

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
4920 HRES HB 93 (FILE 2)

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EQUIPMENT

30. For the following section please indicate the number of each type of boat you use for your operation within the study area:

- 1. Skiff # _____
- 2. Kayak # _____
- 3. Canoe # _____
- 4. Jet Boat # _____
- 5. Raft # _____
- 6. None
- 8. Don't Know
- 9. No Response

31. In the following chart please indicate the number of each type of plane you operate within the study area and the total capacity (i.e., number of seats not including the pilot):

Type of Plane	Number	Carrying Capacity (all planes)
1. Fixed Wing (wheels)		
2. Fixed Wing (floats/amphib.)		
3. Helicopter		

- 4. None
- 8. Don't Know
- 9. No Response

32. Please indicate how many of the following vehicles you use in your operation within the study area:

- 1. All Terrain Vehicles # _____
- 2. Snow Machines # _____
- 3. Automobile/Truck # _____
- 4. Other _____ # _____
- 5. None
- 8. Don't Know
- 9. No Response

33. For the following chart please indicate where your equipment is headquartered. If you have equipment in one category at two locations, i.e., both the satellite camp and main headquarters, please indicate the number of each equipment type you have in each location.

(Base camp is your primary facility in the study area, satellite camps include cabins and wall tent sites; main headquarters refers to your year-round business address.)

LOCATION	BOATS	PLANES	VEHICLES
1. Base Camp			
2. Satellite Camp			
3. Main Headquarters			

- 8. Don't Know
- 9. No Response

PERCEPTIONS

34. Have the areas you use for your business changed since 1980 for any of the following reasons:

- 1. _____ Restrictions on access due to expansion or creation of National Parks or National Wildlife Refuges.
- 2. _____ Restrictions on access due to conveyances of lands to Native Corporation ownership.
- 3. _____ Restrictions on hunting and fishing in National Parks.
- 4. _____ Other (explain) _____
- 5. _____ No change in areas used since 1980

35. Have the areas you use for your business changed since 1980 for any (or all) of the following reasons:

- 1. _____ Decline in quality of the experience due to crowding
- 2. _____ Decline in the abundance of fish
- 3. _____ Decline in the abundance of wildlife

36. If the areas you use for your business have changed due to crowding, what is the source of crowding?

- 1. _____ Other Lodges
- 2. _____ Other Outfitters
- 3. _____ Individual parties from outside the region
- 4. _____ Increased use by local residents
- 5. _____ Other

PART TWO: PRIMARY RESOURCE AND EQUIPMENT USE

The enclosed map of the study area has been divided into six sections labeled A-F. During this portion of the survey, we will ask questions about your activities in each of these sections. Please be as specific as possible.

1. Please indicate the number and type of facility that you have located in each section of the study area as of 1985.

FACILITY TYPE	A	B	C	D	E	F	OUTSIDE REGION
1. Base Camp							
2. Wall Tents/ Temp. Camps							
3. Cabins							
4. Storage Sheds							
5. Caches							
6. Main Headquarters							
7. Riverbank Dock Areas							
8. Riverbank Ramps							

88. Don't Know
99. No Response

2. For the following facilities, what is the total client capacity for each building type as of 1985. Please specify the client capacity for each section where a facility type is located.

FACILITY TYPE	A	B	C	D	E	F	OUTSIDE REGION
1. Base Camp							
2. Wall Tents/ Temp. Camps							
3. Cabins							
4. Main Headquarters							

8. Don't Know
9. No Response

3. In the chart below please indicate which type of water, wastewater and refuse systems you use in each section of the study area:

SYSTEM TYPE	A	B	C	D	E	F
1. Septic System						
2. Portable						
3. Permanent Outhouse						
4. Temporary Outhouse						
5. Water Well						
6. Incinerate Trash						
7. Landfill Trash						
8. Fly Out Trash						

88. Don't Know
99. No Response

4. In the following chart please indicate by section where your clients fished and what species they fished for within the study area in 1985. Answer in terms of percentage of time spent in each section fishing for that particular species (percentages can be estimated and should equal 100%).

SPECIES	A	B	C	D	E	F	100%
1. Silver Salmon							100%
2. King Salmon							100%
3. Rainbow Trout							100%
4. Grayling							100%
5. Arctic Char							100%
6. Northern Pike							100%

8. Don't Know
9. No Response

5. The following questions concern your operation's policy on catch and release and harvest limits:

5a. Do you have a catch and release only (no kill) policy for the following species?

	<u>YES</u>	<u>NO</u>
1. Silver Salmon	_____	_____
2. King Salmon	_____	_____
3. Rainbow Trout	_____	_____
4. Grayling	_____	_____
5. Arctic Char	_____	_____
6. Northern Pike	_____	_____
8. Don't Know		
9. No Response		

5b. Do you insist that clients keep fewer fish than the legal limits imposed for that species by the Alaska Department of Fish & Game?

	<u>YES</u>	<u>NO</u>
1. Silver Salmon	_____	_____
2. King Salmon	_____	_____
3. Rainbow Trout	_____	_____
4. Grayling	_____	_____
5. Arctic Char	_____	_____
6. Northern Pike	_____	_____
8. Don't Know		
9. No Response		

6. Please estimate how many man-days (i.e., number of clients times the number of days fished) in the following months your clients fished for each species in 1985. (Count each man-day only once for the primary species being sought.)

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1. Silver Salmon												
2. King Salmon												
3. Rainbow Trout												
4. Grayling												
5. Arctic Char												
6. Northern Pike												

8. Don't Know
9. No Response

7. In the following chart please indicate what species your clients hunted in each section of the study area during 1985 and the percentage of time spent hunting for each particular species (percentages should equal 100%).

SPECIES	A	B	C	D	E	F	100%
1. Caribou							100%
2. Moose							100%
3. Brown Bear							100%

8. Don't Know
9. No Response

8. Please indicate how many man-days (number of clients times the number of days) in the following months during 1985 your clients hunted for each species:

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1. Caribou												
2. Moose												
3. Brown Bear												

8. Don't Know
9. No Response

9. For clients for whom fishing or hunting were not the primary activities, please indicate which type of recreational activities your clients participated in during the 1985 season in each section of the study area, and what percentage of the total time you spent doing that activity:

ACTIVITY	A	B	C	D	E	F	100%
1. Boating							100%
2. Hiking							100%
3. Scenic/Wildlife Viewing							100%
4. Other							100%

8. Don't Know
9. No Response

10. Please indicate how many man-days (number of clients times the number of days) in the following months in 1985 your clients participated in the following activities:

ACTIVITIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1. Boating												
2. Hiking												
3. Scenic/ Wildlife Viewing												
4. Other												

- 3. Don't Know
- 9. No Response

PART THREE: MAPPING

INSTRUCTIONS

The third part of this survey consists of mapping recreation service facilities and use areas. The enclosed map shows the study area divided into six sections labeled A through F. Township and Range lines are included.

THE INFORMATION YOU PROVIDE ON SPECIFIC LOCATIONS WILL NOT BE PUBLISHED. It will be used to understand the density of current recreation use for future planning purposes. However, some general aggregated information, such as density of lodges or high density fishing areas, may be shown in the final report.

Please map the following facilities and important use areas using the symbols in parentheses (). A sample map is attached. If specific stretches of river are used for activities rather than single locations (such as float trips or fishing), please circle the appropriate stretch of river in each map.

Facilities and Access Areas

Lodge Facilities (L)
Cabins (C)
Wall Tent Camps (T)
Storage Areas (S)
Air Strips (A)

For each of the facilities mapped above, please indicate land ownership (if known) as federal, state, Native or private.

Sandbar Landing Areas (AS)
Floatplane Landing Areas (AF)
Boats Docks and Ramps (D)

Regularly Used Sport Fishing Areas

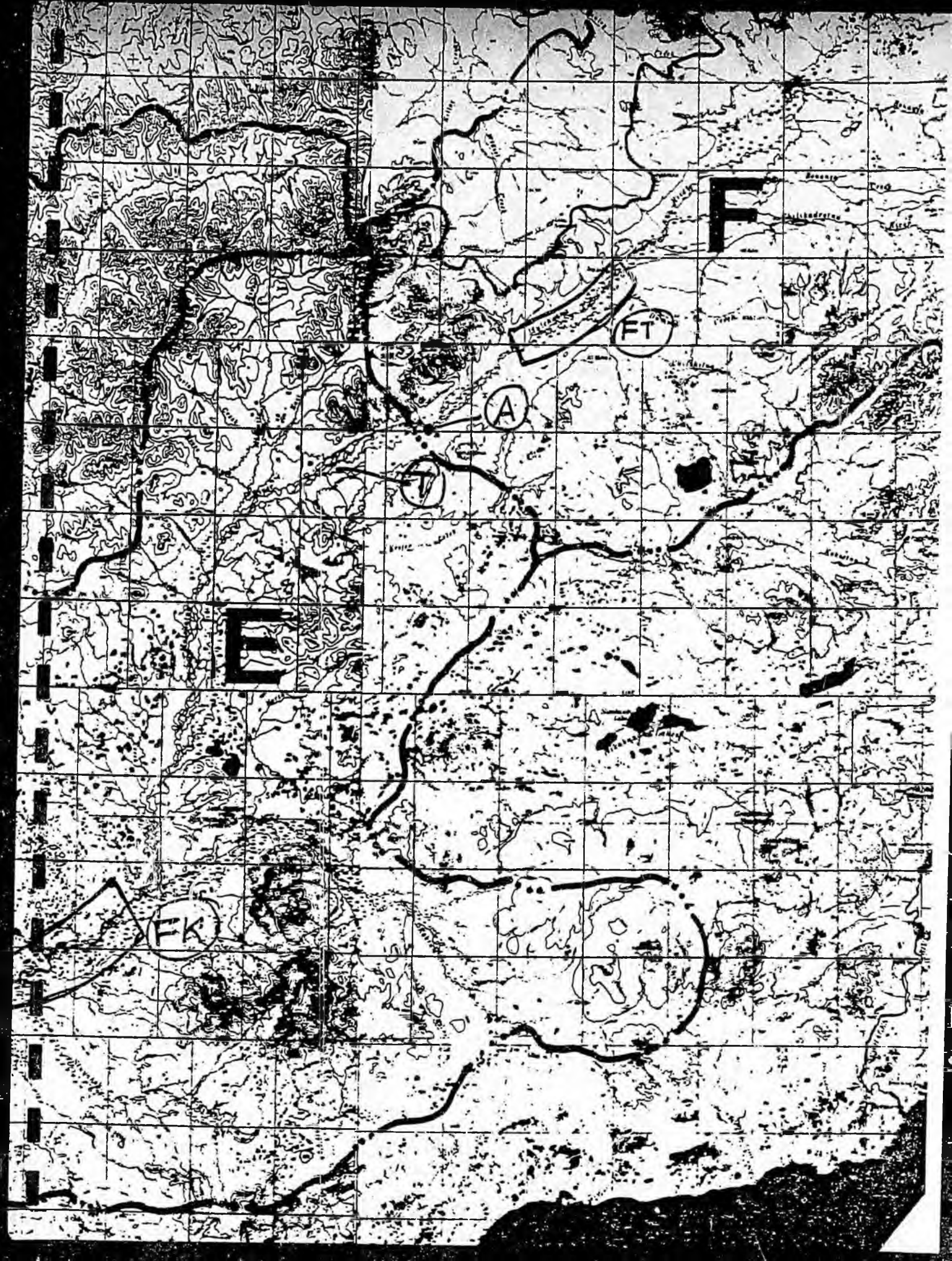
Rainbow Trout Areas (FT)
Salmon Areas:
 King Salmon (FK)
 Silver Salmon (FS)
 Red Salmon (FR)
 Chum Salmon (FC)
 Pink Salmon (FP)
Grayling areas (FG)

Regularly Used Sport Hunting Areas

Moose Hunting (HM)
Caribou Hunting (HC)
Brown Bear Hunting (HB)

Float Trip Areas

Guided Boat/Raft Trips (BG)
Unguided Boat/Raft Trips (BN)



THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

To: Ned Farquhar
From: Jeff Parker
Re: Rec. Rivers, H.B. 93, suggested amendments
Date: 2-24-87

1. Delete "multiple use" where it occurs in the bill, at p. 1, line 14; page 2, line 7; p. 3, lines 13 and 22.

Explanation: Ric Davidge and I agreed to delete this in our recent consensus drafts because recreation is the primary use of these lands and waters, and because other activities are subject to compatibility determinations.

2. At p. 1, line 18, insert the following and thereafter renumber 41.23.200(b)(1)-(3) accordingly as (1) - (4):

"(1) development, management and conservation of diverse opportunities for river dependent recreation and tourism in order to promote and manage such recreation and tourism for the benefit of the state, its economy, its citizens, its fish and wildlife resources, and the diverse character of its tourism and recreation based industry,"

Explanation: This suggested purpose is politically useful for both the borough and RDC. The borough, the property owners Association and the Chamber of Commerce asked Rep. Cotten for a purpose oriented toward tourism and economics. From a management perspective, this language is very beneficial in that it allows management plans to manage recreational uses when they conflict with each other. This ability is necessary for several reasons: (1) without this language, the compatibility test effectively prohibits such management, (2) we need such management on the Talchalitna because of a new, trespass air boat guide service that has upset the Alaska Sportfishing Association and others, probably including the existing lodge industry, (3) because the Alaska Professional Sportfishing Association supports it in order to maintain a quality industry, and (4) because other conservationists and sport people see various needs to manage potentially conflicting uses. You can use language such as this to satisfy RDC, the borough and supporters of the bill.

3. At p. 1, line 28, strike "(3)" and insert "(4)" as a conforming amendment.

4. At p. 2, line 4, strike "(3)" and insert "(4)" as a conforming amendment.

5. At p. 2, strike lines 9-14, and insert:

"(b) There is hereby reserved to the State within each recreation river designated by this Act an instream flow or level of water sufficient to meet the requirements of AS 41.23.200(b)(1) - (4). The commissioner shall, after consultation with state and local agencies, establish under AS 46.15.145 such instream flows

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or levels consistent with AS 41.23.200(b)(1) -- (4)."

Rationale: This suggested language addresses fiscal and substantive concerns.—Under the language in H.P. 93 as introduced we run a risk of a \$200,000 cost for setting instream flows according to Christopher Estes, the instream flow person at ADF&G. As a substantive concern, under water appropriation law, first in time is first in line. This suggested language sets the state's appropriation date as the date of enactment, thereby putting the public ahead of future applicants who apply before the state establishes the instream flow reservation.

6. On p. 2, line 16, after the word "responsibility" insert "or authority", or in the alternative substitute "authority" for "responsibility".

Rationale: Responsibility is duty; authority is power. The purpose of this subsection is to protect the agencies' statutory authorities.

7. On pp. 2 - 3, rewrite 41.23.210(d) as follows:

"(d) Except as provided in this subsection, the commissioner may not restrict, within a recreation river, the use of --

(1) methods and means authorized by the Board of Game and used in trapping on tanded traplines,

(2) methods and means authorized by the Board of Game and used in hunting, including firearms,

(3) methods and means authorized by the Board of Fisheries and used in fishing.

Provided, that the commissioner may only restrict such methods and means within a recreation river at sites of high public use such as picnic areas, boat ramps, camping grounds or parking areas when the use of such methods or means constitutes a threat to public safety or property.

Rationale: The problem with subsection (d) in the bill as introduced is in the phrase "the exercise of fishing, hunting or trapping". It is a DA's nightmare. For example, if the commissioner adopts a regulation prohibiting snowmobiles on wetlands with less than six inches of snowcover, and a trapper gets cited for violating the regulation, his defense attorney will tell the DA that he (the defense attorney) will seek to overturn the regulation as a restraint on the "exercice of trapping". The DA will look at his case load of more major crimes and decline to prosecute the trapper. He will tell the commissioner the legislature enacted a vague law and the legislature should correct it. That will leave such regulations unenforceable.

On p. 3, lines 9 - 11, strike "threatens the quality of the water or an essential habitat within the recreation river" and substitute in its place the following: "is incompatible with AS

41.23.200(b)(1) - (4) or is inconsistent with an approved management plan."

Rationale: Davidge, myself, Alaska Sportfishing Association, and Alaska Professional Sportfishing Association agree such language is necessary to deal with conflicting uses, even if pre-existing, such as the situation on the Talchalitna, of which I wrote above.

8. Page 4, delete subsection (d) at lines 21 - 24.

Rationale: This is unnecessary; it jeopardizes ADF&G emergency closure authority; it is cumbersome; and it addresses no problem.

9. On pp. 5 - 6, delete subsections (a) and (b), but retain the title of the section and substitute the following text:

"During the pendency of any recommendation by the commissioner that a river be designated under this Act, and prior to any draft or final recommendation that a river be designated under this Act, the commissioner shall protect the public ownership of lands and waters and interests therein from private appropriation, and the commissioner shall protect existing recreational and fish and wildlife values associated with the river, until such time as the legislature has either designated the river or released from consideration, by joint resolution, the lands and waters recommended by the commissioner."

Rationale: Sec. 41.23.270(a) in H.B. 93 as introduced codifies existing policy of DNR. ~~However, it allows opponents, of a future candidate river that is recommended independently by a legislator in response to constituent interests, to oppose such a recommendation on the grounds that it does not come from a planning process. It thereby is contrary to constituent interests and legislative independence. This point is particularly important with respect to southwest Alaska, for which the Bristol Bay Area Plan pre-dated the first recommendations of recreational rivers. The Bristol Bay Area Plan therefore contains no recreation river recommendations, but it is probably the next area many people feel should be addressed.~~

The language I recommend addresses the actual problems that occurred on Lake Creek, where a miner who deals in selling mining claims (rather than mining), staked all 60 miles of Lake Creek after the draft Susitna Area Plan was released but before DNR instituted the protective mineral withdrawal. It therefore keeps appropriators from jumping in under an expected "grandfather clause".

If 41.23.270(a) - (b) are left in the bill (which they should not be), I recommend the above language as a new subsection (c). If that were the case, then (b)(1), line 29 on p. 5 should have the phrase "at least" inserted after the word "in", so that under 41.23.270(b)(2) on page 6, at lines 3 - 6 there would also

be a summary of hearings held in Anchorage, Fairbanks, and other communities not proximate to the river but which contribute users of the river.

10. Page 6, lines 21 22, delete "within one-half mile of a lakeshore and within one-half mile upland of the meander of the ordinary high-water mark of a river".

Rationale: Multiple boundaries are cumbersome, expensive, unnecessary, and address no factual problem. Meander boundaries are expensive to survey and they shift over time. The fact of the matter is that DNR has not and will never include lands with mineral values in the boundary of a recreation river. The language in this section about meander boundaries on a mineral closure only invites phony mining claims, for purposes of building trespass recreational cabins under the guise of mining claims, on land within the recreational river boundary that is closed to disposal but open to mining claims where the land is more than a half mile from the river. DNR has spent a great deal of money evicting phony miners from the Little Susitna River, and it should not invite such needless expenses on these rivers.

~~(b) The Talkeetna State Recreation River shall include~~

~~the following lands and waters:~~

AR 8 3
Con't.

ARTICLE 3. GENERAL PROVISIONS.

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

* Sec. 2. INTERIM MANAGEMENT. Until a management plan or regulations have been adopted for a recreation river under AS 41.23.220 as enacted in sec. 1 of this Act, interim management shall be consistent with the purposes of AS 41.23.200 - 41.23.280. The commissioner shall adopt management plan required by this Act

~~by July 1, 1989.~~

* Sec. 3. RELEASE. Any lands adjacent to Alexander Creek, Kroto and Moose Creeks, Lake Creek, Little Susitna, Talachalitna, and Talkeetna State Recreation Rivers, as designated by this Act, are released from legislative consideration for management by the Department of Natural Resources.

* Sec. 4. EFFECTIVE DATE. This Act takes effect immediately in accordance with AS 01.10.070(c).

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P.V. Commission Draft #3

Draft Rec. River Bill, 2/1/87
Parker, p. 16 of 16.

12/13/87

ARTICLE 3. GENERAL PROVISIONS.

Sec. 41.23.900. DEFINITIONS. In this chapter --

(1) "commissioner" means the commissioner of natural resources;

(2) "compatible" means *to be drafted*

(3) "special recreational values" means recreational, scenic, fish and wildlife, historic, cultural, geologic or other similar values that are of local, regional, national or international significance;

(4) "water quality" the same level of purity required by the Department of Environmental Conservation;

(5) "multiple use" means: the management of various renewable surface resources of recreational rivers so that they are utilized in the combination that will best meet the needs of Alaskans; making the most judicious use of the resources over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

* Sec. 2. INTERIM MANAGEMENT. Until a management plan or regulations have been adopted for a recreation river under AS 41.23.220 as enacted in sec. 1 of this Act, interim management shall be consistent with the purposes of AS 41.23.200 - 41.23.280. The commissioner shall adopt management plan required by this Act by July 1, 1989.

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under AS 41.23.280 constitute a special purpose area under art. VIII, sec. 7 of the Alaska Constitution. State-owned land and water may be designated as a recreation river only by the legislature.

(b) Subject to valid existing rights, the state-owned land and water described in AS 41.23.280 is closed to mineral entry and leasing under AS 38.05.150 - 38.05.175 and 38.05.185 - 38.05.275. Subject to valid existing rights, the state-owned land and water described in AS 41.23.280 is closed to land disposals under AS 38.05.035(b), 38.05.045 - 38.05.069; AS 38.08 and AS 38.09.

Sec. 41.23.280. DESIGNATED RIVERS AND SPECIAL PROVISIONS.

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

(a) Alexander Creek State Recreation River.

(1) Special Purposes -- In addition to the general purposes under AS 41.23.200(a)(1) - (5), the special purposes of the Alexander Creek State Recreation River include protection of riparian and salmon spawning habitat, protection of moose winter range and moose calving areas, maintenance of motorized access to the lower reaches of the river for purposes of fishing and hunting, management of snowmachines to maintain wintering moose populations, float values on the upper river, air access to Alexander Lake, and protection of moose winter range and brown bear concentration areas.

We did not get through this part on 6 rivers

will discuss this part today
Dwidge # Parker did

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(b) Prior to the adoption of a plan recommending the establishment of a recreation river, the commissioner shall

(1) after notice under AS 38.05.945, hold a public hearing in at least each community that is located proximately to or within the boundaries of an area proposed for inclusion within a recreation river;

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

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

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

(c) During the pendency of any recommendation to the legislature that a river be designated under this Act, and prior to any draft or final recommendation that a river be designated under this Act, the commissioner shall protect the public ownership of lands and waters and interest therein from private appropriation, and shall protect the existing recreational, fish and wildlife values associated with the river, until such time as the legislature has designated or released from consideration the lands and waters recommended by the commissioner.

Sec. 41.23.275. CLASSIFICATION AND RETENTION OF PUBLIC LANDS WITHIN A RECREATION RIVER. (a) Subject to valid existing rights, the state-owned land and water designated as a recreation river



regulations adopted under AS 41.23.220 as they apply to municipal land.

Sec. 41.23.240. ACQUISITION OF ADDITIONAL LAND. (a) For purposes of furthering the purposes of this Act, the commissioner may acquire in the name of the state land that is adjacent to or located within the land described in AS 41.23.280 by purchase, lease, gift, or exchange.

(b) The commissioner [may] shall not acquire land for inclusion in a recreation river by eminent domain.

Sec. 41.23.250. APPLICATION OF PUBLIC LAND LAWS. Except to the extent that a provision is inconsistent with a provision of AS 41.23.200 - 41.23.280 to provisions of AS 38.04; AS 38.05; and AS 38.95 apply to land described in AS 41.23.280.

Sec. 41.23.260. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The commissioner may enter into a cooperative management agreement for the management of land and water described in AS 41.23.280 or of other adjacent land and water with a federal agency, a municipality of the state, or a private landowner.

(b) The commissioner may transfer the management of a specific site within a recreation river described in AS 41.23.280 to a state agency to assist in the development of a facility or to carry out a program authorized by law.

Sec. 41.23.270. RECOMMENDATIONS BY COMMISSIONER. (a) Before recommending the establishment of a recreation river to the legislature, the commissioner shall adopt a plan for the area encompassing the proposed recreation river.

(5) provide for necessary public services, such as transportation and utility corridors, public safety, and law enforcement;

(6) allow reasonable [and necessary] access to public land and private inholdings and to land and water beyond the recreation river corridor;

(7) establish criteria and timelines to review [future] proposed uses for compatibility with the purposes of this Act;

(8) establish guidelines [and setback restrictions] for an activity occurring under AS 41.23.200.

(b) The commissioner may adopt regulations necessary to implement each plan. The commissioner shall adopt regulations to implement (a)(1) - (8) of this section whenever this Act does not require a plan and the commissioner finds that a plan is unnecessary. Any regulations adopted shall be adopted under the Administrative Procedure Act (AS 44.62) and after consultation with local agencies.

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

Sec. 41.23.230. MANAGEMENT OF MUNICIPAL LAND. If a municipality commits land for inclusion in a recreation river designated under AS 41.23.280, the commissioner shall obtain the concurrence of the municipality to the management plan or

(6)

41.23.280 as requiring a management plan. The commissioner may adopt and revise such a plan for each river designated under AS 41.23.280 as not requiring such a plan when the commissioner finds such a plan is necessary to further the purposes of this Act. The commissioner shall consult with the Department of Fish and Game and local agencies during the formulation or revision of any such plan. The commissioner shall comply with the notice requirements of AS 38.05.945 in formulating such plans or revisions. Prior to the adoption or revision of a management plan, the commissioner shall hold at least one public hearing, for local fish and game advisory committees and the public, in the municipalities and communities that are either proximately located to the recreation river [and with the local fish and game advisory committee in the area.] or significantly contribute to recreation on the river. Consistent with the purposes and provisions of this Act, each comprehensive management plan shall establish long-range guidelines and management practices to

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

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

(3) designate compatible land uses and management guidelines for associated recreational and nonrecreational development;

(4) [manage] set standards for commercial activities or development, including recreational services such as guiding;

(2) restricting the use of [weapons and other] methods and means authorized by the Board of Game and used in hunting, including firearms, [authorized or not prohibited by the Board of Game,]

(3) restricting the use of methods and means authorized by the Board of Fisheries and used in fishing. [of fishing authorized by the Board of Fisheries.]

Provided, that the Department of Natural Resources may only restrict such devices, weapons, methods or means within a recreation river at sites of high public use such as picnic areas, boat ramps, camping grounds or parking areas when the use of such devices, weapons, methods or means constitutes a threat to public safety or property.

(e) Subject to compatibility with the general and special purposes of a river, the commissioner may lease land competitively within a recreation river to a person, partnership, unincorporated association, or corporation for the construction and operation of a public use facility within the recreation river.

(f) The Department of Natural Resources may not restrict commercial activities existing at the time of designation within the boundaries of an area designated as a recreation river under AS 41.23.280 unless the commercial activity either threatens the quality of the water or an essential habitat within the recreation river or is inconsistent with AS 41.23.280.

Sec. 41.23.220. MANAGEMENT PLANS AND REGULATIONS. (a) The commissioner shall adopt and may revise a comprehensive multiple use management plan for each river designated under AS

Sec. 41.23-210. GENERAL MANAGEMENT OF A RECREATION RIVER.

(a) The land and water within the each area designated as a recreation river under AS 41.23.280 is assigned to the Department of Natural Resources for multiple use management consistent with the purposes of AS 41.23.200 - 41.23.280.

(b) Within three years from the effective date of the designation of a river as a recreation river under AS 41.23.280, the commissioner shall, after consultation with appropriate state and local agencies, reserve to the state under AS 46.15.145 an instream flow or level for the water in the river described in AS 41.23.280 that is adequate to achieve the recreational and biological purposes of AS 41.23.200 - 41.23.280.

(c) The provisions of AS 41.23.200 - 41.23.280 do not affect the responsibility or authority of

(1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the Guide Licensing and Control Board under AS 08.54, AS 16, or AS 41.99.010;

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

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

(d) Except as provided in this subsection, the Department of Natural Resources and any of the Divisions in the Department are prohibited within a recreation river from

(1) restricting the use of [davis] methods and means authorized by the Board of Game and used in trapping on tanded traplines,

required under this Act or is found desirable by the commissioner.

(3) protect and maintain the fish and wildlife populations and their habitats on a sustained yield basis so as to maintain, restore, and enhance fishing, hunting, and trapping [activities] opportunities,

(4) protect the recreational values and integrity of the river and the continuation of the traditional recreational uses of the river by the public including but not limited to boating, hiking, snowmachining, skiing, dog mushing, camping and wildlife viewing;

(5) manage upland and wetland activities [for the] to [protection] protect and [maintenance] maintain [of] water quality and stream flow for purposes of recreation and habitat, and

(6) manage for the special recreational and fish and wildlife purposes identified, under AS 41.23.280, for each recreation river designated under this Act.

(b) The commissioner shall allow an activity when compatible with the general and special purposes, identified in subsection (a) of this section and in AS 41.23.280, of a river including, but not limited to use of aircraft, powerboats, snowmachines, all-terrain vehicles, and other motorized transportation, harvest of wood products, sand and gravel extraction for public use, and public use facilities. AS 41.23.200 - 41.23.280 may not be construed as permitting an activity that is incompatible with the general and special purposes of a recreation river.

Comments Requested (276-7048)
Potential Consensus DRAFT No. 3
after Parker/Davidge/Bris. B. CRSA Meet'g 2/12/87

IN THE HOUSE

HOUSE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For and Act entitled: "An Act designating recreation rivers;
and providing for an effective date."

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

* Section 1. AS 41.23 is amended by adding new sections to
read:

ARTICLE 2.

ALEXANDER CREEK, KROTO AND MOOSE CREEK, LAKE CREEK,
LITTLE SUSITNA, TALCHALITNA RIVER, TALKEETNA RIVER
STATE RECREATION RIVERS.

Sec. 41.23.200. GENERAL PURPOSES. (a) The general purposes
of AS 41.23.200 - 41.23.280 are to:

(1) develop, promote and conserve diverse opportunities
for river dependent recreation in order to maintain, encourage,
develop and manage river dependent tourism and recreation for the
benefit of the state, its economy, its citizens, its fish and
wildlife and the diverse character of its tourist and recreation
based industry,

(2) establish management guidelines for those rivers
designated for recreation under AS 41.23.200 - 41.23.280 while
permitting each river to be individually managed for multiple use
and under a multiple use management plan if such a plan is

(1)

February 28, 1987

Keith Quintavell
P.O. Box 1394
Palmer, AK 99645

Representative Sam Cotten
P.O. Box V
Juneau, AK 99801

Re: HB 93, Recommendation to include
lands along the seven most heavily
used miles of the Talkeetna River

Dear Representative Cotten:

I would like to express my support
for HB 93, but would like to point
out an omission as it pertains to
the Talkeetna River portion of
the bill (pg. 23, line 10).

While the bill includes the upper
portions of the Talkeetna River
(miles 10-25) it doesn't include
the lower portion (miles 1-9). In
checking with DNR, I was
informed this is because miles
1-9 are mental health lands.
After reviewing the land status,
I find that only the first two
miles are mental health lands,
with miles 3-9 patented to the
state under the general selection
entitlement, and therefore available
for inclusion in the bill. These

seven miles are the most heavily used on the Talkeetna River (they even include the mouth of Clear Creek).

The lands involved total approximately 3,030 acres. The legal descriptions are contained herein, and a map showing the affected river miles, presently omitted in HB 93, is also enclosed. I recommend you amend HB 93 to include the lands described below.

T 26 N, R 4W, S. M.

Sec. 1: exclusive of ASLS 79-149

Sec. 2: exclusive of ASLS 79-149 and USS 4714 Lot 1

Sec. 3: exclusive of ASLS 79-149 and USS 4712 Lot 2

Sec. 4: exclusive of ASLS 79-149 and USS 4712 Lots 2 & 3

Sec. 8: exclusive of ASLS 79-149

Sec. 9: exclusive of ASLS 79-149

Sec. 16: N $\frac{1}{2}$ exclusive of ASLS 79-149

Sec. 17: N $\frac{1}{2}$ exclusive of USS 4713 Lot 1

Sincerely,
Keith R. Quinfaell

cc: House Resources Committee
Rep. Pourchet
Rep. Rieger
Rep. Gruenberg
Rep. Davidson



RIVER MILES
PRESENTLY
OMITTED IN
HB 93

RIVER

Wiggle

TALKEETNA LAKES

Larson Lake

Lake

TALKEETNA

Kettle Lake

RIVER

Raid Mountain

Mama Bear Lake

Papa Bear Lake

Chugale Creek

AIRFIELD

CHITANMICH LAK

Hills

Hills

Hills

Hills

Hills

Hills

Talkeetna
(LM 456)

Bluff

Wiggle Creek

Wiggle Creek

CHITANMICH LAK

CHUGALE CREEK

MAMA BEAR LAKE

PAPA BEAR LAKE

KETTLE LAKE

TALKEETNA RIVER



Cooper → AWF

"I support legislative designation of state recreation rivers and would consider introducing a bill, if legislators don't do so themselves. Alaska's recreation rivers are important to residents and visitors alike. The situation on the Kenai River should be a lesson to us about the need for sound management of recreational resources.

Northward expansion of recreation rivers will help take the pressure off the Kenai River, help guard against over use and degradation, and provide valuable recreational resources for both residents and visitors."

Bucky Dennerline
562-2213
278-3420 - home

HB93

Mike Abbott:

- system -

2 yr study period -

- land description or alignment parts -
the ~~the~~ exis corridor isn't appropriate -
more analysis is nec'y req.

1/21 - protection → consrv'n

scenic? - drop or change?

→ regm. specific - in title - Mat-Su -
min'l leasing -

planning - mandate a coop' plan -
state part'n w/ Boro on adj. lands.

call may be
made -

→ instream flow - impact on tributaries -

Drive on minerals policy etc. - wd Sam hv hrs? -
CZMA -



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, AK 99503 (907) 276-0347

February 5, 1988

Senator Arliss Sturgulewski
P.O. Box V
Mail Stop 3100
Juneau, AK 99811

Representative Sam Corbett

P.O. Box V
Mail Stop 3100
Juneau, AK 99811

Re: HB-93 Recreational Rivers

During separate discussions you both suggested the Alaska Miners Association evaluate this bill specifically defining the most onerous problems in it for the industry and develop a compromise position rather than a blanket objection to the bill. We have done just that and by this letter wish to formally propose changes.

First let me state that the Alaska Miners Association is opposed to mineral closures and believes that closures should be utilized only as a last resort when the facts of a particular situation show that mineral development cannot coexist with other uses that are deemed to have greater value by the State. Mineral closures are a decision not to manage, but rather to "divide up the pie." Minerals are where you find them; one cannot enhance or up grade mineral habitat. As a result, when an area is closed to mineral entry its mineral values, although possibly unknown at the time of closures, are lost as a potential source of wealth for the economy.

Regarding the modifications that are required to HB-93 to make it

cc: Senate Resources

Jack Coghill
Paul Fischer
Lloyd Jones
Jim Duncan
Fred Zharoff
Richard Eliason

House Resources

Adelheid Herrmann
John Sund
Mike Navarre
Cliff Davidson
Drue Pearce
Heinrich Springer
Lyman Hoffman
Richard Shultz

Other

Judy Brady
Dorothy Jones
Rick Daivdge
RDC
AK Minerals Comm.



ALASKA MINERS ASSOCIATION, INC.

acceptable to the mining industry, there are six items that need be changed:

1. Access
2. Reference to "Discovery"
3. Talachulitna area coal potential
4. Chelatna Lake upland mineral areas
5. Talkeetna River mineral areas
6. Total acres of closures

In order to provide you and our selves with a clear picture of the areas being affected, we have plotted the area on topographic maps and these are enclosed. MAP 1 covers the Eastern portion of the area and includes Palmer North. MAP 2 is to the immediate West adjacent to MAP 1 and covers the area from the Susitna Flats State Game Refuge at the mouth of the Susitna River going North to Talkeetna and Petersville. MAP 3 is to the West, adjacent to MAP 2 and covers the area from just North of Beluga Lake North to the South boundary of Denali National Park at Chelatna Lake.

Specific items that must be addressed

1. Access: The current wording does not clearly state that access across the closed areas is guaranteed. In Sec.41.23.230(6) the terms "reasonable and necessary" are too vague and depend on who is making the arguments. Such phrases can and are often used to force illogical and expensive limitations on an individual who is trying to proceed with some form of development activity.

There are two wording changes that are required:

- A. Sec.41.23.230(6) should read "(6) allow access to cross over and thru the river corridors to public lands, to private in holdings, including municipal lands that are offered for sale or lease, and to land beyond the recreation river corridor." Access should be guaranteed with the exact route selection deferred until these is a need.
- B. Sec.41.23.210 should include an item "(5) the



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construction of roads to access lands between the river corridors and beyond the given corridors."

2. References to "Discovery": The term "discovery" should be removed. This term is not defined in State law and contains an enormous history of case law in the Federal sector. The phrase "upon a mineral discovery validated by the commissioner," should be removed.

3. Talachulitna area coal potential: There is high probability that some areas covered by the Talachulitna river corridor will include large amounts of coal. Much of this area is of the same geologic setting as the adjacent Beluga coal field to the south.

The Division of Geological and Geophysical Survey (DGGS) publication "Map of Alaska's Coal Resources" published in 1986 shows that this area contains subbituminous coals (see lower part of MAP 3). Parts of the area were previously under lease for coal development. This coal is close to the inlet and may, therefore, one day become a major economic contributor for the State. The currently depressed world coal market will change in the future and Alaska should do nothing that will prevent this coal from being developed when the market does appear.

Wording is therefore required that will allow development of these coal resources. Coal development should be specifically addressed in Sec.41.23.230 by adding "(7) allow for coal development in the Talachulitna river corridor under exploration and mining safeguards and procedures now in effect for State lands."

4. Chelatna Lake upland mineral areas: The closures proposed in the bill extend to an elevation of nearly 4000 ft. above sea level which is approximately 2600 ft. above the elevation of Chelatna Lake. (See upper most portion of MAP 3). This is a mineralized area known to have various minerals including molybdenum and should not be closed to mineral entry.

The most logical alternative for correcting this problem is to stop the corridor at the lower end of Chelatna Lake. This would still provide the restrictions on the river that are the focus of this bill and would allow for mineral development of the uplands away from the lake and river.

5. Talkeetna river mineral areas: This area, as now defined, also affects lands far upland from the river. The area affected extends to typically 1000 ft. above the elevation of the river. In this case however the whole area has excellent mineral



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potential for both placer and hard rock mining. Parts of this area were mined as early as 1880.

This entire area should be removed from the bill. Another although less desirable alternative would be to close the stream bed plus 100 ft. to either side.

6. Total acres of closures: The total acreage of lands closed to minerals entry by this bill should be stated. It is important for all parties to be aware of the amount of land that is removed from consideration for future development. Mineral closures of State lands are often proposed but nowhere can a clear picture be seen showing the large amounts of land that have been and are being closed to development and describing what this really means to the long range economic welfare of the State. The sentence should be added to Sec.41.23.290. stating that "(c) the total acreage closed to mineral entry in the recreational rivers corridors adds 260,000 acres." This acreage must be confirmed for inclusion in the bill.

As you both know very well, the use of mineral closures rather than multiple use management, is vigorously opposed by the Alaska Miners Association. We have however sought to find a "middle ground" that will both protect the mineral development future of these areas and at the same time, allow restrictions on use of the river corridors. Please remember that approximately 60% of the total area of Alaska is closed to any form of development---including mining. For the economic health of the State we must not allow the remaining areas to be closed to development.

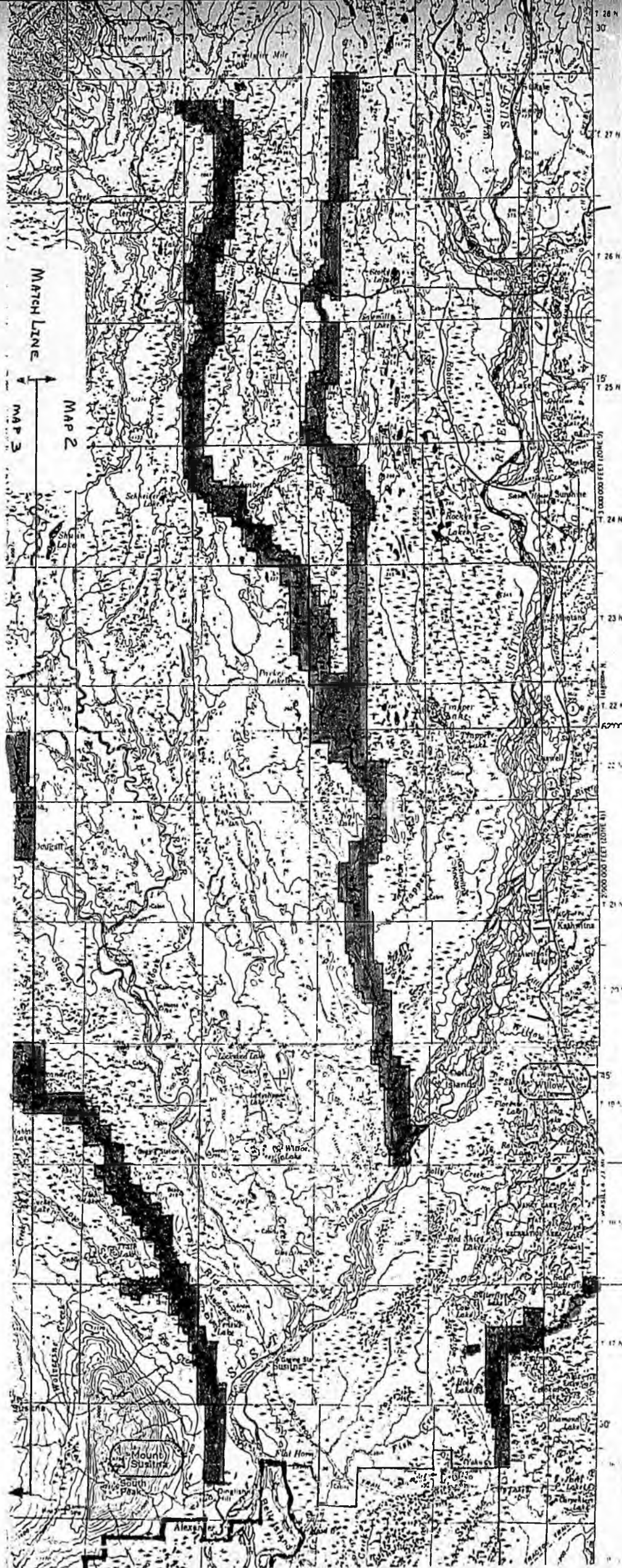
We are convinced good professional land management using current scientific knowledge along with existing constraints described in regulations and permits would allow for the continued protection of fisheries, wildlife and recreation values while allowing for the development of the mineral reserves. The best of both world's is possible.

Sincerely,

ALASKA MINERS ASSOCIATION, INC.

Curtis McVee
Executive Director

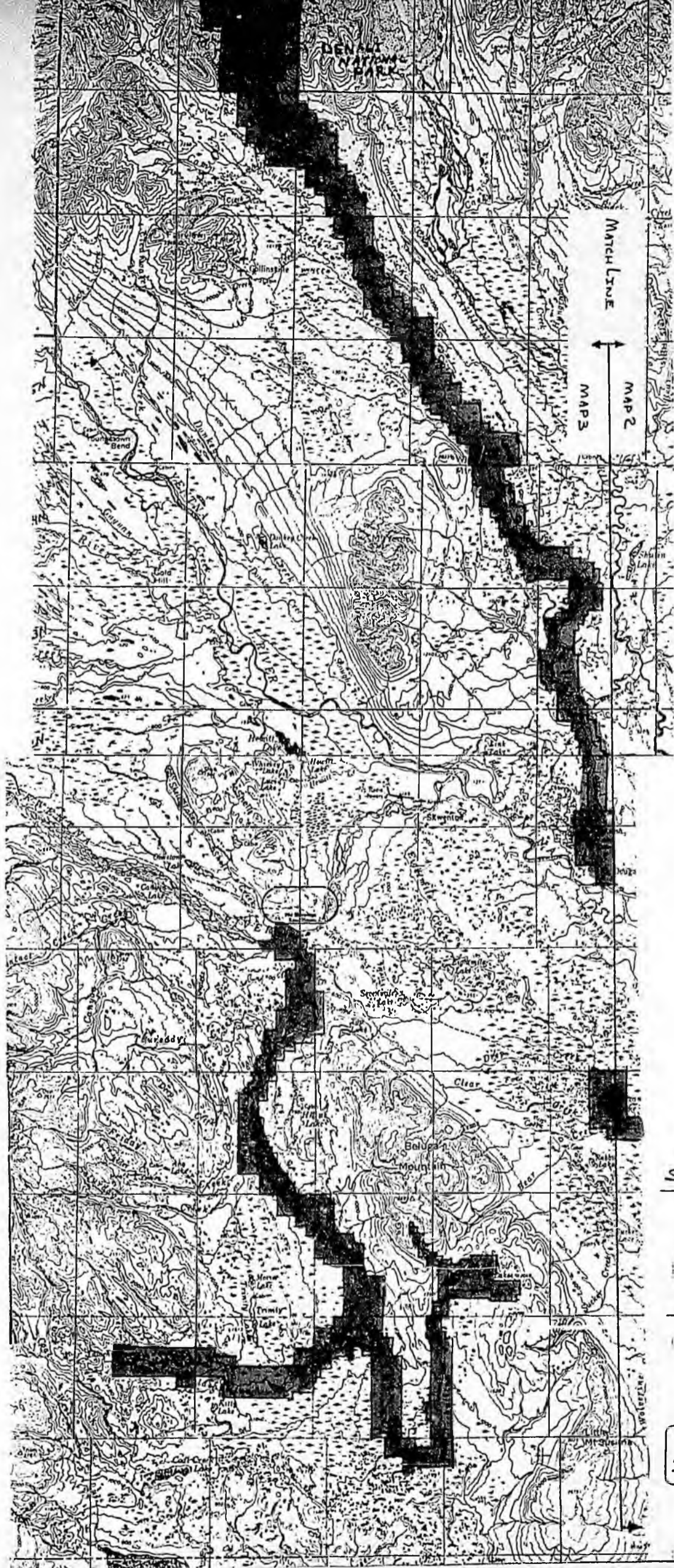
cs/arlis.let
G.1.B.2.



MATCH LINE
MAP 2
MAP 3

SCALE:
6 MILES

MAP 2



MATCH LINE
MAP 2
MAP 3

SCALE:
6 MILES

MAP 3

Comments Requested (276-4048)
POTENTIAL CONSENSUS DISCUSSION DRAFT No. 5
2/18/87

NED

IN THE HOUSE

HOUSE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For and Act entitled: "An Act establishing a recreation river system and program; and providing for an effective date."

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

* Section 1. AS 41.23 is amended by adding new sections to read:

ARTICLE 2.

ALEXANDER CREEK, KROTO AND MOOSE CREEK, LAKE CREEK,
LITTLE SUSITNA, TALCHALITNA RIVER, TALKEETNA RIVER
STATE RECREATION RIVERS.

Sec. 41.23.200. PURPOSES. (a) The purposes of AS 41.23.200 - 41.23.280 [IS] are to:

(1) to provide a programatic approach to the identification, deliniation, planning for, economic development and conservation of the values of certain rivers in Alaska of high recreational value, and to direct state agencies, in cooperation with local governments and user groups, to develop management plans for such rivers,

(2) develop, promote and conserve diverse opportunities for river dependent recreation and tourism in order to maintain, encourage, develop and manage river dependent tourism and

①

recreation for the benefit of the state, its economy, its citizens, its fish and wildlife resources and the diverse character of its tourist and recreation based industry,

(3) establish management [GUIDELINES] standards for those rivers identified for designation [DESIGNATED FOR RECREATION] under AS 41.23.200 - 41.23.280 while permitting each river to be individually managed for [MULTIPLE] uses [AND] under a [MULTIPLE USE] recreation river management plan.

[(b) THE GOALS AND OBJECTIVES BY WHICH A RECREATION RIVER SHALL BE MANAGED INCLUDE]

[(1) THE PROTECTION AND MAINTENANCE OF] (4) conserve the fish and wildlife populations and their habitats on a sustained yield basis so as to maintain, restore, and enhance compatible and diverse recreational uses, such as fishing, hunting, and trapping [ACTIVITIES. (2) PROTECTION OF THE SCENIC AND NATURAL INTEGRITY OF THE RIVER AND THE CONTINUATION OF THE TRADITIONAL RECREATIONAL USES OF THE RIVER BY THE PUBLIC INCLUDING] boating, hiking, snowmachining, skiing, dog mushing, camping and wildlife viewing, while ensuring the recreational values and integrity of the river;

[(3)] (5) manage [UPLAND] activities within the boundaries of each recreation river designated by this Act [FOR THE PROTECTION AND MAINTENANCE OF] to conserve and maintain water quality and stream flow for purposes of recreation and habitat, and

[(c)] (b) The commissioner shall allow an activity when compatible with [(b)(1) - (3)] the purposes, identified in

subsection (a) of this section and consistent with a management plan, including but not limited to use of aircraft, powerboats, snowmachines, all-terrain vehicles, [AND] other motorized transportation, harvest of wood products, sand and gravel extraction for public use, and public use facilities. AS 41.23.200 - 41.23.280 may not be construed as permitting an activity that is incompatible [WITH THE PURPOSES OF AS 41.23.200(b)(1) - (3)].

Sec. 41.23.210. GENERAL MANAGEMENT OF A RECREATION RIVER.

(a) The state-owned land and water within the each area designated as a recreation river under AS 41.23.280 is assigned to the Department of Natural Resources for [MULTIPLE USE] management consistent with [THE PURPOSES OF AS 41.23.200 - 41.23.280] this Act and an approved management plan.

(b) [WITHIN THREE YEARS FROM THE EFFECTIVE DATE OF THE DESIGNATION OF A RIVER AS A RECREATION RIVER UNDER AS 41.23.280,] There is hereby reserved to the State within each recreation river designated by this Act an instream flow or level of water sufficient to ensure the purposes of this Act. The commissioner shall, after consultation with appropriate state and local agencies, [RESERVE TO THE STATE] establish under AS 46.15.145 [AN] such instream flows or levels consistent with the purposes of this Act. [FOR THE WATER IN THE RIVER DESCRIBED IN AS 41.23.280 THAT IS ADEQUATE TO ACHIEVE THE PURPOSES OF AS 41.23.200 - 41.23.280.]

(c) The provisions of AS 41.23.200 - 41.23.280 do not affect the responsibility or authority of

(1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the Guide Licensing and Control Board under AS 08.54, AS 16, or AS 41.99.010;

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

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

(d) Except as provided in this subsection, the commissioner may not restrict, within a recreation river, the use of [WEAPONS, INCLUDING FIREARMS,]

(1) methods and means authorized by the Board of Game and used in trapping on tanded traplines,

(2) methods and means authorized by the Board of Game and used in hunting, including firearms,

(3) methods and means authorized by the Board of Fisheries and used in fishing.

[EXCEPT IN] Provided, that the Department of Natural Resources may only restrict such devices, weapons, methods or means within a recreation river at sites of high public use such as picnic areas, boat ramps, camping grounds or parking areas when the use of such devices, weapons, methods or means constitutes a threat to public safety or property. [EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COMMISSIONER MAY NOT RESTRICT THE EXCERCISE OF FISHING, HUNTING, OR TRAPPING WITHIN A RECREATION RIVER.]

(e) The commissioner may lease land competitively within a recreation river to a person, partnership, unincorporated association, or corporation for the construction and operation of

a [PUBLIC USE] facility or service within the boundaries of a recreation river and which provides compatible visitor facilities or services as identified in an approved recreation river plan.

(f) The commissioner may not restrict commercial activities existing at the time of designation on state-owned lands or waters within the boundaries of an area designated as a recreation river under AS 41.23.280 [AT THE TIME OF DESIGNATION] unless the commercial activity [EITHER THREATENS THE QUALITY OF THE WATER OR AN ESSENTIAL HABITAT WITHIN THE RECREATION RIVER] is incompatible or inconsistent with an approved management plan.

Sec. 41.23.220. MANAGEMENT PLAN. (a) The commissioner shall adopt and may revise a comprehensive [MULTIPLE USE] management plan for each river designated or to be designated under AS 41.23.280. The commissioner shall consult with [THE DEPARTMENT OF FISH AND GAME] state and local agencies during the formulation or revision of a management plan [GOVERNING THE USE AN AREA WITHIN A RECREATION RIVER]. The commissioner shall comply with the notice requirements of AS 38.05.945 in formulating such plans or revisions. As early as possible in any process leading to the recommendation, adoption or revision of a management plan, the commissioner shall hold at least one public hearing in the municipalities and communities that are either [PROXIMATELY LOCATED TO] within the vicinity of the [RECREATION] river [AND WITH THE LOCAL FISH AND GAME ADVISORY COMMITTEE IN THE AREA IN THE ADOPTION OR REVISION OF A MANAGEMENT PLAN] or significantly contribute to recreation along the river. [THE] Each [COMPREHENSIVE MANAGEMENT] plan shall establish long-range

guidelines and management practices consistent with the purposes and provisions of [AS 41.23.200 - 41.23.280] this Act to

(1) [~~protect~~] maintain or enhance the fish and wildlife habitat and the free-flowing nature of the river;

(2) identify [SPECIAL] recreational and other values, including surface and subsurface,

(3) [MANAGE] provide management guidance on the level and intensity and types of recreational uses;

[(3)] (4) designate compatible [LAND] uses and management guidelines for associated recreational and nonrecreational development;

[(4)] (5) [MANAGE] set standards for commercial activities or development, including recreational services such as guiding;

[(5)] (6) provide for necessary public services, such as transportation and utility corridors, public safety, and law enforcement;

[(6)] (7) allow reasonable [AND NECESSARY] access to public land and water, to private inholdings and to land and water beyond the recreation river corridor;

[(7)] (8) establish criteria and timelines to review [FUTURE] proposed uses for compatibility with the purposes of this Act;

[(8)] (9) establish guidelines and [SETBACK RESTRICTIONS] standards for an activity occurring under AS 41.23.200(b).

6

(b) The commissioner may adopt regulations necessary to implement [THE] each plan. Any regulations adopted by the commissioner shall be adopted under the Administrative Procedure Act (AS 44.62) and only after consultation with local governments.

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

[(d) THE DEPARTMENT OF FISH AND GAME AND THE BOARDS OF FISH AND GAME SHALL CONSULT WITH THE COMMISSIONER BEFORE ADOPTING OR REVISION REGULATIONS GOVERNING FISH AND GAME MANAGEMENT IN AN AREA DESIGNATED AS A RECREATION RIVER.]

Sec. 41.23.230. MANAGEMENT OF MUNICIPAL LAND. If a municipality commits land for inclusion in a recreation river designated under AS 41.23.280, the commissioner shall obtain the concurrence of the municipality to the management plan or regulations proposed under AS 41.23.220 as [IT APPLIES] they apply to municipal land.

Sec. 41.23.240. ACQUISITION OF ADDITIONAL LAND. (a) Only to further the purposes of this Act, the commissioner may acquire [IN THE NAME OF THE STATE] land that is adjacent to or located within the land described in AS 41.23.280 by purchase, lease, gift, or exchange.

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(b) The commissioner [MAY] shall not acquire land for inclusion in a recreation river by eminent domain.

Sec. 41.23.250. APPLICATION OF PUBLIC LAND LAWS. Except to the extent that a provision is inconsistent with a provision of AS 41.23.200 - 41.23.280 to provisions of AS 38.04; AS 38.05; and AS 38.95 apply to land described in AS 41.23.280.

Sec. 41.23.260. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The commissioner may enter into a cooperative management agreement for the management of land and water described in AS 41.23.280 or of other adjacent land and water with a federal agency, a municipality of the state, or a private landowner.

(b) The commissioner may transfer the management of a specific site within a recreation river described in AS 41.23.280 to a state agency to assist in the development of a facility or to carry out a program authorized by law.

Sec. 41.23.270. RECOMMENDATIONS BY COMMISSIONER. (a) Before recommending the establishment of a recreation river to the legislature, the commissioner shall adopt a plan for the area encompassing the proposed recreation river.

(b) Prior to the adoption of a plan recommending the establishment of a recreation river, the commissioner shall

(1) after notice under AS 38.05.945, hold a public hearing in at least each community that is located proximately to or within the boundaries of an area proposed for inclusion within a recreation river;

(2) prepare a summary of the testimony offered at each public hearing held under (1) of this subsection with regard to

the establishment of the proposed recreation river for inclusion in the plan;

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

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

(c) During the pendency of any recommendation to the legislature that a river be designated under this Act, and prior to any draft or final recommendation that a river be designated under this Act, the commissioner shall protect the public ownership of lands and waters and interests therein from private appropriation, and shall protect the existing recreational, fish and wildlife values associated with the river, until such time as the legislature has designated or released from consideration the lands and waters recommended by the commissioner.

Sec. 41.23.275. DESIGNATION OF RECREATION RIVERS. State-owned land and water may be designated as a recreation river only by the legislature.]

Sec. 41.23.280 DESIGNATED RIVERS. (a) Subject to valid existing rights, the state-owned land and water designated as a recreation river under (c) of this section constitute a special purpose area under art. VIII, sec. 7 of the Alaska Constitution.

(b) Subject to valid existing rights, the state-owned land and water described in this section [WITHIN ONE-HALF MILE OF A LAKESHORE AND WITHIN ONE-HALF MILE UPLAND OF THE MEANDER OF THE ORDINARY HIGH-WATER MARK OF A RIVER] is closed to mineral entry

and leasing under AS 38.05.150 - 38.05.175 and 38.05.185 - 38.05.275. Subject to valid existing rights, the state-owned land and water described in AS 41.23.280 is closed to land disposals under AS 38.05.035(b), 38.05.045 - 38.05.069; AS 38.08 and AS 38.09.

(c) The land and water presently owned by the state and all land and water acquired by the state in the future, including shore and submerged land, that lies within the following described parcels are designated as the interim boundaries of recreation rivers (1) - (6) until final plans are adopted for such rivers. The boundary for rivers (1) - (6) may be expanded by an approved plan to include habitats and recreational lands adjacent to the river that are important to the functioning of the river and its recreational values, and may be contracted to exclude lands that are unimportant for such purposes.

(1) Alexander Creek State Recreation River.

(2) Kroto Creek and Moose Creek State Recreation River.

(3) Lake Creek State Recreation River.

(4) Little Susitna State Recreation River.

(5) Talchalitna State Recreation River.

(6) Talkeetna State Recreation River.

ARTICLE 3. GENERAL PROVISIONS.

Sec. 41.23.900. DEFINITIONS. In this chapter --

(1) "commissioner" means the commissioner of natural resources;

(2) "compatible" means that the use will not interfere with or detract from the purposes for which a recreational river is managed.

(3) "recreational values" means recreational, scenic, fish and wildlife, historic, cultural, geologic or other similar values that are of local, regional, national or international significance;

* Sec. 2. INTERIM MANAGEMENT. Until a management plan or regulations [HAS] have been adopted for a recreation river under AS 41.23.220 as enacted in sec. 1 of this Act, interim management shall be consistent with the purposes of AS 41.23.200 - 41.23.280. [THE COMMISSIONER OF NATURAL RESOURCES SHALL ADOPT MANAGEMENT PLANS FOR EACH RECREATION RIVER ESTABLISHED UNDER AS 41.23.280(c) AS ENACTED BY SEC. 1 OF THIS ACT BY JULY 1, 1992, EXCEPT THAT THE COMMISSIONER OF NATURAL RESOURCES SHALL ADOPT A MANAGEMENT PLAN FOR THE MOST EXTENSIVELY USED RIVERS BY JULY 1, 1989.] The commissioner shall adopt management plans required by this Act by July 1, 1989.

* Sec. 3. RELEASE. Any state-owned lands or waters adjacent to Alexander Creek, Kroto and Moose Creeks, Lake Creek, Little Susitna, Talachalitna, and Talkeetna State Recreation Rivers, as designated by this Act, are released from legislative consideration for management by the Department of Natural Resources or the appropriate agency.

* [SEC. 3] Sec. 4. EFFECTIVE DATE. This Act takes effect immediately in accordance with AS 01.10.070(c).

LAND DISPOSALS

41.23.210(g) With approval and funding by the Legislature, the commissioner may dispose of land in a recreation river corridor in accordance with AS 38 under the following conditions:

1) the land sale must be compatible with the purposes and management of the recreation river and with an adopted management plan;

2) the amount of land in the sale may not exceed 50 acres, and no more than two sales may occur in any recreation river unit;

3) the title to lands sold under this section will be restricted to:

A) assure adequate public access to streamside areas;

B) prevent commercial use or further subdivision;
and

C) provide for design controls, including lot coverage, building heights, setbacks, landscaping, and road design, that will protect the quality of the environment; and

4) the commissioner of administration shall separately account for revenue generated by a land sale within a recreation river unit, and the Legislature may withdraw funds from this account for purposes of managing, improving, and protecting recreation river units.

Delete the references to land disposals in .280(b).

MINERAL LEASING

Delete 41.23.270 and replace it with:

Sec. 41.23.270. APPLICATION OF PUBLIC LAND LAWS. (a)
The state-owned land and water within a recreation river
corridor are closed to mineral location and entry under AS
38.05.195.

(b) The commissioner may allow coal leasing under AS
38.05.150 or mineral leasing under AS 38.05.205 in an area
within a recreation river subject to the following conditions:

(1) leasing must be recommended in an adopted management
plan for the recreation river and must be compatible with AS
41.23.200(b);

(2) all permits and operating plans must assure protection of the resources of the recreation river, with appropriate restrictions on size, seasonality, location, access, and type of mining operations;

(3) the commissioner of administration shall separately account for revenues derived from coal and mineral leasing under this section and the Legislature may withdraw funds from this special account for management, improvement, and protection of recreation river units.

(c) The state-owned land and water within a recreation river are available for oil and gas leasing except that the commissioner shall assure that surface entry and use for oil and gas exploration and development shall not disturb the river and shall occur in accordance with AS 41.23.200(b).

(d) Except where inconsistent with management of a recreation river corridor, the provisions of AS 38 apply to land described in AS 41.23.280(c).

Delete minerals language in AS 41.23.280(b).

2/12
2/19

Introduced: 1/30/87
Referred: Resources and
Finance

1 IN THE HOUSE

BY COTTEN, POURCHOT, RIEGER
AND GRUENBERG

2

HOUSE BILL NO. 93

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing [redacted] recreation rivers;

7

and providing for an effective date."

8

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

9

* Section 1. AS 41.23 is amended by adding new sections to read:

10

ARTICLE 2. [redacted] RECREATION RIVERS.

11

Sec. 41.23.200. PURPOSES. (a) The purpose of AS 41.23.200 -

12

41.23.280 is to establish management guidelines for those rivers [redacted]

13

designated [redacted] under AS 41.23.200 - 41.23.280 while permit-

14

ting each [redacted] to be individually managed under a multiple use man-

15

agement plan.

16

(b) The goals and objectives by which a recreation river shall

17

be managed include

18

(1) the protection and maintenance of the fish and wildlife

19

populations and habitat on a ^{See} sustained yield basis ~~so as to maintain~~

20

~~restore, and enhance fishing, hunting, and trapping activities~~

21

(2) protection of the scenic and natural integrity of the

22

~~and continuation of [redacted] traditional recreational uses [redacted]~~

23

by the public including ~~boating, hiking, snowmachining, skiing,~~

24

dog mushing, and wildlife viewing;

25

(3) management of upland activities ~~for the protection and~~

26

maintenance of water quality and stream flow [redacted]

27

(c) The commissioner shall allow an activity when compatible

28

with (b)(1) - (3) of this section including, but not limited to use of

29

aircraft, powerboats, snowmachines, all-terrain vehicles, and other

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[redacted] - 1 -
[redacted] of access, tourism, and economic uses of
the river corridor.

Cotten

not limited to

A >

✓

1 motorized transportation; harvest of wood products; sand and gravel
2 extraction for public use; and public use facilities. ~~AS 41.23.200~~

3 ~~AS 41.23.200 shall not be construed as permitting an activity that is~~
4 ~~incompatible with the purposes of AS 41.23.200 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58), (59), (60), (61), (62), (63), (64), (65), (66), (67), (68), (69), (70), (71), (72), (73), (74), (75), (76), (77), (78), (79), (80), (81), (82), (83), (84), (85), (86), (87), (88), (89), (90), (91), (92), (93), (94), (95), (96), (97), (98), (99), (100).~~

5 Sec. 41.23.210. GENERAL MANAGEMENT OF RECREATION RIVER. (a)

6 The ~~land~~ and water within the area designated as a recreation river
7 under AS 41.23.280(c) is assigned to the commissioner for multiple use
8 management consistent with the purposes of AS 41.23.200 - 41.23.280.

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

15 (c) ~~The provisions~~ of AS 41.23.200 - 41.23.280 do not affect the
16 responsibility of

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

20 (2) the Department of Environmental Conservation under
21 AS 46.03; or

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

24 (d) Except as provided in this subsection the commissioner may
25 not restrict the use of weapons, including firearms, within a recrea-
26 tion river, ~~except~~ in sites of high public use such as picnic areas,
27 boat ramps, camping grounds, and parking areas when the commissioner
28 determines that the use of weapons constitutes a threat to public
29 safety. Except as provided in this subsection, the commissioner may

*Letter of
Intent
Montana
method*

1 not restrict ~~_____~~ ^{corridor} fishing, hunting, or trapping within a
2 recreation river.

3 (e) The commissioner may lease land competitively within a
4 recreation river ^{corridor} ~~to a person~~ for the construction and operation of a
5 public use facility ~~[within the recreation river]~~

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

g) With the approval of the Legislature the commissioner
may ^{dispose of} ~~offer~~ land ~~for sale~~ in a recreation river corridor if
the land sale will be compatible with the purposes ~~of the~~ and
management of the recreation river and will be conducted
in a way that prevents further subdivision or commercial
use of the land, or as a planned unit development.

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

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

29 (3) designate compatible land uses and management

1 guidelines for associated development;

2 (4) [REDACTED] commercial activities or development, including
3 recreational services such as guiding;

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

6 (6) allow reasonable [REDACTED] access to public land
7 and private inholdings and to land beyond the recreation river corri-
8 dor;

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

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

14 (b) The commissioner may adopt regulations necessary to imple-
15 ment [REDACTED] plan.

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

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

25 Sec. 41.23.230. MANAGEMENT OF MUNICIPAL LAND. If a municipality
26 commits land for inclusion in a recreation river designated under
27 AS 41.23.280(c), the commissioner shall obtain the concurrence of the
28 municipality to the management plan proposed under AS 41.23.220 as it
29 applies to municipal land.

1 Sec. 41.23.240. ACQUISITION OF ADDITIONAL LAND. (a) The com-
2 missioner may acquire in the name of the state land that is adjacent
3 to or located within the land described in AS 41.23.280(c) by pur-
4 chase, lease, gift, or exchange.

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

7 Sec. 41.23.250. APPLICATION OF PUBLIC LAND LAWS. Except to the
8 extent that a provision is inconsistent with a provision of AS 41.-
9 23.200 - 41.23.280 the provisions of AS 38.04; AS 38.05; AS 38.35; and
10 AS 38.95 apply to land described in AS 41.23.280(c).

11 Sec. 41.23.260. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The
12 commissioner may enter into a cooperative management agreement for the
13 management of land and water described in AS 41.23.280(c) or of other
14 adjacent land and water with a federal agency, a municipality of the
15 state, another agency of the state, or a private landowner.

16 (b) The commissioner may transfer the management of a specific
17 site within a recreation river described in AS 41.23.280(c) to a state
18 agency to assist in the development of a facility or to carry out a
19 program authorized by law.

20 (c) The commissioner may not manage a recreation river described
21 in AS 41.23.280(c)(1) - (6) as a unit of the state park system.

22 Sec. 41.23.270. RECOMMENDATIONS BY COMMISSIONER. (a) Before
23 recommending the establishment of a recreation river to the legisla-
24 ture, the commissioner shall adopt a plan for the area encompassing
25 the proposed recreation river.

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

28 (1) after notice under AS 38.05.945, hold a public hearing
29 in each community that is located proximately to or within the

1 boundaries of an area proposed for inclusion within a recreation
2 river;

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

7 (3) consult with each fish and game advisory committee with
8 responsibilities for an area within the boundaries of an area proposed
9 for inclusion within a recreation river and include the recommenda-
10 tions of the local fish and game advisory committee in the plan; and

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

13 Sec. 41.23.275. DESIGNATION OF RECREATION RIVERS. State-owned
14 land and water may be designated as a recreation river only by the
15 legislature.

16 Sec. 41.23.280. DESIGNATED RIVERS. (a) Subject to valid exist-
17 ing rights, the state-owned land and water designated as a recreation
18 river under (c) of this section constitute a special purpose area
19 under art. VIII, sec. 7 of the Alaska Constitution.

20 (b) The state-owned land and water described in this section
21 within one-half mile of a lakeshore and within one-half mile upland of
22 the meander of the ordinary high-water mark of a river is closed to
23 mineral entry and leasing under AS 38.05.150 - 38.05.175 and 38.05.-
24 185 - 38.05.275. The state-owned land and water described in this
25 section is closed to land disposals under AS 38.05.035(b), 38.05.045 -
26 38.05.069; AS 38.08 and AS 38.09.

27 (c) The land and water presently owned by the state and all land
28 and water acquired by the state in the future, including shore and
29 submerged land, that lies within the following described parcels are

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

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

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

1 (J) Township 19 North, Range 12 West, Seward Meridian
2 Section 3: N1/2, SW1/4
3 Section 4: E1/2E1/2, W1/2SE1/4, SE1/4SW1/4
4 Section 9: E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4
5 section 10: NW1/4
6 Section 15: W1/2SW1/4, SW1/4NW1/4
7 Section 16
8 Section 21
9 Section 22: W1/2W1/2, E1/2SW1/4, SW1/4SE1/4
10 Sections 27 - 28
11 Section 34
12 Section 35: S1/2, NW1/4
13 (K) Township 20 North, Range 11 West, Seward Meridian
14 Section 18: W1/2
15 Section 19: W1/2
16 (L) Township 20 North, Range 12 West, Seward Meridian
17 Section 1
18 Section 2: N1/2
19 Section 11: E1/2
20 Sections 12 - 13
21 Section 14: E1/2
22 Sections 23 - 24
23 Section 25: N1/2
24 Section 26
25 Section 27: E1/2
26 Section 34: S1/2, NE1/4, SE1/4NW1/4
27 Section 35: NW1/4
28 (M) Township 21 North, Range 11 West, Seward Meridian
29 Section 31: SW1/4

- 1 (N) Township 21 North, Range 12 West, Seward Meridian
2 Section 25: that portion south of the Skwentna
3 River
4 Section 26: that portion south of the Skwentna
5 River
6 Section 35: that portion south of the Skwentna
7 River
8 Section 36: that portion south of the Skwentna
9 River
10 (2) Alexander Creek State Recreation River
11 (A) Township 16 North, Range 7 West, Seward Meridian
12 Sections 6 - 7
13 Sections 18 - 19
14 (B) Township 17 North, Range 7 West, Seward Meridian
15 Section 18: S1/2, W1/2NW1/4
16 Section 19
17 Sections 30 - 31
18 Section 32: W1/2
19 (C) Township 17 North, Range 8 West, Seward Meridian
20 Section 1
21 Section 2: E1/2, N1/2NW1/4
22 Section 3: N1/2N1/2
23 Section 4: N1/2, N1/2SE1/4
24 Section 11: NE1/4
25 Section 12
26 Section 13: E1/2, E1/2NW1/4
27 Section 24: NE1/4, E1/2SE1/4
28 (D) Township 18 North, Range 8 West, Seward Meridian
29 Section 4: W1/2

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

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

1	Section 8: S1/2, NW1/4
2	Section 16: W1/2
3	Section 17
4	Section 18: E1/2
5	Section 20: SE1/4, N1/2
6	Section 21
7	Section 22: W1/2
8	Section 25: SW1/4
9	Section 26: S1/2
10	Section 27
11	Section 28: E1/2, NW1/4
12	Sections 34 - 35
13	Section 36: W1/2
14	(G) Township 25 North, Range 11 West, Seward Meridian
15	Section 1: E1/2
16	(H) Township 26 North, Range 10 West, Seward Meridian
17	Section 31
18	(I) Township 26 North, Range 11 West, Seward Meridian
19	Sections 3 - 4
20	Section 9: E1/2
21	Section 10
22	Section 14: W1/2
23	Section 15
24	Section 22: E1/2, E1/2NW1/4
25	Section 23
26	Section 25: S1/2, NW1/4
27	Section 26
28	Section 27: NE1/4
29	Section 35: NE1/4

1 (A) Township 19 North, Range 6 West, Seward Meridian
2 Section 2: SW1/4
3 Section 3
4 Section 10: E1/2
5 Section 11
6 Section 14
7 Section 15: E1/2E1/2
8 Section 22: E1/2E1/2
9 Section 23
10 Section 25: that portion west of the eastern-
11 most bank of the Susitna River
12 Section 26
13 Section 27: E1/2E1/2
14 Section 34: NE1/4NE1/4
15 Section 35
16 Section 36: that portion west of the eastern-
17 most bank of the Susitna River
18 (B) Township 20 North, Range 6 West, Seward Meridian
19 Section 4
20 Section 5: E1/2
21 Section 8: NE1/4, E1/2SE1/4
22 Section 9
23 Section 15: W1/2
24 Section 16
25 Section 21: E1/2, N1/2NW1/4, SE1/4NW1/4
26 Section 22: NW1/4, S1/2
27 Section 27
28 Section 34
29 (C) Township 21 North, Range 6 West, Seward Meridian

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

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

1 Section 7
 2 Section 8: S1/2SW1/4
 3 Section 16: W1/2, W1/2E1/2
 4 Section 17
 5 Section 18: N1/2N1/2, SE1/4NW1/4, S1/2NE1/4,
 6 N1/2SE1/4, SE1/4SE1/4
 7 Section 19: NE1/4NE1/4
 8 Section 20: N1/2
 9 Section 21: W1/2, SE1/4, W1/2NE1/4
 10 Section 27
 11 Section 28: E1/2
 12 Section 33: NE1/4NE1/4
 13 Section 34: E1/2, E1/2W1/2, NW1/4NW1/4
 14 Section 35: W1/2, SE1/4, S1/2NE1/4
 15 Section 36: SW1/4
 16 (I) Township 24 North, Range 8 West, Seward Meridian
 17 Section 1: E1/2
 18 Section 12: NE1/4, E1/2SE1/4
 19 Section 13: NE1/4NE1/4
 20 (J) Township 25 North, Range 6 West, Seward Meridian
 21 Section 5
 22 Section 8
 23 Section 17
 24 Section 18: SE1/4
 25 Section 19: E1/2, E1/2W1/2
 26 Section 20: W1/2W1/2
 27 Section 29: W1/2W1/2
 28 Section 30: E1/2, E1/2W1/2
 29 Section 31: E1/2

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

1 Section 28: N1/2, SW1/4
 2 Section 29: E1/2
 3 Section 32: E1/2
 4 Section 33: W1/2
 5 (Q) Township 27 North, Range 8 West, Seward Meridian
 6 Section 12: NE1/4
 7 (R) Township 28 North, Range 6 West, Seward Meridian
 8 Section 32: S1/2SE1/4
 9 Section 33: S1/2S1/2
 10 (5) Talkeetna State Recreation River
 11 (A) Township 26 North, Range 3 West, Seward Meridian
 12 Section 1
 13 Section 2
 14 Sections 3 - 6: excluding ASLS 81-196, ASLS
 15 80-94, ASLS 80-84
 16 (B) Township 27 North, Range 2 West, Seward Meridian
 17 Section 2: SW1/4
 18 Section 3: S1/2
 19 Section 4: S1/2
 20 Section 5: SE1/4, E1/2SW1/4
 21 Section 7: SE1/4
 22 Sections 8 - 12
 23 Section 13: N1/2
 24 Section 14: N1/2NE1/4
 25 Section 17
 26 Section 18: E1/2, SW1/4
 27 Section 19
 28 Section 20: N1/2, SW1/4
 29 Section 30: W1/2

1 (C) Township 27 North, Range 3 West, Seward Meridian
2 Section 24: E1/2
3 Section 25
4 Section 26: SE1/4
5 Section 31: S1/2
6 Section 32: S1/2 exclusive of ASLS 79-149
7 Section 33: S1/2S1/2 exclusive of ASLS 79-149
8 Section 34: S1/2S1/2 exclusive of ASLS 79-149
9 and ASLS 76-138
10 Sections 35 - 36

11 (D) Township 27 North, Range 4 West, Seward Meridian
12 Section 36: S1/2SE1/4 exclusive of ASLS 74-78
13 and ASLS 74-77

14 (6) Little Susitna State Recreation River: the water column
15 of the main stream of the Little Susitna River from mean high water
16 mark to mean high water mark, from the point at which the river cross-
17 es the section line dividing Sections 23 and 26 in Township 19 North,
18 Range 1 East, Seward Meridian downstream to the point at which the
19 river crosses the section line between Sections 15 and 22 in Township
20 16 North, Range 5 West, Seward Meridian; the water column of Lake
21 Creek from mean high water mark to mean high water mark, from the
22 point at which the creek crosses the section line dividing Sections 10
23 and 11, Township 18 North, Range 4 West, Seward Meridian downstream to
24 the confluence with the Little Susitna River; and

25 (A) Township 16 North, Range 5 West, Seward Meridian
26 Section 3
27 Section 4: NE1/4NE1/4
28 Section 10: E1/2, E1/2W1/2
29 Section 15: E1/2, E1/2W1/2

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

1 Section 14
2 Section 24
3 Section 25: N1/2
4 Section 26
5 Section 27: S1/2
6 Section 33: S1/2, S1/2NE1/4
7 Section 34
8 Section 35: NW1/4, W1/2NE1/4

9 ARTICLE 3. GENERAL PROVISIONS.

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

12 * Sec. 2. Until a management plan has been adopted for a recreational
13 river under AS 41.23.220(a) as enacted in sec. 1 of this Act, interim
14 management shall be consistent with the purposes of AS 41.23.200 - 41.23.-
15 280. The commissioner of natural resources shall adopt management plans
16 for each recreation river established under AS 41.23.280(c) as enacted in
17 sec. 1 of this Act by July 1, 1992, except that the commissioner of natural
18 resources shall adopt a management plan for the most extensively used
19 rivers by July 1, 1989.

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

Confidential - Discussion Only

Ord Ferguson

DRAFT
2/1/87

*Confidential -
Discussion Only*

IN THE HOUSE

HOUSE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For and Act entitled: "An Act designating recreation rivers;
and providing for an effective date."

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

* Section 1. AS 41.23 is amended by adding new sections to
read:

ARTICLE 2.

ALEXANDER CREEK, KROTO AND MOOSE CREEK, LAKE CREEK,
LITTLE SUSITNA, TALCHALITNA RIVER, TALKEETNA RIVER
STATE RECREATION RIVERS.

Sec. 41.23.200. GENERAL PURPOSES. (a) The general purposes
of AS 41.23.200 -41.23.280 are to:

(1) develop, promote and conserve diverse opportunities
for river dependent recreation in order to maintain, encourage,
develop and manage river dependent tourism and recreation for the
benefit of the state, its economy, its citizens, its wildlife and
the diverse character of its tourist and recreation based
industry,

(2) establish management guidelines for those rivers
designated for recreation under AS 41.23.200 - 41.23.280 while
permitting each river to be individually managed for multiple use

and under a multiple use management plan if such plan is required under this Act or is found desirable by the commissioner.

(3) protect and maintain the fish and wildlife populations and their habitats on a sustained yield basis so as to maintain, restore, and enhance fishing, hunting, and trapping activities;

(4) protect the scenic and natural integrity of the river and the continuation of the traditional recreational uses of the river by the public including boating, hiking, snowmachining, skiing, dog mushing, and wildlife viewing;

(5) manage upland activities for the protection and maintenance of water quality and stream flow, and

(6) manage for the special purposes identified for each recreation river designated under this Act.

(b) The commissioner shall allow an activity when compatible with the general and special purposes of a river including, but not limited to use of aircraft, powerboats, snowmachines, all-terrain vehicles, and other motorized transportation, harvest of wood products, sand and gravel extraction for public use, and public use facilities. AS 41.23.200 - 41.23.280 may not be construed as permitting an activity that is incompatible with the general and special purposes of a recreation river.

Sec. 41.23.210. GENERAL MANAGEMENT OF A RECREATION RIVER.

(a) The land and water within the each area designated as a recreation river under AS 41.23.280 is assigned to the Department of Natural Resources for multiple use management consistent with the purposes of AS 41.23.200 - 41.23.280.

(b) Within three years from the effective date of the designation of a river as a recreation river under AS 41.23.280, the commissioner shall, after consultation with appropriate state agencies, reserve to the state under AS 46.15.145 an instream flow or level for the water in the river described in AS 41.23.280 that is adequate to achieve the purposes of AS 41.23.200 - 41.23.280.

(c) The provisions of AS 41.23.200 - 41.23.280 do not affect the responsibility or authority of

(1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the Guide Licensing and Control Board under AS 08.54, AS 16, or AS 41.99.010;

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

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

(d) Except as provided in this subsection, the Department of Natural Resources and any of the Divisions in the Department are prohibited within a recreation river from

(1) restricting the use of devices used in trapping on tended traplines,

(2) restricting the use of weapons and other methods and means used in hunting, including firearms, authorized or not prohibited by the Board of Game,

(3) restricting the methods and means of fishing authorized by the Board of Fisheries.

Provided, that the Department of Natural Resources or the Division identified as the managing division under AS 41.23.280 for each river may only restrict such devices, weapons, methods or means within a recreation river at sites of high public use such as picnic areas, boat ramps, camping grounds or parking areas when the use of such devices, weapons, methods or means constitutes a threat to public safety or property.

(e) Subject to compatibility with the general and special purposes of a river, the commissioner may lease land competitively within a recreation river to a person for the construction and operation of a public use facility within the recreation river.

(f) The Department of Natural Resources may not restrict commercial activities existing at the time of designation within the boundaries of an area designated as a recreation river under AS 41.23.280 unless the commercial activity either threatens the quality of the water or an essential habitat within the recreation river or is inconsistent with AS 41.23.280.

Sec. 41.23.220. MANAGEMENT PLANS AND REGULATIONS. (a) The commissioner shall adopt and may revise a comprehensive multiple use management plan for each river designated under AS 41.23.280 as requiring a management plan. The commissioner may adopt and revise such a plan for each river designated under AS 41.23.280 as not requiring such a plan when the commissioner finds such a plan is necessary to further the purposes of this Act. The commissioner shall consult with the Department of Fish and Game during the formulation or revision of any such plan. The commissioner shall comply with the notice requirements of AS

38.05.945 in formulating such plans or revisions. Prior to the adoption or revision of a management plan, the commissioner shall hold at least one public hearing in the municipalities and communities that are proximately located to the recreation river and with the local fish and game advisory committee in the area. Consistent with the purposes and provisions of this Act, each comprehensive management plan shall establish long-range guidelines and management practices to

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

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

(3) designate compatible land uses and management guidelines for associated development;

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

(5) provide for necessary public services, such as transportation and utility corridors, public safety, and law enforcement;

(6) allow reasonable and necessary access to public land and private inholdings and to land beyond the recreation river corridor;

(7) establish criteria and timelines to review future proposed uses for compatibility with the purposes of this Act;

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

(b) The commissioner may adopt regulations necessary to implement each plan. The commissioner shall adopt regulations to implement (a)(1) - (8) of this section whenever this Act does not require a plan and the commissioner finds that a plan is unnecessary. Any regulations adopted shall be adopted under the Administrative Procedure Act (AS 44.62).

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

Sec. 41.23.230. MANAGEMENT OF MUNICIPAL LAND. If a municipality commits land for inclusion in a recreation river designated under AS 41.23.280, the commissioner shall obtain the concurrence of the municipality to the management plan or regulations adopted under AS 41.23.220 as they apply to municipal land.

Sec. 41.23.240. ACQUISITION OF ADDITIONAL LAND. (a) For purposes of furthering the purposes of this Act, the commissioner may acquire in the name of the state land that is adjacent to or located within the land described in AS 41.23.280 by purchase, lease, gift, or exchange.

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

Sec. 41.23.250. APPLICATION OF PUBLIC LAND LAWS. Except to the extent that a provision is inconsistent with a provision of AS

41.23.200 - 41.23.280 to provisions of AS 38.04; AS 38.05; and AS 38.95 apply to land described in AS 41.23.280.

Sec. 41.23.260. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The commissioner may enter into a cooperative management agreement for the management of land and water described in AS 41.23.280 or of other adjacent land and water with a federal agency, a municipality of the state, or a private landowner.

(b) The commissioner may transfer the management of a specific site within a recreation river described in AS 41.23.280 to a state agency to assist in the development of a facility or to carry out a program authorized by law.

Sec. 41.23.270. RECOMMENDATIONS BY COMMISSIONER. (a) Before recommending the establishment of a recreation river to the legislature, the commissioner shall adopt a plan for the area encompassing the proposed recreation river.

(b) Prior to the adoption of a plan recommending the establishment of a recreation river, the commissioner shall

(1) after notice under AS 38.05.945, hold a public hearing in at least each community that is located proximately to or within the boundaries of an area proposed for inclusion within a recreation river;

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

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

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

(c) During the pendency of any recommendation to the legislature that a river be designated under this Act, and prior to any draft or final recommendation that a river be designated under this Act, the commissioner shall protect the public ownership of lands and waters and interests therein from private appropriation, and shall protect the existing recreational, fish and wildlife values associated with the river, until such time as the legislature has designated or released from consideration the lands and waters recommended by the commissioner.

Sec. 41.23.275. CLASSIFICATION AND RETENTION OF PUBLIC LANDS WITHIN A RECREATION RIVER. (a) Subject to valid existing rights, the state-owned land and water designated as a recreation river under AS 41.23.280 constitute a special purpose area under art. VIII, sec. 7 of the Alaska Constitution. State-owned land and water may be designated as a recreation river only by the legislature.

(b) Subject to valid existing rights, the state-owned land and water described in AS 41.23.280 is closed to mineral entry and leasing under AS 38.05.150 - 38.05.175 and 38.05.185 - 38.05.275. Subject to valid existing rights, the state-owned land and water described in AS 41.23.280 is closed to land disposals under AS 38.05.035(b), 38.05.045 - 38.05.069; AS 38.08 and AS 38.09.

Sec. 41.23.280. DESIGNATED RIVERS AND SPECIAL PROVISIONS.

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

(a) Alexander Creek State Recreation River.

(1) The Alexander Creek State Recreation River shall be managed by the Division of Land and Water.

(2) Special Purposes -- In addition to the general purposes under AS 41.23.200(a)(1) - (5), the special purposes of the Alexander Creek State Recreation River include protection of riparian and salmon spawning habitat, protection of moose winter range and moose calving areas, maintenance of motorized access to the lower reaches of the river for purposes of fishing and hunting, management of snowmachines to maintain wintering moose populations, float values on the upper river, air access to Alexander Lake, and protection of moose winter range and brown bear concentration areas.

(3) Conditionally Compatible Special Uses -- The following special uses may be compatible with the general and special purposes of the river if they are appropriately designed, managed, and located: commercial development to support recreation in the lower reaches of the river, public cabins and other public facilities on the lower river, harvest of wood products in the upper portion of the river, and personal use timber harvest in the lower portion of the river.

(4) Specially Prohibited Uses -- Grazing, trapper cabins, commercial timber harvest in the lower reaches of the river.

(5) Management Plan and Special Provisions -- The commissioner may adopt a management plan, if necessary, for the Alexander Creek State Recreation River. The commissioner may not offer remote cabins, commercial timber harvest or lease lands for commercial development to support recreation unless found compatible with the general and special purposes of the river in a management plan.

(6) The Alexander Creek State Recreation River shall include the following lands and waters:

(b) Kroto Creek and Moose Creek State Recreation River.

(1) The Kroto Creek and Moose Creek State Recreation River shall be managed by the Division of Land and Water.

(2) Special Purposes -- In addition to the general purposes under AS 41.23.200(a)(1) - (5), the special purposes of the Kroto Creek and Moose Creek State Recreation River include protection of fishery values, fish habitat, moose winter range and riparian habitat, maintenance of motorized access to the mouth of Kroto (Deshka) Creek upstream to the confluence of Moose and Kroto Creeks, maintenance of air access to Neil Lake and access between Neil Lake and the river, maintenance of quality float opportunities upstream from the confluence of Moose and Kroto