

1 **Appendices**

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1 Appendix A

2 Glossary

3 **AAC.** Alaska Administrative Code.

4

5 **ADEC.** Alaska Department of Environmental Conservation.

6

7 **ADF&G.** Alaska Department of Fish & Game.

8

9 **ADNR.** Alaska Department of Natural Resources.

10

11 **ADOT/PF.** Alaska Department of Transportation & Public Facilities.

12

13 **Airboat.** A boat driven by an aircraft propeller and steered by a rudder. This does not include
14 aircraft or hovercraft.

15

16 **Aircraft.** Any device that is used or intended for flight or movement of people or goods in
17 the air. This does not include a hovercraft.

18

19 **Airstrip development.** Construction of a landing strip for airplanes that involves levelling
20 the ground or removing or modifying a substantial amount of vegetation.

21

22 **Anadromous fish stream.** A waterbody supporting anadromous fish, including rivers, lakes,
23 or streams from their mouth to their uppermost reaches, including all sloughs and backwaters
24 adjoining the waters, and that portion of the streambeds or lakebeds covered by ordinary high
25 water. Anadromous streams are shown in “The Atlas to the Catalog of Waters Important for
26 Spawning, Rearing, or Migration of Salmon” (referred to as the Anadromous Fish Stream
27 Catalog) compiled by ADF&G.

28

29 **Anchor buoy.** A float attached to the bottom by anchors, lines, or chains for making fast a
30 vessel.

31

32 **AS.** Alaska Statute.

33

34 **Boat storage.** Keeping a boat in one place more than four days on state land and water
35 during the ice-free season and more than 14 days during the winter. This includes attaching a
36 boat to the bank by a line, pulled up on the shorelands, or placed on the uplands. Boat storage
37 does not include boats tied to mooring buoys, anchored to the bottom, or attached to docks.

38

39 **Boat.** Any type of watercraft used or capable of use being used as a means of transportation
40 on water. This does not include aircraft equipped to land on water or floating facilities.

- 1 **Buffer.** An area of land between two activities or resources used to reduce the effect of one
2 activity upon another.
3
- 4 **Camp(ing).** See *Primitive tent camps*.
5
- 6 **Campground.** See the examples of the types of improvements that may be included in a
7 campground in the definitions *for Recreation, Developed Public Facility* in Chapter 2.
8
- 9 **Campsite.** An area suitable or used for camping.
10
- 11 **CFS.** Cubic feet per second.
12
- 13 **Class 1.** Moving water with a few riffles and small waves. Few or no obstructions.
14
- 15 **Class 2.** Easy rapids with waves up to three feet, and wide, clear channels that are obvious
16 without scouting. Some maneuvering is required.
17
- 18 **Class 3.** Rapids with high, irregular waves often capable of swamping an open canoe.
19 Narrow passages that often require scouting from shore.
20
- 21 **Class 4.** Long, difficult rapids with constricted passages that often require precise
22 maneuvering in very turbulent waters. Scouting from shore is often necessary, and conditions
23 make rescue difficult. Generally not possible for open canoes and kayakers should be able to
24 Eskimo roll.
25
- 26 **Class 5.** Extremely difficult, long and very violent rapids with highly congested routes which
27 nearly always must be scouted from shore. Rescue conditions are difficult and there is
28 significant hazard to life in event of a mishap. Ability to Eskimo roll is essential for kayakers.
29
- 30 **Class 6.** Difficulties of Class 5 carried to the extreme of navigability. Nearly impossible and
31 very dangerous. For teams of experts only, after close study and with all precautions taken.
32
- 33 **Clean fill.** Fill that is free of organics, human refuse, and toxic pollutants.
34
- 35 **Closed to mineral entry.** Areas where mining has been determined to be in conflict with
36 significant surface uses in the area and the staking of new mineral locations is prohibited.
37 Existing mineral locations at the time of plan adoption are not affected by mineral closures.
38
- 39 **Commercial.** An action or operation that generates income from the buying, selling, renting,
40 bartering, or trading goods or services.
41
- 42 **Commercial camp.** A camp authorized by a land use permit that may remain at one site for
43 longer than 96 hours (4 nights) between May 15 and August 31 (more than 14 days between
44 September 1 and May 14) but no more than one year. They are for commercial operations,
45 and provide temporary habitation and facilities for guests, guides, and employees. Temporary

1 camps must be removed at the end of their permitted period of use. They do not include
2 resource management camps or mining camps.

3
4 **Commercial recreational uses.** Recreational uses of lands, waters, and resources for
5 business or financial gain, such as guided sport fishing, guided and outfitted sport hunting,
6 guided recreation, or air and water taxi services.

7
8 **Commissioner.** The Commissioner of the Alaska Department of Natural Resources.

9
10 **Concurrence.** Under existing statutes, regulations, and procedures, the Alaska Department of
11 Natural Resources is required to obtain the approval of other groups before taking a specific
12 action. Concurrence binds all parties to conduct activities consistent with the approved
13 course of action.

14
15 **Conservation buffer** (or area). See *Riparian Management Areas, Conservation Area* in
16 Chapter 2.

17
18 **Consultation.** Under existing statutes, regulations, and procedures, the Alaska Department of
19 Natural Resources informs other groups of its intention to take a specific action, and seeks
20 their advice or assistance. Consultation is not intended to be binding. It is a means of
21 informing affected organizations and individuals about forthcoming decisions and getting the
22 benefit of their expertise. ADNR replies to parties offering advice or assistance by informing
23 them of the decision and the reasons for which the decision was made or notifying them that
24 the decision and finding are available upon request.

25
26 **Corridor.** See *River corridor*.

27
28 **Department.** Alaska Department of Natural Resources.

29
30 **Developed public facility.** May include any of the following: boat ramp, campground, picnic
31 area, flush or vault toilets, visitor information center, or parking area. Also see *Primitive*
32 *Public Facility*.

33
34 **Director.** Director of the Division of Mining, Land & Water.

35
36 **Division.** Division of Mining, Land & Water, a division of ADNR.

37
38 **DMLW.** Division of Mining, Land & Water, a division of ADNR.

39
40 **DPOR.** Division of Parks and Outdoor Recreation, a division of ADNR.

41
42 **Due deference.** That deference which is appropriate in the context of the commenter's
43 expertise and area of responsibility, and all the evidence available to support any factual
44 assertions. Where due deference is given, if the commissioner does not agree with a

1 commenting agency, the commissioner shall prepare a written statement of the reasons for
2 the disagreement. (AS 41.17.098)

3
4 **Easement.** An interest in land owned by another that entitles its holder to a specific limited
5 use.

6
7 **EPA.** Environmental Protection Agency.

8
9 **Evidence of human use.** Physical signs of human activity that include man-made changes to
10 the environment from development and other signs of human activity not associated with
11 development (such as litter, campfire rings, and trails), or other alterations to the existing
12 environment.

13
14 **Feasible.** Capable of being accomplished in a successful manner within a reasonable period
15 of time, taking into account economic, environmental, technical, and safety factors. See also,
16 *Procedures for Plan Reviews, Modification, and Amendment* in Chapter 4.

17
18 **Feasible and prudent.** Consistent with sound engineering practice and not causing
19 environmental, social, or economic problems that outweigh the public benefit to be derived
20 from compliance with the guideline. See also, *Procedures for Plan Review, Modification,*
21 *and Amendment* in Chapter 4.

22
23 **Fish and wildlife.** Any species of aquatic fish, invertebrates, and amphibians, in any stage of
24 their life cycle, and all species of birds and mammals, found or that may be introduced in
25 Alaska, except domestic birds and mammals. The term “area(s)” in association with the term
26 “fish and wildlife” refers to both harvest and habitat areas.

27
28 **Floating residential and commercial facilities.** A general phrase used to encompass
29 floating caretaker facilities, floathomes, and floatlodes (see individual definitions of these
30 terms).

31
32 **Floating lodge.** A floating commercial facility providing overnight accommodations to the
33 public for a fee that is moored, anchored, or grounded on state land or water.

34
35 **Floating facility.** Includes floathomes, floatcamps, floating lodges, floating caretaker
36 facilities, and other similar floating residential or commercial facilities anchored, moored, or
37 grounded on state land or water. Floating mobile docks for fishing are not included in this
38 definition.

39
40 **Floating dock.** A floating structure, generally attached to the bank by ropes, chains, or other
41 types of lines or by hinged walkways or ladders, used for loading or unloading aircraft or
42 boats or for recreation.

1 **Floating mobile docks.** Floating structures used for fishing that are not attached to the bank.
2 Floating mobile docks are usually supported by barrels, styrofoam, or logs rather than a
3 hull(s). They are often used for fishing.
4

5 **Floathome or floatcamp.** These are floathouses, house boats, tents on floats, or cabins on
6 floats that are moved, anchored, or grounded on state land or water.
7

8 **Freeboard.** The vertical clearance of the lowest structural member of the bridge
9 superstructure above the water surface elevation of an overtopping flood.
10

11 **Generally allowed activities.** Refers to uses of state land or water for which no permit or
12 other authorization is required.
13

14 **Goal.** A statement of basic intent or general condition desired in the long term. Goals usually
15 are not quantifiable and do not have specified dates for achievement.
16

17 **Guideline.** A course of action to be followed by ADNR resource managers or required of
18 land users when the manager permits, leases, or otherwise authorizes the use of state land or
19 resources. Guidelines also range in their level of specificity from giving general guidance for
20 decision making or identifying factors that need to be considered, to setting detailed
21 standards for on-the-ground decisions. Some guidelines state the intent that must be followed
22 and allow flexibility in achieving it.
23

24 **Helicopter.** An aircraft deriving its lift from blades above the vessel that rotate around an
25 approximate vertical axis.
26

27 **Hovercraft.** A vehicle supported above the surface of the land or water by a cushion of air
28 produced by downward-direction fans. This does not include helicopters or hovercraft.
29

30 **Hydroplane.** A high-speed boat with hydrofoils or a stepped bottom, so that the hull is raised
31 wholly or partially out of the water allowing it to skim along the water at a high rate of speed.
32

33 **Instream flow.** Water flowing past a given point during one second. [From 11 AAC
34 93.970(19)].
35

36 **Interagency land management agreement/transfer (ILMA/ILMT).** An agreement between
37 two state agencies that transfers management responsibility of land from one agency to the
38 other.
39

40 **Land manager.** A representative of the state agency or division responsible for managing
41 state land.
42

43 **Land use permit.** An Alaska Department of Natural Resources authorization for the
44 temporary use of state land or resources. It conveys no right in the land, but it authorizes the
45 holder of the permit to conduct an activity under the terms of the permit and provides

1 immunity from prosecution for trespass while conducting the authorized activity. It does not
2 constitute waiver of any other state laws regarding trespass, water use, waste, or water or air
3 pollution. A permit is, by its terms, revocable at will by the state (from AS 38.05.850,
4 11 AAC 96).

5
6 **Leasable mineral.** Leasable minerals include deposits of coal, sulfur phosphates, oil shale,
7 sodium potassium, oil, and gas.

8
9 **Lease.** An agreement which gives rise to relationship of landlord and tenant. AS 38.05.070
10 and AS 38.05.073 describe types of leases for state land.

11
12 **Legislative designation.** An action by the state legislature that sets aside a specific area for
13 special management actions and ensures the area is kept in public ownership.

14
15 **Level of encounters.** The number of people or groups of people seen during a specified time.

16
17 **Life of the plan.** The plan uses a 20-year planning period to guide land management.
18 However, the plan is a flexible tool and may be changed if conditions warrant. The plan will
19 be reviewed approximately every five years to determine if revisions are necessary. See
20 Chapter 4, *Procedures for Plan Review, Modification, and Amendment*.

21
22 **Locatable mineral.** Includes both metallic (such as gold, silver, lead) and nonmetallic (such
23 as spar, asbestos, and mica) minerals.

24
25 **Lodge.** A place of temporary habitation, usually for let or a public house that provides
26 lodging and usually meals and other services. Lodges on state land are authorized by lease.
27 They may be solid wall buildings or frame tents that do not need to be removed, nor the site
28 restored to its natural state, after each season of use.

29
30 **Management intent.** A statement that defines the department's near and long-term
31 management objectives and the methods to achieve those objectives.

32
33 **Marina.** Docks used for commercial or public purposes, such as those associated with lodges
34 or campgrounds.

35
36 **Marginal campsite.** Sites capable of supporting tents without additional brush clearing but
37 seldom used because of the abundance of better sites nearby.

38
39 **Marker buoy.** A float attached to the bottom by anchors, lines, or chains for making fast a
40 vessel.

41
42 **Materials.** Includes common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders,
43 clay, and sod.

1 **Mining.** Any structure or activity for commercial exploration and recovery of minerals,
2 including resource transfer facilities, camps, and other support facilities associated with
3 mineral development.

4
5 **Mining camps.** Structures built by mine claimants for mineral exploration, annual
6 assessment, or production in the Recreation Rivers. Mining camps do not include commercial
7 camps, resource management camps, or camps associated with recreational mining.

8
9 **Mining location.** A property right to locatable minerals established by discovery, location,
10 and filing under AS 38.05.195 or 38.05.205.

11
12 **Navigable.** Used in its land title context, refers to lakes and rivers that meet federal or state
13 criteria for navigability. Under the Equal Footing Doctrine, the Alaska State Act, and the
14 Submerged Lands Act, the state owns land under navigable waterbodies.

15
16 **No-wake area.** Areas where powerboaters are encouraged to operate at less than five miles
17 per hour.

18
19 **Non-motorized area.** See Chapter 2, *General Access, Boat Access; Upland Access; and Air*
20 *Access.*

21
22 **NPS.** National Park Service.

23
24 **Off-road vehicle (ORV).** A vehicle designed or adapted for cross country operation over
25 unimproved terrain, which has been declared by its owner at the time of registration, or
26 determined by the Alaska Department of Public Safety, to be unsuitable for general highway
27 use.

28
29 **Ordinary high water (mark).** The mark along the bank or shore up to which the presence
30 and action of the nontidal water are so common and usual, and so long continued in all
31 ordinary years, as to leave a natural line impressed on the bank or shore and indicated by
32 erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other
33 distinctive physical characteristics [from 11 AAC 53.900(23)].

34
35 **Overtopping flood.** A flood described by the probability of exceedance and water surface
36 elevation at which flow occurs over highway, over the watershed divide, or through
37 structure(s) provided for emergency relief.

38
39 **Permit.** See *Land Use Permit.*

40
41 **Personal watercraft.** Small motorized craft capable of carrying between one and four people
42 who stand or ride saddle-style. These craft are powered by jet pump engines which generally
43 do not exceed 650 cc. Three examples of personal watercraft brands and models include
44 Bombardier Seadoos, Kawasaki jetskis, and Yamaha Waverunners.

45

- 1 **Plan(ning) area.** See *Recreation Rivers*.
2
- 3 **Policy.** An intended course of action or a principle for guiding actions. In this plan, ADNR
4 policies for land and resource management include goals, management intent statements,
5 management guidelines, implementation plans and procedures, and various other statements
6 of ADNR's intentions.
7
- 8 **Powerboat.** Any type of watercraft used or capable of being used as a means of
9 transportation on water, not including personal watercraft and aircraft equipped to land on
10 water.
11
- 12 **Powerboats-only area.** See Chapter 2, *Boat Access*.
13
- 14 **Primary campsites.** Sites that show evidence of frequent use. These sites are generally well
15 known and offer amenities, such as scenic qualities or good fishing, that make them popular
16 destination points.
17
- 18 **Primitive tent camp.** Include portable camps such as pup tents, tarps supported by poles,
19 and other similar designs.
20
- 21 **Primitive public facility.** Includes minimal improvements such as privies, fire-rings, log
22 benches, and cleared campsites. Also see *Developed public facility*.
23
- 24 **Prohibited use.** A use not allowed because of conflicts with the plan management intent or
25 management guidelines. Uses not specifically prohibited are allowed if compatible with the
26 management intent statements for the subunit and plan guidelines. Changing a prohibited use
27 to an allowable use requires a plan amendment.
28
- 29 **Protection area.** See *Riparian Management Areas, Protection Areas* in Chapter 2.
30
- 31 **Public facility.** Improvements constructed with public funding that provide amenities for
32 recreation. In the Recreation Rivers these could include campgrounds, boat launches, privies
33 and fire rings.
34
- 35 **Public trust doctrine.** A doctrine that directs the state to manage tidelands, shorelands, and
36 submerged lands for the benefit of the people so that they may engage in such things as
37 commerce, navigation, fishing, hunting, swimming, and ecological study, or other uses.
38
- 39 **Public use.** Any human use of state land, including commercial or non-commercial uses.
40
- 41 **Public use site.** Designated sites on state land in the planning area identified as important
42 public access (including float and wheeled plane landing areas), camping, hunting, fishing, or
43 other recreation or public use areas.
44

1 **Recreation.** Any activity for recreational purposes, including, but not limited to, hiking,
2 camping, boating, hunting, fishing, and sightseeing.

3
4 **Recreation opportunity spectrum (ROS).** A three class system used by the Bureau of Land
5 Management and other agencies to describe a range of recreation opportunities and settings
6 that an area will be managed for.

7
8 **Recreation River(s).** All land and water (including uplands and shorelands) designated
9 under 41.23.500(1-6).

10
11 **Recreational mining.** Recreational mining is the extraction of placer gold primarily for the
12 purposes of enjoyment, pleasure, and experience, rather than for profit or use. Recreational
13 mining does not require participants to have exclusive rights to the minerals through a mine
14 lease. Recreational mining is not mining or a surface use under the state mining law. With the
15 exception of suction dredging, recreational mining does not require a permit. Recreational
16 mining must occur either in unstaked areas or by permission of the location holder.

17
18 **Regulatory floodway.** The flood-plain area that is reserved in an open manner by federal,
19 state, or local requirements, i.e., unconfined or unobstructed either horizontally or vertically,
20 to provide for the discharge of the base flood so that the cumulative increase in water surface
21 elevation is no more than a designated amount (not to exceed 1 foot as established by the
22 Federal Emergency Management Agency for administering the National Flood Insurance
23 Program.

24
25 **Reservation of water.** Water appropriate for maintaining a specified instream flow or level
26 of water at a specified point on a stream or waterbody or in a specified part of a stream or
27 waterbody, for specified periods of time for permissible purposes.

28
29 **Resource assessment.** A document completed for this plan that contains background
30 information, analyses, and resource data important for making the land management
31 decisions in this plan.

32
33 **Resource management camps.** Facilities established for resource or recreation
34 management, or for scientific study. They are generally built by natural resource agencies
35 such as ADNR or ADF&G, the borough, or non-profit groups and the university. They do not
36 include commercial camps or mining camps.

37
38 **River corridor.** Uplands designated within the Recreation Rivers under AS 41.23.500(1-6).

39
40 **Rivers.** The water column designated under 41.23.500(1-6).

41
42 **RM, River mile.** System for measuring the river miles, beginning at the river mouth. Some
43 tributaries also have river miles shown in the plan measured from the tributary confluence
44 with the main river to the headwaters of the tributary.

- 1 **Roads.** Designated routes for pedestrians or vehicles including dogsleds, animals,
2 snowmachines, two-and three-wheeled vehicles, small and large ORVs, track vehicles, four-
3 wheel-drive vehicles, automobiles, and trucks.
4
- 5 **SCRO.** Southcentral Regional Office of the Division of Mining, Land & Water, Alaska
6 Department of Natural Resources.
7
- 8 **Secondary campsite.** A site that has desirable qualities, such as good gravel or an open area,
9 but is not a primary destination point because it lacks good fishing or other recreation
10 qualities.
11
- 12 **Segment, river.** A division of a Recreation River which may include uplands, shorelands,
13 and the river column. *Segment* is not synonymous with *subunit*. *Segment* is typically used to
14 refer to areas which include a part of a subunit or more than one subunit.
15
- 16 **Shall.** Same as “will.”
17
- 18 **Shoreland.** Land belonging to the state that is covered by navigable, nontidal water up to the
19 ordinary high watermark as modified by accretion, erosion or reliction (see definitions for
20 *Navigable* and *Ordinary High Water*).
21
- 22 **Shoreline development.** Any development below or within 100-feet of ordinary high water.
23
- 24 **Should.** States intent for a course of action or a set of conditions to be achieved. Guidelines
25 modified by this word state the plan’s intent, yet allows the land manager to use discretion in
26 deciding the specific means for best achieving the intent, or whether circumstances justify
27 deviation from the intended action or set of conditions. A guideline may include criteria for
28 deciding if such a deviation is justified. See *Procedures for Plan Review, Modification, and*
29 *Amendment* in Chapter 4.
30
- 31 **Significant impact, effect, conflict, or loss** (adapted from the Alaska Coastal Management
32 Plan statutes, AS 46.40.210). A use or an activity associated with that use, which proximately
33 contributes to a material change or alteration in the natural or social characteristic of the land
34 and in which:
- 35 a) the use, or activity associated with it, would have a net adverse effect on the quality
36 of the resources;
- 37 b) the use, or activity associated with it, would limit the range of alternative uses of the
38 resources; or
- 39 c) the use would, of itself, constitute a tolerable change or alteration of the resources but
40 which, cumulatively, would have an adverse effect.
41
- 42 **Snow vehicle or snowmachine.** A motor vehicle with a gross weight of 1000 pounds or less,
43 designed to travel primarily over ice or snow, and supported in part by skis, belts, cleats, or
44 low-pressure tires.

1 **Special management area (SMA).** Areas with existing or proposed development, or clusters
2 of private land. They will be managed as Class II areas if they are surrounded by a Class I
3 area. They will be managed as Class III areas if they are surrounded by a Class II area. See
4 *Special Management Areas* in Chapter 2.

5
6 **State-owned land.** See *State land*.

7
8 **State land.** All lands, including uplands, tidelands, submerged lands and shorelands
9 belonging to or acquired by the State of Alaska, excluding lands owned by the University of
10 Alaska.

11
12 **Stretch, river.** See *Segment*.

13
14 **Trails, large vehicular.** Trails designed for vehicles with a gross weight of over 1,000 lbs.,
15 pedestrians, dogsled, animals, snowmachines, two-and three-wheeled vehicles, small and
16 large ORVs, track vehicles, and four-wheel-drive vehicles.

17
18 **Trails, small vehicular.** Trails designed for vehicles with a gross weight of 1,000 lbs. or
19 under, pedestrians, dogsleds, animals, snowmachines, two and three-wheeled vehicles, and
20 small ORVs.

21
22 **Trails, pedestrian.** Trails designed for pedestrian and animal use.

23
24 **Trapping cabin.** A cabin constructed under a trapping cabin construction permit, as
25 authorized and described in AS 38.95.075, AS 38.95.080 and 11 AAC 94.

26
27 **Trespass.** Any unauthorized use or structure on public land.

28
29 **Upland Development.** Any development more than 100-feet from ordinary high water.

30
31 **Uplands.** Lands above ordinary high water.

32
33 **Vehicle.** Any device for carrying persons or objects over land, water, or through air, such as
34 automobiles, snowmachines, bicycles, off-road vehicle, motorized boat, non-motorized boat,
35 and aircraft.

36
37 **Vessel.** Includes boats and aircraft.

38
39 **Water-dependent.** A use or activity which can be carried out only on, in, or adjacent to
40 water areas, because the use requires access to the waterbody [from 6 AAC 80.900(17)].

41
42 **Water-related.** A use or activity which is not directly dependent upon access to a waterbody,
43 but which provides goods or services that are directly associated with water-dependence and
44 which, if not located adjacent to water, would result in a public loss of quality in the goods or
45 services offered [from 6 AAC 80.900(18)].

1 **Waterbody.** Includes rivers, lakes, and streams.

2

3 **Weapon.** Includes mechanical, gas, or air-operated guns; pistols; rifles; shotguns; revolvers;
4 bow and arrows; slingshots; or crossbows.

5

6 **Wetlands.** Lands transitional between terrestrial and aquatic systems where the water table is
7 usually at or near the surface or the land is covered by shallow water. For purposes of this
8 definition wetlands must have one or more of the following three attributes: (1) at least
9 periodically, the land supports predominantly hydrophytes, (2) the substrate is predominantly
10 undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered
11 by shallow water at some time during the growing season of each year. This definition
12 includes both vegetated and non-vegetated wetlands, recognizing that some types of wetlands
13 lack vegetation (e.g., sandbars).

14

15 For purposes of this management plan, wetlands are further divided into two classes.
16 *Contiguous wetlands* have visible surface water connections with the Recreation Rivers or
17 their tributaries. *Non-contiguous wetlands* have no apparent surface water connection. From
18 U.S. Fish and Wildlife Service's "Classification of and Deepwater Habitats of the United
19 States" (Cowardin, et al. 1979). Also see Chapter 2, *Riparian Management Areas*.

20

21 **Will.** Requires a course of action or a set of conditions to be achieved. A guideline modified
22 by this word must be followed by land managers and users. If such a guideline is not
23 complied with, a written decision justifying the noncompliance is required. See Chapter 4,
24 *Procedures for Plan Review, Modification, and Amendment*.

25

1 **Appendix B**
2 **Recreation Rivers Act**

3 **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 |

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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 purposes 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, 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 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.

1 **Sec. 41.23.410. Compatible activities.**

2 The commissioner shall allow the following activities on a recreation river or within a
3 recreation river corridor when they are compatible with AS 41.23.400 and consistent with a
4 management plan adopted under AS 41.23.440:

5 (1) the use of aircraft, powerboats, snow machines, all-terrain vehicles, motorized
6 transportation, and transportation by animal;

7
8 (2) the sale and harvest of wood products under AS 41.23.470(b);

9
10 (3) sand and gravel extraction under AS 41.23.470(b);

11
12 (4) the construction and operation of recreation facilities; and

13
14 (5) other uses permitted in the management plan required by AS 41.23.440, including
15 mining and mineral development.

16
17 **Sec. 41.23.420. General management of recreation rivers and corridors.**

18 (a) The state-owned land and water within the area established as a recreation river under
19 AS 41.23.500, including the recreation river corridor, is assigned to the commissioner for
20 management consistent with the purposes of AS 41.23.400.

21
22 (b) The commissioner shall reserve to the state under AS 46.15.145 an instream flow or level
23 for the water in the rivers described in AS 41.23.500 that is adequate to achieve the purposes
24 of AS 41.23.400.

25
26 (c) The commissioner may regulate boating, if necessary, under the management plan
27 adopted under AS 41.23.440.

28
29 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of
30 (1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the
31 Big Game Commercial Services Board under AS 08.54, AS 16, or AS 41.99.010; or

32
33 (2) the Department of Environmental Conservation under AS 46.03.

34
35 (e) The commissioner may not restrict the use of weapons, including firearms, within a
36 recreation river and a recreation river corridor except in sites of high public use such as
37 picnic areas, boat ramps, camping grounds, and parking areas when the commissioner
38 determines that the use of weapons constitutes a threat to public safety. Except as provided in
39 this subsection, the commissioner may not restrict fishing, hunting, or trapping within a
40 recreation river and its recreation river corridor.

41
42 (f) The authority of the commissioner under AS 41.23.400 - 41.23.510 ceases where the land
43 and water established as a recreation river under AS 41.23.400 - 41.23.510 meets land and
44 water that is not established as a recreation river.

1 **Sec. 41.23.430. Advisory board.**

2 (a) A 13-member Recreation Rivers Advisory Board is established. Board members serve
3 without compensation and are not entitled to per diem and travel expenses authorized by law
4 for boards and commissions under AS 39.20.180. The governor shall appoint members
5 representing

6 (1) commercial fishing;

7
8 (2) sport fishing;

9
10 (3) sport hunting;

11
12 (4) conservation;

13
14 (5) subsistence;

15
16 (6) forest products;

17
18 (7) mining;

19
20 (8) powerboat users;

21
22 (9) recreationally-oriented commercial users;

23
24 (10) other recreational users;

25
26 (11) private property owners within the recreation river corridor;

27
28 (12) the Matanuska-Susitna Borough Planning Commission from the membership of the
29 planning commission; and

30
31 (13) the mayor of the Matanuska-Susitna Borough or the designee of the mayor.

32
33 (b) The commissioner shall consult with the advisory board in preparing, adopting, and
34 revising the recreation river management plan and regulations affecting use and management
35 of the recreation rivers.

36
37 **Sec. 41.23.440. Management plan.**

38 (a) The commissioner, in consultation with representatives of affected municipalities, shall
39 prepare and adopt and may revise a management plan for each of the six recreation rivers and
40 their recreation river corridors. In preparing or revising the plan, the commissioner and each
41 affected municipality shall consult with the public and state agencies, including the
42 commissioner of fish and game and the advisory board established under AS 41.23.430. In
43 preparation or revision of the plan, the commissioner shall comply with the notice
44 requirements of AS 38.05.945 and provide written notice by first-class mail to private
45 property owners in the recreation river corridors and shall hold at least two public hearings in

1 municipalities and communities near the recreation river and the recreation river corridor.
2 The management plan shall establish long-range guidelines and management practices
3 consistent with AS 41.23.400 to

4 (1) establish guidelines and restrictions, if necessary, for an activity occurring under
5 AS 41.23.410 to implement the purposes of AS 41.23.400;

6
7 (2) protect, maintain, or enhance the fish and wildlife habitat and the free-flowing nature
8 of the river;

9
10 (3) identify special recreation values and manage the level of intensity and types of
11 recreation uses;

12
13 (4) designate management guidelines for development activities;

14
15 (5) designate management guidelines for commercial recreation activities or development,
16 including recreation services;

17
18 (6) provide for necessary public services, such as transportation and utility corridors,
19 crossing or fording corridors, public safety, and law enforcement;

20
21 (7) allow reasonable access to public land and private inholdings, including municipal
22 land that is offered for sale or lease, and to land beyond or adjacent to the recreation river and
23 the recreation river corridor;

24
25 (8) establish criteria and expedient timelines to review future proposed uses for
26 compatibility with AS 41.23.400.

27
28 (b) The commissioner shall adopt regulations necessary to implement the management plan.
29 The commissioner may not adopt regulations before a management plan takes effect. The
30 commissioner may designate employees of the department as peace officers to enforce the
31 provisions of AS 41.23.400 - 41.23.510.

32
33 (c) A management plan proposed by the commissioner under (a) of this section shall be
34 submitted to the legislature for review within the first 10 days of the first regular session of
35 the legislature to convene after completion of the plan by the commissioner. The plan takes
36 effect 100 days after submission of the plan to the legislature unless rejected by an act of the
37 legislature.

38
39 **Sec. 41.23.450. Management of municipal land.**

40 If a municipality commits land for inclusion in a recreation river corridor described in
41 AS 41.23.500, the commissioner shall obtain the concurrence of the municipality to the
42 management plan proposed under AS 41.23.440 as it applies to municipal land. The
43 commissioner shall cooperate, at the request of a municipality, in planning for municipal land
44 adjacent to a recreation river corridor. Municipal land not committed by a municipality for

1 inclusion in a recreation river corridor is excluded from the operation of the management
2 plan.

3
4 **Sec. 41.23.460. Acquisition of additional land.**

5 (a) The commissioner may acquire in the name of the state land that is adjacent to or located
6 within the land described in AS 41.23.500 by purchase, lease, gift, or exchange for inclusion
7 within a recreation river corridor.

8
9 (b) The commissioner may not acquire land for inclusion in a recreation river corridor by
10 eminent domain.

11
12 **Sec. 41.23.470. Application of public land laws.**

13 (a) The provisions of AS 38.04, AS 38.05, AS 38.35, and AS 38.95 apply to land described
14 in AS 41.23.500 except to the extent that a provision of AS 41.23.400 - 41.23.510 is
15 inconsistent.

16
17 (b) The commissioner may conduct only a negotiated timber sale under AS 38.05.115 to
18 provide for personal use, including house logs and firewood, or for a use incidental to the
19 construction of access, or for habitat enhancement.

20
21 (c) The commissioner may permit mining leasing under AS 38.05.205 on upland within a
22 recreation river corridor if leasing is allowed under a management plan that has been adopted
23 by the commissioner. The commissioner shall establish appropriate conditions for permits,
24 operating plans, and leases to mitigate the effects of mineral development activities on the
25 environment and to prevent to the extent practicable degradation of the recreation uses of the
26 river.

27
28 (d) To enhance public use and enjoyment of a recreation river corridor under a management
29 plan adopted under AS 41.23.440, the commissioner may provide for the construction and
30 operation of commercial facilities such as lodges, campgrounds, and boat launches by

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

33
34 (2) contracting for the construction and operation of a facility under AS 36.30 so long as
35 the facility is not in competition with a private facility or enterprise.

36
37 (e) The annual estimated balance in the account maintained by the commissioner of
38 administration under AS 37.05.142 may be appropriated by the legislature to the department
39 to carry out the purposes of AS 41.23.400 - 41.23.510.

40
41 **Sec. 41.23.480. Cooperative management agreements.**

42 (a) The commissioner may enter into a cooperative management agreement for the
43 management of land and water described in AS 41.23.500 or of other adjacent land and water
44 with a federal agency, a municipality, another agency of the state, or a private landowner.

1 (b) The commissioner may transfer the management of a specific site within a recreation
2 river corridor described in AS 41.23.500 to a state agency, a municipality, or a private entity
3 to carry out a program authorized by law or to enhance the objectives of the management
4 plan adopted under AS 41.23.440.
5

6 (c) The commissioner may not manage a recreation river corridor described in AS 41.23.500
7 as a unit of the state park system or as a game refuge, game sanctuary, or a critical habitat.
8 The commissioner may assign management of a recreation facility or site such as a
9 campground or a boat launch to the division of parks.
10

11 **Sec. 41.23.490. Limitation on establishment.**

12 State-owned land and water may be established as a recreation river corridor only by the
13 legislature.
14

15 **Sec. 41.23.500. Establishment of recreation rivers and recreation river corridors.**

16 Subject to valid existing rights, the state-owned land and water and all land and water
17 acquired by the state in the future, including shore and submerged land that lies within the
18 following described parcels, are established as recreation rivers and reserved as special
19 purpose areas under art. VIII, sec. 7, Constitution of the State of Alaska and shall be retained
20 by the state and be managed under AS 41.23.400 - 41.23.510;
21

22 (1) Alexander Creek State Recreation River
23

24 (2) Kroto Creek and Moose Creek State Recreation River
25

26 (3) Lake Creek State Recreation River
27

28 (4) Little Susitna State Recreation River
29

30 (5) Talachulitna State Recreation River
31

32 (6) Talkeetna State Recreation River
33

34 **Sec. 41.23.510. Definition.**

35 In AS 41.23.400 - 41.23.510, “recreation river corridor” means the uplands within a
36 recreation river established under AS 41.23.500.

1 Appendix C

2 Recreation Rivers Regulations

3 Chapter 09

4 State Recreation Rivers System

5 Article 1

6 General Provisions

7 11 AAC 09.005. Management plan.

8
9
10 The area-wide and unit-specific management policies (Chapters 2 and 3) of the Susitna Basin
11 Recreation Rivers Management Plan, dated August 1991, which went into effect on May 12,
12 1991, in accordance with AS 41.23.440, are adopted by reference as a regulation. The
13 department will administer this chapter in accordance with the cited portions of the
14 management plan.
15

16 11 AAC 09.010. Float plane landing areas.

17 After consultation with appropriate governmental and private entities, the commissioner will
18 designate a portion of a recreation river as closed to float plane landing or takeoff, if the
19 commissioner determines that the landing or takeoff would be a significant public safety
20 concern. In addition, the commissioner will designate a portion of a recreation river as a float
21 plane landing area and exclude or restrict all other vehicular traffic, if the commissioner
22 determines that other vehicular traffic would be a significant public safety concern. A float
23 plane landing area will not be designated within a non-motorized portion of a recreation
24 river. The commissioner will notify the public of an area closed to float plane landing or
25 takeoff or designated as a float plane landing area by publication in a newspaper of general
26 circulation in the affected area and by giving notice to appropriate federal authorities.
27

28 11 AAC 09.020. Public use cabins.

29 (a) The commissioner will place into a public use cabin system a cabin within the recreation
30 rivers system that the department acquires by any method or constructs, unless the
31 commissioner determines that the placement is inconsistent with the management plan for the
32 area.

33 (b) A person may not use or occupy a cabin in the public use cabin system that is managed
34 by the department on a reservation and fee basis without first obtaining a reservation from
35 the department and paying the required fee.
36

37 11 AAC 09.030. Generally allowed uses.

38 A permit or other written authorization is required for uses and activities not appearing on the
39 list in this section. The following land uses and activities, alone or in combination, are
40 generally allowed uses on land subject to the Susitna Basin Recreation Rivers Management

1 Plan, adopted by reference in 11 AAC 09.005, that do not require an authorization under
2 AS 41 or 11 AAC 96.010(a), except that a land use or activity for a commercial recreation
3 purpose requires prior registration under 11 AAC 96.018:

4 (1) travel or travel-related activities, as follows:

5 (A) hiking, backpacking, skiing, climbing, or other foot travel;

6 (B) bicycling;

7 (C) travel by horse or dogsled or with pack animals;

8 (D) using an off-road motorized vehicle with a gross weight of 1,000 pounds or less,
9 including a snowmobile or all-terrain vehicle, whether wheeled or tracked, on established
10 trails, except during periods when Table 2.1 of the management plan closes the area to
11 motorized use;

12 (E) using an off-road motorized vehicle with a gross weight of 1,000 pounds or less,
13 including a snowmobile or all-terrain vehicle, whether wheeled or tracked, off an established
14 road right-of-way if the department gives public notice that snow cover and ground frost is
15 sufficient to prevent damage to vegetation;

16 (F) using a highway vehicle on a road or trail built and maintained for use by highway
17 vehicles;

18 (G) using a boat, canoe, raft, or kayak, subject to restrictions for non-motorized and
19 powerboat-only areas as listed in Table 2.1 of the management plan;

20 (H) using personal watercraft only on the Susitna, Yentna, and Skwentna Rivers;

21 (I) landing a fixed-wing aircraft or helicopter, except during periods when Table 2.1
22 of the management plan closes the area to motorized use;

23 (J) driving up to 100 head of livestock;

24 (2) access improvements, as follows:

25 (A) placing a floating dock for an upland owners or lessee's personal, noncommercial
26 use, if

27 (i) the total surface area of the dock is not more than 100 square feet; the dock
28 does not extend more than 15 feet from the water body's edge at any water level, and the
29 walkway, ladder, or ramp connecting the dock to the shore is no more than four feet wide;

30 (ii) no surface-treated, pentachlorophenol-treated, or creosote-treated construction
31 materials are in contact with the water;

32 (iii) barrels used in the structure are cleaned and sealed sufficiently to prevent the
33 escape of hazardous materials into the water body;

34 (iv) the dock is designed and boats and aircraft are tied to it so as not to create a
35 safety hazard or impede navigation or the lawful use of aircraft; and

36 (v) the dock is removed before ice forms on the water body;

37 (B) placing an anchor buoy on a lake, if marked with the owner's name, or placing a
38 temporary anchor buoy or marker at the mouth of Lake Creek, if the anchor buoy or marker
39 does not interfere with the primary navigation channel, is marked with the owner's name, is
40 not left unattended for more than 30 minutes, is pulled within six hours, and is not reset for
41 an additional hour;

42 (3) removing or using state resources, as follows:

43 (A) hunting, fishing, or trapping; nothing in this subparagraph relieves a person from
44 complying with applicable state and federal statutes and regulations on the taking of fish and
45 game;

1 (B) harvesting wild plants, mushrooms, berries, and other plant material for personal,
2 noncommercial use; however, the cutting of trees is not a generally allowed use under this
3 subparagraph;

4 (C) using dead and down wood for a cooking or warming fire, unless the department
5 has closed the area to fires during the fire season;

6 (D) recreational gold panning;

7 (E) hard-rock mineral prospecting or mining using light portable field equipment,
8 including a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger;

9 (F) suction dredging using a suction dredge with a nozzle intake of six inches or less,
10 powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of
11 water per day;

12 (4) organized assemblies, as follows:

13 (A) a private, noncommercial assembly of up to 15 persons if held between May 15
14 and August 31, or of any number of persons if held during the rest of the year, in an area
15 designated by the management plan as Class I;

16 (B) a private, noncommercial assembly of up to 50 persons if held between May 15
17 and August 31, or of any number of persons if held during the rest of the year, outside areas
18 designated by the management plan as Class I;

19 (C) a race, derby, spectator event, or other promotional or entertainment event
20 organized on a noncommercial basis if held between September 1 and May 15;

21 (5) other uses, as follows:

22 (A) setting up and using a primitive tent camp for personal, noncommercial
23 recreational purposes, or for any non-recreational purpose, including as a support camp
24 during mineral exploration, for no more than four days at one site between May 15 and
25 August 31 of each year, and for no more than 14 days at one site during the rest of the year,
26 without

27 (i) causing lasting damage to vegetation, drainage, or soil stability;

28 (ii) interfering with public access or other public purposes; or

29 (iii) harassing or unlawfully disturbing fish or wildlife;

30 (B) storing or parking vehicles, equipment, and boats, for a maximum of four days in
31 any one location between May 15 and August 31, and for a maximum of 14 days in any one
32 location during the rest of the year, except that vehicles used to drop off or pick up persons
33 using a recreation river for authorized noncommercial recreational activities may remain
34 parked as long as the recreational activity continues;

35 (C) lawful use of weapons, including firearms, except within one-quarter mile of the
36 Deshka River between its mouth and the camp maintained by the Department of Fish and
37 Game at approximately river mile 2 between May 15 and August 21, or within any other area
38 of high public use where a weapons closure is in effect, because of threats to public safety.

39
40 **11 AAC 09.040. Resource management camp.**

41 (a) Upon written determination of its necessity by the department, the commissioner will, in
42 the commissioner's discretion, designate a site within the recreation river management
43 system as a resource management camp. In the designation, the commissioner will, in the
44 commissioner's discretion, establish conditions for the use of the camp consistent with the
45 management plan.

1 (b) A resource management camp will be available to a municipal, state, or federal agency or
2 non-profit group that has entered into a cooperative management agreement with the
3 department concerning the use of the site.
4

5 **11 AAC 09.050. Enforcement orders.**

6 The management plan referred to in 11 AAC 09.005 establishes the activity restrictions the
7 commissioner finds necessary to implement the purposes of AS 41.23.400. A person's
8 noncompliance with those restrictions will be dealt with as follows:

9 (1) a peace officer designated to enforce the provisions of AS 41.23.400 - 41.23.510 will
10 serve notice of the applicable restriction by personally communicating it to the person or, if
11 the person is not present, by posting at the site of the noncompliance;

12 (2) the notice will include an order to correct the noncompliance within a stated period by
13 ceasing or modifying the restricted activity, restoring damage caused to state land and water,
14 or leaving the premises; the notice will notify the user that an inspection is required to
15 determine whether the noncompliance has been corrected; the order constitutes a written
16 authorization of the division of land;

17 (3) for each inspection to determine whether the noncompliance has been corrected, an
18 inspection fee as required by 11 AAC 05.160 will be charged;

19 (4) failure to comply with the peace officer's order terminates the person's privilege of
20 using the recreation rivers system, suspends the user's permit, if any, issued under 11 AAC
21 09.200 or 11 AAC 09.300, and constitutes a trespass; if the noncompliance continues or fees
22 are not paid, the department reserves the right to pursue any lawful remedy, including an
23 action for civil or criminal trespass.
24
25

26 **Article 2**

27 **Use by General Public**

28
29 **11 AAC 09.200. Recreation rivers permit.**

30 (a) A recreation rivers permit from the department is required for a non-commercial activity
31 that does not appear on the list in 11 AAC 09.030.

32 (b) A person applying for a recreation rivers permit shall submit to the department:

33 (1) a completed application on a form provided by the department;

34 (2) the fee as required by 11 AAC 05.210; and

35 (3) proof of the applicant's current comprehensive liability insurance coverage.

36 (c) The commissioner will, in the commissioner's discretion, issue a recreation rivers permit,
37 if the commissioner determines that the issuance of the permit is consistent with law and the
38 management plan.

39 (d) Before issuance of a permit under this section, the department will notify the applicant of
40 the amount of performance guarantee for each specific permitted activity. The amount of the
41 performance guarantee shall be based on the past performance of the applicant related to the
42 activities for which a permit is requested, the potential damage to state resources or liability
43 incurred by the state, and the potential cost to the state of restoration because of activities
44 related to the permit. The amount of the performance guarantee may not exceed estimated
45 potential costs or liability, but shall not be less than \$1,000. The department will not issue the

1 permit before receiving the required performance guarantee and annual fee as prescribed for
2 a land use permit in 11 AAC 05.210.

3 (e) The commissioner will issue a permit under this section for a period not to exceed five
4 years. The term of the permit will be specified on the face of the permit and set consistent
5 with the management plan for the area. The commissioner will issue the permit subject to
6 specific terms and conditions. Each permit shall contain a specific description of the
7 permitted activity.

8 (f) A permit issued under this section is revocable at will. The department will revoke a
9 permit for the following reasons:

10 (1) the permit holder's failure to comply with law related to the permit or the terms or
11 conditions of the permit;

12 (2) the department's determination that the revocation is necessary to further the
13 management plan for the area.

14 (g) The department will, in its discretion, suspend a permit issued under this section for the
15 same reasons that a permit is revocable under (f) of this section, if the department determines
16 that the failure was minor or a suspension will better further the management plan for the
17 area. Additionally, the department will, in its discretion, proceed against the permit holder's
18 performance guarantee for a failure to comply with law related to the permit or the terms or
19 conditions of the permit.

20 21 **11 AAC 09.210. General permit.**

22 The department may issue a general permit under 11 AAC 09.200 to authorize a specific
23 category of uses requiring a recreation rivers permit. The general permit is subject to specific
24 terms and conditions listed on the permit. If the department issues a general permit, an
25 applicant for a recreation rivers permit must meet all of the requirements of 11 AAC 09.200.

26 27 **11 AAC 09.220. Reports.**

28 (a) A holder of a permit issued under 11 AAC 09.040 shall submit a written report to the
29 department within 30 days after completing the permitted activity. The report shall
30 summarize the activity conducted under the permit.

31 (b) A holder of a permit issued under 11 AAC 09.200 for more than one year in duration
32 shall file an annual report with the department before the anniversary of the date on which
33 the permit was originally issued. The annual report must summarize the activities conducted
34 under the permit in the past year.

35 36 37 **Article 3**

38 **Commercial Use**

39 40 **11 AAC 09.300. Commercial-use permit.**

41 (a) A commercial-use permit from the department is required for a commercial recreation
42 activity that does not appear on the list in 11 AAC 09.030.

43 (b) A person applying for a commercial-use permit shall submit to the department

44 (1) a completed application on a form provided by the department;

45 (2) the fee as required by 11 AAC 05.210; and

1 (3) proof of the applicant's comprehensive liability insurance coverage as required by 11
2 AAC 09.320.

3 (c) The commissioner will, in the commissioner's discretion, issue a commercial-use permit
4 if the commissioner determines that the issuance of the permit is consistent with law and the
5 management plan.

6 (d) Before issuance of a permit under this section, the applicant must provide proof of
7 satisfaction to the department that the requirements for insurance and performance
8 guarantees set out in 11 AAC 09.320 have been met.

9 (e) The commissioner will issue a permit under this section for a term not to exceed one year.
10 The term of the permit will be specified on the face of the permit and will be set consistent
11 with the management plan for the area. The commissioner will issue the permit subject to
12 specified terms and conditions. Each permit shall contain a specific description of the
13 permitted activity.

14 (f) A permit issued under this section is revocable at will. The department will revoke a
15 permit for the following reasons:

16 (1) the permit holder's failure to comply with law related to the permit or the terms or
17 conditions of the permit;

18 (2) the department's determination that the revocation is necessary to further the
19 management plan for the area.

20 (g) The department will, in its discretion, suspend a permit issued under this section for the
21 same reasons that a permit is revocable under (f) of this section, if the department determines
22 that the failure was minor or a suspension will better further the management plan for the
23 area. Additionally, the department will, in its discretion, proceed against the permit holder's
24 performance guarantee for a failure to comply with law related to the permit or the terms or
25 conditions of the permit.

26 27 **11 AAC 09.305. General permit.**

28 The department may issue a general permit under 11 AAC 09.300 to authorize a specific
29 category of uses requiring a commercial-use permit. The general permit is subject to specific
30 terms and conditions listed on the permit. If the department issues a general permit, an
31 applicant must meet all the requirements of 11 AAC 09.300(b).

32 33 **11 AAC 09.310. Fees.**

34 The flat rate fee required by 11 AAC 05.050(1) must be paid before obtaining a commercial-
35 use permit. The additional fees required by 11 AAC 05.050(2) must be paid on either a
36 monthly or seasonal basis, as directed by the commissioner, except that the commissioner
37 will, in the commissioner's discretion and after determining it to be in the financial interest of
38 the state, waive all or part of the additional fees required by 11 AAC 05.050(2).

39 40 **11 AAC 09.320. Insurance and performance guarantees.**

41 (a) An applicant for a commercial-use permit shall provide proof to the department of a
42 current comprehensive liability insurance policy that will cover the activity to be permitted.
43 The amount of required insurance coverage may vary depending on the applicant's activity,
44 but must be a minimum of \$300,000. The policy must be issued by a company that has a
45 certificate of authority issued under AS 21.09.010 in force and in good standing or whose

1 company name appears on the list of approved surplus line insurers under AS 21.34.050. The
2 State of Alaska must be listed as an additional insured on the insurance policy.

3 (b) Before issuance of a commercial-use permit, the department will notify the applicant of
4 the amount of performance guarantee for each specific permitted activity. The amount of the
5 performance guarantee shall be based on the past performance of the applicant related to the
6 activities for which a permit is requested, the potential for damage to state resources or
7 liability incurred by the state, and the potential cost to the state of restoration because of
8 activities conducted under the permit. The amount of the performance guarantee may not
9 exceed estimated potential costs or liability, but shall not be less than \$1,000. The department
10 will not issue the commercial-use permit before the department has received the required
11 performance guarantee from the applicant.

12 13 **11 AAC 09.330. Commercial camps.**

14 (a) A commercial enterprise wishing to establish a camp on state land in a recreation river
15 must apply to the department for a commercial-use permit. A limited number of permits is
16 available allowing camps for longer than four days between May 15 and August 31 of each
17 year. Guidelines established in the management plan specify the number of permits and the
18 general locations available.

19 (b) A permit is issued for the term of the actual use of a commercial camp. The permitted use
20 may include related activities, such as storage of the disassembled camp.

21 (c) Each permit for longer than four days between May 15 and August 31 of each year will
22 be available on a first-come, first-served basis until such time as the commissioner
23 determines that the demand exceeds the supply. At that time, the department will initiate a
24 lottery or an auction for the years following the year in which the demand exceeded the
25 supply.

26 (d) A commercial camp must be located consistent with the management plan described in 11
27 AAC 09.005. However, a camp may not be:

- 28 (1) located in a public use site;
- 29 (2) located below ordinary high water;
- 30 (3) located within 100 feet of a waterbody or wetland;
- 31 (4) located within 300 feet of a recognized heritage site;
- 32 (5) authorized if it does not minimize evidence of human activity as seen from the river;
- 33 (6) allowed to block public easements or trails; or
- 34 (7) located within one-quarter mile of a bald eagle nest.

35 36 **11 AAC 09.340. Reports.**

37 A holder of a commercial-use permit shall submit a written report to the department within
38 30 days after completing the permitted activity. The report shall summarize the activities
39 conducted under the permit.

40 41 **Article 4**

42 **Definitions**

43 44 45 **11 AAC 09.900. Definitions.**

1 In this chapter, unless the context otherwise requires:

2 (1) "active river channel" means a channel of a river or stream that has water flowing
3 through it at the time of a proposed activity;

4 (2) "aircraft" means a device that is used or intended for flight or movement of people or
5 goods in the air; "aircraft" does not include a hovercraft;

6 (3) "anchor buoy" means a float attached to the bottom of a waterbody by an anchor, line,
7 or chain for making fast a vessel;

8 (4) "commissioner" means the commissioner of the Department of Natural Resources;

9 (5) "department" means the Alaska Department of Natural Resources;

10 (6) "division of insurance" means the division of insurance in the Department of
11 Commerce, Community, and Economic Development;

12 (7) repealed 12/7/2002;

13 (8) "general permit" means a permit authorizing a specific category of uses of a generic
14 application filed by the department on behalf of an entire category of potential users;

15 (9) "management plan" means the plan incorporated by reference in 11 AAC 09.005;

16 (10) "mining location" means a property right to a locatable mineral established by
17 discovery, location, and filing under AS 38.05.195 or 38.05.205;

18 (11) "permit" means a temporary authorization under this chapter that will grant
19 permission to do an activity without transferring a property interest;

20 (12) "recreation river" means all land and water including uplands and shorelands,
21 designated under AS 41.23.500(1) - (6);

22 (13) "recreation river corridor" has the meaning given that term in AS 41.23.510;

23 (14) "recreation rivers permit" means a permit for an activity that does not appear on the
24 list referred to in 11 AAC 09.030 and that would be authorized by a land use permit under
25 11 AAC 96 if the activity were on state land that is not within a recreation river;

26 (15) "recreation rivers system" means the state recreation rivers, including recreation
27 river corridors, established in AS 41.23.500;

28 (16) "resource management camp" means a facility established for resource or recreation
29 management, or for scientific study, by an entity such as the department, the Department of
30 Fish and Game, the Matanuska-Susitna Borough, a non-profit group, or the University of
31 Alaska; "resource management camp" does not include a commercial camp or mining camp;

32 (17) "river corridor" has the meaning given the term "recreation river corridor" in this
33 section;

34 (18) "state land" has the meaning given that term in AS 38.05.965;

35 (19) "upland" has the meaning given that term in AS 38.05.965;

36 (20) "waterbody" means river, lake, or stream;

37 (21) "commercial recreation" has the meaning given in 11 AAC 96.250.

38 39 40 **Chapter 05**

41 **Fees for Department Services**

42 43 **11 AAC 05.210. ecreation rivers system.**

44 (a) Fees established under this section are for permits, revocable and temporary surface
45 authorizations and cabin use authorizations. If a revocable-at-will authorization is revoked

1 without cause, the unused portion of the annual use fee for the authorization is refundable,
2 prorated on a monthly basis. Except where a fee is by statute or required by statute to be
3 based on appraised market value, the director of the division of mining, land and water may,
4 by written order, reduce or revise one or more of the fees established in (d)(1) or (d)(2) of
5 this section by waiving a portion of the fee. Under this section, an order waiving a portion of
6 a fee

7 (1) must apply to all applicants or petitioners for that authorization, petition, or service;

8 (2) may not exceed 20 percent of the amount established in (d)(1) or (d)(2) of this section
9 for an authorization, petition, or service;

10 (3) must be published on the division's public internet webpage and the Alaska Online
11 Public Notice System 30 days before the effective date of the waiver;

12 (4) may not waive or reduce any additional fees imposed under (c) of this section; and

13 (5) is not subject to appeal under AS 44.37.011 or 11 AAC 02.

14 (b) The director shall consider in waiving a portion of a fee under (a) of this section

15 (1) the estimated actual costs of the authorization, petition, or service to the department;

16 (2) the economic needs of the department; and

17 (3) the public interest.

18 (c) When the department determines that an authorization, petition, or other service will
19 require additional costs, or staff time in excess of the maximum hours set out in (d)(1) of this
20 section, but that a higher fee under 11 AAC 05.270 is not required, then,

21 (1) the department may, in addition to the fee established in (d)(1) of this section,

22 (A) charge an additional hourly fee under (d)(4) of this section for staff time in excess
23 of the maximum hours set out in (d)(1) of this section to pay for the estimated actual staff
24 cost for provision of the services requested; and

25 (B) charge fees necessary to pay for additional estimated actual costs, including costs
26 under 11 AAC 05.200 for recordation by the department;

27 (2) the department will provide the applicant or petitioner written estimates detailing the
28 additional costs for the department to continue processing the application; and

29 (3) the department may require payment of the appropriate additional fee amount before
30 the department undertakes additional processing.

31 (d) The fees for permits, revocable and temporary surface authorizations and cabin use
32 authorizations are as follows:

33 (1) for an application for issuance, extension, or amendment of a land use recreation
34 rivers permit or commercial-use permit application for use within the recreation rivers
35 system, \$300 for up to 20 hours of staff time;

36 (2) for a commercial use permit for recreation-related commercial uses within the
37 recreational rivers system;

38 (A) an annual fee of \$450; plus

39 (B) an additional fee, if applicable, as follows:

40 (i) five percent of the total gross revenues from fees charged to drop-off clients
41 who are transported to a recreation river and who remain there unaccompanied by the permit
42 holder or an employee of the permit holder;

43 (ii) \$15 each day each client accompanied during use of a recreation river by the
44 permit holder or an employee of the permit holder;

- 1 (iii) \$5 for each day's rental of a non-motorized boat, and \$9 for each day's rental
- 2 of a motorized boat, on a recreation river; no fee is required under this clause if client fees
- 3 described in (A) or (B) of this paragraph include rental of a boat;
- 4 (3) for a commercial-use permit for a commercial camp within the recreation rivers
- 5 system, an annual fee determined as in 11 ACC 05.170(d)(2)(D), plus 20 percent, in addition
- 6 to applicable fees under (2) of this subsection;
- 7 (4) for each additional hour in excess of the maximum hours listed in (1) of this
- 8 subsection, \$50.
- 9 (e) The commissioner will waive the annual land use permit fee prescribed in this section for
- 10 access within a recreation river corridor, if the commissioner determines that the permit is
- 11 necessary to provide access to private property or a mining location within the recreation
- 12 river corridor and a feasible and prudent alternative does not exist to provide that access.