18/91 10:00

907 451 2751

LAND & WATER

DLWM DIR. ANCH.

003/007

From TANAWA BASIN
AREA PLAN -
CHAPTER 3

LAND-USE DESIGNATION SUMMARY MANAGEMENT UNIT 7J: DELTA/CLEARWATER RIVER

SUBUNIT	LAND USE DESIGNATIONS			Prohibited Surface Uses ²	COMMENTS
	Primary Surface Uses	Secondary Surface Uses	Subsurface ¹		
7J1	Public recreation Watershed Wildlife habitat		Closed	Land disposals Material sales Remote cabins	Recommended for legislative designation as a State Recreation River.

¹Subsurface designations refer to locatable minerals. All areas are available for leasing for leasable minerals, except as noted for coal.

²Other uses such as material sales, land leases, or permits that are not specifically prohibited may be allowed. Such uses will be allowed if consistent with the management intent statement, the management guidelines of this unit, and the relevant management guidelines listed in Chapter 2.

From: TANANA BASIN AREA PLAN - CHAP. 1

AREAS RECOMMENDED FOR LEGISLATIVE DESIGNATION

INTRODUCTION

Several areas within the Tanana Basin are recommended for legislative designation either as State Recreation Rivers, State Recreation Areas, State Game Refuges, or State Critical Habitat Areas.

These recommendations are based on the outstanding public values in the proposed areas and the state's intent to retain these areas in public ownership. Legislative designations have been proposed only in areas possessing high resource values that

- 1) should clearly remain in public ownership permanently, and
- 2) the nature and value of the resources present require more restrictive management for protection than is possible under a general multiple use classification.

The following section lists these areas.

STATE RECREATION RIVERS

State Recreation Rivers established by the legislature are managed by the Department of Natural Resources (DNR), Division of Land and Water (DLW), under Alaska Statutes (AS) Title 38 and under the direction of the act that establishes the Recreation River.

There are no established criteria for State Recreation Rivers. In 1988, the legislature established six Recreation Rivers in the Susitna Basin. These are the only recreation rivers established in the state. The legislation is specific to those six rivers and provides little guidance for establishment of additional rivers throughout the state.

The TRAP planning team used the following guidelines when considering additions to the recreation river system:

- 1) to focus planning and management to solve or avoid important management problems (especially managing public use);
- 2) to recognize the state-wide or regional importance of the river's recreation resources;
- 3) to ensure long-term retention in public ownership and management to ensure public recreation, fishing, and hunting.

Three rivers in the Tanana Basin have outstanding public values and merit designation as State Recreation Rivers. The following is a brief description of each river and a

discussion of how each corridor will be managed.

Chatanika State Recreation River (Subunits 1E1 and 1U2)

The Chatanika River is very popular with Fairbanks residents for hunting, fishing, trapping, wildlife viewing, and motorized and non-motorized boating. Of the few clearwater streams with good access in the Tanana Basin, the Chatanika is the least developed river close to Fairbanks. The state will manage the river to maintain existing uses, and maintain the access while minimizing development that would likely change the character of the river uses, or the productivity of the fish and wildlife habitat along the river. To recognize the importance of this river to Fairbanks residents and to maintain the quality of the recreation and habitat in the river corridor, the area is recommended for legislative designation as a State Recreation River.

Nenana State Recreation River (Subunits 4R2, 4R3, 4R4, and 4R5)

The Nenana River corridor is one of the most important recreation areas in the state. The river's proximity to the entrance of Denali National Park and Preserve makes it one of the state's highest visitor-use areas. The river is heavily used by the public for rafting, canoeing, and transportation to hunting areas. The riparian corridor is important for moose and other mammals. Because of the river corridor's importance to the state's residents and visitor industry, the Nenana River corridor will be managed to maintain its current character and to protect its scenic, recreational, and fish and wildlife values. The river corridor currently is, and should remain, closed to mineral entry.

The boundaries of the legislative proposal may require adjustment from boundaries in the plan to accommodate the needs of local communities and future municipal governments.

The Nenana River corridor north of Healy (management subunit 4R1) has been dropped from the recommendation for legislative designation as a state recreation river. This section of the river has lower recreation values, and receives less recreation use compared to the river above Healy. The river below Healy includes active and potential mining developments. This section of the river corridor will be opened to mineral entry.

Delta/Clearwater State Recreation River (Subunit 7J1)

This recommendation includes both the Delta-Clearwater River and Clearwater Lake. Clearwater Lake, and the lower Delta-Clearwater River are in a region of upwelling water from the alluvial fan of the Delta and Gerstle rivers. This water makes these areas some of the few waterbodies in interior Alaska that remain ice-free year-round. As a result, they are extremely important spawning areas (and for Clearwater Lake, a coho salmon rearing area) for late-run salmon. Clearwater Lake also provides nesting

habitat and is an important spring staging area for waterfowl.

The Delta-Clearwater River is popular for summer grayling and silver salmon fishing. Access is either by boat from the Tanana, or from the road system to the Delta-Clearwater upstream from the lake, or at a small launch site at the lake. A common float trip is down the creek with a take-out at the lake.

The Delta-Clearwater River is recommended for legislative designation as a State Recreation River because of its importance for recreation and for fish and wildlife habitat. The proposed recreation river will be closed to mineral entry.

State Recreation River Legislation

Legislative proposals for these areas should be developed by an interagency team and will be reviewed by the public prior to submission to the legislature. The interagency team will include representatives from the DNR divisions of Land and Water, Parks and Outdoor Recreation, Forestry, Agriculture, and Mining; from the Department of Transportation and Public Facilities, from the Department of Fish and Game, and from the Department of Environmental Conservation.

Legislative proposals developed for these areas will ensure that the river corridors are managed for multiple use, including hunting, fishing, and other recreational activities, habitat management, personal use timber harvesting, and water quality protection. Land sales and remote cabins will be prohibited in these corridors; however, public use cabins, and in some instances, commercial recreation facilities may be allowed. Provisions will be made for access across the river and for use of existing mining claims. The designations will not regulate use of private land in the unit.

In developing legislative proposals, boundaries of units for these rivers may be modified. Legislative proposals should follow the subunit boundaries in general; however, when these areas are looked at in greater detail, modifications may be necessary. Any modification will be consistent with the management intent for the corridor.

Until the legislature takes action on these proposals, these areas will be managed consistent with the guidelines stated above and the section of Chapter 3 in the plan for each management unit. The boundaries of areas subject to these guidelines can be found in this plan or on maps at DNR's Northern Regional Office in Fairbanks.

STATE RECREATION AREAS

State Recreation Areas are established by the legislature and managed by the Alaska Division of Parks and Outdoor Recreation. State recreation areas are units of the park system and possess a diversity of outdoor recreational opportunities. The dominant



Alaska State Legislature

SENATOR DICK SHULTZ

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Home: P.O. Box 487
Tok, Alaska 99780

Member
Finance Committee
Transportation Committee
Special Committee on Oil & Gas

Senate
District J

MEMORANDUM

District 17

- ALCAN BORDER
- ANDERSON
- BIG DELTA
- BOUNDARY
- CANTWELL
- CHICKEN
- CHISTOCHINA
- CLEAR
- COPPER CENTER
- DELTA JUNCTION
- DENALI PARK
- DOT LAKE
- DRY CREEK
- EAGLE
- EAGLE VILLAGE
- GAKONA
- GLENNALLEN
- GULIKANA
- HEALY
- HEALY LAKE
- KENNY LAKE
- MINDELTNA
- MENTASTA LAKE
- NABESNA
- NELCHINA
- NENANA
- NORTHWAY
- PAXSON
- SLANA
- TANACROSS
- TAZLINA
- TETLIN
- TOK
- TOLSONA
- TONSINA

TO: ALL SENATORS

FROM: SENATOR SHULTZ *DS*

DATE: MARCH 12, 1991

RE: DELTA CLEAR WATER AREA

I am introducing a bill establishing the Delta Clearwater Public Use Area. There are some important differences in this bill as compared to other bills which seek to so designate an area.

First this bill does not prevent land disposals. Nor does it mandate a management plan. Further it guarantees traditional access and use of the fish and wildlife resources and does not preclude any specific type of development.

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District 18

- BADGER ROAD
- EIELSON/MOOSE CREEK
- NEWBY
- NORTH POLE
- PLACK
- RICHARDSON
- SALCHA

This legislation has the support of the City Council, the Soil and Water District, the local Fish and Game Advisory Board, the Delta Sportsman Association, the local Parks and Recreational Board and the Deltana Corporation.

There are no inter-agency differences nor are there any objections by any federal agencies. In short I have yet to find anyone who locally does not want to see this twenty mile stream designated as a public use area and protected for future generations.

I have been told this unique 20 mile stream which originates as an artesian aquifer has the best water quality in the state. It is an important anadromous stream and supports a unique fresh water fishery. Anyone who has experienced the Clearwater understands the unique value of such a stream.

I invite your support for this legislation.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 198

Revision Date: 12/18/91

Department Affected: Fish and Game

Title: An Act establishing the Delta

BRU: Habitat

Clearwater Public Use Area

Component: Habitat

Sponsor: Senator Shultz

Requestor: _____

COMPONENT SERIAL NO.

	4	8	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: No impact on current year.

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank Rue, Director Phone: 465-4105

Division: Division of Habitat Date: 12/19/91

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game Date: 12/20/91

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 198

Revision Date: 04/11/91 Department Affected: Fish and Game

Title: An Act establishing the Delta BRU: Habitat

Clearwater Public Use Area Component: Habitat

Sponsor: Senator Shultz

Requestor: _____ COMPONENT SERIAL NO.

	4	8	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

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

POSITIONS:

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

Estimate of current year impact: no impact on current year

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: *Frank Rue* Frank Rue, Director Phone: 465-4105
Division: Division of Habitat Date: 4/11/91

Approved by Commissioner: *Don Somerville*
Agency: Department of Fish and Game Date: 4/2/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, CMB, & Impacted Agency(ies).

DEPARTMENT OF FISH AND GAME POSITION PAPER

Bill No: Senate Bill 198

Sponsor: Senator Shultz

Division: Habitat

Bill Title: An Act establishing the Delta Clearwater Public Use Area

Department Position: Support if amended.

This measure designates nearly all vacant and unappropriated land within the Delta Clearwater River watershed as the Delta Clearwater Public Use Area. The measure requires DNR to develop a management plan to regulate public uses, provides for prohibition or restriction of incompatible uses, and establishes a management board to oversee DNR land management of the Public Use Area. Management of the Public Use Area may not restrict lawful sport and subsistence fishing, hunting, or trapping rights allowed by the Board of Fisheries or the Board of Game.

The Department supports the concept of protective legislation for the Delta Clearwater River. The Delta Clearwater River is a unique, highly productive grayling and coho salmon spawning stream with road access and campgrounds supporting the fifth largest Arctic grayling fishery in Alaska. Clearwater Lake also provides nesting habitat and is an important spring staging area for waterfowl. The economic value of the Delta-Clearwater River was conservatively estimated by a 1987 Salcha-Delta Soil and Water Conservation District study at \$2.1 million dollars annually. Maintenance of the quality of aquatic habitats and water is directly related to maintaining the recreation and economic values of the Delta Clearwater River for future generations.

Local interest in protecting the Delta-Clearwater River watershed is high. Clearwater Lake was first identified in DNR's 1975 planning study that was a precursor to the Delta-Salcha Area Plan as an area that should be legislatively designated as a wildlife refuge. In 1984 ADF&G drafted a measure to make Clearwater Lake part of a proposed Delta-Clearwater Critical Habitat Area. This draft legislation was never introduced. In 1985, the Salcha-Delta Soil and Water Conservation District initiated a study to assess existing sedimentation problems within the Delta Clearwater River watershed.

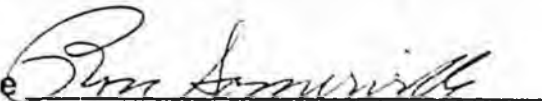
Senate Bill 198 Position Paper Continuation

In 1987, the local soil and water conservation district initiated discussions with the Division of Agriculture to investigate opportunities for acquiring and preserving additional greenbelts and conservation easements throughout the watershed. In late 1989, a local Delta ad-hoc committee comprised of private citizens was formed to evaluate land management options for the Delta Clearwater River. In 1990 the ad hoc committee recommended legislative designation of the Delta Clearwater as a recreational river corridor and development of a comprehensive river management plan. In 1990, the Tanana Basin Area Plan update also recommended that the Delta Clearwater River corridor, its headwaters, and surrounding wetlands receive legislative designation as a State Recreational River. The Tanana Basin Area Plan further included general guidance requiring all state lands within the Delta Clearwater River management unit to be managed to maintain and enhance water quality, fish and wildlife habitat, and recreational resources.

Clarification is needed on the effect legislative designation will have on other public and private inholdings within the outer boundaries of the public use area, including the ADF&G's management and habitat enhancement activities on portions of the Delta Bison Range, University of Alaska Experimental Station, Tanana Valley State Forest, Division of Park's state camping facilities, and private agricultural, subdivision and recreational parcels. Other potential options for legislative designation might include recreational river or public use area status. Further clarification and would be helpful on (1) the relationship, if any, of the Delta Parks and Recreation Advisory Board and the Delta Clearwater Management Board, (2) the appropriateness of creating a management board versus advisory board, and (3) the legal ramifications of the measure's proposal to grant the Delta Clearwater Management Board authority to restrain DNR management decisions pending formal reconsideration.

If the desire is to have the Commissioner of DNR regulate boating under Article 8, Section 14 of the State Constitution, there should be clear statutory authority for him/her to do so.

Commissioner's Signature



Date

