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25

1 Chapter 4

2 Implementation

3 Introduction

4

5 This chapter outlines the actions necessary to implement the land use policies and actions
6 described by the plan. These actions include proposals for legislation, a list of agency
7 responsibilities, and recommendations for cooperation or coordination with other agencies
8 and the Matanuska-Susitna Borough.

9

10 These implementation actions will be used as a basis for budget preparations, requests for
11 legislative funding of capital improvement projects or designations, data collection, and other
12 actions necessary to implement the plan.

13

14 These actions will take place as the need develops. Most of the projects depend on funding,
15 although some could be done with volunteer help, such as litter patrols or the placement of
16 signs.

17

18

19 Areas Recommended for Designation as Recreation Rivers

20

21 Background

22

23 Under AS 41.23.490, state-owned land and water may be established as a Recreation River
24 only by the legislature. Designation will ensure that these lands are retained in public
25 ownership and managed consistent with the adjacent subunits. Additions are shown on
26 Talkeetna Map 6 in Chapter 3. Additional recommended designations are also described
27 under *Other Recommendations, Future Additions* in this chapter.

28

29 **1. Middle Little Susitna River** (delete 350 acres). A three-mile length of the Little Susitna
30 River shorelands and water column has been designated as both part of the State Recreation
31 Rivers and the Nancy Lakes State Recreation Area (Township 17 North, Range 4 West,
32 Seward Meridian, Sections 5, 7, and 8). The dual designation of the shorelands and the water
33 column should remain. DMLW and DPOR should develop a management agreement for this
34 area. The uplands that have dual designation should be deleted from the Recreation Rivers.
35 The legal description of proposed changes are as follows:

36

37

1 Existing Recreation Rivers description:

2 T.17 N., R. 4 W., S.M.

3 Section 7: W $\frac{1}{2}$, S $\frac{1}{2}$, S $\frac{1}{2}$, SE $\frac{1}{4}$

4 Section 8: E $\frac{1}{2}$, S $\frac{1}{2}$, SW $\frac{1}{4}$

6 Change Recreation Rivers description to:

7 T.17 N., R. 4 W., S.M.

8 Section 7: W $\frac{1}{2}$, S $\frac{1}{2}$, S $\frac{1}{2}$, SE $\frac{1}{4}$

9 Section 8: E $\frac{1}{2}$, E $\frac{1}{2}$, E $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$, S $\frac{1}{2}$, SW $\frac{1}{4}$

11 **2. Upper Talkeetna River** (add approximately 150 acres). The scenic Talkeetna Canyon
12 extends to just above the mouth of Prairie Creek (RM 51.5). The uplands on the upper
13 portion of the canyon are Native-owned. Because of its values for whitewater boating, the
14 subunit should be extended to the upper end of the canyon. The proposed addition would add
15 seven river miles to the Recreation Rivers and include the shorelands, river column, and
16 public easement between the existing Talkeetna Recreation River boundary and the upper
17 end of the canyon above the mouth of Prairie Creek. The addition should be managed as part
18 of the Upper Talkeetna River Subunit (3d). Because the Talkeetna above this point is wide,
19 braided, and contains several mining operations, it is not recommended for addition. The
20 proposed addition should include:

22 The shorelands and the water column of the Talkeetna River from mean high water mark to
23 mean high water mark from the point at which it crosses the line dividing Townships 28 and
24 29 North, Seward Meridian, upstream to the point at which it crosses the line dividing
25 sections 23 and 24, Township 29 North, Range 2 East, Seward Meridian.

27 **3. Error in Legal Description.** A typographic error in the legal description for the Talkeetna
28 Recreation River should be corrected. Change AS 41.23.500(6)(J) from Section 16: E $\frac{1}{2}$ to
29 Section 16: E $\frac{1}{2}$, SW $\frac{1}{4}$.

32 **Procedures for Plan Review, Modification, & Amendment**

34 **Introduction**

36 Land-use designations, policies, implementation actions, and management guidelines in this
37 plan may be changed if conditions warrant. The plan will be updated periodically as new data
38 and new technologies become available, and as changing social or economic conditions place
39 different demands on state lands within the planning area. This section discusses three
40 elements of plan modification: periodic review, changes to the plan, and discretion within
41 guidelines.

43 **Periodic Review.** The planning team and advisory board should be consulted annually to
44 evaluate plan implementation. The plan will be reviewed approximately once every five
45 years to determine if revisions are necessary. An interagency planning team and the

1 Recreation Rivers advisory board will coordinate this review. This revision should be
2 consistent with AS 41.23.430 - .440 in the Recreation Rivers Act.

3
4 **Changes to the Plan.** Categories of management intent, policies, implementation actions,
5 and management guidelines of this plan may be changed if conditions warrant. The plan will
6 be updated periodically in response to new data or changing resource conditions or uses.

7
8 The various kinds of changes allowed in 11 AAC 55.030 are:

9
10 “A revision to a land-use plan is subject to the planning process requirements of
11 AS 38.04.065. For the purposes of this section and AS 38.04.065, a ‘revision’ is an
12 amendment or special exception to a land use plan as outlined below:

13
14
15 **1. Plan Amendment**

16
17 An ‘amendment’ permanently changes the land use plan by adding to or modifying the basic
18 management intent for one or more of the plan’s subunits or by changing its allowed or
19 prohibited uses, policies, or guidelines.

20
21 The following actions are examples of changes that would require an amendment:

- 22
23 • a proposal to prohibit a use that is now a designated use, or, conversely to allow a
24 prohibited use;
- 25 • a proposal to open an area to mineral entry; or
- 26 • allowing leasing for a lodge anywhere in the planning area.

27
28
29 **2. Special Exceptions**

30
31 A special exception does not permanently change the provisions of the plan and cannot be
32 used as the basis for a reclassification of an area. Instead, it allows a one-time limited-
33 purpose variance of the plan’s provisions, without changing the plan’s general management
34 intent or guidelines. Special exceptions may be made if complying with the plan is
35 excessively burdensome, impractical, or inequitable to a third party, and if the purposes and
36 spirit of the plan can be achieved despite the exception.

37
38 The following actions are examples of changes that would be a special exception:

- 39
40 • based on more detailed data, allowing a prohibited use in a small area on the edge of a
41 management subunit next to a subunit where that use is allowed; or

- a preference right granted under AS 38.05.035(e), where the director determines such an action is necessary to correct an injustice and will not significantly affect the intent of the plan.

Special Exceptions to Guidelines Modified by “Will”

Special exceptions to guidelines modified by the phrase “will” may be allowed for individual actions. The decision not to follow a pertinent guideline modified by the term “will” will be consistent with the procedures for special exceptions.

Procedures for Special Exceptions

A. Taking into account the requirements of AS 38.04.065(b), the director will prepare a written document that specifies:

- the reasons for the special exception (i.e., why a variance of the plan’s provisions is needed);
- the alternative action or course of action to be followed;
- why the special exception is in the public interest; and
- how the general intent of the plan and management unit will be met by the alternative course of action.

B. Where practical, the document should be part of or circulated with a finding required by AS 38.05.035(e).

3. Minor Changes

A minor change to a land-use plan is not considered a revision under AS38.04.065. A ‘minor change’ is a change that does not modify or add to the plan’s basic intent, and that serves only to clarify the plan, make it consistent, facilitate its implementation, or make technical corrections.

4. Discretion within Guidelines

Some policies in the plan, such as those modified by the terms “feasible and prudent,” “feasible,” and “should” are written to allow for exceptions if the conditions described in the policy are met. The definitions of these terms are given in Appendix A. The procedures for allowing exceptions to these guidelines are given in this section. Allowing an exception following these procedures is neither a revision nor a change to the plan.

Guidelines Modified by “Feasible and Prudent” or “Feasible”

Exceptions to guidelines modified by the phrase “feasible and prudent” or “feasible” (see definitions in Appendix A) may be allowed after following the steps outlined below.

A. The regional manager will prepare a written document that specifies:

- the conditions that make compliance with the guideline not feasible or not feasible and prudent;
- the alternative course of action to be followed; and
- how the intent of the plan and management unit will be met by the alternative course of action.

B. Where practical, the document should be part of or circulated with a finding required by AS 38.05.035(e).

C. Before making the final determination, the director will give notification required by the applicable permitting procedure and request comments on the proposed action. This notification will include the points described in A.

Guidelines Modified by “Should”

Exceptions to guidelines modified by the word “should” can be made by the ADNR Regional Manager, or his designees. The guideline does, however, state an intent of the plan that should be met, using the best managerial practices for the given situation. These exceptions require a written justification in the administrative record. The justification should briefly outline how the action meets the intent of the guideline or why the particular circumstances justify deviation from the intended action or conditions.

5. Recommended Statute Changes for Public Notice Requirements

AS 41.23.440(a) requires extensive public participation and public notice in preparing and revising management plans for the Recreation Rivers. This requirement is appropriate for preparing or updating the plan. However, the requirement makes it difficult to make small changes in the plan, changes that may be necessary to facilitate management or enforcement, and that are noncontroversial.

From AS 41.23.440(a), “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 Rivers corridors* and shall hold at least two public hearings in municipalities and communities near the Recreation River and the Recreation River corridor.” Amendments and special exceptions to the plan are revisions.

1 The requirement that revisions include two public hearings, and wide-spread notice by mail
2 (over and above the requirement AS 38.05.945) will make it expensive to do small changes
3 that are non-controversial but are necessary to facilitate management, enforcement, or correct
4 errors in the plan.

5
6 AS 38.04.065(b)(8) already requires meaningful participation by affected local governments,
7 state and federal agencies, adjacent landowners, and the general public. AS 38.05.945
8 already requires the department to publish notice in newspapers of general and local
9 circulation. It also requires public service announcements, posting in conspicuous locations,
10 notification of parties likely to be affected, or another method calculated to reach affected
11 persons. This level of notice should be sufficient for actions expected to be only of limited
12 effect or controversy. In addition, all amendments and special exceptions require notice to
13 the Recreation Rivers advisory board and planning team.

14
15 Therefore, to facilitate non-controversial changes to the plan, the requirements of
16 AS 41.23.440(a) should be limited to preparing the plan, updating the plan, or changes
17 expected to be controversial.

18
19 Non-controversial amendments and special exceptions should be guided by the existing
20 department procedures established for other department plans under AS 38.04.065 and
21 AS 38.05.945.

22 23 24 **Trails Action Plan**

25
26 Trails cross through a mix of land ownerships and agency jurisdictions within the planning
27 area and trails are essential to transportation and recreation in the Susitna Basin. Consistent
28 trail management policies are needed to ensure that trails continue to be available for public
29 use, and that trail use does not adversely affect other resources, such as wetlands and
30 anadromous streams. ADNR, in consultation with ADF&G and the Matanuska-Susitna
31 Borough, should prepare a trails plan for the Susitna Basin. Specific tasks for the trails plan
32 are:

33 34 **1. Public participation**

- 35
36 • Develop a public participation program to involve trail user groups in plan
37 development.
- 38 • Develop public information materials explaining plan decisions (e.g., trailhead
39 kiosks, brochures).
- 40 • Coordinate volunteers to help implement the plan.

1 **2. Trail mapping**

- 2
- 3 • Map existing trails and legal access.
- 4 • Identify current use of the trails.
- 5 • Identify trails capable of sustaining summer ORV use and identify areas susceptible
- 6 to damage from summer ORV use (e.g., wetlands or erosive slopes).
- 7 • Determine appropriate management of ORVs in susceptible areas (e.g., designated
- 8 trails for summer ORV use).
- 9 • Identify areas where additional trails are needed.

10

11 **3. Stream crossing**

- 12
- 13 • Identify sites where trails cross anadromous streams.
- 14 • Determine the appropriate method for stream crossing at these sites (e.g., bridge,
- 15 individual ADF&G permit, general ADF&G permit).
- 16 • Work with ADF&G to establish general Title 16 permits for stream crossings where
- 17 appropriate.

18

19 **4. Trail management**

- 20
- 21 • Develop management guidelines for public trails.
- 22 • Establish regulations or a special use area to manage summer ORV use. Identify
- 23 whether new authorities are needed for trail management.
- 24 • Set priorities for needed trail maintenance or construction projects, including
- 25 trailhead facilities and bridges.
- 26 • Set priorities for enforcement of trail policies and regulations.
- 27 • Identify funding needed for trail management.
- 28 • Develop trail management program including considering all possible sources of
- 29 management assistance, including state and borough agencies, federal assistance, and
- 30 volunteer groups.

31

32

33 **Other Recommendations**

34

35 **Recreation Rivers Advisory Board.** Consistent with AS 41.23.430(b) the commissioner

36 shall consult with the advisory board in preparing, adopting, and revising the Recreation

37 Rivers management plan and regulations affecting use and management of the Recreation

38 Rivers. ADNR and the advisory board will adopt and periodically update bylaws which

39 outline the responsibilities of the commissioner and the board, and rules of order.

1 **Public Notice Statute Changes.** See Part 5 in this chapter under *Procedures for Plan*
2 *Review, Modification, and Amendment.*

3
4 **Denying Permits and Leases.** The planning team and advisory board recommend that
5 applicants with a past record of serious fish and game violations (such as same-day airborne
6 hunting, wanton waste of fish or game, or over-harvesting) be denied permits and leases to
7 use state lands or facilities for commercial use.

8
9 **Enforcement.** The Recreation Rivers Act grants the commissioner authority to designate
10 peace officers to enforce the provisions of the act under AS 41.23.440(b). ADNR should seek
11 citation authority and draft regulations which describe the authorities of peace officers in the
12 Recreation Rivers. The regulations should also describe the citation authority and procedures
13 for setting a bail bond schedule. Also see *Enforcement* in Chapter 4.

14
15 **Monitoring.** Successful management programs require systematic monitoring. Monitoring
16 enables managers to document how impacts or uses are changing and, respond to those
17 changes. A monitoring program for the Recreation Rivers will focus on: use levels (trips per
18 day), litter (volume collected by patrols per river mile and percentage of sites with significant
19 levels), camp encounters (percentage of nights users camp within sight and sound of other
20 camps), and river encounters (number of groups seen per day).

21
22 While use monitoring is needed for all segments, the department will begin with the three
23 whitewater reaches of the Talkeetna River, Talachulitna River, and Lake Creek. Because the
24 number of trips on these rivers is relatively small (less than two hundred per year on each),
25 the staff cost of collecting and analyzing this information would be low.

26
27 Use information areawide should continue to be collected by the Alaska Department of Fish
28 and Game creel census and statewide survey efforts.

31 **Future Additions**

32
33 **Prairie Creek.** Prairie Creek has been suggested as an addition to the Recreation Rivers
34 because it serves as access to the Talkeetna Canyon and is an excellent whitewater float in its
35 own right. Access is limited because the uplands are Native-owned. The creek also has high
36 value as a bear concentration area during the king salmon run. There are concerns that a
37 designation as a Recreation River may create conflicts between recreationists and bears
38 during the king salmon run. In addition, under 41.23.480(c), “The commissioner may not
39 manage a Recreation River corridor described in AS 41.23.500 as a unit of the state park
40 system or as a game refuge, game sanctuary, or as critical habitat.” This may preclude
41 ADF&G management of uses in the proposed addition to protect bears.

42
43 As an alternative to adding Prairie Creek to the Talkeetna Recreation River, information on
44 public access should be available including the locations of one-acre 17(b) easements on
45 Stephan Lake and at the mouth, trail easements, the rights of the public to use the water

1 column, and the rights of the public to use the land below the ordinary high water.
2 Information on how to reduce conflicts with bears should also be provided. This may include
3 discouraging the public from using Prairie Creek during the king salmon run. Finally, if the
4 river is proposed as critical habitat area, language should be included to allow for recreation
5 use, including floating, when bears are not concentrated in the area.

6
7 **Commercial Facilities.** AS 41.23.470(d) should be amended to delete “If the facility is not
8 in competition with a private facility or enterprise.” This clause is too broad, difficult to
9 adjudicate, and may subject the state to litigation if competition develops after a facility is
10 built. The section essentially prohibits all types of leasing under AS 38.05.070 (and .073)
11 within the Recreation Rivers. The planning team and advisory board thought that there may
12 be cases where leasing a commercial campground or boat launch may be in the best public
13 interest even if the facility competes with another private facility or enterprise.

14
15 **Fisheries Enhancement on Lake Creek.** The Cook Inlet Aquaculture Association should
16 provide the public and the Recreation Rivers Advisory Board the opportunity to comment on
17 fisheries enhancement activities on Lake Creek.

20 Agency Implementation Responsibilities

22 1. Alaska Department of Natural Resources

24 A. Department

25
26 **Amend Regulations.** Promulgate regulations needed to implement the policies and
27 guidelines recommended for the Recreation Rivers by this plan revision.

28
29 **Adopt consistent regulations in the Nancy Lakes State Recreation Area.** Adopt
30 regulations for the alternating weekends motorized and non-motorized weekends for boats on
31 the Little Susitna River and the 96 hour camping limit for the river where it passes through
32 the Nancy Lakes State Recreation Area. The camping limit should apply to an area within
33 one-half mile of the Little Susitna River in the Nancy Lakes State Recreation Area.

36 B. Division of Mining, Land & Water (DMLW)

37
38 The Division of Mining, Land & Water is the division within ADNR charged with the
39 management of state land and water within the planning area. The division will prioritize the
40 following implementation items based upon the level of funding, staffing, and other
41 resources allocated for management:

42
43 **1) Develop policies and procedures.** After ADNR has promulgated regulations establishing
44 the necessary authorities, the division will develop the policies and procedures needed to

1 implement programs recommended in the plan, such as the commercial use permit and
2 enforcement responsibilities.

3
4 **2) Education.** The DMLW will take the lead, in cooperation with other agencies, in
5 developing brochures to inform river users of regulations specific to Recreation Rivers,
6 boater safety, and disposal of waste and litter. Informational signs and kiosks will also be
7 developed and posted by the division.

8
9 **3) Provide trained staff.** Provide equipment, training, field housing, and office space for
10 staff to perform management duties at the level consistent with funding levels. Office staff
11 will be responsible for administering the commercial use permit program, adjudication of
12 land use authorizations, and field support and coordination. Field staff will enforce plan
13 regulations, post trespass structures, and maintain public facilities.

14
15 **4) Monitor whitewater river use.** Work with boaters to monitor use and impacts on these
16 rivers. The division may institute a voluntary reservation system for the use of the Talkeetna
17 Canyon and later Lake Creek and the Talachulitna River.

18
19 **5) Enter into cooperative management agreements.** Where needed, the division should
20 enter into cooperative management agreements with other state, federal, or local agencies for
21 management of specific sites or areas in the Recreation Rivers.

22
23 **6) Establish public facilities.** The division will work with the advisory board to establish
24 priorities for the development of public facilities identified by the plan.

25 26 27 **C. Division of Geological & Geophysical Surveys (DGGS)**

28
29 **1) Initiate boat erosion study.** Initiate a study of the effects of boat-induced erosion on the
30 Little Susitna River. This river was selected for study because of its high level of boat use,
31 narrow width, erodible banks, and accessibility.

32
33 **2) Instream flow.** Continue to monitor stream flow on Lake Creek, the Talachulitna River,
34 and Alexander Creek.

35
36 **3) Evaluate erosion control structures.** The division will assist in evaluating erosion
37 control structures and the effects on flow regime. In addition, the division will continue to
38 evaluate stream flow on all Recreation Rivers as necessary for instream flow reservations.

39
40 **4) Lake Creek.** Conduct base-line monitoring of water quality of Lake, Camp, and
41 Sunflower creeks (in cooperation with ADEC) adjacent to the area open to new mineral entry
42 under the leasehold location system.

1 **D. Division of Parks & Outdoor Recreation (DPOR)**

2
3 **1) Cooperative management agreement.** DMLW and DPOR should develop a cooperative
4 management agreement(s) to ensure efficient management of state land and waters in areas
5 managed by either of the two divisions in or adjacent to the Recreation Rivers.
6

7
8 **2. Alaska Department of Fish & Game**

9
10 The Department of Fish and Game has several on-going and proposed research projects to
11 obtain information on fish and wildlife populations, and human uses of fish and wildlife
12 resources in the Susitna Recreation Rivers. The information generated by these projects is
13 essential for managing the river. In addition, ADF&G should initiate management actions
14 that ensure consistent and efficient management between the ADF&G and ADNR on the
15 Recreation Rivers.
16

17
18 **A. Division of Habitat**

19
20 **1) Identify sites for general stream crossing.** To reduce the need for construction of
21 additional bridges within the Recreation Rivers, the division should work with user groups to
22 identify appropriate crossing points that may be authorized for use under a general permit
23 (AS 16.05.870).
24

25
26 **B. Division of Sport Fisheries**

27
28 **1) Initiate research on effects of boats on fisheries.** Conduct and cooperate with the
29 University of Alaska to evaluate the effects of jet boat use on fish habitat.
30

31 **2) Instream flow.** The division will supply information on fisheries resource location,
32 timing, and flow needs in cooperation with the Division of Habitat to reserve instream flow
33 for Alexander Creek and the Talachulitna River.
34

35
36 **C. Division of Wildlife Conservation**

37
38 **1) Lower Susitna moose population identification and movements study.** This study will
39 provide information on moose populations, movements, biology, and habitat preferences in
40 the Susitna Valley including in all of the Recreation River corridors.
41

42
43 **3. Alaska Department of Environmental Conservation**

1 The Department of Environmental Conservation has broad responsibility to conserve,
2 improve, and protect water quality to enhance the health, safety, economic, and social well-
3 being of Alaskans. ADEC has an ongoing project to obtain information on turbidity in the
4 Little Susitna River. Turbidity exceedances in the lower Little Susitna River led to an
5 impairment listing in Alaska’s 2014/2016 Integrated Water Quality Monitoring and
6 Assessment Report under the Clean Water Act § 303(d). The area of impairment extends
7 8.5 river miles beginning 5 miles downstream and ending 0.7 miles upstream of the Public
8 Use Facility boat launch. This is the area of heaviest motorized boat traffic. The period of
9 concern for the impairment is during the month of August coinciding with the peak silver
10 salmon fishery and heavier motorized boat traffic, the primary source of the turbidity
11 pollution. ADEC is collecting additional turbidity data at the same locations studied
12 previously to determine if pollution conditions have changed and if the river now meets State
13 Water Quality Criteria for turbidity. ADEC is currently evaluating turbidity data from 2020,
14 2022, and 2023.

15
16 ADEC removed the petroleum hydrocarbon impairment for the same river miles in the 2022
17 Integrated Report. The lower Little Susitna River was included in Category 4b (Impaired
18 with an improvement plan) in the 2014/16 Integrated Report. Since then, multiple activities
19 have occurred to reduce petroleum hydrocarbon levels in the river from motorized boating.
20 Water quality data from 2019 - 2020 demonstrated the controls are effective.

21
22
23 **A. Division of Water**

24
25 **1) Lake Creek.** Conduct base-line monitoring of water quality of Lake, Camp, and
26 Sunflower creeks (in cooperation with ADF&G) adjacent to the area open to new mineral
27 entry under the leasehold location system.

28
29 **2) All waters.** Conduct data analysis on readily available water quality data to determine if
30 waters are attaining water quality standards on a biennial basis during the Integrated Water
31 Quality Monitoring and Assessment Report.

32
33
34 **4. Alaska Department of Public Safety**

35
36 **A. Alaska Wildlife Troopers**

37
38 **Enforcement.** Provide enforcement staff on the rivers as budget and staffing allow.
39
40
41

1 **5. Matanuska-Susitna Borough**

2

3 **A. Planning**

4

5 **Develop comprehensive plans.** Develop a comprehensive plan for areas within the
6 Recreation Rivers, to ensure that uses of private lands within the corridors do not
7 significantly degrade fish, wildlife, or recreation values.

8

9

10 **6. United States Coast Guard**

11

12 **A. Enforcement**

13

14 Increase patrols on the six Recreation Rivers, especially during the peak fishing season near
15 the river mouths.

16

17 **B. Navigability Determination**

18

19 Clarify which of the Recreation Rivers are navigable.

20

1
2