

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5495 SRES HB 59 - HB 93

1067

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

CRIMINAL DIVISION

REPLY TO

CRIMINAL DIVISION CENTRAL OFFICE
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 319
ANCHORAGE ALASKA 99501-5993
PHONE (907) 273-7424

October 29, 1986

The Honorable Pat Pourchot
House Representative
P.O. Box 104836
Anchorage, Alaska 99504

Re: Littering - AS 46.06.080

Dear Representative Pourchot:

Recently, a request was made by a member of your staff for the number of littering cases prosecuted under AS 46.06.080 and the sentences received. Since January 1, 1983, a total of 142 littering cases have been referred to the district attorney offices for prosecution statewide. Of the 142 cases referred, 41 individuals have been convicted and sentenced. Of these 41 cases only one person went to jail and that was for one day. More likely than not, this individual was arrested and received credit for time already served when he was sentenced by the court. Two other people received fines and suspended jail sentences with the remainder not receiving any jail sentence but being required to pay fines ranging from \$25 to \$250. About one-quarter of the people were also required to perform community work service, including picking up litter from 2 hours to 50 hours. About half of the defendants were placed on probation anywhere from 11 days to one year.

The person on your staff with whom I spoke had expressed the opinion that the heavy maximum sentence for littering (90 days in jail and/or \$1000 fine) was a disincentive to enforcement, but our records show that this is unlikely. The average fine among these cases was \$60; the average community work service was about 10 hours. If the littering laws are not being enforced it seems much more likely that in this era of declining revenues there are other areas of law enforcement that take a higher priority.

Representative Pourchot

October 29, 1986
Page -2-

If I may be of further assistance, do not hesitate to contact me.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Genelle Massey
Genelle Massey
Special Assistant

GM:ab-29

HB 31

STEVE COWPER, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX N
JUNEAU, ALASKA 99811-1270
PHONE: 465-4322

January 8, 1987

The Honorable Pat Pourchot
Alaska State Legislature
P.O. Box 104836
Anchorage, AK 99510

Dear Representative Pourchot:

Thank you for your letter of December 9, 1986.

Littering the highways is covered by 13 AAC 02.530(a) through (d), and 17 AAC 25.050, unsecured loads. At present, I believe both are mandatory court appearances, due to the fine the court often imposes.

Obviously, these sections do not address the littering of public and private property, or waters in the state.

I do not believe the mail-in citation would make a great deal of difference in enforcement, but it could reduce court time for judges and police. The fine is low and should, at least, be doubled, considering the expense involved in cleaning up these people's litter.

I personally believe your approach is correct. Perhaps there could be a second section with a mandatory court appearance to be used in aggravated circumstances. In any event, we need one comprehensive law, rather than multiple regulations.

The level of enforcement is a difficult question. The police seldom observe people littering because people watch for police. The Troopers have such limited patrol outside major municipalities that the perception of risk of being apprehended is small. Most law enforcement officers claim they cannot respond to all the calls for assistance they receive now. Littering complaints, including garbage on the right of way, have a low priority.

January 8, 1987

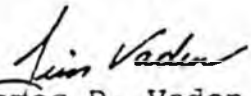
In truth, I believe most, if not all, officers would cite for littering under the aforementioned regulations. However, they do not like to sort through garbage alongside the road in an attempt to identify the depositor. It is also questionable if the district attorneys would prosecute these circumstantial cases, due to the difficulty in obtaining a guilty verdict.

* In reference to out-of-state registered vehicles, perhaps we should keep the mail-in system, but make it a mandatory court appearance if the bail and a copy of the registration is not received by the court within a ten-day period. Other sanctions could be applied, i.e., increased penalties for every day after the tenth day.

I believe the residents want the initial enforcement, and the vehicle registered as expeditiously as possible.

If we can be of any further assistance, please let me know.

Sincerely,


James D. Vaden
Deputy Commissioner

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITAL
JUNIAU ALASKA 99511
207 465 1800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

November 25, 1986

SUBJECT: Litter laws
(Work Order No. 15-0182)

TO: Representative Pat Pourchot

FROM: Edward H. Hein *EH*
Legislative Counsel

You are correct that littering is prohibited under AS 46.06.080, and that AS 46.06 is repealed, effective July 1, 1987. In the event that AS 46.06 is allowed to terminate, there are other statutes under which littering might be prosecuted, but that depends on how we define "litter."

Under AS 46.06.150(4), "litter" means all waste material except "the wastes of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing." But under AS 46.03.710, pollution of the air, land, subsurface land or water of the state is prohibited. For purposes of that section, "pollution" is defined as "the contamination or altering of waters, land or subsurface land of the state in a manner which creates a nuisance or makes waters, land or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Under AS 46.03.760, a polluter is liable to the state for civil damages; AS 46.03.790 provides for criminal penalties.

With regard to your idea of establishing a "two-tier" system for littering offenses, that seems like a practical approach. As you know, a bail forfeiture schedule is in effect for minor traffic offenses, and this works well. A similar schedule was required to be established for violations of the smoking-in-public-places law. AS 18.35.341(d). Serious litter offenses could be distinguished from minor litter

Representative Pouchat
Page 2
November 25, 1986

offenses on the basis of the amount of damage done, i.e. the cost of cleaning up and restoring the site to its pre-littered condition. As an alternative, you might want to distinguish on the basis of the weight, amount, or contents of the litter.

I have not discussed this matter with anyone else. I would be happy to work with you or any of your staff members, or to research the matter further on my own, if you wish. If you want me to draft some legislation, let's talk about it so I will have a better picture of what you have in mind.

EHH:mkr
m7/033



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-8228

December 2, 1986

Jeannie Larson
c/o Representative Pat Pourchot
Box 104836
Anchorage, Alaska 99510

Dear Jeannie:

As we discussed, you asked if I could provide a rough draft of a statute which would permit enforcement of anti-littering laws by a mail-in payment rather than a mandatory court appearance.

A copy of a draft is enclosed. Although my primary interest is in the section dealing with the mail-in fine payment, I have included substantive language so that you can see how such a statute might be laid out. The draft is written in legislative style, with new language underlined and deleted language in brackets.

I assumed the framework of the existing littering statutes, and that the existing anti-littering law would not be repealed. In other words, adoption of this draft would override the repealer clause in the existing legislation. However, AS 46.06.080(b), which deals with uncovered loads would be repealed, and replaced by AS 28.35.251, which the legislature enacted last year.

Using AS 16.05.160 as a model, I then drafted new language which would establish a fine rather than a bail schedule method of processing these payments. This process would apply to AS 46.06.080 only; other violations would require a court appearance.

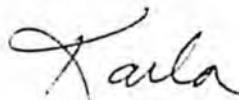
Some of the questions I am sure you will want to address include whether you want to retain the existing anti-littering language or draft new language, whether the \$25.00 fine is appropriate, and whether all violations of the chapter should be processed this way. You may want to solicit the views of enforcement officers regarding these provisions.

Jeannie Larson
December 2, 1986
Page Two

I hope this draft is helpful to you . Again, please be advised that it is merely a concept and that the administrative office does not take a position about the desirability of anti-litter legislation or the proper fine amount. The only concern of this office is that a procedure be adopted which will require the least expenditure of fiscal resources by the court system. If enforcement officers project a substantial level of enforcement, the court system would have to consider the need for additional clerical staff to process these citations and the payments. It is very important to have adequate staff to process these payments, because inaccurate records can lead to improper issuance of bench warrants and subsequent lawsuits for false arrest.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director
Susan Miller, Manager of Special Projects

11/25/86-7

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturjulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

TO: SENATE RESOURCES COMMITTEE
FROM: COMMITTEE STAFF
DATE: MAY 4, 1987
RE: CSHB 59 (JUD) "An Act relating to the recycling and reduction of litter"

CONTENTS

1. SPONSOR'S STATEMENT TO SENATE RESOURCES, HOUSE FINANCE, AND A SECTIONAL ANALYSIS OF CSHB 59 (JUD)
2. DEC POSITION AND FISCAL NOTE
3. PUBLIC SAFETY POSITION AND FISCAL NOTE
4. 1985 LITTER ANNUAL REPORT
5. ADDITIONAL LETTERS OF SUPPORT AND BACKGROUND



Alaska State Legislature

Representative Mike Davis

P.O. Box V
Juneau, Alaska 99811
(907) 465-4930 4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

MEMORANDUM

To: Senator Jack Coghill, Chairman
Senate Resources Committee

From: Representative Mike Davis *MD*

Date: March 30, 1987

Re: JSHB 59 (Jud); An Act Relating to the Recycling and
Reduction of Litter.

I am writing to request a hearing for CSHB 59 in the Senate Resources Committee. I have provided your staff with backup material that provides statements of explanation and support for the bill, which would both revise and extend Alaska's litter reduction program. CSHB 59 has also been crafted in a manner that allows the bill to have a zero fiscal note.

CSHB 59 has the support of businesses, municipalities, chambers of commerce, Alaskans for Litter Prevention and Recycling (ALPAR), and the state administration. Passage of the legislation would allow Alaska to continue to enforce litter laws and to coordinate cleanup activities. Failure to pass the legislation would result in the termination of the program, which has a sunset date of June 30, 1987.

Please call me if you or your staff have any questions regarding the bill.



ALASKANS FOR LITTER PREVENTION and RECYCLING

Keeping Alaska Beautiful

March 16, 1987

Senator Mitch Abood
Chairman, State Affairs Committee
Box V
Juneau, AK 99811

Re: HB 59
Litter Reduction

Dear Senator Abood:

We urge you to pass HB 59 as soon as possible with the \$25 fine for littering amendment.

This bill more realistically gives all Alaskans the motivation to keep Alaska beautiful.

Sincerely,

Jack Braddock, President
Alaskans for Litter Prevention & Recycling

JB/al

cc: Rep. Mike Davis

EXECUTIVE DIRECTOR

Carol Gallant

EXECUTIVE COMMITTEE

Jack Braddock/President
President
Anchorage Cold Storage
Mark Williams/1st Vice President
Vice President Merchandising
Carrs Quality Centers
Reyn Bowman/2nd Vice President
President
Anchorage Convention & Visitors
Bureau
Audrey Lee/Secretary
Executive Director
Anchorage Neighborhood Watch, Inc.
Bob Braeger/Treasurer
District Manager
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Alaska Sea-Land Service Company
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President & CEO
Alaska TV Network
Tom Turner
Director
Anchorage Recycling Center
Jeanne Webster
Delegate
Anchorage Board of Realtors

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Suzy Erlich/Kotzebue
Glenn Peterson/Palmer
John Robertson/Fairbanks
Jeff Rogers/Bethel
Paul Paxton/Juneau
Donna Schmidt/Kodiak
Ronni Lee Sinnott/Ketchikan

HB

87

SENATE COMMITTEE REPORT

FURTHER:

2/24/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered HB 87

relating to the authority of the commissioner of natural resources over shell eggs; efd.

and recommended:

[] replace with _____ CS FOR _____) [] same title
[] or adopt _____ CS FOR _____) [] new title

[] attached amendment(s) and

[✓] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [✓] adopted fiscal note(s)

[] new [] updated or [] previous
[✓] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature]

Chairman signature and recommendation

[] Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HB 87

Publish Date : _____

Revision Date: February 17, 1987

Title: Shell Eggs

Agency Affected: Natural Resources

BRJ: Agricultural Management

Sponsor: House Rules (Governor)

Requestor: House Resources Committee

Components : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, COMMODITIES | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

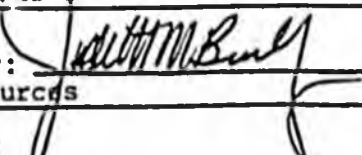
ANALYSIS : (Attach a separate page if necessary)

Prepared by: Carol J. Wilson

Phone: 465-2400

Division: Commissioner's Office

Date: 2/17/87

Approved by Commissioner: 

Date: 2/18/87

Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

1/29/87

January 29, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the authority of the Department of Natural Resources (DNR) over shell eggs.

Executive Order No. 51, which took effect July 1, 1981, split certain functions under AS 03.05 between the Departments of Natural Resources and Environmental Conservation. The order did not clearly specify which of the two departments would continue with the regulation and control of shell eggs. This bill would amend AS 03.05.010(a) to add regulation and control of shell eggs to the duties of the commissioner of natural resources. Although the division of agriculture in DNR has continued to perform shell egg surveillance under existing DNR regulations (11 AAC 32.110 -- 11 AAC 32.190), the statutes should provide specific authority to regulate and control such activities as sale or use of old, misbranded, spoiled, or contaminated shell eggs. This bill would allow DNR to revise outdated shell egg regulations which have not been amended since 1960.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Cowper".

Steve Cowper
Governor

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulowski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

TO: SENATE RESOURCES COMMITTEE
FROM: COMMITTEE STAFF
DATE: MARCH 27, 1987
RE: HB 87 "Authority over shell eggs"

When Executive Order No. 51 took effect on July 1, 1981, it split certain functions under AS 03.05 between the Departments of Natural Resources and Environmental Conservation. However, the order did not clearly specify which agency would have authority to control and regulate shell eggs.

HB 87 amends AS 03.05.010(a) to place regulation and control of shell eggs with the Commissioner of Natural Resources.

CONTENTS OF HB 87 FOLDER

1. Staff Memo and Contents
2. DNR Fiscal Note
3. Letter from Governor Cowper concerning HB 87
4. Letter from DNR concerning HB 87
5. Egg information and background

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

2/13/87

January 29, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the authority of the Department of Natural Resources (DNR) over shell eggs.

Executive Order No. 51, which took effect July 1, 1981, split certain functions under AS 03.05 between the Departments of Natural Resources and Environmental Conservation. The order did not clearly specify which of the two departments would continue with the regulation and control of shell eggs. This bill would amend AS 03.05.010(a) to add regulation and control of shell eggs to the duties of the commissioner of natural resources. Although the division of agriculture in DNR has continued to perform shell egg surveillance under existing DNR regulations (11 AAC 32.110 -- 11 AAC 32.190), the statutes should provide specific authority to regulate and control such activities as sale or use of old, misbranded, spoiled, or contaminated shell eggs. This bill would allow DNR to revise outdated shell egg regulations which have not been amended since 1960.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Cowper".

Steve Cowper
Governor

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801
PHONE: (907) 465-2400

February 18, 1987

The Honorable Sam Cotten, Co-Chair
The Honorable Adelheid Herrmann, Co-Chair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives Cotten and Herrmann:

Subject: House Bill 87, relating to the authority of the Commissioner of Natural Resources to regulate shell eggs.

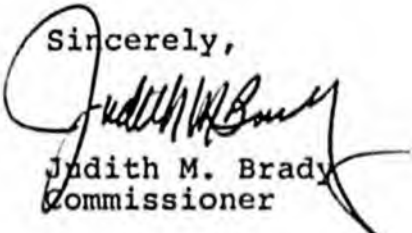
Position: The Department of Natural Resources supports this bill.

Background: In 1981, certain functions under AS 3.05 were divided between the Department of Natural Resources (DNR) and the Department of Environmental Conservation (DEC). The DNR Division of Agriculture has continued to regulate shell eggs since that time without specific statutory authority. This lack of specific shell egg authority prevents the department from revising its outdated 1960 shell egg regulations which are used to control the sale or use of old, mishandled, spoiled or contaminated shell eggs.

This bill would provide DNR with the statutory authority to regulate and control the sale or use of shell eggs in Alaska.

Please let me know if you would like additional information.

Sincerely,


Judith M. Brady
Commissioner

cc: Committee Members
Governor's Legislative Liaison

Shell appearance is considered when determining egg grades.

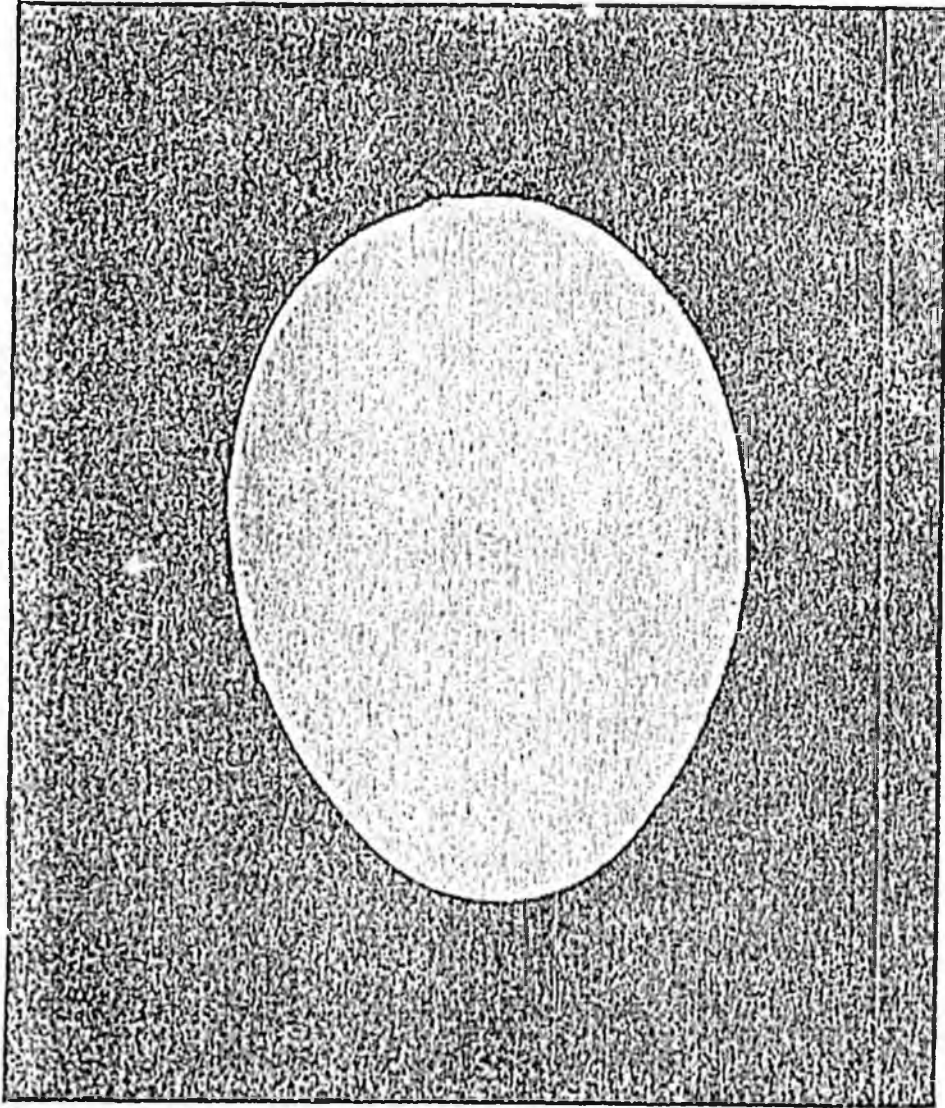


Figure 4.—Ideal egg shape, usually found in AA or A quality. BN-16548

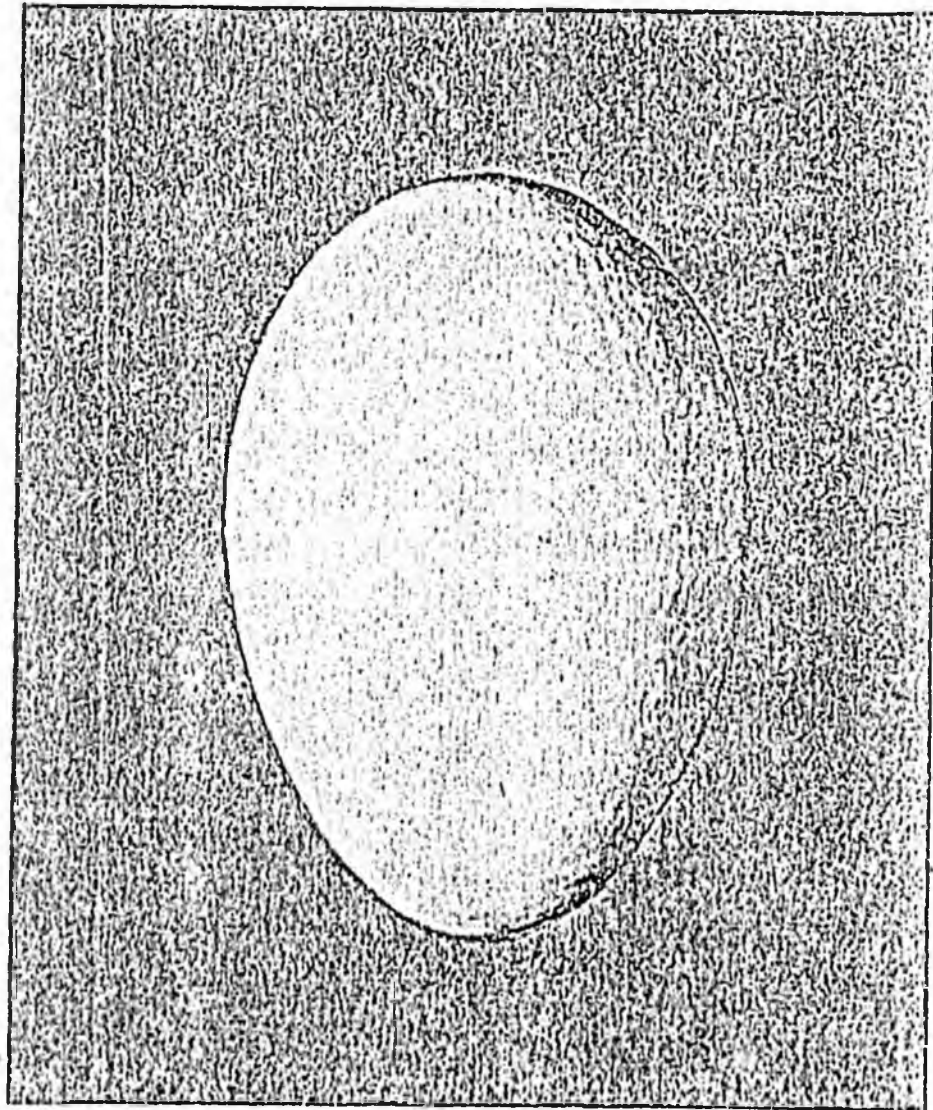


Figure 5.—Practically normal shape which may be found in AA or A quality. BN-16549

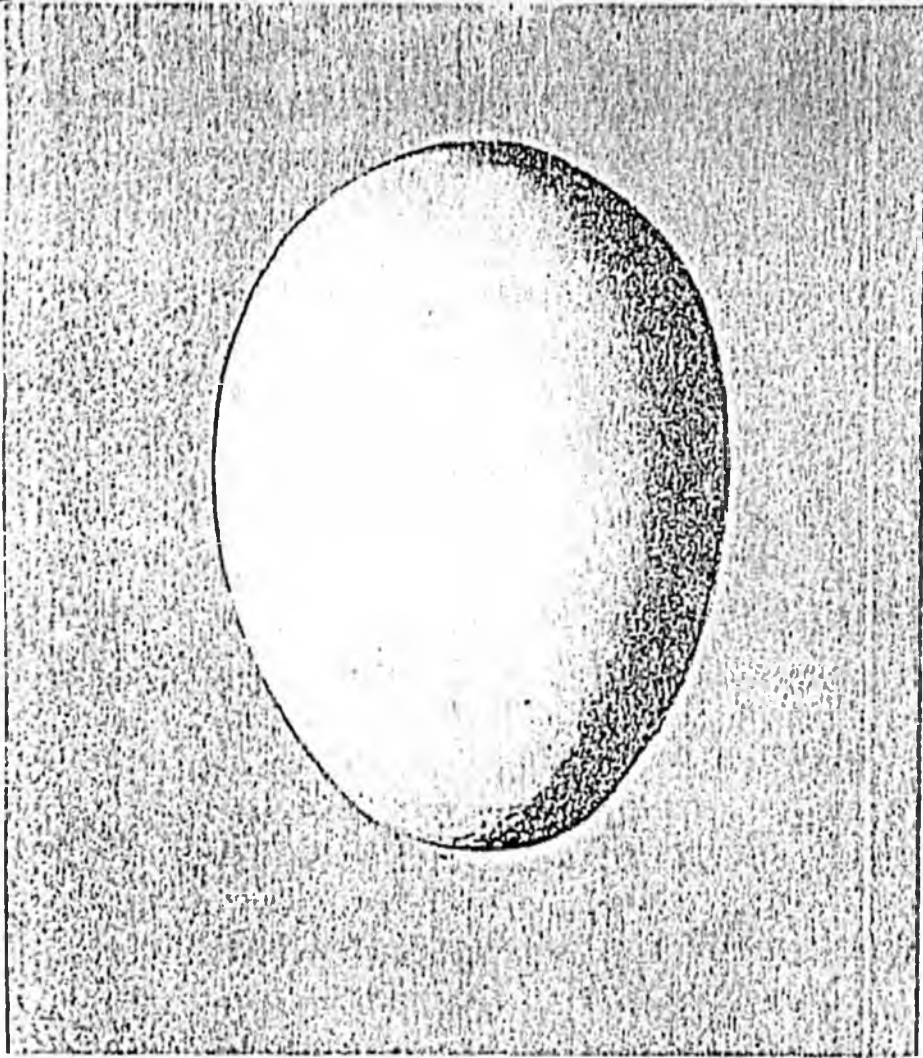


Figure 6.—Practically normal shape, showing slight ridges and rough shell permitted in AA or A quality. BN-16550

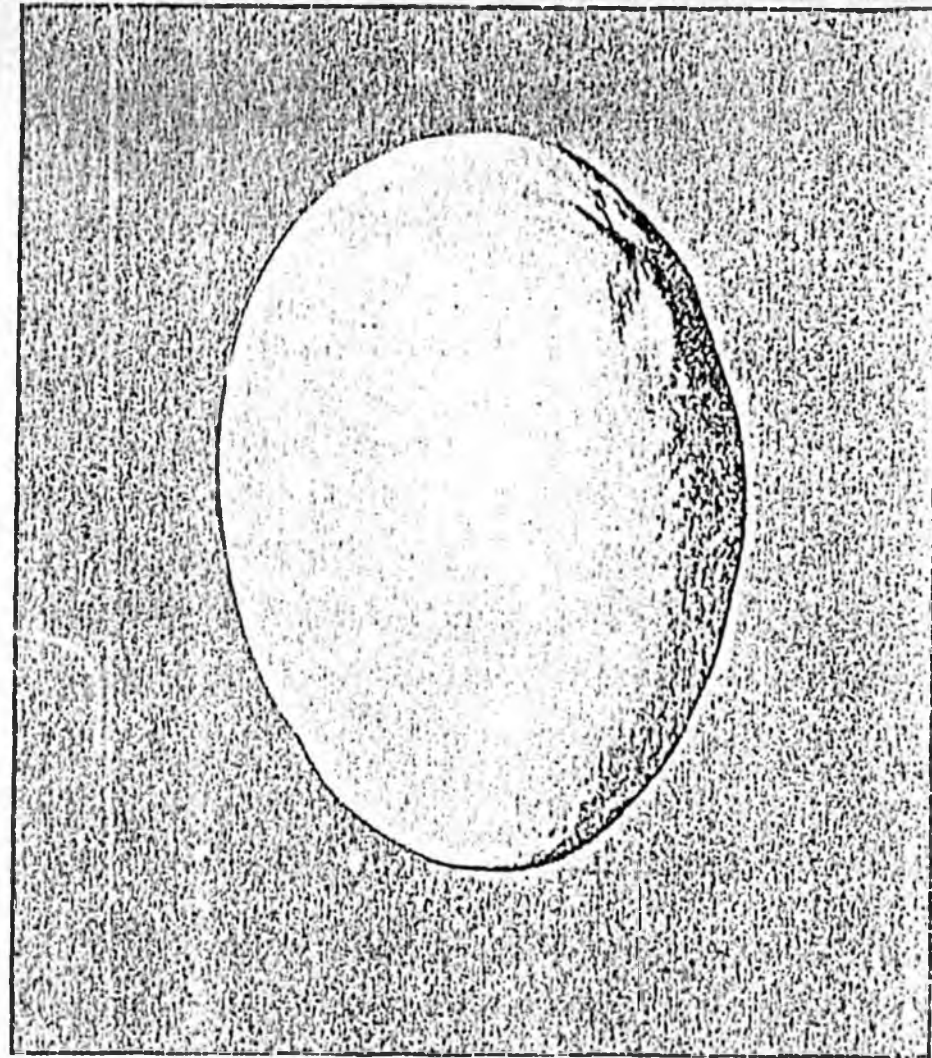


Figure 7.—Abnormal shape having pronounced ridges permitted in B quality. BN-16551

UNITED STATES STANDARDS FOR QUALITY OF INDIVID

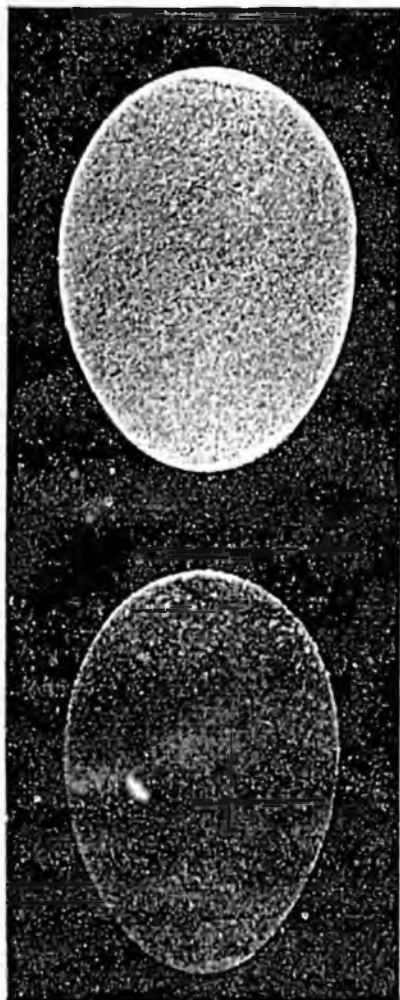
Illustrations of Candled Appearance of White and Brown Eggs Showing Maximum Depth of Air Cell and Outline and

AA Quality

A Quality

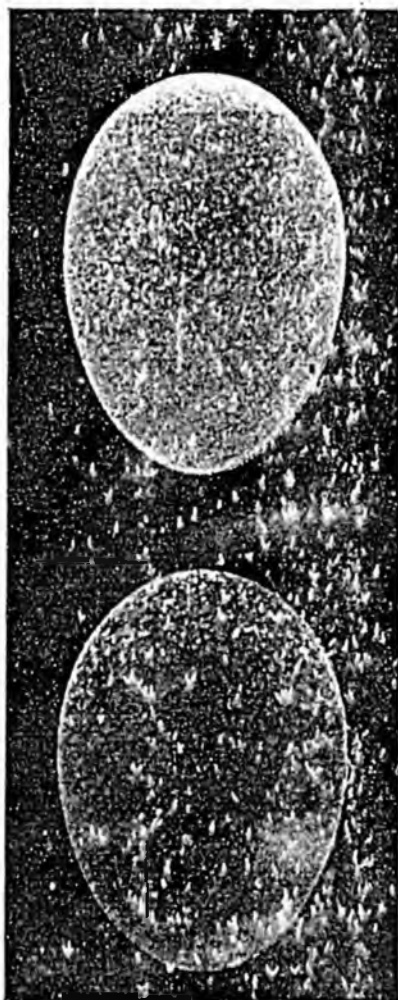
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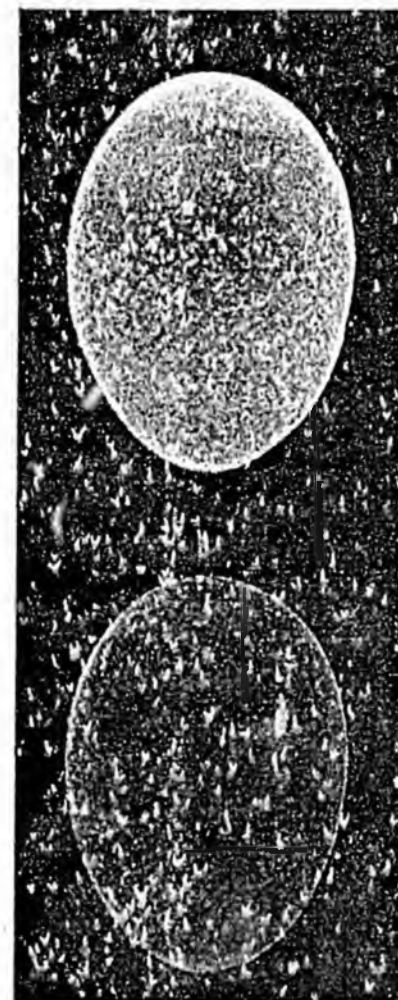


1. Shell—clean; unbroken; practically normal.
2. Air cell— $\frac{1}{8}$ inch or less in depth; practically regular.
3. White—clear; firm.
4. Yolk—well centered; outline slightly defined, free from defects.

B
R
O
W
N



1. Shell—clean; unbroken; practically normal.
2. Air cell— $\frac{3}{8}$ inch or less in depth; practically regular.
3. White—clear; may be reasonably firm.
4. Yolk—may be fairly well centered; outline fairly well defined; practically free from defects.



1. Shell—clean; unbroken; may be slightly abnormal.
2. Air cell— $\frac{3}{8}$ inch or less in depth; may show movement not over $\frac{3}{8}$ inch; if not over $\frac{3}{8}$ inch, may be free.
3. White—clear; may be slightly weak.
4. Yolk—may be off center; outline well defined; may be slightly enlarged and flattened; may show definite but not serious defects.

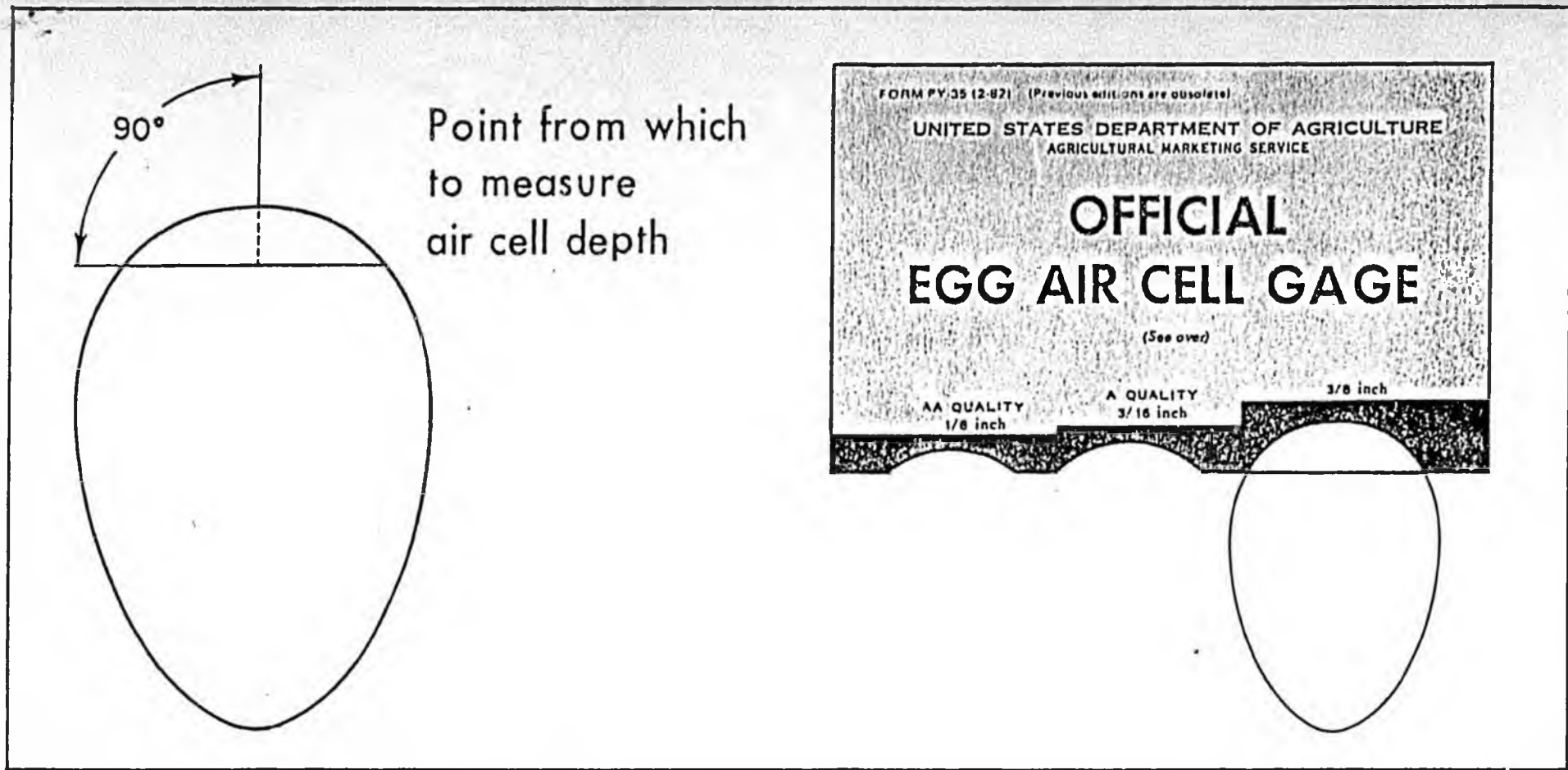


Figure 11.—Measuring depth of air cell.

The air cell gage is used to assist inspectors in determining the age and deterioration of egg quality.

Interior Quality Factors

Air Cell

As already stated, when the egg is first laid it has no air cell at all or only a small one. Its temperature is about 105° F. and as the egg cools to room temperature the liquids contract more than does the shell. As the result of this contraction, the inner shell membrane separates from the outer to form the air space.

Further increase in the size of the air cell beyond that resulting from contraction is due to evaporation of water from the egg. The rapidity with which this takes place is due to many factors, such as age, shell texture, temperature, and humidity. The air cell is normally at the large end of the egg and is one of the first factors observed in candling.

The air cell is the easiest quality factor to evaluate, as it can be judged objectively by a simple measuring device — the air-cell gage (fig. 11). In candling, the air cell is considered by many as a relatively unimportant quality factor for determining the broken-out quality of an egg.

However, the air cell is one of the factors of the U.S. standards and, therefore, it can be the determining factor in classifying the individual egg as to quality. Depth is the only quality factor considered with the air cell. Movement is not considered a quality factor, and the air cell may show unlimited movement and be free or bubbly in all qualities (AA, A, B).

The size of the air cells permitted in the various qualities is as follows:

| <i>Quality</i> | <i>Depth</i> |
|----------------|--------------|
| AA | 1/8 inch |
| A | 3/16 inch |
| B | No limit |

The air-cell gage may be used by the beginner learning to judge the size of the air cell accurately at a quick glance while candling. More experienced candlers occasionally use the gage to check the accuracy of their determinations.

The depth of the air cell is measured at the point of greatest distance between the top of the cell and an imaginary plane passing through the egg at the lower edge of the air cell where it touches the shell (fig. 11).

The following terms are descriptive of the air cell:

Depth of air cell — (air space between shell membranes, normally in the large end of the egg) — The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

Free air cell — An air cell that moves freely towards the uppermost part in the egg as the egg is rotated slowly.

Bubbly air cell — A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

Candling is used to determine interior quality of eggs and also helps the inspector to locate cracks in the shells.

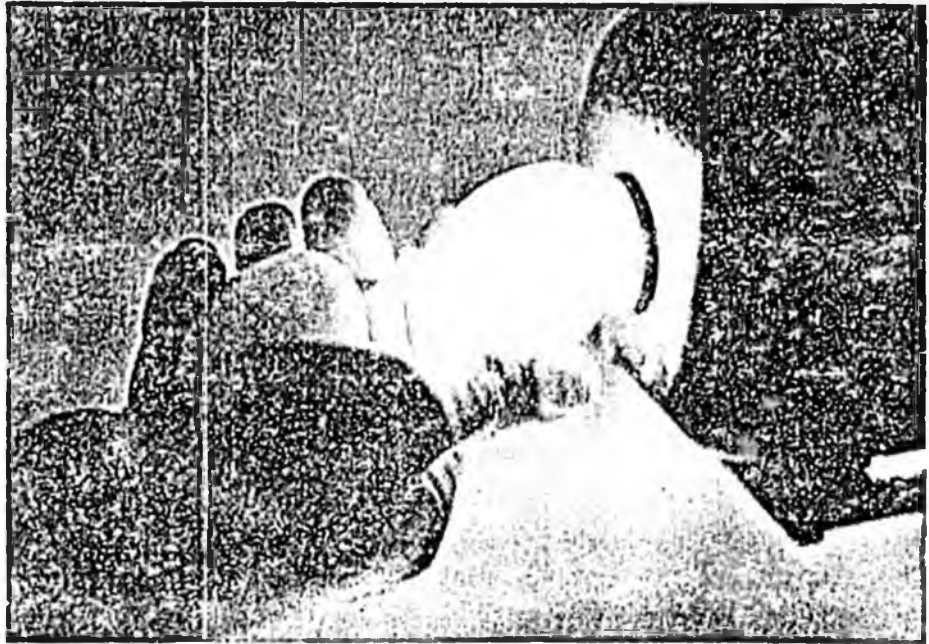


Figure 13.—The way to hold eggs while candling. BN-31367

In order to obtain a proper view of the egg while candling, it is necessary to have the contents spinning within the shell at the time of viewing. This can be achieved in one smooth motion when the two eggs in the one hand are being rotated and moved toward the aperture in the candling light. The contents of the egg will be set in motion by a movement of hand and wrist in an arc of about 180° .

Stopping the hand motion at the end of the arc without moving the arm or body permits the contents to spin within the shell. The long axis of the egg should be at about a 45° angle to the candling aperture. The thumb and index finger should be on opposite sides of the shell without obstructing the grader's view (fig. 13). After gaining some experience in the candling operation, the grader will learn to have the egg content spinning at the exact instant the egg is placed before the candling aperture.

HB

93

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/11/88 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES
FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

4/14/87

DATE TURNED INTO OFFICE 2/18/88

Mr. President:

C&RA Committee considered CSHB 93(Fin)am

establishing six recreation rivers; efd.

and recommended:

replace with SCS for CSHB 93 (C+RA) same title
 attached amendment(s) and opt it bk a follow new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Mike Spindler

Do Pass if amended
3 Fred E. ... Do Not Pass
2 ... Do Pass if amended

Arthur Stimpelinski Do Pass
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FURTHER FINANCE

2/22/88

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered CSHB 93 (FIN) am

establishing six recreation rivers; efd

and recommended

replace with ~~Pass~~ SCS for CS for HB 93 (Res) same title
 or adopt _____ CS _____ new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Gleason

Paul Frick

Arthur Jankowski

K. Harding

[Signature]
_____ DO PASS
Chairman signature and recommendation

Committee Backup attached



al Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

LETTER OF INTENT

for

SCS CS HB 93 (Finance)

It is the intent of the Legislature that the Commissioner of the Department of Natural Resources will be able, under AS 41.23.270(b), to provide for the use or sale of timber in an access corridor within the recreation river units. In such cases, the commissioner may conduct negotiated commercial timber sales under AS 38.05.115.

A handwritten signature in cursive script that reads "Rick Halford".

Senator Rick Halford, Co-chairman
April 26, 1988

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act establishing six recreation rivers.
Sponsor: Representative Cotton, et al.
Requestor: Senate Resources Committee

Agency Affected: Natural Resources
BRU: Land and Water
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 101.2 | 97.9 | 97.9 | | |
| TRAVEL | | 5.0 | 5.0 | 5.0 | | |
| CONTRACTUAL | | 27.5 | 20.0 | 20.0 | | |
| SUPPLIES | | 3.0 | 2.5 | 2.5 | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 136.7 | 125.4 | 125.4 | | |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|-------|-------|--|--|
| GENERAL FUND | | 136.7 | 125.4 | 125.4 | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 136.7 | 125.4 | 125.4 | | |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|--|--|
| FULL-TIME | | 2 | 2 | 2 | | |
| PART-TIME | | 1 | 1 | 1 | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

All six plans will be developed at the same time and completed over a three year period. New staff will gather planning information and begin the plans with assistance from other planning staff as time is available (See attached)

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 4/21/88
Approved by Commissioner: Tom Hawkins Date: _____
Agency: Natural Resources

Distribution (by preparer):

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

This bill would require the Department of Natural Resources to complete management plans for six rivers by 1992, and hold at least two hearings in municipalities and communities near the recreation river corridors.

The planning team would require a Range 18 Natural Resource Manager I, a Range 12 Natural Resource Technician II and a half-time Range 8 Clerk Typist III.

Explanation:

100 - Two and one-half positions

| | | |
|----------------------------|------|-----------|
| Natural Resource Manager I | 48.2 | 12 months |
| Natural Resource Tech. II | 34.1 | 12 months |
| Clerk Typist III | 14.2 | 6 months |

200 Travel 5.0

Per diem and travel for meetings

300 Travel and printing expenses for the plans. 20.0
Surveys of type and quantity of river users.

400 Supplies and commodities for staff. 2.0

The above fiscal information was provided by the House Finance Committee in their Fiscal Note of April 6, 1987. (copy attached) The Department additionally recommends the following be added for the advisory committee in the current version of the bill.

100 Clerk Typist III 4.7 2 months
(to coordinate meetings. minutes)

300 Air charter/Boat Charter 7.5

400 Supplies 1.0

These costs are for the first year only. After the first year the costs will be reduced by 50% (except for the charter) as reflected by the expenditures of page 1.

| | | | | | |
|--|---------------------------|------------------|--|-----------------------|--------------------------|
| Position Title Natural Resource Manager I | | | No. of Positions | Range/Step 18A | Barg. Unit CGU |
| Time Status | Staff Months 12 | | Location Anchorage | | Election District |
| Type of Expenditure | | | Justification | | |
| | | | <p>This position will head the planning team for the recreation rivers plan required in HB 93.</p> | | |
| | | Amount | | | |
| 1 | 2 | 3 | | | |
| Salary | | | | | |
| Benefits | | | | | |
| Premium Pay | | | | | |
| Other | | | | | |
| Total Personal Services | | 48.2 | | | |
| Travel | | 2.5 | | | |
| Contractual | | 20.0 | | | |
| Commodities | | 2.0 | | | |
| Equipment | | | | | |
| Other | | | | | |
| Total Cost | | 52.7 72.7 | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | | | | |
| G. F. Match | 1003 | | | | |
| General Fund | 1004 | 52.7 72.7 | | | |
| GF Program Receipts | 1005 | | | | |
| Other | | | | | |

**Request For
New Position**

Agency Natural Resources
 BRU Land and Water
 Component _____

Page 3 of 5
 Revised Date _____

FY 89

| | | | | | |
|--|---------------------------|-------------|------------------------------|--------------------------|--------------------------|
| Position Title Natural Resource Technician II | | | No. of Positions 1 | Range/Step 12A | Barg. Unit GGU |
| Time Status | Staff Months 12 | | Location Anchorage | | Election District |
| Type of Expenditure | | | Amount | | |
| 1 | 2 | 3 | | | |
| Salary | | | | | |
| Benefits | | | | | |
| Premium Pay | | | | | |
| Other | | | | | |
| Total Personal Services | | 34.1 | | | |
| Travel | | 2.5 | | | |
| Contractual | | | | | |
| Commodities | | | | | |
| Equipment | | | | | |
| Other | | | | | |
| Total Cost | | 36.6 | | | |
| Funding Source for Total Cost | | | | | |
| Federal Receipts | 1002 | | | | |
| G. F. Match | 1003 | | | | |
| General Fund | 1004 | 30.6 | | | |
| GF Program Receipts | 1005 | | | | |
| Other | | | | | |
| Justification Part of the planning team for the recreation rivers plan. | | | | | |

**Request For
New Position**

Agency Natural Resources
 BRU Land and Water
 Component _____

Page 4 of 5
 Revised Date _____

FY 89

| | | | | |
|--|----------------|--------------------|---------------|-------------------|
| Position Title Clerk Typist III | | No. of Positions 1 | Range/Step 8A | Barg. Unit GGU |
| Time Status | Staff Months 6 | Location Anchorage | | Election District |
| Justification | | | | |
| Type of Expenditure | | | Amount | |
| 1 | 2 | 3 | | |
| Salary | | | | |
| Benefits | | | | |
| Premium Pay | | | | |
| Other | | | | |
| Total Personal Services | | 14.2 | | |
| Travel | | | | |
| Contractual | | | | |
| Commodities | | | | |
| Equipment | | | | |
| Other | | | | |
| Total Cost | | 14.2 | | |
| Funding Source for Total Cost | | | | |
| Federal Receipts | 1002 | | | |
| G. F. Match | 1003 | | | |
| General Fund | 1004 | 14.2 | | |
| GF Program Receipts | 1005 | | | |
| Other | | | | |
| <p>This position would provide clerical support for the recreation rivers planning team.</p> | | | | |

**Request For
New Position**

Agency Natural Resources
 BRU Land and Water
 Component _____

Page 5 of 5
 Revised Date _____

FY 89

KLUKWAN FOREST PRODUCTS, INC.

P.O. Box 34659 · Juneau, Alaska 99803-4659 · 907-789-7104 · Fax: 907-789-0675

April 12, 1988

The Honorable John Coghill
Senator
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Coghill:

Thank you for asking if I would testify on HB 93 Monday.

We've been talking with other people to get our language into HB 93 so I felt I didn't need to comment then, nor may we need to later. Hopefully this will let the Resource Committee know where we stand.

We feel that the rivers should be properly protected for all uses, but not to disallow other legitimate resource uses. We feel all industries can work together in using and protecting the river systems.

A. We request that access through the buffer areas be allowed. Reason: access is necessary to provide transportation through the buffer strips and maximize the use of the resource available.

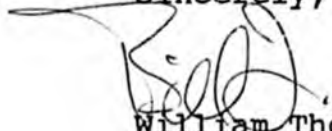
B. Request the Right Of Way (R.O.W.) logs through buffer areas be allowed to be utilized by buyer of timber sales. Reason: this fully utilizes the timber resource and removes any doubt of R.O.W. logs, (wood) maybe sold.

C. Request that the 1/2 mile buffers be changed to be managed as Riparian Zones. Reason: The Riparian Zone management will give site by site protection to rivers and streams and fully utilize all resources.

The Honorable Senator Coghill
April 12, 1988
Page 2

Thanks for allowing comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Thomas', written over a horizontal line.

William Thomas
Lobbyist

WT:mm

KLUKWAN FOREST PRODUCTS, INC.

P.O. Box 34659 · Juneau, Alaska 99803-4659 · 907-789-7104 · Fax: 907-789-0675

April 19, 1988

The Honorable John B. Coghill
P.O. Box V
Juneau, Alaska 99811

Dear Senator Coghill:

In response to your work draft of Senate CS for CS for House Bill No. 93 I have the following concerns.

Sec. 41.23.210 COMPATABLE ACTIVITIES:

According to this section no activities will allowed until a management plan is adopted. This is unacceptable to Klukwan Forest Products and Schauman because if our contemplated project goes then we will need to be operating in the areas covered by HB No. 93 within one year.

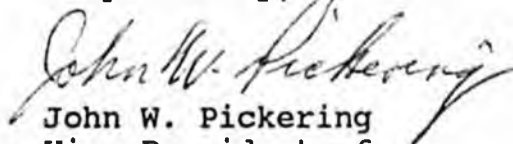
Sec.41.23.240 MANAGEMENT PLAN PARAGRAPH C

There isn't any timeline on the submission of a management plan by the commissioner. The management plan could be held up indefinitely. Thereby creating a De facto wilderness area. Maximum timeline recommended is three years.

These two sections if left in place in their current form would effectively stop any timber sale in the Mat-Su valley and thereby terminate any proposed project development.

Respectfully I submit my concerns to you and I hope the questionable paragraphs can be changed to reflect the Forest Industry's concerns.

Respectfully,



John W. Pickering
Vice President of
Northern Operations

JWP:cjb



UNITED FISHERMEN OF ALASKA

211 4th Street, Suite 106
Juneau, AK 99801
907-586-2820

April 13, 1988

To: Members of Senate Resources Committee

The board of directors of United Fishermen of Alaska believes that Alaska's wealth is founded on our natural resources.

They provide not only income and employment for Alaskans, but also the basis for recreation and relaxation which contribute so thoroughly to the quality of life that we prize here.

It is with this in mind that UFA supports House Bill 93, establishing six recreational rivers in Southcentral Alaska.

The bill appears to be concerned with, among other things, maintenance of fish populations and habitat. Yet it allows resource development to take place as long as those activities are compatible with habitat maintenance.

We think these are reasonable provisions and they have our support.

We were also glad to see that this bill does not affect the current authority of the Board of Fisheries to allocate the fish resources among the various user groups. If the committee contemplates revisions to the bill, we urge you to retain this provision.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

M E M O R A N D U M

To: Senator Coghill, Chairman
All Senate Resource Committee Members

From: Senate Resource Committee Staff
Bruce Geraghty *RG*

Subj: HB 93; An Act establishing six recreation rivers; and
providing for an effective date.

Date: April 20, 1988

Attached is a new version dated 4/19/88. This is the product of discussions between the prime sponsor and the chairman.

Also attached is a 16 page paper illustrating the differences between the 4/19/88 draft committee substitute and the committee substitute from CR&A.

Several concerns have been expressed regarding the management of the recreation rivers prior to a management plan. It should be noted that this legislation is divided into three sections. Section 1 is the legislative Findings and Intent. Section 2 is the act itself, which contains a Purposes section at AS 41.23.200. Section 3 directs how the commissioner of natural resources will manage the rivers before the management plan required at AS 41.23.240 is completed. This interim management "shall be consistent with AS 41.23.200". Section 3 also contains an exemption for negotiated timber and material sales under AS 38.05.115. This section of existing statutes is also attached.

Changes that were made in regard to the proposed staff committee substitute dated 4/14/88 include:

1. Reordering the four primary purposes for the management of six recreation rivers and the addition of four words while deleting three words. AS 41.23.200.

2. The deletion of further language in AS 41.23.220(f) to clarify that this legislation applies to only land and water established as a recreation river.

3. Replaced "resource development" advisory board member with a "subsistence" user group member. This is item (5), AS 41.23.230.

4. The addition of a new subsection at AS 41.23.270 (b) regarding the application of AS 38.05.115.

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

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

*Section 1. FINDINGS AND INTENT. The legislature finds that the special values and uses of [certain] six rivers [corridors] in Southcentral Alaska justify [their] the retention of the rivers and their adjacent corridor for public use. The six rivers should be managed for public recreation and the six river corridors can support many public uses, including some that will enhance the local economy as well as improve access to [retained] public and private land outside the river corridors. The designation of [these] the six rivers and their corridors [as recreation rivers] recognizes the value of the [described land] rivers and their corridors for public use and is not intended to become an undue impediment to [the] multiple use [and] land and water management or the enjoyment of adjacent public and private land, or to the development of access within, across, and around the rivers and their corridors. The legislature is particularly concerned that an owner of [private property] land or a legal interest in land, within or adjacent to the river corridors be [assured] allowed [customary and] reasonable access to [an inholding] and the full use of the

rights. [Any regulation of boating under the existing authority of the commissioner should occur under the management plan, with full involvement of interested users and in an accessible public process.]

*Sec.2. AS 41.23 is amended by adding new sections to read:

ARTICLE 3. RECREATION RIVERS.

Sec. 41.23.200. PURPOSES. (a) The purpose of AS 41.23.200 - 41.23.[300] 310 is to establish as recreation rivers the land and water now owned by the state and the land and water acquired in the future by the state that lies within the recreation rivers and the river corridors [boundaries] described in AS 41.23.300.

(b) The primary purpose for the establishment of the six recreation rivers [are] is the maintenance and enhancement of the land and water described in AS 41.23.300 for recreation.

(c) The primary purpose for the management of the six recreation rivers are

(1) the management, protection, and maintenance of the fish and wildlife populations and habitat on a sustained-yield basis;

(2) [conservation of the scenic and natural integrity of the recreation river corridor and] continued recreation[al] and economic use, including the uses described in (1) and (4) of this subsection, and enjoyment by the public

and individuals of recreational activities that include hunting, fishing, trapping, camping, boating, hiking, snowmachining, skiing, dog mushing, and wildlife viewing, while ensuring the scenic and natural integrity of the recreation river;

(3) multiple use management of upland activities within the recreation river corridors [for the protection and maintenance of] to ensure that mitigation measures to alleviate potential adverse effects on water quality and stream flow will take place; and

(4) accommodation of access [for recreation, tourism, and other compatible recreation oriented economic uses of the river corridor.] for resource uses, including recreation and tourism, within or adjacent to the river corridor.

Sec. 41.23.210. COMPATIBLE ACTIVITIES. (a) The commissioner shall allow the following activities [within] on a recreation river or within a recreation river corridor when they are compatible with AS 41.23.200 and consistent with a management plan adopted under AS 41.23.240:

(1) the use of aircraft, powerboats, snowmachines, all terrain vehicles, [and other] motorized transportation and transportation by animal;

(2) the sale and harvest of wood products under AS 41.23.270;

(3) sand and gravel extraction [, for public use]
under AS 41.23.270; [and]

(4) the construction and operation of [private]
recreational facilities[.]; and

(5) other uses permitted in the management plan
required by AS 41.23.240, including mining and mineral
development.

[(b) In addition to the activities identified in (a) of
this section, the commissioner may allow other activities
within a recreation river corridor when they are compatible
with AS 41.23.200 and consistent with a management plan
adopted under AS 41.23.240.]

[(c) The commissioner shall allow the continuation of
commercial or private activities occurring on the effective
date of this Act under valid permit for use of state-owned
land within the boundaries of a recreation river corridor so
long as the commissioner determines that the activity is
compatible with AS 41.23.200. When considering the revocation
or renewal of an existing permit, the commissioner shall make
available for public comment, on request, a preliminary
finding and, if appropriate, may hold a public hearing in the
communities near the recreation river corridor before
determining whether the activity is compatible with AS
41.23.200.]

Sec. 41.23.220. GENERAL MANAGEMENT OF RECREATION RIVER
CORRIDORS. (a) The state-owned land and water within the area

established as a recreation river corridor under AS
41.23.300, including to recreation river corridor, is assigned
to the commissioner for management consistent with the
purposes of AS 41.23.200 [- 41.23.300.].

(b) The commissioner shall reserve to the state under AS
46.15.145 an instream flow or level for the water in the
rivers described in AS 41.23.300[(b)] that is adequate to
achieve the purposes of AS 41.23.200.

(c) the commissioner may regulate boating, if necessary,
under the management plan adopted under AS 41.23.240;

(d) The provisions of AS 41.23.200 - 41.23.[300] 310 do
not affect the 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.

(e) [(d)] The commissioner may not restrict the use of
weapons, including firearms, within a recreation river
corridor except in sites of high public use such as picnic
areas, boat ramps, camping grounds, and parking areas when the
commissioner determines that the use of weapons constitutes a
threat to public safety. Except as provided in this
subsection, the commissioner may not restrict fishing,
hunting, or trapping within a recreation river corridor.

(f) [(e) The commissioner may not regulate under AS 41.23.200 - 41.23.300 an activity that occurs on a river that has not been designated as a recreational river, under AS 41.23.300(b). Where the water of a river that has been designated under AS 41.23.300(b) flows into the water of a larger river that has not been designated under AS 41.23.300(b), the authority of the commissioner under AS 41.23.200 - 41.23.300 ceases where the water joins the larger river and the commissioner may not regulate activities on the larger undesignated river under AS 41. 23.200 - 41.23.300.]

The authority of the commissioner under AS 41.23.200 - 41.23.310 ceases where the land and water established as a recreation river under AS 41.23.200 - 41.23.310, meets land and water that is not established as a recreation river.

Sec 41.23.230. ADVISORY BOARD. (a) An eleven-member Recreation Rivers Advisory Board is established and shall be appointed by the governor. Board members serve without compensation [but] and are not entitled to per diem and travel expenses authorized by law for boards and commissions under AS 39.20.180. The governor shall appoint members representing the following user groups:

- (1) commercial fishing;
- (2) sport fishing;
- (3) sport hunting;
- (4) conservation;
- (5) [resource development] subsistence;

- (6) forest products;
- (7) mining;
- (8) [(6)] powerboat users;
- (9) [(7)] recreationally-oriented commercial users;

and

- (10) [(90)] other recreational users.

(b) The commissioner shall consult with the advisory board in preparing, adopting, and revising the recreation river management plan and regulations affecting use and management of the recreation rivers.

Sec 41.23.240. MANAGEMENT PLAN. (a) The commissioner, in consultation with representatives of affected municipalities, shall prepare and adopt and may revise a management plan for each of the six recreation rivers and their recreation river corridors. In preparing or revising the plan, the commissioner and each affected municipality shall consult with the public[, the advisory board established under AS 41.23.230.] and state agencies, including the commissioner of fish and game and the advisory board established under AS 41.23.230. In preparation or revision of the plan, the commissioner shall comply with the notice requirements of AS 38.05.945 and provide written notice by first-class mail to private property owners in the recreation river corridors and shall hold at least two public hearings in municipalities and communities near the recreation river corridor. The management plan shall establish long-range guidelines and management practices consistent with AS 41.23.200 to

(1)[(8)] establish guidelines and [setback] restrictions, if necessary, for activities occurring under AS 41.23.210, [including mining leasing and oil and gas leasing under AS 41.23.270(b) - (d).] to implement the purposes of AS 41.23.200.

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

[(2)] (3) identify special recreation[al] values and manage the level of intensity and types of recreation[al] uses;

[(3)] (4) designate [compatible land uses and] management guidelines for [associated] development activities;

[(4)] (5) [manage] designate management guidelines for commercial recreation activities or development, including recreation[al] services [such as guiding];

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

[(6)] (7) allow reasonable [and necessary] access to public land and private inholdings, including municipal land that is offered for sale or lease, and to land beyond or adjacent to the recreation river and the recreation river corridor;

[(7)] (8) establish criteria and expedient timelines to review future proposed uses for compatibility with AS 41.23.200;

(b) The commissioner shall adopt regulations necessary to implement the management plan. The commissioner may not adopt regulations before a management plan [is adopted] takes effect. The commissioner may designate employees of the department as peace officers to enforce the provisions of AS 41.23.200 - 41.23.310.

(c) A management plan adopted 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] completion of the plan by the commissioner. The plan takes effect 100 days after submission of the plan to the legislature unless rejected by an act of the legislature.

Sec 41.23.250. MANAGEMENT OF MUNICIPAL LAND. If a municipality commits land for inclusion in a recreation river corridor [established under] described in AS 41.23.300[(b)], the commissioner shall obtain the concurrence of the municipality to the management plan proposed under AS 41.23.240 as it applies to municipal land. The commissioner shall cooperate, at the request of a municipality, in planning for municipal land adjacent to a recreation river corridor. Municipal land not committed by a municipality for inclusion in a recreation river corridor is excluded from the operation of the management plan.

Sec. 41.23.260. ACQUISITION OF ADDITIONAL LAND.

(a) The commissioner may acquire in the name of the state, land that is adjacent to or located within the land described in AS 41.23.300[(b)] by purchase, lease, gift, or exchange for inclusion within a recreation river corridor.

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

Sec. 41.23.270. APPLICATION OF PUBLIC LAND LAWS.

(a) [Except to the extent that a provision is inconsistent with a provision of AS 41.23.200 - 41.23.300, the] The provisions of AS 38.04, AS 38.05, AS 38.35, and AS 38.95 apply to land described in AS 41.23.300[(b)], except to the extent that a provision of AS 41.23.200 - 41.23.310 is inconsistent.

(b) [Except for land within the Talkeetna State Recreation River north and east of Iron Creek, the state-owned land and water within a recreation river corridor described in AS 41.23.300(b) is closed to mineral entry by location under AS 38.05.195 and to disposal of leasable minerals under AS 38.05.150 - 38.05.175.] The commissioner may conduct a negotiated timber or material sale under AS 38.05.115 to provide for personal use, including house logs and firewood, or for a use incidental to the construction of access or for habitat enhancement.

(c) [Except on state-owned land below ordinary high-water or mean high tide, the] The commissioner may, [upon a mineral discovery validated by the commissioner,] permit mining

leasing under AS 38.05.205 on upland [in an area] within a recreation river corridor[,] if leasing is allowed under a management plan that has been adopted by the commissioner. The commissioner shall establish appropriate conditions for permits, operation plans, and leases to [protect] mitigate the effects of mineral development activities on the environment and to prevent, to the extent practicable, degradation of the recreation[al] uses of the river.

[(d) The state-owned land and water within a recreation river corridor is available for oil and gas leasing subject to conditions in an adopted management plan.]

[(e)] (d) To enhance public use and enjoyment of a recreation river corridor under a management plan adopted under AS 41.23.240, the commissioner may provide for the construction and operation of commercial facilities such as lodges, campgrounds, and boat launches by

(1) leasing land under AS 38.05.070 including competitive leasing to a prequalified bidder [under AS 38.05.070]; and

(2) contracting for the construction and operation of a facility under AS 36.30, so long as the facility is not in competition with a private facility or enterprise.

[(f)] (e) The commissioner of administration shall separately account for funds collected under this section and deposited in the general fund. The annual estimated balance in the account may be appropriated by the legislature to the

department to carry out the purposes of [this chapter] AS
41.23.200 - 41.23.310.

Sec. 41.23.280. COOPERATIVE MANAGEMENT AGREEMENTS.

(a) The commissioner may enter into a cooperative management agreement for the management of land and water described in AS 41.23.300[(b)] or of other adjacent land and water with a federal agency, a municipality [of the state], another agency of the state, or a private landowner.

(b) The commissioner may transfer the management of a specific site within a recreation river corridor described in AS 41.23.300[(b)] to a state agency, a municipality, or a private entity [to assist in the development of a facility or] to carry out a program authorized by law or to enhance the objectives of the management plan adopted under AS 41.23.240.

(c) The commissioner may not manage a recreation river corridor described in AS 41.23.300[(b)] as a unit of the state park system or as a game refuge, game sanctuary or a critical habitat. The commissioner may assign management of a recreation facility or site such as a campground or a boat launch to the division of parks [and may adopt regulations allowing the division of parks to manage recreation activities in a recreation corridor].

Sec. 41.23.290. LIMITATION ON ESTABLISHMENT [OF RECREATION RIVER CORRIDORS.] State-owned land and water may

be established as a recreation river corridor only by the legislature.

Sec. 41.23.300. [DESIGNATED RIVERS] ESTABLISHMENT OF RECREATION RIVERS AND RECREATION RIVER CORRIDORS. [(a)] Subject to valid existing rights, the state-owned land and water and all land and water acquired by the state in the future, including shore and submerged land that lies within the following described parcels, [within one-half mile of either ordinary high water or mean high tide on a recreation river designated in (b) of this section that] is established as a recreation river [corridor under (b) of this section is] and reserved as a special purpose area under art. VIII, sec. 7, Constitution of the State of Alaska and shall be retained by the state[.] and be managed under AS 41.23.200 - 41.23.310:

[(b) The general grant land, acquired land, and the and water presently owned by the state and all land and water acquired by the state in the future, including shore and submerged land and land redesignated after the effective date of this Act as general grant land, that lie within the following described parcels are established as recreation rivers and shall be managed under AS 41.23.200 - 41.23.300:]

FOLLOWING THIS ARE ALL THE LEGAL DESCRIPTIONS FOR 250,000 acres of land:

(1) Alexander Creek State Recreation River

(2 pages of descriptions follow)

(2) Kroto Creek and Moose Creek State Recreation
River (6 pages of descriptions follow)

(3) Lake Creek State Recreation River
(3 pages of descriptions follow)

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

(2 pages of descriptions follow)

(5) Talchulitna State Recreation River
(5 pages of descriptions follow)

(6) Talkeetna State Recreation River: the water column of the Talkeetna River from mean high water mark to mean high water mark from the point at which it crosses the line dividing Townships 28 and 29 North, Seward Meridian, downstream to its confluence with the Susitna River; the water column of Chunilna Creek from mean high water mark to mean high water mark for the point at which it crosses the line dividing Township 27 and 28 North, Seward Meridian, downstream to its confluence with the Talkeetna River; and

(4 pages of description follow)

[ARTICLE 4. GENERAL PROVISIONS.]

Sec. 41.23.[900] 310. DEFINITIONS. In [this chapter,] AS 41.23.200 - 41.23.310.

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

(2) "recreation river corridor" means the uplands within a recreation river established under AS 41.23.300.

* Sec.3. Until a management plan has been adopted for a recreation river corridor under AS 41.23.240(a) as enacted in sec. 2 of this Act, interim management of the recreation river shall be consistent with AS 41.23.200. [The] Except for negotiated sales under AS 38.05.115, the commissioner of

DIFFERENCES BETWEEN: Senate Resource CS 4/19/88 AND
Senate CS for CS For HB 93 (C&RA) 2/18/88

natural resources may not dispose of timber or other resources within a recreation[al] river corridor before the adoption of the management plan [for the recreation river corridor except under AS 38.05.115]. The commissioner of natural resources shall [adopt] propose a management plan for each recreation river by [July 1, 1992] the first ten days of the Second Regular Session of the Eighteenth Alaska State Legislature.

* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

5-0230P
Bradley
4/19/88

Original sponsors: Cotten, Pourchot,
Rieger, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 93 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing six recreation rivers; and pro-
7 viding for an effective date."

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

9 * Section 1. FINDINGS AND INTENT: The legislature finds that the
10 special values and uses of six rivers in Southcentral Alaska justify the
11 retention of the rivers and their adjacent corridors for public use. The
12 six rivers should be managed for public recreation and the six river corri-
13 dors can support many public uses, including some that will enhance the
14 local economy as well as improve access to public and private land outside
15 the river corridors. The designation of the six rivers and their corridors
16 recognizes the value of the rivers and their corridors for public use and
17 is not intended to become an undue impediment to multiple use land and
18 water management or the enjoyment of adjacent public and private land, or
19 to the development of access within, across, and around the rivers and
20 their corridors. The legislature is particularly concerned that an owner
21 of land or a legal interest in land within or adjacent to the river corri-
22 dors be allowed reasonable access to and the full use of the rights.

23 * Sec. 2. AS 41.23 is amended by adding new sections to read:

24 ARTICLE 3. RECREATION RIVERS.

25 Sec. 41.23.200. PURPOSES. (a) The purpose of AS 41.23.200 -
26 41.23.310 is to establish as recreation rivers the land and water now
27 owned by the state and the land and water acquired in the future by
28 the state that lies within the recreation rivers and the river corri-
29 dors described in AS 41.23.300.

1 (b) The primary purpose for the establishment of the six recre-
2 ation rivers is the maintenance and enhancement of the land and water
3 described in AS 41.23.300 for recreation.

4 (c) The primary purposes for the management of the six recre-
5 ation rivers are

6 (1) the management, protection, and maintenance of the fish
7 and wildlife populations and habitat on a sustained-yield basis;

8 (2) continued recreation and economic use, including the
9 uses described in (3) and (4) of this subsection, and enjoyment by the
10 public and individuals of recreational activities that include hunt-
11 ing, fishing, trapping, camping, boating, hiking, snowmachining, ski-
12 ing, dog mushing, and wildlife viewing, while ensuring the scenic and
13 natural integrity of the recreation river;

14 (3) multiple use management of upland activities within the
15 recreation river corridor to ensure that mitigation measures to alle-
16 viate potential adverse effects on water quality and stream flow will
17 take place; and

18 (4) accommodation of access for resource uses, including
19 recreation and tourism, within or adjacent to the river corridor.

20 Sec. 41.23.210. COMPATIBLE ACTIVITIES. The commissioner shall
21 allow the following activities on a recreation river or within a
22 recreation river corridor when they are compatible with AS 41.23.200
23 and consistent with a management plan adopted under AS 41.23.240:

24 (1) the use of aircraft, powerboats, snowmachines, all-
25 terrain vehicles, motorized transportation, and transportation by
26 animal;

27 (2) the sale and harvest of wood products under AS 41.23.-
28 270(b);

29 (3) sand and gravel extraction under AS 41.23.270(b);

1 (4) the construction and operation of recreation facili-
2 ties; and

3 (5) other uses permitted in the management plan required by
4 AS 41.23.230, including mining and mineral development.

5 Sec. 41.23.220. GENERAL MANAGEMENT OF RECREATION RIVERS AND
6 CORRIDORS. (a) The state-owned land and water within the area estab-
7 lished as a recreation river under AS 41.23.300, including the recre-
8 ation river corridor, is assigned to the commissioner for management
9 consistent with the purposes of AS 41.23.200.

10 (b) The commissioner shall reserve to the state under AS 46.15.-
11 145 an instream flow or level for the water in the rivers described in
12 AS 41.23.300 that is adequate to achieve the purposes of AS 41.23.200.

13 (c) The commissioner may regulate boating, if necessary, under
14 the management plan adopted under AS 41.23.240.

15 (d) The provisions of AS 41.23.200 - 41.23.310 do not affect the
16 authority 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 (e) The commissioner may not restrict the use of weapons, in-
25 cluding firearms, within a recreation river and a recreation river
26 corridor except in sites of high public use such as picnic areas, boat
27 ramps, camping grounds, and parking areas when the commissioner deter-
28 mines that the use of weapons constitutes a threat to public safety.
29 Except as provided in this subsection, the commissioner may not

1 restrict fishing, hunting, or trapping within a recreation river and
2 its recreation river corridor.

3 (f) The authority of the commissioner under AS 41.23.200 - 41.-
4 23.310 ceases where the land and water established as a recreation
5 river under AS 41.23.200 - 41.23.310 meets land and water that is not
6 established as a recreation river.

7 Sec. 41.23.230. ADVISORY BOARD. (a) An eleven-member Recre-
8 ation Rivers Advisory Board is established and shall be appointed by
9 the governor. Board members serve without compensation and are not
10 entitled to per diem and travel expenses authorized by law for boards
11 and commissions under AS 39.20.180. The governor shall appoint mem-
12 bers representing the following user groups:

- 13 (1) commercial fishing;
- 14 (2) sport fishing;
- 15 (3) sport hunting;
- 16 (4) conservation;
- 17 (5) subsistence;
- 18 (6) forest products;
- 19 (7) mining;
- 20 (8) powerboat users;
- 21 (9) recreationally-oriented commercial users; and
- 22 (10) other recreational users.

23 (b) The commissioner shall consult with the advisory board in
24 preparing, adopting, and revising the recreation river management plan
25 and regulations affecting use and management of the recreation rivers.

26 Sec. 41.23.240. MANAGEMENT PLAN. (a) The commissioner, in con-
27 sultation with representatives of affected municipalities, shall pre-
28 pare and adopt and may revise a management plan for each of the six
29 recreation rivers and their recreation river corridors. In preparing

1 or revising the plan, the commissioner and each affected municipality
2 shall consult with the public and state agencies, including the com-
3 missioner of fish and game and the advisory board established under
4 AS 41.23.230. In preparation or revision of the plan, the commis-
5 sioner shall comply with the notice requirements of AS 38.05.945 and
6 provide written notice by first-class mail to private property owners
7 in the recreation river corridors and shall hold at least two public
8 hearings in municipalities and communities near the recreation river
9 and the recreation river corridor. The management plan shall estab-
10 lish long-range guidelines and management practices consistent with
11 AS 41.23.200 to

12 (1) establish guidelines and restrictions, if necessary,
13 for an activity occurring under AS 41.23.210 to implement the purposes
14 of AS 41.23.200;

15 (2) protect, maintain, or enhance the fish and wildlife
16 habitat and the free-flowing nature of the river;

17 (3) identify special recreation values and manage the level
18 of intensity and types of recreation uses;

19 (4) designate management guidelines for development activ-
20 ities;

21 (5) designate management guidelines for commercial recre-
22 ation activities or development, including recreation services;

23 (6) provide for necessary public services, such as trans-
24 portation and utility corridors, crossing or fording corridors, public
25 safety, and law enforcement;

26 (7) allow reasonable access to public land and private
27 inholdings, including municipal land that is offered for sale or
28 lease, and to land beyond or adjacent to the recreation river and the
29 recreation river corridor;

1 (8) establish criteria and expedient timelines to review
2 future proposed uses for compatibility with AS 41.23.200.

3 (b) The commissioner shall adopt regulations necessary to imple-
4 ment the management plan. The commissioner may not adopt regulations
5 before a management plan takes effect. The commissioner may designate
6 employees of the department as peace officers to enforce the pro-
7 visions of AS 41.23.200 - 41.23.310.

8 (c) A management plan proposed by the commissioner under (a) of
9 this section shall be submitted to the legislature for review within
10 the first 10 days of the first regular session of the legislature to
11 convene after completion of the plan by the commissioner. The plan
12 takes effect 100 days after submission of the plan to the legislature
13 unless rejected by an act of the legislature.

14 Sec. 41.23.250. MANAGEMENT OF MUNICIPAL LAND. If a municipality
15 commits land for inclusion in a recreation river corridor described in
16 AS 41.23.300, the commissioner shall obtain the concurrence of the
17 municipality to the management plan proposed under AS 41.23.240 as it
18 applies to municipal land. The commissioner shall cooperate, at the
19 request of a municipality, in planning for municipal land adjacent to
20 a recreation river corridor. Municipal land not committed by a munic-
21 ipality for inclusion in a recreation river corridor is excluded from
22 the operation of the management plan.

23 Sec. 41.23.260. ACQUISITION OF ADDITIONAL LAND. (a) The com-
24 missioner may acquire in the name of the state land that is adjacent
25 to or located within the land described in AS 41.23.300 by purchase,
26 lease, gift, or exchange for inclusion within a recreation river
27 corridor.

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

1 Sec. 41.23.270. APPLICATION OF PUBLIC LAND LAWS. (a) The pro-
2 visions of AS 38.04, AS 38.05, AS 38.35, and AS 38.95 apply to land
3 described in AS 41.23.300 except to the extent that a provision of
4 AS 41.23.200 - 41.23.310 is inconsistent.

5 (b) The commissioner may conduct a negotiated timber or material
6 sale under AS 38.05.115 to provide for personal use, including house
7 logs and firewood, or for a use incidental to the construction of
8 access, or for habitat enhancement.

9 (c) The commissioner may permit mining leasing under AS 38.05.-
10 205 on upland within a recreation river corridor if leasing is allowed
11 under a management plan that has been adopted by the commissioner.
12 The commissioner shall establish appropriate conditions for permits,
13 operating plans, and leases to mitigate the effects of mineral devel-
14 opment activities on the environment and to prevent to the extent
15 practicable degradation of the recreation uses of the river.

16 (d) To enhance public use and enjoyment of a recreation river
17 corridor under a management plan adopted under AS 41.23.240, the
18 commissioner may provide for the construction and operation of commer-
19 cial facilities such as lodges, campgrounds, and boat launches by

20 (1) leasing land under AS 38.05.070, including competitive
21 leasing to a prequalified bidder; and

22 (2) contracting for the construction and operation of a
23 facility under AS 36.30 so long as the facility is not in competition
24 with a private facility or enterprise.

25 (e) The commissioner of administration shall separately account
26 for funds collected under this section and deposited in the general
27 fund. The annual estimated balance in the account may be appropriated
28 by the legislature to the department to carry out the purposes of
29 AS 41.23.200 - 41.23.310.

1 Sec. 41.23.280. COOPERATIVE MANAGEMENT AGREEMENTS. (a) The
2 commissioner may enter into a cooperative management agreement for the
3 management of land and water described in AS 41.23.300 or of other
4 adjacent land and water with a federal agency, a municipality, another
5 agency of the state, or a private landowner.

6 (b) The commissioner may transfer the management of a specific
7 site within a recreation river corridor described in AS 41.23.300 to a
8 state agency, a municipality, or a private entity to carry out a
9 program authorized by law or to enhance the objectives of the manage-
10 ment plan adopted under AS 41.23.240.

11 (c) The commissioner may not manage a recreation river corridor
12 described in AS 41.23.300 as a unit of the state park system or as a
13 game refuge, game sanctuary, or a critical habitat. The commissioner
14 may assign management of a recreation facility or site such as a
15 campground or a boat launch to the division of parks.

16 Sec. 41.23.290. LIMITATION ON ESTABLISHMENT. State-owned land
17 and water may be established as a recreation river corridor only by
18 the legislature.

19 Sec. 41.23.300. ESTABLISHMENT OF RECREATION RIVERS AND RECPE-
20 ATION RIVER CORRIDORS. Subject to valid existing rights, the state-
21 owned land and water and all land and water acquired by the state in
22 the future, including shore and submerged land that lies within the
23 following described parcels, is established as a recreation river and
24 reserved as a special purpose area under art. VIII, sec. 7, Constitu-
25 tion of the State of Alaska and shall be retained by the state and be
26 managed under AS 41.23.200 - 41.23.310:

27 (1) Alexander Creek State Recreation River

28 (A) Township 16 North, Range 7 West, Seward Meridian

29 Sections 6 - 7

Sections 18 - 19

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

Section 6: Otter Lake, Weenie Lake, and that
portion of the SW1/4 in Tract B, ASLS 81-77

Section 7: Otter Lake and Tracts F-2 and F-3 of
ASLS 79-147

Section 18: S1/2, W1/2NW1/4

Section 19

Sections 30 - 31

Section 32: W1/2

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

Section 1

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

Section 3: N1/2N1/2

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

Section 11: NE1/4, E1/2SE1/4

Section 12

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

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

(D) Township 18 North, Range 8 West, Seward Meridian

Section 4: W1/2

Section 5

Section 6: NE1/4

Section 8: N1/2, SE1/4

Section 9

Section 10: SW1/4

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

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

Section 16: N1/2, SE1/4

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

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

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

4 Section 27: E1/2NE1/4

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

6 Section 34: S1/2S1/2

7 Section 35

8 Section 36: W1/2

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

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

11 Section 29: W1/2W1/2

12 Section 30

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

14 Section 32

15 (F) Township 19 North, Range 9 West, Seward Meridian

16 Sections 3 - 4

17 Sections 9 - 10

18 Section 13: S1/2

19 Section 14: S1/2

20 Sections 15 - 16

21 Section 22: N1/2

22 Section 23: N1/2

23 Section 24

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

25 (A) Township 19 North, Range 6 West, Seward Meridian

26 Section 2: SW1/4

27 Section 3

28 Section 10: E1/2

29 Section 11

Section 14

Section 15: E1/2E1/2

Section 22: E1/2E1/2

Section 23

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

Section 26

Section 27: E1/2E1/2

Section 34: NE1/4NE1/4

Section 35

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

(B) Township 20 North, Range 6 West, Seward Meridian

Section 4

Section 5: E1/2

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

Section 9

Section 15: W1/2

Section 16

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

Section 22: NW1/4, S1/2

Section 27

Section 34

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

Section 3

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

Section 10

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

Section 16

Section 20: E1/2

Section 21

Section 28

Section 29: E1/2

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

Section 33

Section 34: SW1/4

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

Sections 4 - 5

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

Sections 7 - 9

Sections 16 - 18

Sections 20 - 21

Section 27

Section 28: N1/2, SE1/4, E1/2SW1/4

Section 29: E1/2NE1/4

Section 33: N1/2NE1/4, SE1/4NE1/4

Section 34

(E) Township 23 North, Range 6 West, Seward Meridian

Section 4

Section 7: W1/2

Section 9

Section 16

Section 17: SW1/4SW1/4

Sections 18 - 19

Section 20: W1/2NW1/4

Section 21

Section 28

Sections 30 - 31

1 Section 32: S1/2

2 Section 33

3 (F) Township 23 North, Range 7 West, Seward Meridian

4 Section 1

5 Section 2: E1/2

6 Sections 12 - 13

7 Section 24

8 Section 25: N1/2, SE1/4

9 Section 36: N1/2NE1/4

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

11 Section 4: W1/2

12 Section 5

13 Section 6: NE1/4, E1/2SE1/4

14 Section 8: N1/2, SE1/4, E1/2SW1/4

15 Section 9

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

17 Section 16

18 Section 17: NE1/4, N1/2SE1/4

19 Section 21: E1/2, SE1/4SW1/4

20 Section 22: NW1/4, N1/2SW1/4, SW1/4SW1/4

21 Section 28: E1/2W1/2, E1/2

22 Section 33

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

24 Section 6: S1/2, NW1/4

25 Section 7

26 Section 8: S1/2SW1/4

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

28 Section 17

29 Section 18: N1/2N1/2, SE1/4NW1/4, S1/2NE1/4,

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N1/2SE1/4, SE1/4SE1/4

Section 19: NE1/4NE1/4

Section 20: N1/2

Section 21: W1/2, SE1/4, W1/2NE1/4

Section 27

Section 28: E1/2

Section 33: NE1/4NE1/4

Section 34: E1/2, E1/2W1/2, NW1/4NW1/4

Section 35: W1/2, SE1/4, S1/2NE1/4

Section 36: SW1/4

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

Section 1: E1/2

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

Section 13: NE1/4NE1/4

(J) Township 25 North, Range 6 West, Seward Meridian

Section 5

Section 8

Section 17

Section 18: SE1/4

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

Section 20: W1/2W1/2

Section 29: W1/2W1/2

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

Section 31: E1/2

Section 32: W1/2W1/2, SE1/4SW1/4

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

Section 5

Section 6: SE1/4, S1/2NE1/4

Section 7: E1/2, SW1/4, E1/2NW1/4

1 Section 8: NW1/4, W1/2SW1/4

2 Sections 18 - 19

3 Sections 30 - 31

4 (L) Township 25 North, Range 8 West, Seward Meridian

5 Section 13: E1/2SE1/4

6 Section 24: E1/2NE1/4

7 (M) Township 26 North, Range 6 West, Seward Meridian

8 Section 5

9 Section 8

10 Section 17: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

11 Section 19: SE1/4

12 Section 20: E1/2, SW1/4, S1/2NW1/4, NE1/4NW1/4

13 Section 29: E1/2, NW1/4

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

15 Section 31: E1/2NE1/4, that portion of NW1/4-
16 NE1/4 within retained easement (50' each side
17 of MHWM)

18 Section 32: land within 150' of MHWM

19 (N) Township 26 North, Range 7 West, Seward Meridian.

20 Section 4: W1/2

21 Section 5: E1/2, S1/2SW1/4

22 Section 7: SE1/4

23 Section 8

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

25 Section 17

26 Section 18: E1/2

27 Section 19

28 Section 20: W1/2

29 Section 29: S1/2, NW1/4

Section 30

Section 31: NE1/4

Section 32

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

Section 4

Section 5: E1/2

Section 8: E1/2

Section 9

Section 16

Section 17: E1/2

Section 20: E1/2

Section 21

Section 28: W1/2

Section 29: E1/2

Section 32: E1/2

Section 33: W1/2

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

Section 7

Section 8: S1/2, NW1/4

Section 9: W1/2

Section 16

Section 17: N1/2, SE1/4

Section 20: E1/2

Section 21

Section 28: N1/2, SW1/4

Section 29: E1/2

Section 32: E1/2

Section 33: W1/2

(Q) Township 27 North, Range 8 West, Seward Meridian

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Section 12: NE1/4

(R) Township 28 North, Range 6 West, Seward Meridian

Section 32: S1/2SE1/4

Section 33: S1/2S1/2

(3) Lake Creek State Recreation River

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

Section 3

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

Section 9: N1/2 Excluding Tracts A and B

Section 10

Section 15

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

Section 4: NW1/4, S1/2

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

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

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

Section 15: W1/2

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

Section 21: E1/2

Section 22: W1/2

Section 27: W1/2, W1/2SE1/4

Section 28: E1/2

Section 34

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

Section 3: W1/2W1/2

Section 4

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

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

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

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

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

3 Section 18: E1/2

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

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

6 Section 29

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

8 Section 32

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

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

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

12 Section 29: NW1/4, S1/2

13 Section 30

14 Section 31: N1/2

15 Section 32: NW1/4, E1/2

16 Section 33

17 Section 34: SW1/4SW1/4

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

19 Section 3

20 Section 4: E1/2

21 Section 10

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

23 Section 13: W1/2W1/2

24 Section 14

25 Section 15: NE1/4

26 Section 23: N1/2, SE1/4

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

28 Section 25

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

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

2 Sections 6 - 7

3 Section 8: S1/2, NW1/4

4 Section 16: W1/2

5 Section 17

6 Section 18: E1/2

7 Section 20: SE1/4, N1/2

8 Section 21

9 Section 22: W1/2

10 Section 25: SW1/4

11 Section 26: S1/2

12 Section 27

13 Section 28: E1/2, NW1/4

14 Sections 34 - 35

15 Section 36: W1/2

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

17 Section 1: E1/2

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

19 Section 31

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

21 Sections 3 - 4

22 Section 9: E1/2

23 Section 10

24 Section 14: W1/2

25 Section 15

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

27 Section 23

28 Section 25: S1/2, NW1/4

29 Section 26

Section 27: NE1/4

Section 35: NE1/4

Section 36

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

Section 6: SW1/4

Section 7

Section 8: SW1/4

Sections 17 - 18

Section 19: N1/2, SE1/4

Section 20

Section 21: SW1/4

Sections 28 - 29

Section 30: NE1/4

Section 32: E1/2

Section 33

Section 34: W1/2

(K) Township 27 North, Range 12 West, Seward Meridian

Sections 1 - 3

Section 10: N1/2, SE1/4

Sections 11 - 14

Section 15: NE1/4

Section 23: NE1/4

Section 24: N1/2

(L) Township 28 North, Range 12 West, Seward Meridian

Sections 1 - 5

Sections 8 - 12

Sections 13 - 17

Sections 21 - 24

Sections 25 - 28

Sections 33 - 36

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

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

Section 3

Section 4: E1/2NE1/4

Section 10: E1/2, E1/2W1/2

Section 15: E1/2, E1/2W1/2

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

Section 4

Section 6: SW1/4

Section 7: W1/2, S1/2SE1/4

Section 8: E1/2, S1/2SW1/4

Section 17: NW1/4

Section 18: N1/2, N1/2SW1/4

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

Sections 12 - 15

Section 22

Section 23: N1/2N1/2, SW1/4NW1/4, W1/2SW1/4

Section 26: W1/2W1/2

Section 27

Section 34

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

Section 8: NW1/4, SW1/4NE1/4, S1/2NW1/4NE1/4

(E) Township 18 North, Range 1 West, Seward Meridian

Section 15: N1/2NW1/4

Section 16: NW1/4, N1/2NE1/4, SE1/4NE1/4

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

Section 15: NW1/4, N1/2NE1/4, NW1/4SW1/4

Section 16: S1/2

Section 17: S1/2

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

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

Section 19

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

W1/2NW1/4

Section 28: N1/2NW1/4, SW1/4NW1/4

Section 29: NE1/4

Section 30

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

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

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

Section 14

Section 24

Section 25: N1/2

Section 26

Section 27: S1/2

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

Section 34

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

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2 (5) Talachulitna State Recreation River

3 (A) Township 16 North, Range 10 West, Seward Meridian

4 Section 6: W1/2

5 Section 7: NW1/4, N1/2SW1/4

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, N1/2S1/2

11 Section 12: N1/2, N1/2S1/2

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

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

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