

LEG. FINANCE - BILLS 1983 - 1984 2121  
CSSB 417 - SB 417 2121



Offered: 3/22/84  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 417 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Kenai River Special Manage-  
7 ment Area; and providing for an effective date."

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

9 \* Section 1. FINDINGS. The legislature finds that the Kenai River is  
10 an important natural resource and that it must be protected and preserved  
11 for the maximum benefit of all Alaskans. The vitality of the Kenai River  
12 is threatened. Power boat wakes and stream bank development have contri-  
13 buted to the erosion of the river's banks and the degradation of its fish  
14 beds. Increased use on the river endangers fish and wildlife habitats.  
15 Competition among people who sport fish, professional fishing guides, and  
16 others who use the river for recreation and transportation creates over-  
17 crowded, hazardous, and unpleasant conditions. A multitude of state and  
18 federal agencies with jurisdiction over various aspects of the river and  
19 adjacent public and private land creates a labyrinth of regulation without  
20 effectively preventing the river's deterioration. The river's fishery and  
21 wildlife are its most important resources. The highest priority uses of the  
22 river and its adjacent land derive from its fishery and wildlife resources,  
23 which must be protected and preserved to ensure their renewability and  
24 continued usefulness. To solve the river's problems a need exists for a  
25 comprehensive management plan for the river and its adjacent land and for  
26 coordinated management.

27 \* Sec. 2. AS 41.21 is amended by adding new sections to read:  
28 Sec. 41.21.500. PURPOSE OF AS 41.21.500 - 41.21.514. The pur-  
29 pose of AS 41.21.500 - 41.21.514 is

1           (1) to designate as a unit of the state park system under  
2 this chapter the land and water described in AS 41.21.502(a);

3           (2) to protect and perpetuate the fishery and wildlife  
4 resources and habitat in the unit and adjacent area; and

5           (3) to manage recreational uses and development activities  
6 in the unit and adjacent area.

7           Sec. 41.21.502. KENAI RIVER SPECIAL MANAGEMENT AREA ESTABLISHED.

8           (a) The surface estate in the land and water presently owned by the  
9 state and all land and water acquired by the state in the future,  
10 including shore, tide, and submerged land, lying within the parcels  
11 described in this section is designated as the Kenai River Special  
12 Management Area:

13           (1) the Kenai River at the common section line of Sections  
14 16 and 17, Township 5 North, Range 11 West, Seward Meridian, upstream  
15 to and including the waters of the Kenai and Skilak Lakes;

16           (2) the Moose River from its confluence with the Kenai  
17 River upstream to the Sterling Highway Bridge;

18           (3) the Funny River from its confluence with the Kenai  
19 River upstream to the Funny River Road Bridge;

20           (4) the state land in the Kenai Recording District that is  
21 located within the following parcels:

22           (A) Kenai Keys

23           Township 5 North, Range 8 West, Seward Meridian

24           Section 26: General Land Office Lot 9

25           Section 36:

26           According to the Stephenie Alaska Subdivision,

27           Alaska State Land Survey No. 73-146:

28           Lots 2, 3, 5 - 8 and 12 - 33 of Block 2

29           Tract B

1 A small un-meandered island located within the  
2 SE1/4SE1/4 of Section 36  
3 General Land Office Lots 2, 3  
4 SW1/4NE1/4  
5 NE1/4NW1/4  
6 Excluding the Kenai Keys Road Right-of-Way and  
7 Stephenie Alaska Subdivision, Alaska State  
8 Land Survey No. 73-146

9 (B) Bing's Landing  
10 Township 5 North, Range 8 West, Seward Meridian  
11 Section 16: Portion of W1/2W1/2 lying south of  
12 the Sterling Highway  
13 Section 20: Lot 1  
14 Section 21: Lot 3

15 (C) Izaak Walton  
16 Township 5 North, Range 8 West, Seward Meridian  
17 Section 7:  
18 Parcel #1: Starting at the Southwest corner of  
19 Lot 6, Section 7, T5N, R8W, go South 0°08' East  
20 a distance of 888.1 feet to the center of road  
21 to corner no. 1, which is the true point of  
22 beginning; then North 73°5' West along the  
23 center of the road a distance of 727 feet to  
24 corner no. 2; then in a southwesterly direction  
25 a distance of 515.6 feet plus or minus, along  
26 the line of mean high water of Moose River to  
27 point no. 3; then a distance of 108 feet plus  
28 or minus, to point no. 4 along the line of mean  
29 high water of Moose River to Kenai River; then

1 a distance of 75.3 feet plus or minus, to point  
2 no. 5 along that river; then upstream a  
3 distance of 808.6 feet plus or minus, at mean  
4 high water along Kenai River to point no. 6;  
5 then North 0°8' West 150 feet to point no. 7;  
6 then south 89°57' East a distance of 208 feet  
7 to point no. 8; then North 0°08' West 213.9  
8 feet to point no. 1, which is the true point of  
9 beginning.

10 Parcel #2: Starting at the Southwest corner of  
11 Lot 6, Section 7, T5N, R8W, go South 0°08' East  
12 a distance of 1102.0 feet to corner no. 1,  
13 which is the true point of beginning; then  
14 North 89°57' West 208.0 feet to corner no. 2;  
15 then South 0°08' East 150 feet plus or minus to  
16 corner no. 3, which is a point at mean high  
17 water of the Kenai River, then Southeasterly a  
18 distance of 238 feet plus or minus, along the  
19 line of high water of that river to corner  
20 no. 4, which is a point 268 feet plus or minus,  
21 South 0°08' East of corner no. 1, then North  
22 0°08' West 268 feet plus or minus to corner  
23 no. 1, which is the true point of beginning,  
24 containing one acre plus or minus.

25 (D) Nilnunqa

26 Township 5 North, Range 8 West, Seward Meridian

27 Section 7: Lot 10

28 (E) Funny River

29 Township 5 North, Range 9 West, Seward Meridian

1 Section 28: SE1/4SE1/4  
2 Tract 6, Heistand Subdivision,  
3 Addition No. 2  
4 Section 33: Lots 1, 3  
5 SE1/4NW1/4  
6 portion of NE1/4  
7 lying west of the Funny River Road  
8 (F) Morgan's Landing  
9 Township 5 North, Range 9 West, Seward Meridian  
10 Section 21: SW1/4SE1/4  
11 Section 28: Lots 2, 3, 7 - 9, 14, 15  
12 NE1/4NW1/4  
13 NW1/4SW1/4  
14 Section 33: Lot 2  
15 (G) Kenai River Islands  
16 Township 5 North, Range 8 West, Seward Meridian  
17 Section 27: Lots 10, 17  
18 Township 5 North, Range 10 West, Seward Meridian  
19 Section 6: Lots 9 - 10  
20 Section 7: Lots 2 - 4, 8, 11, 16  
21 Section 18: Lots 2, 3, 14  
22 Section 19: Lots 3, 17  
23 Section 30: Lots 2, 8  
24 Section 31: Lots 7, 10  
25 Section 32: Lot 7  
26 Section 33: Lots 5, 8  
27 Section 34: Lot 10  
28 Township 5 North, Range 11 West, Seward Meridian  
29 Section 36: Lot 2 within NE1/4

1 (H) Slikok Creek  
2 Township 5 North, Range 11 West, Seward Meridian  
3 Section 36: Tract "A", Slikok Creek Alaska  
4 Subdivision  
5 (I) Big Eddy  
6 Township 5 North, Range 11 West, Seward Meridian  
7 Section 24: Lots 14, 15  
8 NW1/4NE1/4SE1/4  
9 (J) Ciechanski  
10 Township 5 North, Range 11 West, Seward Meridian  
11 Section 24: Lot 1  
12 (K) Kenai River Flats  
13 Township 5 North, Range 11 West, Seward Meridian  
14 Section 15: Lot 8  
15 NW1/4SE1/4  
16 N1/2SW1/4  
17 N1/2S1/2SW1/4  
18 (L) Other Lower River Land  
19 Township 5 North, Range 10 West, Seward Meridian  
20 Section 6: Lot 8  
21 Section 7: Lots 5 - 7, 15  
22 Section 18: Lots 4 - 7, 10 - 13  
23 NE1/4SW1/4  
24 E1/2NW1/4  
25 Section 19: Lot 16  
26 Township 5 North, Range 11 West, Seward Meridian  
27 Section 1: Lot 10  
28 Section 12: Lots 1 - 3, 7 - 10, 13  
29 N1/2SE1/4

1 SE1/4NE1/4  
2 NE1/4SW1/4  
3 Section 13: Lot 1.  
4 SW1/4NW1/4  
5 Section 14: Lots 2, 7  
6 Section 16: Lots 1 - 10  
7 SE1/4  
8 NW1/4NW1/4  
9 SE1/4SW1/4

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

13 (c) Except for oil and gas leasing under AS 38.05.180, the  
14 mineral estate in the State-owned land and water described in (a) of  
15 this section is closed to mineral entry under AS 38.05.181 -  
16 38.05.280.

17 Sec. 41.21.504. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)  
18 The land and water described in AS 41.21.502(a) is assigned to the  
19 Department of Natural Resources for control, maintenance, and develop-  
20 ment consistent with the purposes of AS 41.21.500 - 41.21.514.

21 (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicabil-  
22 ity of

23 (1) AS 41.99.010 and AS 16 regarding the responsibilities  
24 of the Department of Fish and Game or the Board of Fisheries or the  
25 Board of Game;

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

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

1           Sec. 41.21.506. COMPREHENSIVE MANAGEMENT PLAN; REGULATIONS. (a)  
2       Within two years from the effective date of this Act the commissioner  
3       shall develop and adopt a comprehensive management plan for the Kenai  
4       River Special Management Area in consultation with the Kenai Peninsula  
5       Borough. The plan may include the land adjacent to the rivers des-  
6       cribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the  
7       state or privately owned and may include other land considered appro-  
8       priate by the commissioner and the Kenai Peninsula Borough. The  
9       commissioner shall periodically review the plan and adopt changes to  
10      the plan in consultation with the Kenai Peninsula Borough.

11           (b) The commissioner shall adopt regulations under the Adminis-  
12      trative Procedure Act (AS 44.62) that are necessary to achieve the  
13      purposes of AS 41.21.500 - 41.21.514 and to implement the plan adopted  
14      under (a) of this section. The regulations shall

15           (1) designate incompatible uses and prohibit or restrict  
16      them, and

17           (2) establish a registration, licensing, or comparable  
18      procedure for professional fishing guides and such additional fishing  
19      guide controls as the commissioner considers necessary.

20           (c) Until regulations adopted under AS 41.21.500 - 41.21.512  
21      take effect, existing state regulations otherwise applicable to the  
22      Kenai River Special Management Area remain in effect.

23           (d) A regulation adopted under this section applies to land  
24      owned by the state but does not apply to land not owned by the state  
25      that is located within the boundaries of a municipality unless the  
26      regulation has been approved by the municipality.

27           (e) The provisions of AS 41.21.025(b) and (c) do not apply to  
28      the land and water described in AS 41.21.502(a).

29           Sec. 41.21.508. ADDITIONAL LAND. (a) The commissioner may

1       acquire title to or an interest in land or improvements on land that  
2       is adjacent to or within the boundaries of the Kenai River Special  
3       Management Area in the name of the state in order to achieve the  
4       purposes of AS 41.21.500 - 41.21.514, by lease, purchase, exchange  
5       under AS 38.50, bequest, gift, or other lawful means but not by emi-  
6       nent domain.

7               (b) The commissioner may adjust the boundaries of the Kenai  
8       River Special Management Area under AS 38.05.295 - 38.05.300 by adding  
9       state-owned land and water to the Kenai River Special Management Area  
10       to achieve the purposes of AS 41.21.500 - 41.21.514.

11              Sec. 41.21.510. PUBLIC INVOLVEMENT. (a) In developing and  
12       implementing the management plan required by AS 41.21.506(a), the  
13       commissioner shall appoint an advisory board. The commissioner and  
14       the advisory board shall jointly hold public meetings during  
15       development of the management plan in the areas affected. The  
16       commissioner shall consult with and solicit recommendations from the  
17       advisory board and from federal and state agencies, interest groups,  
18       and other interested members of the public.

19              (b) The advisory board appointed under this section shall be  
20       representative of user groups, resident property owners, municipal-  
21       ities, agencies of the state and federal governments, and other  
22       interest groups. A majority of the members of the advisory group  
23       shall be residents of the Kenai Peninsula Borough.

24              Sec. 41.21.512. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-  
25       sioner may enter into cooperative management agreements with a federal  
26       agency, a municipality, another state agency, or a private landowner  
27       to achieve the purposes of AS 41.21.500 - 41.21.514.

28              Sec. 41.21.514. CIVIL ENFORCEMENT. In addition to any other  
29       remedy provided by law, the attorney general may seek an injunction

1 and damages at the request of the commissioner for a violation of a  
2 regulation adopted under AS 41.21.500 - 41.21.514 or a regulation that  
3 is applicable to the Kenai River Special Management Area established  
4 under AS 41.21.502.

5 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



## Senate

POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

### SENATE LETTER OF INTENT

CS FOR SENATE BILL NO. 417 (RES)

It is the intent of the Legislature that the management plan described in AS 41.21.506 be developed jointly by the Commissioner of Natural Resources and the Kenai Peninsula Borough.

Adopted by Senate May 17, 1984

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 05/23/84

REQUEST

Bill/Resolution No.: CS for SB417  
Title: (Sen. Resource)

FISCAL DETAIL

Agency Affected: NATURAL RESOURCES, PARKS  
Program Category Affected: PARKS & RECREATION  
BRU, Program or Subprogram(s) Affected: OPERATIONS

Sponsor: GOVERNOR  
Requestor:  
Date of Request:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88 -	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		191.5				
200 TRAVEL		1.5				
300 CONTRACTUAL		23.1				
400 SUPPLIES		19.0				
500 EQUIPMENT		121.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		356.6				
<b>CAPITAL</b>						
<b>REVENUE</b>		-0-				

FUNDING: (Thousands of Dollars)

GENERAL FUND		356.6				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME		2				
PART-TIME		7				
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Adams, Chairman <sup>ABA</sup>  
Division: House Finance Committee  
Phone: \_\_\_\_\_  
Date: 05/23/84

Approved by Commissioner: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Date: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

Fiscal Note Analysis  
 Kenai River Management

		Salary	Benefits	FY 85 Total	
100:	Natural Resource Officer II	11mm	33.0	10.0	39.4
	Park Ranger II	11mm	40.3	10.1	40.3
	Park Ranger I	7mm	19.2	5.8	22.9
	Park Ranger I	7mm	19.2	5.8	22.9
	Natural Resource Technician II	4mm	10.5	3.2	12.6
	Radio Dispatcher I	5mm	11.8	3.6	14.1
	Radio Dispatcher I	5mm	11.8	3.6	14.1
	Natural Resource Technician II	4mm	10.5	3.2	12.6
	Natural Resource Technician II	4mm	10.5	3.2	12.6
					<u>191.5</u>
200:	Travel and Per Diem for Natural Resource Officer to attend public meetings and Advisory Board Meetings in Anchorage and Homer and meetings to coordinate with Federal and other state agencies.....				1.5
300:	River boat repair and maintenance.....				6.0
	Vehicle rental-mileage and fixed costs.....				<u>17.1</u>
					24.6
400:	Uniform allowance.....				2.0
	Fuel, oil and parts for river boats.....				16.7
	Office Supplies.....				<u>3</u>
					19.0
TOTAL OPERATING.....					<u>235.1</u>
500:	Listed equipment costs will be necessary for initial program startup only, these will not be necessary on a yearly basis.				
	Three Jetboats: 17 ft. equipped with lights, siren, life preservers and trailers @20.0 each.....				60.0
	Four MX 360 Radios and Convertacoms @2.5 each.....				10.0
	Seven Parks Radio 100 Watt Mobile Radio @2.5 each.....				17.5
	Two 4x4 Pickups @9.0 each.....				18.0
	One 1/2 Ton Pickup @7.0.....				7.0
	One Station Wagon @6.0.....				6.0
	One Defensive Equipment.....				1.0
	One Word Processor.....				<u>2.0</u>
					121.5
TOTAL FY 85 REQUEST.....					<u>356.6</u>

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

#3

Revision Date: 2/3/84

REQUEST

Bill/Resolution No.: SB417  
 Title: An Act establishing the Kenai River Special Management Area  
 Sponsor: \_\_\_\_\_  
 Requestor: Governor/Law  
 Date of Request: 2/3/84

FISCAL DETAIL

Agency Affected: Environmental Conservation  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: Environmental Quality Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0				
CAPITAL						
REVENUE						

(The nature of this legislation allows budgeting only through FY 85 after which time the specific agency involvement identified in the completed Kenai River Plan will be clearly outlined.)

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

RSA with DNR

\$5,000 will be allocated to DEC for travel for each of FY84 and FY85.

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Martin Phone: 274-2533  
 Division: Environmental Quality Management Date: 1/31/84  
 Approved by Commissioner: Richard A. Nease Date: 2/3/84  
 Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

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

12/1/83

ENVIRON. CONSERV.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/21/84

REQUEST

Bill/Resolution No.: CS for SB417  
Title: (Sen. Resources)  
Kenai River Park Management  
Sponsor: Governor  
Requestor:  
Date of Request:

FISCAL DETAIL

Agency Affected: Natural Resources, Parks  
Program Category Affected: Parks and Recreation  
BRU, Program or Subprogram(s) Affected: Park Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		208.9	208.9	208.9	208.9	208.9
200 TRAVEL		1.5	1.5	1.5	1.5	1.5
300 CONTRACTUAL		31.8	31.8	31.8	31.8	31.8
400 SUPPLIES		23.0	23.0	23.0	23.0	23.0
500 EQUIPMENT		121.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		386.7	265.2	265.2	265.2	265.2
CAPITAL						
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

GENERAL FUND		386.7	265.2	265.2	265.2	265.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY		7	7	7	7	7

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Neil Johannsen Phone: 276-2653  
Division: Parks and Outdoor Recreation Date: 3/21/84

MH Approved by Commissioner: William J. Arnold, Deputy Date: 3/21/84  
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

12/1/83 PARKS  
DNR

Fiscal Note Section IV Analysis  
 Kenai River Management

		Salary	Benefits	FY 85 Total
100:	Natural Resource Officer II	12 mm 33.0	10.0	43.0
	Park Ranger II	12 mm 33.9	10.1	44.0
	Park Ranger I	8 mm 19.2	5.8	25.0
	Park Ranger I	8 mm 19.2	5.8	25.0
	Natural Resource Technician II	5 mm 10.5	3.2	13.7
	Radio Dispatcher I	6 mm 11.8	3.6	15.4
	Radio Dispatcher I	6 mm 11.8	3.6	15.4
	Natural Resource Technician II	5 mm 10.5	3.2	13.7
	Natural Resource Technician II	5 mm 10.5	3.2	13.7
				<u>208.9</u>
200:	Travel and Per Diem for Natural Resource Officer to attend public meetings and Advisory Board meetings in Anchorage and Homer and meetings to coordinate with Federal and other State agencies.....			1.5
300:	River boat repair and maintenance.....			9.0
	Vehicle rental - mileage and fixed costs.....			22.8
				<u>31.8</u>
400:	Uniform allowance.....			2.0
	Fuel, oil and parts for river boats.....			20.7
	Office supplies.....			3
				<u>23.0</u>
TOTAL OPERATING:				<u>265.2</u>
500:	Listed equipment costs will be necessary for initial program start-up only, these will not be necessary on a yearly basis.			
	Three Jetboats: 17 ft. equipped with lights, siren, life preservers and trailers @ \$20. each.....			60.0
	Four MX 360 Radios and Convertacoms @ \$2.5 each.....			10.0
	Seven Parks Radio 100 Watt Mobile Radio @ \$2.5 each.....			17.5
	Two 4X4 Pickups @ \$9.0 each.....			18.0
	One 1/2 ton Pickup @ \$7.0.....			7.0
	One Station Wagon @ \$6.0.....			6.0
	One Defensive Equipment.....			1.0
	One Word Processor.....			2.0
				<u>121.5</u>
TOTAL FY 85 REQUEST:				<u>386.7</u>
CIP REQUEST:	Comprehensive Plan for river management, to be done over two fiscal years (1985 and 1986).....			160.0

1	POSITION TITLE Natural Resource Technician II			RANGE/STEP 12 A	BARG. UNIT. GGU	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 5	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION: This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent will provide a necessary safety function in boat operation by assisting one Park Ranger boat operator. The three boat operators must have technician assistance to set the example for safe boat operation. Without assistance in boarding other boats, inspecting shorelines, retrieving accident victims and law enforcement situations, the rangers will not be able to perform an adequate or safe job during the peak season (May-Sept.). Up to 1,200 boats operate on the lower 52 miles of the Kenai River at the same time. It is virtually impossible for an operator to land a jet boat or approach another boat in the swift current without an assistant.			
	1	2	3						
4	PERSONAL SERVICES: SALARY			10,500					
5	BENEFITS			3,150					
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES			13,650					
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES			250					
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST			13,900					
15	CODE	FUNDING SOURCE							
16		FED RCPTS.							
17		GF MATCH.							
18		GEN FUND		13,900					
19		I-A RCPTS.							
20		FGM RCPTS							
21		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER		COLUMN NO.							

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT M 60

Page      of     

REVISED DATE     

FY 85

13 REQUEST FOR NEW POSITION.

1	POSITION TITLE Natural Resource Technician II			RANGE/STEP 12 A	BARG. UNIT. CCU	LOCATION Soldotna	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 5	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION: This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent will provide a necessary safety function in boat operation by assisting one Park Ranger boat operator. The three boat operators must have technician assistance to set the example for safe boat operation. Without assistance in boarding other boats, inspecting shorelines, retrieving accident victims and law enforcement situations, the rangers will not be able to perform an adequate or safe job during the peak season (May-Sept.). Up to 1,200 boats operate on the lower 52 miles of the Kenai River at the same time. It is virtually impossible for an operator to land a jet boat or approach another boat in the swift current without an assistant.			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY			10,500					
5	BENEFITS			3,150					
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES			13,650					
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES			250					
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST			13,900					
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		13,900					
18		I-A RCPTS.							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION								
				FOR B&M USE ONLY					
1A KEY NUMBER				COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

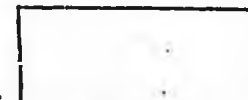
FY 85

**13** REQUEST FOR NEW POSITION.

COMPONENT M & O

Page      of     

REVISED DATE     



1	POSITION TITLE Natural Resource Technician II			RANGE/STEP 12 A	BARG. UNIT. GGU	LOCATION Soldotna	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 5	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE "INE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES: SALARY		10,500						
5	BENEFITS		3,150						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		13,650						
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES		250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		13,900						
JUSTIFICATION: This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent will provide a necessary safety function in boat operation by assisting one Park Ranger boat operator. The three boat operators must have technician assistance to set the example for safe boat operation. Without assistance in boarding other boats, inspecting shorelines, retrieving accident victims and law enforcement situations, the rangers will not be able to perform an adequate or safe job during the peak season (May-Sept.). Up to 1,200 boats operate on the lower 52 miles of the Kenai River at the same time. It is virtually impossible for an operator to land a jet boat or approach another boat in the swift current without an assistant.									
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND			13,900				
18		I-A RCPTS							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
44 KEY NUMBER _____ COLUMN NO. _____									

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT M & O

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

FY 85

**13** REQUEST FOR NEW POSITION.

1	POSITION TITLE Radio Dispatcher I			RANGE/STEP 11A	BARG. UNIT. GGU	LOCATION Soldotna	GOV	APPROV.	D. SAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 6	RP No.	PC. No. New	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT					
				JUSTIFICATION:					
	PERSONAL SERVICES:								
	SALARY			11,838					
	BENEFITS			3,551					
	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES			15,389					
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES			250					
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST			15,639					
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN FUND		15,639					
18		I-A RCPTS							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION			FOR B&M USE ONLY					
4A	KEY NUMBER			COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT Maintenance & Operations

Page      of     

REVISED DATE     

FY 85

**13** REQUEST FOR NEW  
POSITION.



1	POSITION TITLE <u>Radio Dispatcher I</u>			RANGE/STEP <u>11A</u>	UARG. UNIT. <u>CCU</u>	LOCATION <u>Soldotna</u>	GOV.	APPROV.	DISAPP.						
2	TYPE OF POSITION	STAFF MONTHS	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.								
3	TYPE OF EXPENDITURE			AMOUNT											
	1			2		3									
4	PERSONAL SERVICES:			JUSTIFICATION: This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. Two radio dispatchers are needed to provide 7 days/week, 16 hours/day communications for three field rangers, one technician and one manager who will spend most of their time in the field. The rangers in boats will require radio dispatch to perform the public safety inspection and maintenance aspects of their job, which will be a major portion of their work. Without radio dispatch and adequate communication the rangers will not be able to respond to complaints and public assistance calls. The manager needs immediate communication with field staff to investigate permit compliance. Water related accidents require immediate response (within minutes). Central radio dispatch is needed for these tasks. The local department of Public Safety cannot monitor and dispatch any more frequencies since they already have nine emergency and law enforcement radio and telephone networks.											
5	SALARY									11,838					
6	BENEFITS									3,551					
7	FICA														
8	HEALTH INS.														
9	TOTAL PERSONAL SERVICES									15,389					
10	TRAVEL														
11	CONTRACTUAL														
12	COMMODITIES									250					
13	EQUIPMENT														
14	OTHER														
15	TOTAL COST									15,639					
15	CODE	FUNDING SOURCE													
16		FED RCPTS.													
17		GF MATCH.													
18		GEN FUND		15,639											
19		I-A RCPTS.													
20		FGM RCPTS													
21		OTHER													
21	CONTINUATION														
22	ADDITION		FOR B&M USE ONLY												
4A KEY NUMBER				COLUMN NO.											

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

FY 85

13 REQUEST FOR NEW POSITION.

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

1	POSITION TITLE Park Ranger I			RANGE/STEP 14A	BARG UNIT. GGII	LOCATION Soldona	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 8	RP No.	PCN No. New	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			JUSTIFICATION:					
	1	2	3						
4	PERSONAL SERVICES: SALARY		19,184						
5	BENEFITS		5,755						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		24,939						
9	TRAVEL								
10	CONTRACTUAL		9,000						
11	COMMODITIES		7,250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		41,189						
	CODE	FUNDING SOURCE							
15		FED RCPTS							
16		GF MATCH							
17		GEN. FUND		41,189					
18		I-A RCPTS							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER _____ COLUMN NO. _____									

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

FY 85

**13** REQUEST FOR NEW POSITION.

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_



1	POSITION TITLE Natural Resource Officer II			RANGE/STEP 16 A	BARG. UNIT. GGU	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY		33,084						
5	BENEFITS		9,925						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		43,009						
9	TRAVEL		1,500						
10	CONTRACTUAL		4,800						
11	COMMODITIES		250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		49,559						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN FUND		49,559					
18		I-A RCPTS.							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER		COLUMN NO.							

JUSTIFICATION: This position is required as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent shall accomplish the management objectives to be established by statute, generally stated as follows: provide a safe and healthy river environment for the recreating public and adjacent land owners; maintain a free-flowing river in its natural state; promote recreational enjoyment of the river by developing educational and interpretive programs while stimulating the local tourist economy. This position shall assist in implementing Legislative Resolve 26. Job tasks will include the following: Provide single-agency management of the Kenai River; permit oversight and management; establish a Citizen's Advisory Board to provide local public input and guidance; establish concessions permits and policies for commercial operations on the river; assure compliance with laws and provide recreation information; propose regulations under state park management authority; research legal and land ownership problems; enforce boating safety regulations and educate boaters on safe operations; stimulate the state tourism industry by developing educational and interpretive points of interest. This position will be a staff assistant to the District Superintendent.

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

FY 85

**13** REQUEST FOR NEW POSITION.

COMPONENT M & O

Page      of     

REVISED DATE     



1	POSITION TITLE	RANGE/STEP	BARG. UNIT.	LOCATION	GOV.	APPROV.	DISAPP.
1	Park Ranger II	16 A	Supervisory	Soldotna	GOV.		
2	TYPE OF POSITION	STAFF MONTHS	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE
2	PFT	12		None			
3	TYPE OF EXPENDITURE			AMOUNT	<p>JUSTIFICATION: This position is required as part of a management package for the Kenai River column from Shilak Lake to Cook Inlet. The field ranger positions will report directly to this position who will have line authority over the river operations. The management objectives for the Kenai River are to provide a safe and healthy river environment for the recreating public and adjacent land owners. From daily observations and contact with local users and a citizen advisory board the district staff would propose regulations under state park management authority, resolve conflicts, enforce laws, erect proper signing, coordinate public information and education, assist in rescues and emergency medical problems, and remove dangerous obstacles. Another objective is to maintain a free-flowing river in its natural state, control pollution and man-made erosion problems, and maximize recreational use with a minimum of habitat degradation. To promote recreational enjoyment and stimulate the local tourist economy the rangers will develop points of historic, scientific and cultural value so that the public will appreciate them through education and interpretation of the resources. They shall monitor permits and policies for commercial operation, private structures in the river, and cooperative agreements with other State and Federal agencies and private landholders; they shall also respond to all public complaints on the river column. Most of their working time will be spent on the river itself.</p>		
	1	2	3				
4	PERSONAL SERVICES: SALARY	33,888					
5	BENEFITS	10,166					
6	FICA						
7	HEALTH INS.						
8	TOTAL PERSONAL SERVICES		44,054				
9	TRAVEL						
10	CONTRACTUAL		9,000				
11	COMMODITIES		7,250				
12	EQUIPMENT						
13	OTHER						
14	TOTAL COST		60,304				
	CODE	FUNDING SOURCE					
15		FED RCPTS					
16		GF MATCH.					
17		GEN FUND		60,304			
18		I-A RCPTS					
19		FGM RCPTS					
20		OTHER					
21	CONTINUATION						
22	ADDITION						
FOR B&M USE ONLY							
4A	KEY NUMBER			COLUMN NO.			

AGENCY Natural Resources PROGRAM AREA Division of Parks  
Operations  
 BRU \_\_\_\_\_  
 COMPONENT Maintenance and Operations

**13** REQUEST FOR NEW POSITION.

FY 85

Page \_\_\_\_\_ of \_\_\_\_\_ REVISED DATE \_\_\_\_\_

1	POSITION TITLE Park Ranger I			RANGE/STEP 14A	BARG. UNIT. GGU	LOCATION Soldotna	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 8	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			JUSTIFICATION:					
	1	2	3						
4	PERSONAL SERVICES: SALARY		19,184						
5	BENEFITS		5,755						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		24,939						
9	TRAVEL								
10	CONTRACTUAL		9,000						
11	COMMODITIES		7,250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		41,189						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN FUND		41,189					
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
	4A KEY NUMBER			COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

FY 85

**13** REQUEST FOR NEW POSITION.

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



P DUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

#### MEMORANDUM

TO: Senate Resources Committee Members  
FROM: Senate Resources Committee Staff  
RE: Committee Meeting, March 21, 1984  
DATE: March 19, 1984

---

On Wednesday, March 21st, at 3:00 pm in the Beltz Room, the Senate Resources Committee will hear the following bills:

SB 356, An Act establishing a preference right to land.

SB 356 amends the state's preference right statute to require the grant of a preference right under certain conditions. The bill defines those "past errors or omissions" of federal agencies to which this requirement would apply.

Current statute (AS 38.05.035(b)(2)) addresses errors and omissions of state and federal agencies, but leaves the granting of preference rights to the discretion of the Commissioner.

SB 417, An Act establishing the Kenai River Special Management Area; and providing for an effective date.

As recommended by the Kenai River Task Force in their March 1983 Statement of Findings, legislation (HCR 31) was passed last year that designated representatives of the Office of Management and Budget, the Department of Natural Resources, the Department of Fish and Game, the Department of Public Safety, and the Department of Environmental Conservation as an interagency task force to address the problems on the Kenai River. SB 417 is the result of the latter group's recommendation that a portion of the Kenai River (from Cook Inlet to Skilak Lake) be legislatively designated as a "special use area".

As a result of public hearings held in Kenai and Anchorage by the Resources Subcommittee on Fisheries on March 2nd and 3rd, a Committee Substitute has been prepared.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUGH V  
STATE CAPITAL  
JUNEAU, ALASKA 99911  
(907) 465-3634  
(907) 465-3835

## Senate

### Committee on Resources

#### MAJOR PROVISIONS OF SB 417

##### SB 417

States the finding of the two task forces that the highest priority resources of the Kenai River are its fishery and wildlife.

Closes lands in the Special Use Area to multiple purpose use.

Closes lands to mineral entry.

Gives DNR primary management responsibility.

Management plan must be developed and adopted within two years.

Includes lands to a distance of 1/4 mile upland on each side of the river.

DNR must adopt regulations to designate incompatible uses and to establish a registration procedure for professional fishing guides.

Gives DNR "veto power" over local planning and zoning activities to assure consistency with the Special Use Area.

Additional land may be acquired through any lawful means.

In developing the management plan, DNR will consult with an advisory board and hold public hearings.

##### Committee Substitute

Same as original bill.

Lands remain open to multiple purpose use.

Closes except for oil and gas leasing.

Same as original bill.

Specifies that plan must be developed in consultation with Kenai Peninsula Borough.

Adjacent land may be included.

Same as original bill.

This provision is removed. Clarifies that regulations adopted apply only to state-owned land.

Additional land may not be acquired through eminent domain.

A majority of the members of the advisory group must be residents of the Kenai Peninsula Borough.

SECTIONAL ANALYSIS  
CSSB 417

Section 1. Findings

Section 2. Amends 41.21 (State Parks) by adding new sections:

41.21.500 Purpose is to (1) designate as a unit of state park systems the land and water described and (2) to protect and perpetuate the fishery and wildlife resources and habitat in the unit and adjacent area and (3) to manage recreational uses and development activities in the unit and adjacent areas.

41.21.502 Designation of land and water (A) Designates the surface estates of state owned land and water including shore, tide, and submerged land as the Kenai River Special Management Area. Followed by technical language locating and identifying the specific parcels.(legal descriptions) (B) Descriptions are "subject to valid existing rights ..." (C) The lands are closed to mineral entry "except for oil and gas leasing ..."

41.21.504 Designation of Management Responsibilities - The above described land and water is assigned to DNR for control, maintenance and development consistent with the findings and purposes of the act. Nothing in the bill affects powers and duties of Departments of Natural Resources, Fish and Game, Environmental Conservation, Division of Policy Development and Planning or Alaska Coastal Management Programs.

41.21.506 Comprehensive Management Plan, Regulations - Commissioner shall develop management plan within two years of effective date and may periodically review and adopt changes. The plan shall be developed in consultation with the Kenai Peninsula Borough.

Commissioner shall adopt regulations under Administrative Procedures Act which must designate and prohibit or restrict incompatible uses, and establish registration or licensing for professional fishing guides as well as controls that are deemed relevant state regulations.

Until regulations are adopted, commissioner may apply other relevant state regulations.

A regulation under this section doesn't apply to land in the boundaries of municipalities unless it is state land or the regulation has been approved by the municipality.

Sectional Analysis

CSSB 417

page 2

- 41.21.508      Additional land - Commissioner may acquire title or interest to land within or adjacent to the management area by any lawful means except eminent domain and may also add state owned land or water to the management area.
- 41.21.510      Public involvement - Commissioner shall appoint and consult with a local advisory board and hold public hearing in the area effected. Commissioner shall consult and solicit recommendations from federal and state agencies, municipalities, private land owners, and other interested members of the public.
- 41.21.512      Cooperative Management Agreements - The commissioner is authorized to enter into cooperative agreements with Federal agencies, municipalities, other state agencies or private land owners to achieve the purpose of this act.
- Section 3.      As 41.21 amended with new section 41.21.960. Attorney General, at request of commissioner, may seek an injunction and damages for violation of a regulation under this act.



BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

20417

February 7, 1984

The Honorable Jalmar Kerttula  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the management of the Kenai River. The bill addresses the problems on the river as pointed out by (1) the Kenai River Task Force; (2) the interagency task force composed of the Office of Management and Budget, and the Departments of Natural Resources, Fish and Game, Public Safety, and Environmental Conservation; and (3) 1983 Legislative Resolve No. 26.

Section 1 of the bill restates the findings of 1983 Legislative Resolve No. 26, and adds the two task forces' finding that the highest priority resources of the Kenai River are its fishery and wildlife.

Section 2 contains the body of the bill. It first states the purposes of the bill. It then adds new provisions to AS 41.21 which are intended to do three things. First, new AS 41.21.502 creates the Kenai River Special Management Area, composed of state-owned land and water from the Kenai River's confluence with Cook Inlet upstream to and including the Kenai and Skilak Lakes. Included within the described area is state land already managed by the division of parks and outdoor recreation, of the Department of Natural Resources, and additional, adjacent state land either already owned or selected and soon to be in state ownership.

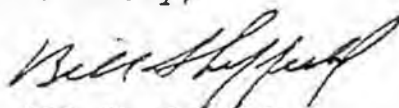
Second, new AS 41.21.504(a) assigns the Area's interim and long-term management and regulatory control to the Department of Natural Resources, with the intent that through cooperative management agreements with other local, state, and federal agencies that department will bring sensible, coordinated management to the Kenai River and its resources. It is anticipated that this function will be administered by the division of parks and outdoor recreation. New AS 41.21.504(b) ensures that the Department of Fish and Game, the Boards of Fisheries and Game, the Department of Environmental Conservation, and other state agencies, as well as municipalities, will retain their respective management, regulatory, and enforcement responsibilities. Cooperative agreements under new AS 41.21.512 will provide appropriate coordination.

Third, under new AS 41.21.506(a) and (b), the commissioner of the Department of Natural Resources is directed to develop and adopt within two years a long-range comprehensive management plan for the Kenai River Special Management Area, the shoreland of the Kenai River up to one-quarter mile on each side, and any additional public and private land that is crucial to the overall purposes of the bill. The commissioner is directed to use the department's regulatory authority to protect the river corridor and to implement the plan. New regulations must identify and control incompatible uses, and deal with the increasing difficulties associated with a proliferation of professional fishing guides on the Kenai River. Regulations adopted to implement the plan may, on private land, regulate activities that are inconsistent with the purposes of the bill or the plan. During the period of the development and implementation of the plan, it is hoped that the affected local governments will adequately exercise their planning, platting, and zoning powers granted in AS 29 so that the commissioner's regulatory power over private land-use activities need not be used. To that end, in developing and implementing the plan the commissioner is directed, in new AS 41.21.510, to appoint an advisory board and to continuously consult with relevant federal, state, and local government agencies, and with private interest groups and individuals. The commissioner is further authorized, under new AS 41.21.512, to enter into cooperative agreements not only with other government agencies but also with private landowners in order to simplify sound management of the Kenai River.

Section 3 of the bill explicitly provides the commissioner with authority to seek, through the attorney general's office, civil enforcement of regulations adopted under AS 41.21.500 -- 41.21.512, regarding the Kenai River Special Management Area, and other regulations applied to the Area.

Given the increasing problems and conflicts on the Kenai River, I urge your prompt action on this measure.

Sincerely,



Bill Sheffield  
Governor

Offered: 3/22/84  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 417 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act establishing the Kenai River Special Manage-  
7 ment Area; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. FINDINGS. The legislature finds that the Kenai River is  
10 an important natural resource and that it must be protected and preserved  
11 for the maximum benefit of all Alaskans. The vitality of the Kenai River  
12 is threatened. Power boat wakes and stream bank development have contri-  
13 buted to the erosion of the river's banks and the degradation of its fish  
14 beds. Increased use on the river endangers fish and wildlife habitats.  
15 Competition among people who sport fish, professional fishing guides, and  
16 others who use the river for recreation and transportation creates over-  
17 crowded, hazardous, and unpleasant conditions. A multitude of state and  
18 federal agencies with jurisdiction over various aspects of the river and  
19 adjacent public and private land creates a labyrinth of regulation without  
20 effectively preventing the river's deterioration. The river's fishery and  
21 wildlife are its most important resources. The highest priority uses of the  
22 river and its adjacent land derive from its fishery and wildlife resources,  
23 which must be protected and preserved to ensure their renewability and  
24 continued usefulness. To solve the river's problems a need exists for a  
25 comprehensive management plan for the river and its adjacent land and for  
26 coordinated management.  
27 \* Sec. 2. AS 41.21 is amended by adding new sections to read:  
28 Sec. 41.21.500. PURPOSE OF AS 41.21.500 - 41.21.514. The pur-  
29 pose of AS 41.21.500 - 41.21.514 is

1 (1) to designate as a unit of the state park system under  
2 this chapter the land and water described in AS 41.21.502(a);

3 (2) to protect and perpetuate the fishery and wildlife  
4 resources and habitat in the unit and adjacent area; and

5 (3) to manage recreational uses and development activities  
6 in the unit and adjacent area.

7 Sec. 41.21.502. KENAI RIVER SPECIAL MANAGEMENT AREA ESTABLISHED.

8 (a) The surface estate in the land and water presently owned by the  
9 state and all land and water acquired by the state in the future,  
10 including shore, tide, and submerged land, lying within the parcels  
11 described in this section is designated as the Kenai River Special  
12 Management Area:

13 (1) the Kenai River at the common section line of Sections  
14 16 and 17, Township 5 North, Range 11 West, Seward Meridian, upstream  
15 to and including the waters of the Kenai and Skilak Lakes;

16 (2) the Moose River from its confluence with the Kenai  
17 River upstream to the Sterling Highway Bridge;

18 (3) the Funny River from its confluence with the Kenai  
19 River upstream to the Funny River Road Bridge;

20 (4) the state land in the Kenai Recording District that is  
21 located within the following parcels:

22 (A) Kenai Keys

23 Township 5 North, Range 8 West, Seward Meridian

24 Section 26: General Land Office Lot 9

25 Section 36:

26 According to the Stephenie Alaska Subdivision,

27 Alaska State Land Survey No. 73-146:

28 Lots 2, 3, 5 - 8 and 12 - 33 of Block 2

29 Tract B

1 A small un-meandered island located within the  
2 SE1/4SE1/4 of Section 36  
3 General Land Office Lots 2, 3  
4 SW1/4NE1/4  
5 NE1/4NW1/4  
6 Excluding the Kenai Keys Road Right-of-Way and  
7 Stephenkie Alaska Subdivision, Alaska State  
8 Land Survey No. 73-146

9 (B) Bing's Landing  
10 Township 5 North, Range 8 West, Seward Meridian  
11 Section 16: Portion of W1/2W1/2 lying south of  
12 the Sterling Highway  
13 Section 20: Lot 1  
14 Section 21: Lot 3

15 (C) Izaak Walton  
16 Township 5 North, Range 8 West, Seward Meridian  
17 Section 7:  
18 Parcel #1: Starting at the Southwest corner of  
19 Lot 6, Section 7, T5N, R8W, go South 0°08' East  
20 a distance of 888.1 feet to the center of road  
21 to corner no. 1, which is the true point of  
22 beginning; then North 73°5' West along the  
23 center of the road a distance of 727 feet to  
24 corner no. 2; then in a southwesterly direction  
25 a distance of 515.6 feet plus or minus, along  
26 the line of mean high water of Moose River to  
27 point no. 3; then a distance of 108 feet plus  
28 or minus, to point no. 4 along the line of mean  
29 high water of Moose River to Kenai River; then

1 a distance of 75.3 feet plus or minus, to point  
2 no. 5 along that river; then upstream a  
3 distance of 808.6 feet plus or minus, at mean  
4 high water along Kenai River to point no. 6;  
5 then North 0°8' West 150 feet to point no. 7;  
6 then south 89°57' East a distance of 208 feet  
7 to point no. 8; then North 0°08' West 213.9  
8 feet to point no. 1, which is the true point of  
9 beginning.

10 Parcel #2: Starting at the Southwest corner of  
11 Lot 6, Section 7, T5N, R8W, go South 0°08' East  
12 a distance of 1102.0 feet to corner no. 1,  
13 which is the true point of beginning; then  
14 North 89°57' West 208.0 feet to corner no. 2;  
15 then South 0°08' East 150 feet plus or minus to  
16 corner no. 3, which is a point at mean high  
17 water of the Kenai River, then Southeasterly a  
18 distance of 238 feet plus or minus, along the  
19 line of high water of that river to corner  
20 no. 4, which is a point 268 feet plus or minus,  
21 South 0°08' East of corner no. 1, then North  
22 0°08' West 268 feet plus or minus to corner  
23 no. 1, which is the true point of beginning,  
24 containing one acre plus or minus.

- 25 (D) Nilnunga
- 26 Township 5 North, Range 8 West, Seward Meridian
- 27 Section 7: Lot 10
- 28 (E) Funny River
- 29 Township 5 North, Range 9 West, Seward Meridian

1 Section 28: SE1/4SE1/4  
2 Tract 6, Heistand Subdivision,  
3 Addition No. 2  
4 Section 33: Lots 1, 3  
5 SE1/4NW1/4  
6 portion of NE1/4  
7 lying west of the Funny River Road  
8 (F) Morgan's Landing  
9 Township 5 North, Range 9 West, Seward Meridian  
10 Section 21: SW1/4SE1/4  
11 Section 28: Lots 2, 3, 7 - 9, 14, 15  
12 NE1/4NW1/4  
13 NW1/4SW1/4  
14 Section 33: Lot 2  
15 (G) Kenai River Islands  
16 Township 5 North, Range 8 West, Seward Meridian  
17 Section 27: Lots 10, 17  
18 Township 5 North, Range 10 West, Seward Meridian  
19 Section 6: Lots 9 - 10  
20 Section 7: Lots 2 - 4, 8, 11, 16  
21 Section 18: Lots 2, 3, 14  
22 Section 19: Lots 3, 17  
23 Section 30: Lots 2, 8  
24 Section 31: Lots 7, 10  
25 Section 32: Lot 7  
26 Section 33: Lots 5, 8  
27 Section 34: Lot 10  
28 Township 5 North, Range 11 West, Seward Meridian  
29 Section 36: Lot 2 within NE1/4

1 (H) Slikok Creek  
2 Township 5 North, Range 11 West, Seward Meridian  
3 Section 36: Tract "A", Slikok Creek Alaska  
4 Subdivision  
5 (I) Big Eddy  
6 Township 5 North, Range 11 West, Seward Meridian  
7 Section 24: Lots 14, 15  
8 NW1/4NE1/4SE1/4  
9 (J) Ciechanski  
10 Township 5 North, Range 11 West, Seward Meridian  
11 Section 24: Lot 1  
12 (K) Kenai River Flats  
13 Township 5 North, Range 11 West, Seward Meridian  
14 Section 15: Lot 8  
15 NW1/4SE1/4  
16 N1/2SW1/4  
17 N1/2S1/2SW1/4  
18 (L) Other Lower River Land  
19 Township 5 North, Range 10 West, Seward Meridian  
20 Section 6: Lot 8  
21 Section 7: Lots 5 - 7, 15  
22 Section 18: Lots 4 - 7, 10 - 13  
23 NE1/4SW1/4  
24 E1/2NW1/4  
25 Section 19: Lot 16  
26 Township 5 North, Range 11 West, Seward Meridian  
27 Section 1: Lot 10  
28 Section 12: Lots 1 - 3, 7 - 10, 13  
29 N1/2SE1/4

1 SE1/4NE1/4  
2 NE1/4SW1/4  
3 Section 13: Lot 1  
4 SW1/4NW1/4  
5 Section 14: Lots 2, 7  
6 Section 16: Lots 1 - 10  
7 SE1/4  
8 NW1/4NW1/4  
9 SE1/4SW1/4

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

13 (c) Except for oil and gas leasing under AS 38.05.180, the  
14 mineral estate in the State-owned land and water described in (a) of  
15 this section is closed to mineral entry under AS 38.05.181 -  
16 38.05.280.

17 Sec. 41.21.504. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)  
18 The land and water described in AS 41.21.502(a) is assigned to the  
19 Department of Natural Resources for control, maintenance, and develop-  
20 ment consistent with the purposes of AS 41.21.500 - 41.21.514.

21 (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicabil-  
22 ity of

23 (1) AS 41.99.010 and AS 16 regarding the responsibilities  
24 of the Department of Fish and Game or the Board of Fisheries or the  
25 Board of Game;

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

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

1           Sec. 41.21.506. COMPREHENSIVE MANAGEMENT PLAN; REGULATIONS. (a)  
2       Within two years from the effective date of this Act the commissioner  
3       shall develop and adopt a comprehensive management plan for the Kenai  
4       River Special Management Area in consultation with the Kenai Peninsula  
5       Borough. The plan may include the land adjacent to the rivers des-  
6       cribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the  
7       state or privately owned and may include other land considered appro-  
8       priate by the commissioner and the Kenai Peninsula Borough. The  
9       commissioner shall periodically review the plan and adopt changes to  
10      the plan in consultation with the Kenai Peninsula Borough.

11           (b) The commissioner shall adopt regulations under the Adminis-  
12      trative Procedure Act (AS 44.62) that are necessary to achieve the  
13      purposes of AS 41.21.500 - 41.21.514 and to implement the plan adopted  
14      under (a) of this section. The regulations shall

15           (1) designate incompatible uses and prohibit or restrict  
16      them, and

17           (2) establish a registration, licensing, or comparable  
18      procedure for professional fishing guides and such additional fishing  
19      guide controls as the commissioner considers necessary.

20           (c) Until regulations adopted under AS 41.21.500 - 41.21.512  
21      take effect, existing state regulations otherwise applicable to the  
22      Kenai River Special Management Area remain in effect.

23           (d) A regulation adopted under this section applies to land  
24      owned by the state but does not apply to land not owned by the state  
25      that is located within the boundaries of a municipality unless the  
26      regulation has been approved by the municipality.

27           (e) The provisions of AS 41.21.025(b) and (c) do not apply to  
28      the land and water described in AS 41.21.502(a).

29           Sec. 41.21.508. ADDITIONAL LAND. (a) The commissioner may

1 acquire title to or an interest in land or improvements on land that  
2 is adjacent to or within the boundaries of the Kenai River Special  
3 Management Area in the name of the state in order to achieve the  
4 purposes of AS 41.21.500 - 41.21.514, by lease, purchase, exchange  
5 under AS 38.50, bequest, gift, or other lawful means but not by emi-  
6 nent domain.

7 (b) The commissioner may adjust the boundaries of the Kenai  
8 River Special Management Area under AS 38.05.295 - 38.05.300 by adding  
9 state-owned land and water to the Kenai River Special Management Area  
10 to achieve the purposes of AS 41.21.500 - 41.21.514.

11 Sec. 41.21.510. PUBLIC INVOLVEMENT. (a) In developing and  
12 implementing the management plan required by AS 41.21.506(a), the  
13 commissioner shall appoint an advisory board. The commissioner and  
14 the advisory board shall jointly hold public meetings during  
15 development of the management plan in the areas affected. The  
16 commissioner shall consult with and solicit recommendations from the  
17 advisory board and from federal and state agencies, interest groups,  
18 and other interested members of the public.

19 (b) The advisory board appointed under this section shall be  
20 representative of user groups, resident property owners, municipal-  
21 ities, agencies of the state and federal governments, and other  
22 interest groups. A majority of the members of the advisory group  
23 shall be residents of the Kenai Peninsula Borough.

24 Sec. 41.21.512. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-  
25 sioner may enter into cooperative management agreements with a federal  
26 agency, a municipality, another state agency, or a private landowner  
27 to achieve the purposes of AS 41.21.500 - 41.21.514.

28 Sec. 41.21.514. CIVIL ENFORCEMENT. In addition to any other  
29 remedy provided by law, the attorney general may seek an injunction

1       and damages at the request of the commissioner for a violation of a  
2       regulation adopted under AS 41.21.500 - 41.21.514 or a regulation that  
3       is applicable to the Kenai River Special Management Area established  
4       under AS 41.21.502.

5       \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
6       10.070(c).

Introduced: 2/7/84  
Referred: Resources and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 417

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Kenai River Special Manage-  
7 ment Area; and providing for an effective date."

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

9 \* Section 1. FINDINGS. The legislature finds that the Kenai River is  
10 an important natural resource and that it must be protected and preserved  
11 for the maximum benefit of all Alaskans. The vitality of the Kenai River  
12 is threatened. Power boat wakes and stream bank development have contri-  
13 buted to the erosion of the river's banks and the degradation of its fish  
14 beds. Increased use on the river endangers fish and wildlife habitats.  
15 Competition among people who sport fish, professional fishing guides, and  
16 others who use the river for recreation and transportation creates over-  
17 crowded, hazardous, and unpleasant conditions. A multitude of state and  
18 federal agencies with jurisdiction over various aspects of the river and  
19 adjacent public and private land creates a labyrinth of regulation without  
20 effectively preventing the river's deterioration. The river's fishery and  
21 wildlife are its most important resources. The highest priority uses of the  
22 river and its adjacent land derive from its fishery and wildlife resources,  
23 which must be protected and preserved to ensure their renewability and  
24 continued usefulness. To solve the river's problems a need exists for a  
25 comprehensive management plan for the river and its adjacent land and for  
26 coordinated management.

27 \* Sec. 2. AS 41.21 is amended by adding new sections to read:

28 ARTICLE 4A. KENAI RIVER SPECIAL MANAGEMENT AREA.  
29 Sec. 41.21.500. PURPOSE OF AS 41.21.500 -- 41.21.510. The

1 purpose of AS 41.21.500 -- 41.21.510 is to designate, as a unit of the  
2 state park system under AS 41.21, the land and water described in  
3 AS 41.21.502(a), and

4 (1) to protect and perpetuate the fishery and wildlife  
5 habitat in the unit and adjacent area;

6 (2) to protect the scenic values and recreational values  
7 in the unit and adjacent area; and

8 (3) to manage recreational uses and development activities  
9 in the unit and adjacent area.

10 Sec. 41.21.502. DESIGNATION OF WATER AND LAND. (a) The surface  
11 estate in the following state-owned water and land, including shore,  
12 tide, and submerged land, and the surface estate in the water and land  
13 that the state acquires in the future lying within the parcels de-  
14 scribed as follows, are designated the Kenai River Special Management  
15 Area:

16 (1) the Kenai River from its confluence with Cook Inlet at  
17 the common section line of Sections 5 and 6, Township 5 North, Range  
18 11 West, Seward Meridian, upstream to and including the waters of the  
19 Kenai and Skilak Lakes;

20 (2) the Moose River from its confluence with the Kenai  
21 River upstream to the Sterling Highway Bridge;

22 (3) the Funny River from its confluence with the Kenai  
23 River upstream to the Funny River Road Bridge;

24 (4) the state land within the following parcels:

25 (A) Kenai Keys

26 Township 5 North, Range 8 West, Seward Meridian

27 Alaska State Land Survey No. 73-146,

28 Lots 2,3,5-8, and 12-33 of Block 2.

29 Tract B.

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A small un-meandered island located within the SE SE of Section 36.

According to the Stephenkie Alaska Subdivision, Alaska State Land Survey No. 73-146, filed in the Kenai Recording District as Plat No. 79-83.

Township 5 North, Range 8 West, Seward Meridian Section 36: General Land Office Lots 2, 3, SW NE, NE NW, excluding the Kenai Keys Road Right-of-Way and Stephenkie Alaska Subdivision, Alaska State Land Survey No. 73-146, filed in the Kenai Recording District as Plat No. 79-83.

Section 26: General Land Office Lot 9.

(B) Bing's Landing

Township 5 North, Range 8 West, Seward Meridian Section 16: Portion of WW lying south of the Sterling Highway.

Section 20: Lot 1.

Section 21: Lot 3.

(C) Izaak Walton

Township 5 North, Range 8 West, Seward Meridian Parcel #1: Starting at the Southwest corner of Lot 6, Section 7, go South 0°08' East a distance of 888.1 feet to the center of road to corner no. 1, which is the true point of beginning; then North 73°5' West along the center of the road a distance of 727 feet to corner no. 2; then in a southwesterly

1 direction a distance of 515.6 feet , along  
2 the line of mean high water of Moose River to  
3 point no. 3; then a distance of 108 feet , to  
4 point no. 4 along the line of mean high water  
5 of Moose River to Kenai River; then a distance  
6 of 75.3 feet , to point no. 5 along that  
7 river; then upstream a distance of 808.6 feet  
8 , at mean high water along Kenai River to  
9 point no. 6; then North 0°8' West 150 feet to  
10 point no. 7; then south 89°57' East a distance  
11 of 208 feet to point no. 8; then North 0°08'  
12 West 213.9 feet to point no. 1, which is the  
13 true point of beginning, in the Kenai  
14 Recording District.

15 Parcel #2: Starting at the Southwest corner of  
16 Lot 6, Section 7, go South 0°08' East a  
17 distance of 1102.0 feet to corner no. 1, which  
18 is the true point of beginning; then North  
19 89°57' West 208.0 feet to corner no. 2; then  
20 South 0°08' East 150 feet to corner no. 3,  
21 which is a point at mean high water of the  
22 Kenai River, then Southeasterly a distance of  
23 238 feet , along the line of high water of  
24 that river to corner no. 4, which is a point  
25 268 feet , South 0°08' East of corner no. 1,  
26 then North 0°08' West 268 feet to corner no.  
27 1, which is the true point of beginning,  
28 containing one acre , in the Kenai Recording  
29 District.

1 (D) NiInunqa  
2 Township 5 North, Range 8 West, Seward Meridian  
3 Section 7: Lot 10.  
4 (E) Funny River  
5 Township 5 North, Range 9 West, Seward Meridian  
6 Section 28: SE SE .  
7 Section 33: Lots 1, 3, SE NW, portion of NE  
8 lying west of the Funny River Road.  
9 Tract 6, Heistand Subdivision, Addition No. 2,  
10 according to Plat No. 77-174, filed in the  
11 Kenai Recording District.  
12 (F) Morgan's Landing  
13 Township 5 North, Range 9 West, Seward Meridian  
14 Section 21: SW SE .  
15 Section 28: Lots 2, 3, 7-9, 14, 15, NE NW ,  
16 NW SW  
17 Section 33: Lot 2.  
18 (G) Kenai River Islands  
19 Township 5 North, Range 8 West, Seward Meridian  
20 Section 27: Lots 10, 17.  
21 Township 5 North, Range 10 West, Seward Meridian  
22 Section 6: Lots 9, 10.  
23 Section 7: Lots 2-4, 8, 11, 16.  
24 Section 18: Lots 2, 3, 14.  
25 Section 19: Lots 3, 17.  
26 Section 30: Lots 2, 8.  
27 Section 31: Lots 7, 10.  
28 Section 32: Lot 7.  
29 Section 33: Lots 5, 8.

1                                   Section 34: Lot 10.  
2                                   Township 5 North, Range 11 West, Seward Meridian  
3                                   Section 36: Lot 2 within NE .  
4                   (H) Slikok Creek  
5                                   Township 5 North, Range 11 West, Seward Meridian  
6                                   Section 36: Tract "A", Slikok Creek Alaska  
7                                   Subdivision  
8                   (I) Big Eddy  
9                                   Township 5 North, Range 11 West, Seward Meridian  
10                                  Section 24: Lots 14, 15, NW NE SE .  
11                   (J) Ciechanski  
12                                  Township 5 North, Range 11 West, Seward Meridian  
13                                  Section 24: Lot 1  
14                   (K) Kenai River Flats  
15                                  Township 5 North, Range 11 West, Seward Meridian  
16                                  Section 15: Lot 8, NW SE , N SW , N S SW .  
17                   (L) Other Lower River Land  
18                                  Township 5 North, Range 10 West, Seward Meridian  
19                                  Section 6: Lot 8.  
20                                  Section 7: Lots 5-7, 15.  
21                                  Section 18: Lots 4-7, 10-13, NE SW , E NW .  
22                                  Section 19: Lot 16.  
23                                  Township 5 North, Range 11 West, Seward Meridian  
24                                  Section 1: Lot 10.  
25                                  Section 12: Lots 1-3, 7-10, 13, N SE , SE NE ,  
26   NE SW .  
27                                  Section 13: Lot 1, SW NW .  
28                                  Section 14: Lots 2, 7.  
29                                  Section 16: Lots 1-10, SE , NWNW , SE SW .

1           (b) The land and water described in (a) of this section are  
2 designated as a special purpose area under art. VIII, sec. 7, of the  
3 Alaska Constitution, and are closed to multiple purpose use in con-  
4 formity with AS 38.05.300, subject to valid existing rights.

5           (c) The mineral estate in the land and water described in (a) of  
6 this section is closed to mineral entry under AS 38.05.185 -- 38.-  
7 05.280.

8           Sec. 41.21.504. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)  
9 The land and water described in AS 41.21.502 are assigned to the  
10 Department of Natural Resources for control, maintenance, and develop-  
11 ment consistent with the findings and purposes of this Act.

12           (b) Nothing in AS 41.21.500 -- 41.21.512 affects the applicabil-  
13 ity of (1) AS 41.99.010 and AS 16 regarding fish and game responsibil-  
14 ities; (2) AS 46.03 regarding Department of Environmental Conservation  
15 responsibilities; or (3) the responsibilities of state agencies and  
16 municipalities under AS 44.19.145(a)(11) and AS 46.40.100.

17           Sec. 41.21.506. COMPREHENSIVE MANAGEMENT PLAN; REGULATIONS. (a)  
18 Within two years after the effective date of this Act the commissioner  
19 shall, subject to the availability of appropriations enacted to imple-  
20 ment this Act, develop and adopt a comprehensive management plan for  
21 the Kenai River Special Management Area. The plan must cover the land  
22 abutting the rivers described in AS 41.21.502(a)(1) -- (3), whether  
23 state-owned or privately owned, to a distance of one-quarter mile  
24 upland on each side as measured on a horizontal plane from the mean  
25 high water line of each river, and other adjacent public and private  
26 land the commissioner decides should be included within the plan to  
27 effectuate the purposes of this Act. The commissioner may periodical-  
28 ly review the plan and adopt changes to the plan as conditions war-  
29 rant.

1 (b) The commissioner shall adopt regulations, under the Adminis-  
2 trative Procedure Act (AS 44.2), that are necessary to effectuate the  
3 purposes of this Act and to implement the plan adopted under (a) of  
4 this section. The regulations must

5 (1) designate incompatible uses and prohibit or restrict  
6 them, and

7 (2) establish a registration, licensing, or comparable  
8 procedure for professional fishing guides and such additional fishing  
9 guide controls as the commissioner decides are necessary.

10 (c) Until regulations adopted under AS 41.21.500 -- 41.21.512  
11 take effect, the commissioner may apply other relevant state regula-  
12 tions to the Kenai River Special Management Area.

13 (d) For any activity that could be regulated by or is authorized  
14 by a municipal corporation or the Kenai Peninsula Borough through the  
15 exercise of planning, platting, and zoning powers granted in AS 29.33,  
16 the commissioner may review and disapprove those activities to insure  
17 consistency with the purposes of this Act and the plan adopted under  
18 (a) of this section.

19 (e) The provisions of AS 41.21.025(b) and (c) regarding zoning  
20 regulations do not apply to the land and water described in AS 41.21.-  
21 500 -- 41.21.512.

22 Sec. 41.21.508. ADDITIONAL LAND. (a) In the name of the state,  
23 the commissioner may acquire by lease, purchase, exchange under  
24 AS 38.50.010 -- 38.50.170, bequest, gift, or any other lawful means,  
25 title to or interest in real property or improvements on the property,  
26 adjacent to or within the boundaries of the Kenai River Special Man-  
27 agement Area in order to effectuate the purposes of this Act.

28 (b) The commissioner may, under AS 38.05.295 -- 38.05.300,  
29 adjust the boundaries of the Kenai River Special Management Area by

1 adding other state-owned land and water to effectuate the purposes of  
2 this Act.

3 Sec. 41.21.510. PUBLIC INVOLVEMENT. In developing and implement-  
4 ing the plan required by AS 41.21.506(a), the commissioner shall  
5 appoint an advisory board with which to consult; shall hold public  
6 meetings, during development of the plan, in the areas affected; and  
7 shall consult on a regular basis with federal and state agencies,  
8 local governments, interest groups, and other interested members of  
9 the public.

10 Sec. 41.21.512. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-  
11 sioner may enter into cooperative management agreements with federal  
12 agencies, municipalities, other state agencies, or private landowners  
13 to effectuate the purposes of this Act.

14 \* Sec. 3. AS 41.21 is amended by adding a new section to read:

15 Sec. 41.21.960. CIVIL ENFORCEMENT. In addition to other rem-  
16 edies provided by law, the attorney general, at the request of the  
17 commissioner, may seek an injunction and damages for a violation of a  
18 regulation adopted under AS 41.21.500 -- 41.21.512 or other regula-  
19 tions that are applicable to the special management area established  
20 by AS 41.21.502.

21 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).

COMMITTEE REPORT  
SENATE

FURTHER:

3/22/84

Date 4/27/84

Mr. President

The Committee on FINANCE considered SB 417

*Establishing the Royal River Special Management Area, etc.*

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 417 (Res)
- new title
- same title and recommends DO Pass *w/ Res. Letter of Intent*
- and attached a "LETTER OF INTENT" *Same figures but updated*
- reports it back without recommendation [  NEW FISCAL NOTE
- recommends referral to \_\_\_\_\_ { *7/28/84 @ Pub Safety*  
*2/3/84 @ Parks*  
*2/3/84 @ DEC*  
*1/31/84 @ F&B*  
Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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Chairman

Chairman recommendation

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/21/84

REQUEST

Bill/Resolution No.: CS for SB417  
Title: (Sen. Resources) Kenai River Park Management  
Sponsor: Governor  
Requestor:  
Date of Request:

FISCAL DETAIL

Agency Affected: Natural Resources, Parks  
Program Category Affected: Parks and Recreation  
BRU, Program or Subprogram(s) Affected: Park Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		208.9	208.9	208.9	208.9	208.9
200 TRAVEL		1.5	1.5	1.5	1.5	1.5
300 CONTRACTUAL		31.8	31.8	31.8	31.8	31.8
400 SUPPLIES		23.0	23.0	23.0	23.0	23.0
500 EQUIPMENT		121.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		386.7	265.2	265.2	265.2	265.2
CAPITAL						
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

GENERAL FUND		386.7	265.2	265.2	265.2	265.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY		7	7	7	7	7

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Neil Johannsen Phone: 276-2653  
Division: Parks and Outdoor Recreation Date: 3/21/84

Approved by Commissioner: *Robert J. Arnold, Deputy* Date: 3/21/84  
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

12/1/83

Fiscal Note Section IV Analysis  
 Kenai River Management

		Salary	Benefits	FY 85 Total
100:	Natural Resource Officer II	12 mm 33.0	10.0	43.0
	Park Ranger II	12 mm 33.9	10.1	44.0
	Park Ranger I	8 mm 19.2	5.8	25.0
	Park Ranger I	8 mm 19.2	5.8	25.0
	Natural Resource Technician II	5 mm 10.5	3.2	13.7
	Radio Dispatcher I	6 mm 11.8	3.6	15.4
	Radio Dispatcher I	6 mm 11.8	3.6	15.4
	Natural Resource Technician II	5 mm 10.5	3.2	13.7
	Natural Resource Technician II	5 mm 10.5	3.2	13.7
				<u>208.9</u>
200:	Travel and Per Diem for Natural Resource Officer to attend public meetings and Advisory Board meetings in Anchorage and Homer and meetings to coordinate with Federal and other State agencies.....			1.5
300:	River boat repair and maintenance.....			9.0
	Vehicle rental - mileage and fixed costs.....			22.8
				<u>31.8</u>
400:	Uniform allowance.....			2.0
	Fuel, oil and parts for river boats.....			20.7
	Office supplies.....			3
				<u>23.0</u>
TOTAL OPERATING:				<u>265.2</u>
500:	Listed equipment costs will be necessary for initial program start-up only, these will not be necessary on a yearly basis.			
	Three Jetboats: 17 ft. equipped with lights, siren, life preservers and trailers @ \$20. each.....			60.0
	Four MX 360 Radios and Convertacoms @ \$2.5 each.....			10.0
	Seven Parks Radio 100 Watt Mobile Radio @ \$2.5 each.....			17.5
	Two 4X4 Pickups @ \$9.0 each.....			18.0
	One 1/2 ton Pickup @ \$7.0 .....			7.0
	One Station Wagon @ \$6.0.....			6.0
	One Defensive Equipment.....			1.0
	One Word Processor.....			2.0
				<u>121.5</u>
TOTAL FY 85 REQUEST.....				<u>386.7</u>
CIP REQUEST:	Comprehensive Plan for river management, to be done over two fiscal years (1985 and 1986).....			160.0

1	POSITION TITLE			RANGE/STEP	BARG. UNIT.	LOCATION	GOV	APPROV.	DISAPP.
1	Natural Resource Technician II			12 A	GGU	Soldotna			
2	TYPE OF POSITION	STAFF MONTHS	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
2	Seasonal	5		New					
3	TYPE OF EXPENDITURE			AMOUNT		<b>JUSTIFICATION:</b> This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent will provide a necessary safety function in boat operation by assisting one Park Ranger boat operator. The three boat operators must have technician assistance to set the example for safe boat operation. Without assistance in boarding other boats, inspecting shorelines, retrieving accident victims and law enforcement situations, the rangers will not be able to perform an adequate or safe job during the peak season (May-Sept.). Up to 1,200 boats operate on the lower 52 miles of the Kenai River at the same time. It is virtually impossible for an operator to land a jet boat or approach another boat in the swift current without an assistant.			
	1	2	3						
4	PERSONAL SERVICES:								
4	SALARY			10,500					
5	BENEFITS			3,150					
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES			13,650					
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES			250					
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST			13,900					
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		13,900					
18		I-A RCPTS.							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION			FOR B&M USE ONLY					
AA KEY NUMBER				COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT M & O

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

FY 85

**13** REQUEST FOR NEW POSITION.

1	POSITION TITLE Natural Resource Technician II			RANGE/STEP 12 A	BARG. UNIT. GGU	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 5	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION: This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent will provide a necessary safety function in boat operation by assisting one Park Ranger boat operator. The three boat operators must have technician assistance to set the example for safe boat operation. Without assistance in boarding other boats, inspecting shorelines, retrieving accident victims and law enforcement situations, the rangers will not be able to perform an adequate or safe job during the peak season (May-Sept.). Up to 1,200 boats operate on the lower 52 miles of the Kenai River at the same time. It is virtually impossible for an operator to land a jet boat or approach another boat in the swift current without an assistant.			
	1	2	3						
4	PERSONAL SERVICES: SALARY		10,500						
5	BENEFITS		3,150						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		13,650						
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES		250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		13,900						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		13,900					
18		I-A RCPTS.							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER				COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT M & O

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

FY 85

**13** REQUEST FOR NEW POSITION.

1	POSITION TITLE			RANGE/STEP	BARG. UNIT.	LOCATION	APPROV.	DISAPP.	
1	Natural Resource Technician II			12 A	CGU	Soldotna	GOV		
2	TYPE OF POSITION	STAFF MONTHS	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
2	Seasonal	5		New					
3	TYPE OF EXPENDITURE			AMOUNT		<b>JUSTIFICATION:</b> This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent will provide a necessary safety function in boat operation by assisting one Park Ranger boat operator. The three boat operators must have technician assistance to set the example for safe boat operation. Without assistance in boarding other boats, inspecting shorelines, retrieving accident victims and law enforcement situations, the rangers will not be able to perform an adequate or safe job during the peak season (May-Sept.). Up to 1,200 boats operate on the lower 52 miles of the Kenai River at the same time. It is virtually impossible for an operator to land a jet boat or approach another boat in the swift current without an assistant.			
	1	2	3						
4	PERSONAL SERVICES- SALARY		10,500						
5	BENEFITS		3,150						
6	FICA <sup>1</sup>								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		13,650						
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES		250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		13,900						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		13,900					
18		I-A RCPTS							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER				COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT M & O

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

FY 85

**13** REQUEST FOR NEW POSITION.



1	POSITION TITLE Radio Dispatcher I			RANGE/STEP 11A	BARG. UNIT. GGU	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 6	RP No.	PCN No. New	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT	JUSTIFICATION:				
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY		11,838						
5	BENEFITS		3,551						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		15,389						
9	TRAVEL								
10	CONTRACTUAL								
11	COMMODITIES		250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		15,639						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		15,639					
18		I-A RCPTS.							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION								

FOR B&M USE ONLY

4A KEY NUMBER

COLUMN NO.

AGENCY Natural Resources

PROGRAM AREA Division of Parks

BRU Operations

FY 85

**13** REQUEST FOR NEW  
POSITION.

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED  
DATE

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1	POSITION TITLE Radio Dispatcher I			RANGE/STEP 11A	BARG. UNIT. CCU	LOCATION Soldotna	APPROV. GOV	DISAPP.
2	TYPE OF POSITION	STAFF MONTHS	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT				
	1			2		3		
4	PERSONAL SERVICES: SALARY			11,838				
5	BENEFITS			3,551				
6	FICA							
7	HEALTH INS.							
8	TOTAL PERSONAL SERVICES			15,389				
9	TRAVEL							
10	CONTRACTUAL							
11	COMMODITIES			250				
12	EQUIPMENT							
13	OTHER							
14	TOTAL COST			15,639				
15	CODE	FUNDING SOURCE						
16		FED RCPTS.						
17		GF MATCH.						
18		GEN FUND		15,639				
19		I-A RCPTS.						
20		FGM RCPTS						
21		OTHER						
21	CONTINUATION							
22	ADDITION		FOR B&M USE ONLY					
4A	KEY NUMBER			COLUMN NO.				

JUSTIFICATION:

This position is needed as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. Two radio dispatchers are needed to provide 7 days/week, 16 hours/day communications for three field rangers, one technician and one manager who will spend most of their time in the field. The rangers in boats will require radio dispatch to perform the public safety inspection and maintenance aspects of their job, which will be a major portion of their work. Without radio dispatch and adequate communication the rangers will not be able to respond to complaints and public assistance calls. The manager needs immediate communication with field staff to investigate permit compliance. Water related accidents require immediate response (within minutes). Central radio dispatch is needed for these tasks. The local department of Public Safety cannot monitor and dispatch any more frequencies since they already have nine emergency and law enforcement radio and telephone networks.

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

FY 85

**13 REQUEST FOR NEW POSITION.**



1	POSITION TITLE Park Ranger I			RANGE/STEP 14A	BARG. UNIT. GGII	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION Seasonal	STAFF MONTHS 8	RP No.	PCN No. New	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT	JUSTIFICATION:				
	1	2	3						
4	PERSONAL SERVICES: SALARY		19,184						
5	BENEFITS		5,755						
6	FICA <sup>1</sup>								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		24,939						
9	TRAVEL								
10	CONTRACTUAL		9,000						
11	COMMODITIES		7,250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		41,189						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		41,189					
18		I-A RCPTS.							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION								
FOR B&M USE ONLY									
4A KEY NUMBER _____ COLUMN NO. _____									

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

FY 85

**13** REQUEST FOR NEW  
POSITION.



1	POSITION TITLE Natural Resource Officer II			RANGE/STEP 16 A	B' RG. UNIT. GCU	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		<b>JUSTIFICATION:</b> This position is required as part of a management package for the Kenai River column from Skilak Lake to Cook Inlet. The incumbent shall accomplish the management objectives to be established by statute, generally stated as follows: provide a safe and healthy river environment for the recreating public and adjacent land owners; maintain a free-flowing river in its natural state; promote recreational enjoyment of the river by developing educational and interpretive programs while stimulating the local tourist economy. This position shall assist in implementing Legislative Resolve 26. Job tasks will include the following: Provide single-agency management of the Kenai River; permit oversight and management; establish a Citizen's Advisory Board to provide local public input and guidance; establish concessions permits and policies for commercial operations on the river; assure complicity with laws and provide recreation information; propose regulations under state park management authority; research legal and land ownership problems; enforce boating safety regulations and educate boaters on safe operations; stimulate the state tourism industry by developing educational and interpretive points of interest. This position will be a staff assistant to the District Superintendent.			
	1	2	3						
4	PERSONAL SERVICES- SALARY		33,084						
5	BENEFITS		9,925						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		43,009						
9	TRAVEL		1,500						
10	CONTRACTUAL		4,800						
11	COMMODITIES		250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		49,559						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN FUND		49,559					
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION		FOR B&M USE ONLY						
22	ADDITION								
4A KEY NUMBER		COLUMN NO.							

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations

FY 85

**13 REQUEST FOR NEW POSITION.**

COMPONENT M & O

Page      of     

REVISED DATE

1	POSITION TITLE Park Ranger II			RANGE/STEP 16 A	BARG. UNIT. Supervisory	LOCATION Soldotna	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		<b>JUSTIFICATION:</b> This position is required as part of a management package for the Kenai River column from Shilak Lake to Cook Inlet. The field ranger positions will report directly to this position who will have line authority over the river operations. The management objectives for the Kenai River are to provide a safe and healthy river environment for the recreating public and adjacent land owners. From daily observations and contact with local users and a citizen advisory board the district staff would propose regulations under state park management authority, resolve conflicts, enforce laws, erect proper signing, coordinate public information and education, assist in rescues and emergency medical problems, and remove dangerous obstacles. Another objective is to maintain a free-flowing river in its natural state, control pollution and man-made erosion problems, and maximize recreational use with a minimum of habitat degradation. To promote recreational enjoyment and stimulate the local tourist economy the rangers will develop points of historic, scientific and cultural value so that the public will appreciate them through education and interpretation of the resources. They shall monitor permits and policies for commercial operation, private structures in the river, and cooperative agreements with other State and Federal agencies and private landholders; they shall also respond to all public complaints on the river column. Most of their working time will be spent on the river itself.			
	1	2	3						
4	PERSONAL SERVICES: SALARY		35,888						
5	BENEFITS		10,166						
6	FICA								
7	HEALTH INS.								
8	TOTAL PERSONAL SERVICES		44,054						
9	TRAVEL								
10	CONTRACTUAL		9,000						
11	COMMODITIES		7,250						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		60,304						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		60,304					
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER				COLUMN NO.					

AGENCY Natural Resources PROGRAM AREA Division of Parks  
Operations  
 BRU Maintenance and Operations  
 COMPONENT \_\_\_\_\_

**13 REQUEST FOR NEW POSITION.**

**FY 85**

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_



1	POSITION TITLE Park Ranger I			RANGE/STEP 14A	BARG. UNIT. GGU	LOCATION Soldotna	GOV	APPROV.	SAPP.						
2	TYPE OF POSITION Seasonal	STAFF MONTHS 8	RP No.	PCM No. New	PRIORITY	FORM 12 PAGE/LINE	LEG.								
3	TYPE OF EXPENDITURE			AMOUNT											
	1	2	3												
4	PERSONAL SERVICES: SALARY		19,184	JUSTIFICATION:											
5	BENEFITS		5,755												
6	FICA														
7	HEALTH INS.														
8	TOTAL PERSONAL SERVICES		24,939												
9	TRAVEL														
10	CONTRACTUAL		9,000												
11	COMMODITIES		7,250												
12	EQUIPMENT														
13	OTHER														
14	TOTAL COST		41,189												
	CODE	FUNDING SOURCE													
15		FED RCPTS.													
16		GF MATCH.													
17		GEN. FUND		41,189											
18		I-A RCPTS.													
19		FGM RCPTS													
20		OTHER													
21	CONTINUATION														
22	ADDITION			FOR B&M USE ONLY											
4A KEY NUMBER _____				COLUMN NO. _____											

AGENCY Natural Resources PROGRAM AREA Division of Parks

BRU Operations \_\_\_\_\_

FY 85

**13** REQUEST FOR NEW  
POSITION.

COMPONENT Maintenance & Operations

Page \_\_\_\_\_ of \_\_\_\_\_

REVISED DATE \_\_\_\_\_

Offered: 3/22/84  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 417 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act establishing the Kenai River Special Manage-  
7 ment Area; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. FINDINGS. The legislature finds that the Kenai River is  
10 an important natural resource and that it must be protected and preserved  
11 for the maximum benefit of all Alaskans. The vitality of the Kenai River  
12 is threatened. Power boat wakes and stream bank development have contri-  
13 buted to the erosion of the river's banks and the degradation of its fish  
14 beds. Increased use on the river endangers fish and wildlife habitats.  
15 Competition among people who sport fish, professional fishing guides, and  
16 others who use the river for recreation and transportation creates over-  
17 crowded, hazardous, and unpleasant conditions. A multitude of state and  
18 federal agencies with jurisdiction over various aspects of the river and  
19 adjacent public and private land creates a labyrinth of regulation without  
20 effectively preventing the river's deterioration. The river's fishery and  
21 wildlife are its most important resources. The highest priority uses of the  
22 river and its adjacent land derive from its fishery and wildlife resources,  
23 which must be protected and preserved to ensure their renewability and  
24 continued usefulness. To solve the river's problems a need exists for a  
25 comprehensive management plan for the river and its adjacent land and for  
26 coordinated management.  
27 \* Sec. 2. AS 41.21 is amended by adding new sections to read:  
28 Sec. 41.21.500. PURPOSE OF AS 41.21.500 - 41.21.514. The pur-  
29 pose of AS 41.21.500 - 41.21.514 is

1 (1) to designate as a unit of the state park system under  
2 this chapter the land and water described in AS 41.21.502(a);

3 (2) to protect and perpetuate the fishery and wildlife  
4 resources and habitat in the unit and adjacent area; and

5 (3) to manage recreational uses and development activities  
6 in the unit and adjacent area.

7 Sec. 41.21.502. KENAI RIVER SPECIAL MANAGEMENT AREA ESTABLISHED.

8 (a) The surface estate in the land and water presently owned by the  
9 state and all land and water acquired by the state in the future,  
10 including shore, tide, and submerged land, lying within the parcels  
11 described in this section is designated as the Kenai River Special  
12 Management Area:

13 (1) the Kenai River at the common section line of Sections  
14 16 and 17, Township 5 North, Range 11 West, Seward Meridian, upstream  
15 to and including the waters of the Kenai and Skilak Lakes;

16 (2) the Moose River from its confluence with the Kenai  
17 River upstream to the Sterling Highway Bridge;

18 (3) the Funny River from its confluence with the Kenai  
19 River upstream to the Funny River Road Bridge;

20 (4) the state land in the Kenai Recording District that is  
21 located within the following parcels:

22 (A) Kenai Keys

23 Township 5 North, Range 8 West, Seward Meridian

24 Section 26: General Land Office Lot 9

25 Section 36:

26 According to the Stephenkie Alaska Subdivision,  
27 Alaska State Land Survey No. 73-146:

28 Lots 2, 3, 5 - 8 and 12 - 33 of Block 2

29 Tract B

1  
2  
3  
4  
5  
6  
7  
8  
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11  
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29

A small un-meandered island located within the  
SE1/4SE1/4 of Section 36  
General Land Office Lots 2, 3  
SW1/4NE1/4  
NE1/4NW1/4  
Excluding the Kenai Keys Road Right-of-Way and  
Stephenkie Alaska Subdivision, Alaska State  
Land Survey No. 73-146

(B) Bing's Landing

Township 5 North, Range 8 West, Seward Meridian  
Section 16: Portion of W1/2W1/2 lying south of  
the Sterling Highway  
Section 20: Lot 1  
Section 21: Lot 3

(C) Izaak Walton

Township 5 North, Range 8 West, Seward Meridian  
Section 7:  
Parcel #1: Starting at the Southwest corner of  
Lot 6, Section 7, T5N R8W, go South 0°08' East  
a distance of 888.1 feet to the center of road  
to corner no. 1, which is the true point of  
beginning; then North 73°5' West along the  
center of the road a distance of 727 feet to  
corner no. 2; then in a southwesterly direction  
a distance of 515.6 feet plus or minus, along  
the line of mean high water of Moose River to  
point no. 3; then a distance of 108 feet plus  
or minus, to point no. 4 along the line of mean  
high water of Moose River to Kenai River; then

1 a distance of 75.3 feet plus or minus, to point  
2 no. 5 along that river; then upstream a  
3 distance of 808.6 feet plus or minus, at mean  
4 high water along Kenai River to point no. 6;  
5 then North 0°8' West 150 feet to point no. 7;  
6 then south 89°57' East a distance of 208 feet  
7 to point no. 8; then North 0°08' West 213.9  
8 feet to point no. 1, which is the true point of  
9 beginning.

10 Parcel #2: Starting at the Southwest corner of  
11 Lot 6, Section 7, T5N, R8W, go South 0°08' East  
12 a distance of 1102.0 feet to corner no. 1,  
13 which is the true point of beginning; then  
14 North 89°57' West 208.0 feet to corner no. 2;  
15 then South 0°08' East 150 feet plus or minus to  
16 corner no. 3, which is a point at mean high  
17 water of the Kenai River, then Southeasterly a  
18 distance of 238 feet plus or minus, along the  
19 line of high water of that river to corner  
20 no. 4, which is a point 268 feet plus or minus,  
21 South 0°08' East of corner no. 1, then North  
22 0°08' West 268 feet plus or minus to corner  
23 no. 1, which is the true point of beginning,  
24 containing one acre plus or minus.

- 25 (D) Nilnunqa
- 26 Township 5 North, Range 8 West, Seward Meridian
- 27 Section 7: Lot 10
- 28 (E) Funny River
- 29 Township 5 North, Range 9 West, Seward Meridian

1                                   Section 28: SE1/4SE1/4  
 2    Tract 6, Heistand Subdivision,  
 3    Addition No. 2  
 4                                   Section 33: Lots 1, 3  
 5    SE1/4NW1/4  
 6    portion of NE1/4  
 7    lying west of the Funny River Road  
 8                   (F) Morgan's Landing  
 9                   Township 5 North, Range 9 West, Seward Meridian  
 10                                   Section 21: SW1/4SE1/4  
 11                                   Section 28: Lots 2, 3, 7 - 9, 14, 15  
 12    NE1/4NW1/4  
 13    NW1/4SW1/4  
 14                                   Section 33: Lot 2  
 15                   (C) Kenai River Islands  
 16                   Township 5 North, Range 8 West, Seward Meridian  
 17                                   Section 27: Lots 10, 17  
 18                   Township 5 North, Range 10 West, Seward Meridian  
 19                                   Section 6: Lots 9 - 10  
 20                                   Section 7: Lots 2 - 4, 8, 11, 16  
 21                                   Section 18: Lots 2, 3, 14  
 22                                   Section 19: Lots 3, 17  
 23                                   Section 30: Lots 2, 8  
 24                                   Section 31: Lots 7, 10  
 25                                   Section 32: Lot 7  
 26                                   Section 33: Lots 5, 8  
 27                                   Section 34: Lot 10  
 28                   Township 5 North, Range 11 West, Seward Meridian  
 29                                   Section 36: Lot 2 within NE1/4

1 (H) Slikok Creek  
2 Township 5 North, Range 11 West, Seward Meridian  
3 Section 36: Tract "A", Slikok Creek Alaska  
4 Subdivision

5 (I) Big Eddy  
6 Township 5 North, Range 11 West, Seward Meridian  
7 Section 24: Lots 14, 15  
8 NW1/4NE1/4SE1/4

9 (J) Ciechanski  
10 Township 5 North, Range 11 West, Seward Meridian  
11 Section 24: Lot 1

12 (K) Kenai River Flats  
13 Township 5 North, Range 11 West, Seward Meridian  
14 Section 15: Lot 8  
15 NW1/4SE1/4  
16 N1/2SW1/4  
17 N1/2S1/2SW1/4

18 (L) Other Lower River Land  
19 Township 5 North, Range 10 West, Seward Meridian  
20 Section 6: Lot 8  
21 Section 7: Lots 5 - 7, 15  
22 Section 18: Lots 4 - 7, 10 - 13  
23 NE1/4SW1/4  
24 E1/2NW1/4  
25 Section 19: Lot 16  
26 Township 5 North, Range 11 West, Seward Meridian  
27 Section 1: Lot 10  
28 Section 12: Lots 1 - 3, 7 - 10, 13  
29 N1/2SE1/4

1 SE1/4NE1/4  
2 NE1/4SW1/4  
3 Section 13: Lot 1  
4 SW1/4NW1/4  
5 Section 14: Lots 2, 7  
6 Section 16: Lots 1 - 10  
7 SE1/4  
8 NW1/4NW1/4  
9 SE1/4SW1/4

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

13 (c) Except for oil and gas leasing under AS 38.05.180, the  
14 mineral estate in the State-owned land and water described in (a) of  
15 this section is closed to mineral entry under AS 38.05.181 -  
16 38.05.280.

17 Sec. 41.21.504. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)  
18 The land and water described in AS 41.21.502(a) is assigned to the  
19 Department of Natural Resources for control, maintenance, and develop-  
20 ment consistent with the purposes of AS 41.21.500 - 41.21.514.

21 (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicabil-  
22 ity of

23 (1) AS 41.99.010 and AS 16 regarding the responsibilities  
24 of the Department of Fish and Game or the Board of Fisheries or the  
25 Board of Game;

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

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

1           Sec. 41.21.506. COMPREHENSIVE MANAGEMENT PLAN; REGULATIONS. (a)  
2       Within two years from the effective date of this Act the commissioner  
3       shall develop and adopt a comprehensive management plan for the Kenai  
4       River Special Management Area in consultation with the Kenai Peninsula  
5       Borough. The plan may include the land adjacent to the rivers des-  
6       cribed in AS 41.21.502(a)(1) - (3) whether the land is owned by the  
7       state or privately owned and may include other land considered appro-  
8       priate by the commissioner and the Kenai Peninsula Borough. The  
9       commissioner shall periodically review the plan and adopt changes to  
10      the plan in consultation with the Kenai Peninsula Borough.

11           (b) The commissioner shall adopt regulations under the Adminis-  
12      trative Procedure Act (AS 44.62) that are necessary to achieve the  
13      purposes of AS 41.21.500 - 41.21.514 and to implement the plan adopted  
14      under (a) of this section. The regulations shall

15                   (1) designate incompatible uses and prohibit or restrict  
16      them, and

17                   (2) establish a registration, licensing, or comparable  
18      procedure for professional fishing guides and such additional fishing  
19      guide controls as the commissioner considers necessary.

20           (c) Until regulations adopted under AS 41.21.500 - 41.21.512  
21      take effect, existing state regulations otherwise applicable to the  
22      Kenai River Special Management Area remain in effect.

23           (d) A regulation adopted under this section applies to land  
24      owned by the state but does not apply to land not owned by the state  
25      that is located within the boundaries of a municipality unless the  
26      regulation has been approved by the municipality.

27           (e) The provisions of AS 41.21.025(b) and (c) do not apply to  
28      the land and water described in AS 41.21.502(a).

29           Sec. 41.21.508. ADDITIONAL LAND. (a) The commissioner may

1 acquire title to or an interest in land or improvements on land that  
2 is adjacent to or within the boundaries of the Kenai River Special  
3 Management Area in the name of the state in order to achieve the  
4 purposes of AS 41.21.500 - 41.21.514, by lease, purchase, exchange  
5 under AS 38.50, bequest, gift, or other lawful means but not by emi-  
6 nent domain.

7 (b) The commissioner may adjust the boundaries of the Kenai  
8 River Special Management Area under AS 38.05.295 - 38.05.300 by adding  
9 state-owned land and water to the Kenai River Special Management Area  
10 to achieve the purposes of AS 41.21.500 - 41.21.514.

11 Sec. 41.21.510. PUBLIC INVOLVEMENT. (a) In developing and  
12 implementing the management plan required by AS 41.21.506(a), the  
13 commissioner shall appoint an advisory board. The commissioner and  
14 the advisory board shall jointly hold public meetings during  
15 development of the management plan in the areas affected. The  
16 commissioner shall consult with and solicit recommendations from the  
17 advisory board and from federal and state agencies, interest groups,  
18 and other interested members of the public.

19 (b) The advisory board appointed under this section shall be  
20 representative of user groups, resident property owners, municipal-  
21 ities, agencies of the state and federal governments, and other  
22 interest groups. A majority of the members of the advisory group  
23 shall be residents of the Kenai Peninsula Borough.

24 Sec. 41.21.512. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-  
25 sioner may enter into cooperative management agreements with a federal  
26 agency, a municipality, another state agency, or a private landowner  
27 to achieve the purposes of AS 41.21.500 - 41.21.514.

28 Sec. 41.21.514. CIVIL ENFORCEMENT. In addition to any other  
29 remedy provided by law, the attorney general may seek an injunction

1 and damages at the request of the commissioner for a violation of a  
2 regulation adopted under AS 41.21.500 - 41.21.514 or a regulation that  
3 is applicable to the Kenai River Special Management Area established  
4 under AS 41.21.502.

5 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



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## Senate

### Committee on Resources

Letter of Intent for CS SB 417 (Res)

It is the intent of the Legislature that the management plan described in AS 41.21.506 be developed jointly by the Commissioner of Natural Resources and the Kenai Peninsula Borough.

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

2/7/84

Date 3-21-84

Mr. President

The Committee on RESOURCES considered SB 417

establishing the Kenai River Special Management Area; cfd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 417 (Re)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

*Paul Enck*  
*W. Ziegen*  
*W. Ziegen*  
*Don Kilman*  
*Bob Mulcahy*  
*Arling Stangor*  
*W. Ziegen*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

How'd he get in here?

*Detlef Fabrikamp*  
Chairman

*Do Pass*  
Chairman recommendation



20417

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 7, 1984

The Honorable Jalmar Kerttula  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the management of the Kenai River. The bill addresses the problems on the river as pointed out by (1) the Kenai River Task Force; (2) the interagency task force composed of the Office of Management and Budget, and the Departments of Natural Resources, Fish and Game, Public Safety, and Environmental Conservation; and (3) 1983 Legislative Resolve No. 26.

Section 1 of the bill restates the findings of 1983 Legislative Resolve No. 26, and adds the two task forces' finding that the highest priority resources of the Kenai River are its fishery and wildlife.

Section 2 contains the body of the bill. It first states the purposes of the bill. It then adds new provisions to AS 41.21 which are intended to do three things. First, new AS 41.21.502 creates the Kenai River Special Management Area, composed of state-owned land and water from the Kenai River's confluence with Cook Inlet upstream to and including the Kenai and Skilak Lakes. Included within the described area is state land already managed by the division of parks and outdoor recreation, of the Department of Natural Resources, and additional, adjacent state land either already owned or selected and soon to be in state ownership.

Second, new AS 41.21.504(a) assigns the Area's interim and long-term management and regulatory control to the Department of Natural Resources, with the intent that through cooperative management agreements with other local, state, and federal agencies that department will bring sensible, coordinated management to the Kenai River and its resources. It is anticipated that this function will be administered by the division of parks and outdoor recreation. New AS 41.21.504(b) ensures that the Department of Fish and Game, the Boards of Fisheries and Game, the Department of Environmental Conservation, and other state agencies, as well as municipalities, will retain their respective management, regulatory, and enforcement responsibilities. Cooperative agreements under new AS 41.21.512 will provide appropriate coordination.

Third, under new AS 41.21.506(a) and (b), the commissioner of the Department of Natural Resources is directed to develop and adopt within two years a long-range comprehensive management plan for the Kenai River Special Management Area, the shoreland of the Kenai River up to one-quarter mile on each side, and any additional public and private land that is crucial to the overall purposes of the bill. The commissioner is directed to use the department's regulatory authority to protect the river corridor and to implement the plan. New regulations must identify and control incompatible uses, and deal with the increasing difficulties associated with a proliferation of professional fishing guides on the Kenai River. Regulations adopted to implement the plan may, on private land, regulate activities that are inconsistent with the purposes of the bill or the plan. During the period of the development and implementation of the plan, it is hoped that the affected local governments will adequately exercise their planning, platting, and zoning powers granted in AS 29 so that the commissioner's regulatory power over private land-use activities need not be used. To that end, in developing and implementing the plan the commissioner is directed, in new AS 41.21.510, to appoint an advisory board and to continuously consult with relevant federal, state, and local government agencies, and with private interest groups and individuals. The commissioner is further authorized, under new AS 41.21.512, to enter into cooperative agreements not only with other government agencies but also with private landowners in order to simplify sound management of the Kenai River.