

Butte Area Residents Civic Organization

respectfully asks your consideration to introduce legislation as drafted below to create the **Knik River Valley State Recreation Area under AS 41.21 according to the Susitna Area Plan**, and/or substitute same for HB307/SB197, Rep Stoltze and Senator Huggins, Knik River Public Use Area under AS 41.23.

____BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE -FIRST SESSION

"An act creating the Knik River Valley State Recreation Area."

Section 1. Findings and Purpose. (a) The legislature finds that the Knik River area including the wetlands and lakes connecting and surrounding Jim and Friday Creek, commonly known as the Jim Lake/Swan Lake area, is important for recreation and tourism and must be protected and preserved for the maximum benefit of all Alaskans. The area has unsurpassed beauty. It includes mountains; glaciers, numerous lakes, creeks, and wetlands that serve as staging areas for migratory waterfowl, such as ducks, geese, and Trumpeter swans; breeding, spawning, and rearing grounds for silver, sockeye and chum salmon and Dolly Varden trout; and large habitats for game animals. It is easily accessible to urban areas and is a popular recreation site.

(b) Over twenty years ago, the state's department of natural resources Susitna Area Plan (June 1985) indicated that the "Jim-Swan lakes area, will be managed to provide a variety of recreation opportunities, including hunting and fishing" and recommended that "Because of its high value for these uses, its proximity to large population centers, and its vulnerability to overuse and environmental degradation, the area should be designated as a state recreation area." Two years later, the Matanuska-Susitna Borough Coastal Management Plan designated the "Jim/Swan Lakes Area" as a "recreational area" suitable for protection under the state-wide coastal zone management standard in 6 AAC § 80.060.

(c) Today, criminal activity, vandalism, uncontrolled and irresponsible off road vehicle usage, poaching of wildlife, dangerous target shooting and accompanying nuisance noise, littering, dumping of vehicles and other solid waste, unsanitary and thoughtless camping practices, and the general lack of any site-specific regulation or enforcement have created hazardous and unpleasant conditions in the area endangering residents and recreational users. The natural environment is now degraded in many easily accessible places. This degradation lessens the area's value for recreation and tourism, threatens the long term vitality of the area's fish and wildlife habitat, diminishes the quality of fishing, hunting

and other outdoor experiences for present and future generations, and limits economic opportunities and quality of life for residents of the community of Butte in the Knik River Valley.

(d) To solve the area's problems and reduce conflicts between user groups, a comprehensive planning process and effective resource and recreation management and enforcement is needed in the Knik River Valley.

(e) Therefore, the purpose of this act is to create the Knik River Valley State Recreation Area and to protect the Area's recreation and natural resource values for present and future generations.

Sec. 2. AS 41.21. is amended by adding new sections to read:

Sec. 41.21.400. Knik River Valley State Recreation Area established. Subject to valid existing rights, the state-owned land and water and all that acquired in the future by the state, lying within the following described boundaries, are hereby designated as the Knik River Valley State Recreation Area, as a special purpose site in accordance with article VIII, § 7, of the Constitution of the State of Alaska, and reserved from all uses incompatible with their primary function for public recreation:

- (1) Township 15 North, Range 4 East, Seward Meridian;
- (2) Township 15 North, Range 5 East, Seward Meridian;
- (3) Township 15 North, Range 6 East, Seward Meridian;
- (4) Township 15 North, Range 7 East, Seward Meridian
 - Section 3: NW1/4NW1/4
 - Section 4: N1/2NE1/4, N1/2NW1/4
 - Section 5: N1/2NE1/4, NW1/4
 - Section 6: SW1/4SE1/4, N1/2SE1/4, SW1/4, N1/2
 - Section 7: SW1/4NW1/4, N1/2NW1/4;
- (5) Township 16 North, Range 2 East, Seward Meridian
 - Section 1: Portions located below the ordinary high water of Knik River
 - Section 2: Portions located below the ordinary high water of Knik River
 - Section 3: Portions located below the ordinary high water of Knik River;
- (6) Township 16 North, Range 3 East, Seward Meridian
 - Sections 1 -3
 - Section 4: Portions located below the ordinary high water of Knik River
 - Section 5: Portions located below the ordinary high water of Knik River
 - Section 6: Portions located below the ordinary high water of Knik River
 - Section 9: Portions located below the ordinary high water of Knik River
 - Section 10: Portions located below the ordinary high water of Knik River
 - Sections 11 -13
 - Section 14: Portions located below the ordinary high water of Knik River
 - Section 23: Portions located below the ordinary high water of Knik River
 - Section 24: Portions located below the ordinary high water of Knik River;
- (7) Township 16 North, Range 4 East, Seward Meridian;

- (8) Township 16 North, Range 5 East, Seward Meridian;
- (9) Township 16 North, Range 6 East, Seward Meridian;
- (10) Township 16 North, Range 7 East, Seward Meridian
 - Section 6: NW1/4SE1/4, S1/2SE1/4, W1/2
 - Section 7
 - Sections 17 -20
 - Section 28: NW1/4SW1/4, S1/2SW1/4
 - Sections 29 -32
 - Section 33: S1/2NE1/4, SE1/4, W1/2
 - Section 34: SE1/4SW1/4, W1/2SW1/4;
- (11) Township 17 North, Range 2 East, Seward Meridian
 - Section 36: Portions located below the ordinary high water of Knik River;
- (12) Township 17 North, Range 3 East, Seward Meridian
 - Sections 1 -5
 - Sections 9 -16
 - Section 17: S1/2
 - Sections 20 -29
 - Section 31: NE1/4NE1/4, S1/2NE1/4, SE1/4, SW1/4 located below the ordinary high water of Knik River
 - Sections 32 -36;
- (13) Township 17 North, Range 4 East, Seward Meridian;
- (14) Township 17 North, Range 5 East, Seward Meridian;
- (15) Township 17 North, Range 6 East, Seward Meridian;
- (16) Township 18 North, Range 6 East, Seward Meridian.

Sec. 41.21.401. Management. (a) **The management** of the state-owned land and water described in subsection AS 41.21.400, and any land, water or improvements acquired in the future under AS 41.21.402, **is assigned to the department of natural resources** for control, maintenance and development for the purposes of AS 41.21.400 - 41.21.405.

(b) The commissioner of natural resources shall adopt regulations under AS 44.62 (Administrative Procedure Act) which are necessary to achieve the purposes of AS 41.21.400 -41.21.405, and shall adopt such additional regulations as may be necessary to implement the plan adopted under (c) of this section. The regulations must designate incompatible uses, and prohibit or restrict such uses.

(c) A regulation adopted under this section applies to land and water owned by the state. It does not apply to land not owned by the state that is owned by a municipality unless the regulation has been approved by the municipality.

(d) After giving public notice and an opportunity to comment to the public, in consultation with the Matanuska-Susitna Borough, Municipality of Anchorage, and other state, federal, and local agencies, within two years from the effective date of this Act **the commissioner of natural resources shall develop and adopt a comprehensive management plan for the Knik River Valley State Recreation Area.** The plan may include the lands within or adjacent to those described in AS 41.21.400 whether the land is owned by the state, by the federal government, the Matanuska-Susitna Borough or the Municipality of Anchorage. After it has been adopted, the commissioner shall periodically review the

plan and, after giving public notice and an opportunity to comment to the public, adopt any changes to the plan that the commissioner deems necessary to effectuate the purposes of AS 41.21.500 -41.21.405.

(d) The commissioner may enter into cooperative management agreements with a municipality, another state agency or a federal agency, or a private landowner in order to achieve the purposes of AS 41.21.400 -41.21.405.

(d) The mineral estate in the state-owned land and water described in AS 41.21.400 is open to oil and gas leasing under AS 38.05.180. Mineral entry will remain open to valid existing rights, and shall be permitted in suitable locations in the Knik River Valley State Recreation Area.

Sec. 41.21.402. Additions. (a) The commissioner of natural resources may acquire in the name of the state title to or interest in lands or improvements that are adjacent to or within the boundaries of the Knik River Valley State Recreation Area in order to achieve the purposes of AS 41.21.400 -41.21.405. The commissioner may acquire the title to or interest in lands or improvements by lease, purchase, exchange under AS 38.50, bequest, gift, or other lawful means, but not by eminent domain.

(b) In order to achieve the purposes of AS 41.21.400 -41.21.405, and subject to the 640-acre restriction in AS 38.05.300, the commissioner may use authority granted in AS 38.05.295 -38.05.300 to adjust the boundaries of the Knik River Valley State Recreation Area by adding state-owned land and water to the Area.

Sec. 41.21.403. Advisory board. (a) The commissioner shall appoint a fifteen-member citizen advisory board to advise the commissioner in the development of and decision-making concerning the comprehensive management plan required by AS 41.21.401.

(b) The commissioner shall appoint to the citizen advisory board individuals who represent diverse recreational uses and outdoor user groups. At least one member shall be a representative of the tourism industry, one member shall be a local resident and property owner who resides on the north side of the Knik River, one member shall be a local property owner who resides on the south side of the Knik River, one member shall be a representative of the Eklutna Village Corporation, and one member shall be a representative of BLM – Lake George National Natural Landmark. At least five of the voting members shall be residents of the Matanuska-Susitna Borough and five of the voting members shall be residents of the Municipality of Anchorage.

(c) The commissioner and citizen advisory board shall jointly hold public meetings concerning development of the comprehensive management plan. The commissioner shall consult with and solicit recommendations both from the citizen advisory board and from municipalities, state agencies, federal agencies, interest groups, and other interested members of the public.

Sec. 41.21.404. Other departments' responsibilities. Nothing in AS 41.21.400 -41.21.405 affects the responsibilities of the

(1) Department of Fish and Game, the Board of Fisheries, and the Board of Game to manage the fish and game resources or regulate the taking of fish and game under AS 16 and AS 41.99.010; and

- (2) Department of Environmental Conservation to regulate air, land and water quality under AS 46; and
- (3) Department of Public Safety to regulate the safety of the public under AS 18.65.

Sec. 41.21.405. Civil enforcement. In addition to any other remedy provided by law, at the request of the commissioner the attorney general may seek an injunction and damages for a violation of the comprehensive management plan or a regulation adopted under AS 41.21.401, or for a violation of a statute or a regulation that is otherwise applicable to the Knik River Valley Recreation Area established under AS 41.21.400.

Sec. 3. Effective date. This Act takes effect immediately in accordance with AS 01.10.070(c).