
APPENDIX B

Recreation Rivers Act

SECTION

400.	Purposes	460.	Acquisition of additional land
410.	Compatible activities	470.	Application of public land laws
420.	General management of recreation rivers and corridors	480.	Cooperative management agreements
430.	Advisory board	490.	Limitation on establishment
440.	Management plan	500.	Establishment of recreation rivers and recreation corridors
450.	Management of municipal land	510.	Definition

Sec. 41.23.400. Purposes. (a) The purpose of AS 41.23.400 - 41.23.510 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 described in AS 41.23.500.

(b) The primary purpose for the establishment of the six recreation rivers is the maintenance and enhancement of the land and water described in AS 41.23.500 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) continued recreation and economic use, including the uses described in (3) and (4) of this subsection, and enjoyment by the public and individuals of recreational activities that include hunting, fishing, trapping, camping, boating, hiking, snow-machining, 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 corridor 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 resource uses, including recreation and tourism, within or adjacent to the river corridor. (§ 2 ch 122 SLA 1988)

Sec. 41.23.410. Compatible activities. The commissioner shall allow the following activities on a recreation river or within a recreation corridor when they are compatible with AS 41.23.400 and consistent with a management plan adopted under AS 41.23.440;

- (1) the use of aircraft, powerboats, snow-machines, all-terrain vehicles, motorized transportation, and transportation by animal;
- (2) the sale and harvest of wood products under AS 41.23.470(b);
- (3) sand and gravel extraction under AS 41.23.470(b);
- (4) the construction and operation of recreation facilities; and

- (5) other uses permitted in the management plan required by AS 41.23.440, including mining and mineral development. (§ 2 ch 122 SLA 1988).

Sec. 41.23.420. General management of recreation rivers and corridors.

- (a) The state-owned land and water within the area established as a recreation river under AS 41.23.500, including the recreation river corridor, is assigned to the commissioner for management consistent with the purposes of AS 41.23.400.
- (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 41.23.500 that is adequate to achieve the purposes of AS 41.23.400.
- (c) The commissioner may regulate boating, if necessary, under the management plan adopted under AS 41.23.440.
- (d) The provisions of AS 41.23.400 - 41.23.510 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) The commissioner may not restrict the use of weapons, including firearms, within a recreation river and 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 with a recreation river and its recreation river corridor.
- (f) The authority of the commissioner under AS 41.23.400 - 41.23.510 ceases where the land and water established as a recreation river under AS 41.23.400 - 41.23.510 meets land and water that is not established as a recreation river. (§ 2 ch 122 SLA 1988)

Sec. 41.23.430. Advisory Board.

- (a) A thirteen-member Recreation Rivers Advisory Board is established. Board members serve without compensation 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:
 - (1) commercial fishing;
 - (2) sport fishing;
 - (3) sport hunting;
 - (4) conservation;
 - (5) subsistence;
 - (6) forest products;
 - (7) mining;
 - (8) powerboat users;
 - (9) recreationally-oriented commercial users;
 - (10) other recreational users;
 - (11) private property owners within the recreation river corridors;
 - (12) the Matanuska-Susitna Borough Planning Commission from the membership of the planning commission; and
 - (13) the mayor of the Matanuska-Susitna Borough or the designee of the mayor.
- (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. (§ 2 ch 122 SLA 1988)

- Sec. 41.23.440. 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 and state agencies, including the commissioner of fish and game and the advisory board established under AS 41.23.430. 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 and the recreation river corridor. The management plan shall establish long-range guidelines and management practices consistent with AS 41.23.400 to:

- (1) establish guidelines and restrictions, if necessary, for an activity occurring under AS 41.23.410 to implement the purposes of AS 41.23.400;
 - (2) protect, maintain, or enhance the fish and wildlife habitat and the free-flowing nature of the river;
 - (3) identify special recreation values and manage the level of intensity and types of recreation uses;
 - (4) designate management guidelines for development activities;
 - (5) designate management guidelines for commercial recreation activities or development, including recreation services;
 - (6) provide for necessary public services, such as transportation and utility corridors, crossing or fording corridors, public safety, and law enforcement;
 - (7) allow reasonable 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;
 - (8) establish criteria and expedient timelines to review future proposed uses for compatibility with AS 41.23.400.
- (b) The commissioner shall adopt regulations necessary to implement the management plan. The commissioner may not adopt regulations before a management plan takes effect. The commissioner may designate employees of the department as peace officers to enforce the provisions of AS 41.23.400 - 41.23.510.
- (c) A management plan proposed 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 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. (§ 2 ch 122 SLA 1988)

Sec. 41.23.450. Management of municipal land. If a municipality commits land for inclusion in a recreation river corridor described in AS 41.23.500, the commissioner shall obtain the concurrence of the municipality to the management plan proposed under AS 41.23.440 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. (§ 2 ch 122 SLA 1988)

Sec. 41.23.460. 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 41.23.500 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. (§ 2 ch 122 SLA 1988)

Sec. 41.23.470. Application of public land laws.

- (a) The provisions of AS 38.04, AS 38.05, AS 38.35 and AS 38.95 apply to land described in AS 41.23.500 except to the extent that a provision of AS 41.23.400 - 41.23.510 is inconsistent.
- (b) The commissioner may conduct only 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) The commissioner may permit mining leasing under AS 38.05.205 on upland 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,

operating plans, and leases to mitigate the effects of mineral development activities on the environment and to prevent to the extent practicable degradation of the recreation uses of the river.

(d) To enhance public use and enjoyment of a recreation river corridor under a management plan adopted under AS 41.23.440, 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; 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.

(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 AS 41.23.400 - 41.23.510. (§ 2 ch 122 SLA 1988)

Sec. 41.23.480. Cooperative management agreements. (a) The commissioner may enter into a cooperative management agreement for the management of land and water described in AS 41.23.500 or of other adjacent land and water with a federal agency, a municipality, 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 41.23.500 to a state agency, a municipality, or a private entity to carry out a program authorized by law or to enhance the objectives of the management plan adopted under AS 41.23.440.

(c) The commissioner may not manage a recreation river corridor described in AS 41.23.500 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. (§ 2 ch 122 SLA 1988)

Sec. 41.23.490. Limitation on establishment. State-owned land and water may be established as a recreation river corridor only by the legislature. (§ 2 ch 122 SLA 1988)

Sec. 41.23.500. Establishment of recreation rivers and recreation river corridors. Subject to valid existing rights, the state-owned land and water acquired by the state in the future, including shore and submerged land that lies within the following described parcels, is established as a recreation river and reserved as a special purpose area under art. VII, sec. 7, Constitution of the State of Alaska and shall be retained by the state and be managed under AS 41.23.400 - 42.23.510;

- (1) Alexander Creek State Recreation River
- (2) Kroto Creek and Moose Creek State Recreation River
- (3) Lake Creek State Recreation River
- (4) Little Susitna State Recreation River
- (5) Talachulitna State Recreation River
- (6) Talkeetna State Recreation River

Sec. 41.23.510. Definition. In AS 41.23.400 - 41.23.510. "recreation river corridor" means the uplands within a recreation river established under AS 41.23.500. (§ 2 ch 122 SLA 1988)