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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** John Crowther  
Department of Natural Resources

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.3509 

**DATE:** September 8, 2017

**RE:** Filed Permanent Regulations: Department of Natural Resources

Department of Natural Resources regulations re: Knik River Public Use Area (11 AAC 05.010(e)(23); 11 AAC 96.016)

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Attorney General File:	JU2015200839
Regulation Filed:	9/8/2017
Effective Date:	10/8/2017
Print:	224, January 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF NATURAL RESOURCES

The attached 13 pages of regulations, dealing with use and management of the Knik River Public Use Area, uses requiring a permit, new prohibitions within the area that could result in fines, user fees, and minor technical corrections, are adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.05.020 and AS 41.23 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date:

8/31/2017



Andrew T. Mack, Commissioner  
Department of Natural Resources

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

September 8, 2017, at 941A a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective:

October 8<sup>th</sup> 2017

Register:

224, January 2018.

11 AAC 05.010(e) is amended by adding a new paragraph to read:

(23) permit to use or occupy the *Kenny and Patti Barber Shooting Range*, depicted on the map entitled *Kenny and Patti Barber Shooting Range*, and adopted by reference in 11 AAC 96.016(b)(5), non-refundable fees that are set by a written order of the director of the division of mining, land and water; the director shall

(A) post the order

(i) continuously from the date of issuance of the order on the division of mining, land and water's public webpage on the department's website;

(ii) on the Alaska Online Public Notice System (AS 44.62.175) for 30 continuous days from the date of issuance of the order; and

(iii) at one or more conspicuous locations at the shooting range;  
and

(B) establish in the order fees, payable in advance and not exceeding the following amounts, for a person to use or occupy the shooting range:

(i) application for a revocable personal use or occupancy permit,  
no charge;

(ii) application for a revocable commercial use or occupancy  
permit, \$100;

(iii) application for a revocable non-commercial organized group  
use or occupancy permit, \$100;

(iv) personal use or occupancy permit, each person, each calendar  
day, \$25;

(v) personal use or occupancy permit pass, each person, each calendar year, \$250;

(vi) personal use or occupancy permit, each non-commercial organized group, each calendar day, \$250;

(vii) commercial use or occupancy permit, each calendar day, \$500;

(viii) state, federal or local agency use or occupancy permit, each calendar day, \$250.

(Eff. 1/1/86, Register 96; am 8/10/86, Register 99; am 9/28/86, Register 99; am 8/23/87, Register 103; am 1/28/88, Register 105; am 7/1/89, Register 110; add'l am 7/1/89, Register 110; am 8/16/89, Register 111; am 12/9/89, Register 112; am 1/17/90, Register 113; am 3/16/91, Register 117; am 12/25/91, Register 120; am 5/14/92, Register 122; am 9/16/92, Register 123; am 4/18/93, Register 126; am 5/5/93, Register 126; am 10/1/94, Register 131; am 12/13/95, Register 136; am 2/16/96, Register 137; am 5/24/96, Register 138; am 5/18/97, Register 142; am 2/21/98, Register 145; am 7/29/98, Register 147; am 8/26/98, Register 147; am 9/10/98, Register 147; am 1/29/99, Register 149; am 5/9/99, Register 150; am 2/9/2001, Register 157; am 5/3/2001, Register 158; am 8/23/2001, Register 159; am 10/27/2002, Register 164; am 11/13/2002, Register 164; am 12/7/2002, Register 164; am 1/14/2004, Register 169; am 10/2/2004, Register 171; am 1/16/2005, Register 173; am 9/10/2005, Register 175; am 2/15/2006, Register 177; am 3/13/2006, Register 177; am 11/22/2006, Register 180; am 8/31/2008, Register 187; am 12/14/2008, Register 188; am 8/19/2009, Register 191; am 12/5/2009, Register 192; am 8/29/2013, Register 207; am 10 / 8 / 2017, Register 224 )

Register 224 January 2018

NATURAL RESOURCES

<b>Authority:</b>	AS 27.21.030	<u>AS 38.05.550</u>	AS 40.17.030
	AS 27.21.940	<u>AS 38.05.555</u>	AS 40.25.110
	AS 37.10.050	<u>AS 38.05.560</u>	AS 41.06.020
	AS 37.10.052	<u>AS 38.05.565</u>	AS 41.21.020
	AS 37.10.058	AS 38.05.600	AS 41.21.026
	AS 38.04.045	AS 38.05.850	AS 41.23.440
	AS 38.04.900	AS 38.08.110	AS 44.37.020
	AS 38.05.020	AS 38.09.020	AS 44.37.025
	AS 38.05.035	AS 38.09.110	AS 44.37.027
	AS 38.05.057	AS 38.35.020	AS 45.29.525
	AS 38.05.082	AS 38.35.050	AS 45.50.315
	AS 38.05.177	AS 38.50.160	AS 46.15.020
	AS 38.05.180	AS 38.95.240	AS 46.15.035
	AS 38.05.255	AS 40.15.370	AS 46.15.037
	AS 38.05.295		

11 AAC 96.016(b) is amended by adding a new paragraph to read:

(5) a permit or other written authorization is required for the use or occupancy of the *Kenny and Patti Barber Shooting Range*, as depicted on the map entitled *Kenny and Patti Barber Shooting Range*, dated May 18, 2016, and adopted by reference; within the *Kenny and Patti Barber Shooting Range*

(A) the rules and conditions for use of the shooting range include the rules

for the protection and safety of the general public and to further the purposes for which the shooting range was established, which are specified in 11 AAC 96.016(c)(20) and shall be conspicuously posted at the shooting range and upon the division of mining, land and water's public webpage on the department's website;

(B) the department may deny a permit or revoke a person's permit to use, occupy, or access the shooting range upon failure to comply with rules or conditions for use; the rules and conditions for use that are posted at the shooting range and on the division of mining, land and water's public webpage may include restrictions on firearm use or ammunition type, magazine capacity, and other conditions as the department considers advisable;

(C) the use of the shooting range for commercial purposes or by organized group in excess of 50 individuals requires a commercial use permit under 11 AAC 96.010;

(D) the department may restrict permits for the commercial use of the shooting range if the department finds that

(i) there is a need to limit the number or use of commercial use permits to protect public use of the shooting area, or to protect shooting area resources;

(ii) there is a need to prevent one business or person from monopolizing commercial activities within the shooting range or portion of the shooting range;

(iii) without limitation of the number of permits or use of the

shooting range there would likely be a degradation of quality of the recreational experience in the shooting range; or

(iv) the demand for the commercial use of the shooting range exceeds the capacity of the shooting range;

(E) the term of a commercial use permit issued under this paragraph may not exceed 30 consecutive days, and is revocable at will by the department; the department may limit the number of competitive commercial use permits a person may hold; a permit may not be assigned without the written consent of the department;

(F) the department may restrict personal use permits for the use of the shooting range if the department finds that

(i) there is a need to limit the number or use of permits to protect public use of the shooting area, or to protect shooting area resources;

(ii) there is a need to prevent one business or person from monopolizing activities within the shooting range or portion of the shooting range;

(iii) without limitation of the number of permits or use of the shooting range there would likely be a degradation of quality of the recreational experience in the shooting range; or

(iv) the demand for the use of the shooting range exceeds the capacity of the shooting range; and

(G) the term of a personal use permit issued under this paragraph may not exceed the calendar year, and is revocable at will by the department; the department may

limit the number of personal use or occupancy permits a person may hold; a permit may not be assigned without the written consent of the department.

11 AAC 96.016(c)(1) is amended to read:

(1) a person may not leave a vehicle unattended for more than 72 hours **without prior written authorization from the department;**

11 AAC 96.016(c)(2) is amended to read:

(2) a person may not transport a non-functional vehicle into the area **without prior written authorization from the department;**

11 AAC 96.016(c)(3) is amended to read:

(3) **without prior written authorization from the department,** a person may not

**(A)** operate a vehicle in excess of 10,000 pounds curb weight for private or commercial activity [WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE DEPARTMENT];

**(B)** operate a vehicle in excess of 1,500 pounds curb weight on the **Rippy Trail, as depicted on the map entitled *Rippy Trail*, dated November 30, 2015 and adopted by reference; or**

**(C)** operate a motor vehicle on the **Jim Lake Overlook Trail, as depicted on the map entitled *Jim Lake Overlook Trail*, dated November 30, 2015, and**



**adopted by reference;**

The introductory language of 11 AAC 96.016(c)(4) is amended to read:

(4) **except for on the bed of the Knik River located below ordinary high water marks of the Knik River as depicted on the maps entitled *Knik River Public Use Area - High Use Area, Sheets 1 - 4, dated July 19, 2016, and adopted by reference,*** a person may not operate a vehicle in a manner that results in disturbance of wetlands or the organic mat to a depth greater than six inches without prior written authorization from the department; in this paragraph,

...

11 AAC 96.016(c)(5) is amended to read:

(5) [AN OPEN FIRE IS SUBJECT TO THE REQUIREMENTS OF 11 AAC 95.410 AND 11 AAC 95.450;] a person may not have an open fire larger than four feet in diameter except on open and non-vegetated areas at least 100 feet from forested land without prior written authorization from the department; **an open fire is subject to the requirements of 11 AAC 95.410 and 11 AAC 95.450;**

11 AAC 96.016(c)(7) is amended to read:

(7) a person may not place, dump, or discard waste or refuse **without prior written authorization from the department;**

11 AAC 96.016(c)(9) is amended to read:

(9) a person may not construct or maintain a structure other than a temporary structure authorized under this chapter, and may not abandon a structure **without prior written authorization from the department;**

11 AAC 96.016(c)(11) is amended to read:

(11) **except as specified in (B) of this paragraph** [SUBJECT TO 11 AAC 96.020(a)(5)(E)], a person may not

**(A) erect a camp, structure, or facility, whether occupied or unoccupied, for more than 14 consecutive days at one location for private personal use without prior written authorization from the department, and [MUST MOVE] the entire camp, structure, or facility and all equipment must be moved at least two miles away at the end of the 14-day period; moving the use to another location at least two miles away starts a new 14-day period;** a person may not relocate a camp, structure, or facility to a **location** [SITE] within two miles of the initial **location** [SITE] for at least 96 consecutive hours; **or**

**(B) erect a camp, structure, or facility, whether occupied or unoccupied, for more than seven consecutive days at one location for private personal use in designated public use sites, as depicted on the map entitled *Knik River Public Use Area Public Use Sites*, dated November 30, 2015, and adopted by reference, and the entire camp, structure, or facility and all equipment must be moved at least two miles away at the end of the seven-day period; moving the use to**

**another location at least two miles away starts a new seven-day period; a person may not relocate a camp, structure, or facility to a location within two miles of the initial location for at least 96 consecutive hours;**

11 AAC 96.016(c)(13) is amended to read:

(13) a person may not discharge a firework **without prior written authorization from the department;**

The introductory language of 11 AAC 96.016(c)(14) is amended to read:

(14) [EXCEPT FOR THE PURPOSES OF LAWFUL HUNTING OR TRAPPING,] a person may not discharge a firearm, **except for the purposes of lawful hunting or trapping,** on or within the following without prior written authorization from the department:

• • •

11 AAC 96.016(c)(14)(A) is amended to read:

(A) **except for within the Kenny and Patti Barber Shooting Range, as depicted on the map entitled Kenny and Patti Barber Shooting Range, adopted by reference in (b)(5) of this section,** within one-quarter mile of the **Maud** [MAUDE] Road extension, Old Glenn Highway, Knik River Road, or the Rippy Trail, as depicted on the department's map entitled *Recreational Shooting Restrictions within the KRPUA & Knik River SUA*, dated June 30, 2008, and adopted by reference;

11 AAC 96.016(c)(14)(D) is amended to read:

(D) within one-quarter mile of a developed facility [, UNLESS THE DEVELOPED FACILITY IS SPECIFICALLY DESIGNED FOR THE DISCHARGE OF FIREARMS];

11 AAC 96.016(c)(14) is amended by adding a new subparagraph to read:

(E) within one-quarter mile of designated public use sites, as depicted on the map entitled *Knik River Public Use Area Public Use Sites*, adopted by reference in (11)(B) of this subsection;

11 AAC 96.016(c) is amended by adding new paragraphs to read:

(18) from May 1 through September 30, without prior written authorization from the department, a person may not

(A) engage in activities using motorized vehicles on the water of Manmade Lake; or

(B) operate a vehicle on land at a speed greater than 10 miles per hour within 100 feet of the water of Manmade Lake;

(19) from April 15 through August 9, without prior written authorization from the department, a person may not operate a motorized vehicle that utilizes a motor greater than 10 horsepower on the water of Jim Lake; and

(20) a person may not use or occupy the *Kenny and Patti Barber Shooting Range*, as depicted on the map entitled *Kenny and Patti Barber Shooting Range*, adopted by reference in

(b)(5) of this section, unless the person

(A) complies with the permitting requirements of (b)(5) of this section; a person may not apply for a new permit or otherwise use or occupy the shooting range for 72-hour period following the revocation of a permit under (b)(5)(B) of this section;

(B) pays the applicable fee required in 11 AAC 05.010, for the use or occupancy of the shooting range for personal or commercial purposes; and

(C) complies with the following shooting range rules:

- (i) the person shall keep all firearms pointed in a safe direction;
- (ii) the person may not touch the trigger of a firearm unless ready to shoot;
- (iii) the person shall keep all unsecured firearms unloaded until ready to use;
- (iv) the person shall act in a safe and orderly manner;
- (v) the person shall use appropriate safety equipment including eye and ear protection;
- (vi) the person shall read and comply with all conditions for use posted at the shooting range;
- (vii) the person may engage in shooting only during open shooting times from 10:00 a.m. to 8:00 p.m. daily except the shooting range is closed to all shooting every Wednesday and may be closed to all shooting on other days or times designated by the department and conspicuously posted at the shooting range;

(viii) the person may not use or be under the influence of alcohol, marijuana, or drugs that result in physical or mental conduct that is impaired, or result in the exhibition of those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the consumption of alcoholic beverages, marijuana, or drugs that impair physical or mental conduct;

(ix) the person may not use or occupy the shooting range if the department has revoked or suspended the person's access to the shooting range;

(x) the person shall comply with shooting range rules conspicuously posted at the shooting range or upon the division of mining, land and water's public webpage on the department's website; and

(xi) the person may not have an open bottle, can, or other receptacle containing an alcoholic beverage, as defined in AS 28.35.029(c), when within the shooting range.

11 AAC 96.016(d) is amended to read:

(d) Within the Knik River public use area as described in AS 41.23.230, a person who fails to obtain or comply with the terms, conditions, or limitations of a permit required under (b)(1), [OR] (4), or (5) of this section or registration required under (b)(2) of this section, or who engages in a use or activity prohibited under (c) of this section is subject to citation and penalty under AS 41.23.220. (Eff. 11/9/2008, Register 188; am 12/27/2012, Register 204; am

10 / 8 / 2017, Register 224)

Register 224, January 2018

NATURAL RESOURCES

<b>Authority:</b> AS 38.04.200	AS 41.23.030	AS 41.23.160
AS 38.05.020	AS 41.23.060	AS 41.23.190
AS 38.05.035	AS 41.23.070	AS 41.23.200
AS 38.05.300	AS 41.23.110	AS 41.23.210
AS 38.05.850	AS 41.23.120	AS 41.23.220
AS 41.23.020	AS 41.23.150	

**Editor's note: The maps adopted by reference in 11 AAC 96.016 are available at the Department of Natural Resources, Public Information Center, 550 West 7th Avenue, Suite 1260, Robert B. Atwood Building, Anchorage, Alaska, at the Department of Natural Resources, Division of Mining, Land and Water, Director's Office, 550 West 7th Avenue, Suite 1070, Robert B. Atwood Building, Anchorage, Alaska, and on the department's Internet web site at <http://dnr.alaska.gov/mlw/krpua/index.cfm>.**