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**OFFICE OF THE LIEUTENANT GOVERNOR
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MEMORANDUM

TO: John Crowther, AAC Contact
Department of Natural Resources

FROM: Scott Meriwether
Special Assistant 
907.465.4081

DATE: December 31, 2012

RE: Filed Permanent Regulations: Department of Natural Resources

Regulations re: Hatcher Pass, Exit Glacier Road, and Kasilof River special use areas
(SUAs): 11 AAC 96.014(b)(3), (20), (26)

Attorney General File:	JU2011200668
Regulation Filed:	12/21/2012
Effective Date:	1/20/2013
Print:	205, April 2013

cc with enclosures: Linda Miller, Department of Law
Kristen Peterson, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2011200668

ORDER ADOPTING CHANGES TO REGULATIONS OF
THE DEPARTMENT OF NATURAL RESOURCES


The attached seven pages of regulations dealing with the revision to existing regulations regarding the Hatcher Pass and Exit Glacier Road Special Use Areas and adding new regulations creating the Kasilof River Special Use Area are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.04.005, AS 38.04.015, AS 38.04.065, AS 38.04.070, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.128, AS 38.05.300, and AS 38.05.850, after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and AS 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: NOVEMBER 7, 2012
Anchorage, Alaska



Daniel S. Sullivan, Commissioner
Department of Natural Resources

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on December 21, 2012, at 3:05pm., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Lieutenant Governor

Effective: January 20, 2013.

Register: 205, April 2013.

11 AAC 96.014(b)(3) is amended to read:

(3) for the Hatcher Pass Special Use Area, ADL number 223585, generally described as those lands designated by AS 41.23.130 and certain lands described in the Hatcher Pass Management Plan, as shown on the maps [MAP] entitled *Hatcher Pass Special Use Area Map 1 and Map 2*, dated March 12, 2012 [OCTOBER 16, 2002], and adopted by reference,

(A) in the Mile 16 and Government Peak management units and in portions of the Independence, Reed Lakes/Little Susitna, and Archangel management units [UPPER LITTLE SUSITNA VALLEY AND THE REED VALLEYS AND LAKES], as depicted on [THE] *Hatcher Pass Special Use Area Map 1 as "Non-Motorized (Year), except for designated roads and parking areas* [MAP], [OFF-ROAD] motorized vehicle use, including landing aircraft, is prohibited all year, except that the department may issue a permit for motorized vehicle use for mineral development, [GRAZING,] trail construction or maintenance, or a use performed by the department related to the management of the Hatcher Pass Special Use Area or by the Matanuska-Susitna Borough in its development and management of the Southern and Northern Development Areas in the Government Peak management unit [TRAPPING], if the department determines that the use would not substantially interfere with recreational use of the area;

(B) [WITHIN THE INDEPENDENCE MINE STATE HISTORIC PARK ADDITION, AS DEPICTED ON THE HATCHER PASS SPECIAL USE AREA MAP, OFF-ROAD MOTORIZED USE, INCLUDING LANDING AIRCRAFT, IS PROHIBITED, EXCEPT THAT THE DEPARTMENT MAY ISSUE A PERMIT FOR MOTORIZED USE FOR MINERAL DEVELOPMENT, TRAIL MAINTENANCE, OR ANOTHER SPECIAL

USE IF THE DEPARTMENT DETERMINES THAT THE USE WOULD NOT SUBSTANTIALLY INTERFERE WITH RECREATIONAL USE OF THE AREA;

(C) WITHIN THE HATCHER PASS STATE RECREATION SITE, AS DEPICTED ON THE HATCHER PASS SPECIAL USE AREA MAP, OFF-ROAD MOTORIZED USE IS RESTRICTED TO PERIODS OF SUFFICIENT SNOW COVER TO PROTECT SOILS AND VEGETATION; IF SUFFICIENT SNOW COVER IS NOT PRESENT, THE DEPARTMENT MAY ISSUE A PERMIT FOR MOTORIZED USE FOR MINERAL DEVELOPMENT, TRAIL CONSTRUCTION OR MAINTENANCE, OR ANOTHER SPECIAL USE IF THE DEPARTMENT DETERMINES THAT THE USE WOULD NOT SUBSTANTIALLY DAMAGE SURFACE RESOURCES; AND

(D)] within the Bald Mountain Ridge Habitat Area, as depicted on [THE] *Hatcher Pass Special Use Area **Map 1 as "Non-Motorized (Summer),"*** [MAP, OFF-ROAD] motorized **vehicle** use, including landing aircraft, is prohibited **after April 30 and before August 2 of each year** [BETWEEN MAY 1 AND AUGUST 1]; during that period, the department may issue a permit for motorized **vehicle** use for mineral development, trail construction or maintenance, or a [ANOTHER SPECIAL] use **performed by the department in its management of the Hatcher Pass Special Use Area**, if the department determines that the use would not negatively affect tundra bird nesting;

(C) in the Summit Lake State Recreation Site, the High Glacier Peaks management unit, and portions of the Independence, Archangel and Reed Lakes/Little Susitna management units, as depicted on the Hatcher Pass Special Use Area Map 1 as "Non-Motorized (Summer)," except for designated roads and parking areas, motorized vehicle use is prohibited after April 30 and before October 2 of each year, except that the department may issue a permit for

motorized vehicle use for mineral development, road or trail construction or maintenance, or a use performed by the department related to the management of the Hatcher Pass Special Use Area, if the department determines that the use would not substantially interfere with recreational use of the area;

(D) in the Summit Lake State Recreation Site, the Government Peak and High Glacier Peaks management units, and portions of the Independence, Archangel, and Reed Lakes/Little Susitna management units, as depicted on the Hatcher Pass Special Use Area Map 1, motorized vehicle use is prohibited after October 1 and before May 1 of each year, except that

(i) snowmobile use is allowed once snow depth is sufficient to protect underlying vegetation as determined by the department; in this sub-subparagraph, "snowmobile" has the meaning given in AS 28.39.250; and

(ii) the department may issue a permit for motorized vehicle use for mineral development, road or trail construction or maintenance, or a use performed by the department related to the management of the Hatcher Pass Special Use Area or by the Matanuska-Susitna Borough in its development and management of the Southern and Northern Development Areas in the Government Peak management unit, if the department determines that the use would not adversely affect fragile tundra and soils;

(E) in the High Glacier Peaks, Government Peak, Independence, and Mile 16 management units and in portions of the Archangel and Reed Lakes/Little Susitna management units, as shown on the Hatcher Pass Special Use Area Map 2, a person may not use or discharge a firearm except for the purpose of lawful

hunting; however, a person may not use or discharge a firearm for any purpose

(i) within the Independence State Mine Historical Park, the Summit Lake State Recreation Site, and the Northern and Southern Development areas in the Government Peak management unit;

(ii) within one-quarter mile of a road;

(iii) in the area between Archangel Road and the motorized winter corridor situated within the Reed Lakes/Little Susitna unit, ending at mile 2.5 of Archangel Road; and

(F) in the Summit Lake State Recreation Site and the High Glacier Peaks, Government Peak, Independence, Mile 16, Archangel, and Reed Lakes/Little Susitna management units, as depicted on the *Hatcher Pass Special Use Area Maps 1 and 2*, camping is allowed

(i) within officially designated or marked areas; and

(ii) beyond one-quarter mile from any trail or road right-of-way;

11 AAC 96.014(b)(20) is amended to read:

(20) for Exit Glacier Road, ADL number 227699, described in the Kenai Area Plan as Unit 359A, as shown on the map entitled *Exit Glacier Road Special Use Area*, dated October 16, 2002, and adopted by reference, setting up and using a camp is allowed as provided in 11 AAC 96.020(a)(4)(A), except that

(A) the period of use is limited to eight consecutive days; **moving the use to another site at least two miles away starts a new eight-day period; a person may not relocate a camp, structure, or any related equipment within two miles of**

the original site for at least 96 hours after the end of the eight-day period for the original site;

(B) trash, garbage, or waste, including human waste, must be removed or properly disposed of in a toilet or trash facility approved by the department; and

(C) the department may close a site to camping if the site is subject to [RECURRING PROBLEMS, INCLUDING] camping for longer than the allowed period, abandoned trash, [AND] garbage, or waste, [AND] unsanitary conditions, or other recurring problems;

11 AAC 96.014(b) is amended by adding a new paragraph to read:

(26) for the Kasilof River Special Use Area, ADL Number 230992, generally described as state lands of the lower Kasilof River area, as shown on the map entitled *Kasilof River Special Use Area (ADL 230992): Boundary and State Land*, dated August 10, 2012, and adopted by reference,

(A) a person may not place, drop, or discard trash, garbage, or waste, including human waste, except within an authorized or provided toilet or trash facility;

(B) a person may not dispose of fish or fish waste on or in state property, except upon tidelands or submerged lands;

(C) a person may not cut, collect, or harvest a dead standing or live tree, without prior written authorization from the department;

(D) with the exception of aircraft, emergency or state-owned motorized vehicles, or a use authorized under a permit issued by the department, within units KS and KN as shown on the map entitled *Kasilof River Special Use Area (ADL 230992)*:

Boundary and State Land, a person may not operate a motorized vehicle, except on designated trails, areas, and the beach as shown on the maps entitled *Kasilof River Special Use Area (ADL 230992): Designated Motorized Areas South Side (Unit KS)*, dated August 10, 2012, and adopted by reference, and *Kasilof River Special Use Area (ADL 230992): Designated Motorized Areas North Side (Unit KN)*, dated August 10, 2012, and adopted by reference; in this subparagraph,

(i) "beach" means bare sand or gravel free of vegetation and seaward of rooted terrestrial vegetation line;

(ii) "motorized vehicle," in addition to having the meaning given in 11 AAC 96.250, means a wheeled, tracked or airboat or air-cushion vehicle whose propulsion is provided by an engine or motor and that an individual uses for the purpose of personal or commercial transportation;

(E) for persons participating in the Kasilof River personal use set gillnet fishery under 5 AAC 77.540,

(i) after December 31 and before May 1 of each year, a person may not place stakes, signs, running lines, buoys, or dry nets;

(ii) after May 31 and before July 1 of each year, a person may not erect or stage a camp, structure, facility, or any related equipment for more than 21 consecutive days for personal use on the beach, except for stakes, signs, running lines, buoys, or dry nets; in this sub-subparagraph, "beach" means bare sand or gravel free of vegetation and seaward of rooted terrestrial vegetation line;

(iii) after May 31 and before August 16 of each year, a person may not discharge a firearm, except for the purpose of lawful hunting or trapping;

(F) for uses and activities under 11 AAC 96.020(a)(4) and (5), a person may not relocate a camp, structure, facility, or any related equipment within two miles of the original site for at least 96 hours after the end of the 14-day period for the original site; and

(G) a person may not deface, destroy, disable, or remove any state-owned or authorized facility or property. (Eff. 12/7/2002, Register 164; am 1/11/2004, Register 169; am 11/9/2008, Register 188; am 1 / 20 / 2013 Register 205)

Authority:	AS 38.04.005	AS 38.04.900	AS 38.05.128
	AS 38.04.015	AS 38.05.020	AS 38.05.300
	AS 38.04.065	AS 38.05.035	AS 38.05.850
	AS 38.04.070		