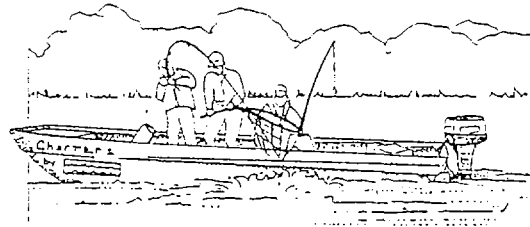


substantial and irreversible loss of habitat. DFG will clearly identify the species affected, the need for replacement or enhancement, and the suggested method for addressing the impact. Replacement or enhancement of similar habitats of the affected species in the same region is preferable. DNR will consider only those replacement and enhancement techniques that have either been proven to be, or are likely to be effective and that will result in a benefit to the species impacted by the development. Replacement or enhancement will only be required by DNR if it is determined to be in the best interest of the state either through AS 38.05.035(e) or the permit review process. Replacement may include structural solutions, such as creating spawning or rearing ponds for salmon, creating wetlands for waterfowl; or non-structural measures, such as research or management of the species affected, legislative or administrative allocation of lands to a long-term level of habitat protection that is sufficiently greater than that which they would otherwise receive, or fire management to increase habitat productivity.

Grazing. Livestock grazing is prohibited in the Recreation Rivers, except in part of the Upper Little Susitna River Subunit 1c (see Chapter 3). Grazing as an incidental use, such as by pack animals or associated with horse travel, is allowed on state lands without a permit or lease.

Other Guidelines Affecting Fish and Wildlife Habitat. Other guidelines may affect fish and wildlife issues. See the following sections of this chapter.

Upland Development	Forestry
Shoreline Development	Subsurface Resources
Commercial	Materials
Upland Access	Enforcement
Water and Solid Waste	



COMMERCIAL

Goals

Opportunities. Provide a mix of commercial and noncommercial public use opportunities.

Economy. Contribute to the local, regional, and statewide economy.

Generate Revenue. Generate revenue to help manage the rivers.

Standards. Develop standards for commercial operators in order to protect public safety and natural resources.

Conflicts. Reduce apparent conflicts between user groups.

Management Guidelines

Commercial Use Permits. The department shall promulgate regulations which authorize the department to issue annual permits for recreation-related commercial use of state lands, waters, or resources. Permits will be issued annually. A commercial-use permit shall be required of commercial recreational use of state-owned land, water, or resources in the Recreation Rivers. Commercial recreation includes guiding, outfitting, flight, boat shuttle, and rental services or engaging in soliciting, selling, or peddling liquids or edibles for human consumption, or distributing circulars, or hawking, peddling, or vending goods, wares, services, or merchandise within the Recreation Rivers. This includes recreation businesses that may be based on private lands inside the corridors, such as lodges, that use state land or water in the Recreation Rivers. The permit system is intended to meet Recreation Rivers management objectives for protecting and enhancing recreational and natural values, and compensating the state for

the commercial use of its land and resources. Possession of a commercial permit does not grant a preference right for obtaining future commercial permits nor for obtaining land use permits, leases, or other types of authorization. Permits are non-transferable. All recreation-related businesses operating in the Recreation Rivers, no matter how small, are required to have a commercial-use permit. There are exceptions for businesses operating exclusively on borough or private land (e.g., cottage industries), non-recreation related businesses (e.g., commercial trapping, mining, oil and gas exploration), or businesses that briefly cross the Recreation Rivers en route to other areas such as businesses traveling up the Yentna, Skwentna, or Susitna rivers to areas outside the Recreation Rivers. The borough should be contacted for information on commercial permits required for use of borough lands.

Standards. The following standards are required of owners and employees of all recreation-related businesses operating in the Recreation Rivers:

1. **Liability insurance:** Insurance must be held (by owner with binder for employees). The level of insurance required will be established by DNR, may vary from year-to-year (depending on levels of insurance offered by commercial carriers), and the amount required will appear on the permit application.
2. **First aid training:** Current CPR and basic first aid certification, or equivalent. This requirement does not apply to employees who do not accompany clients in the Recreation Rivers.
3. **Possession of applicable licenses** (e.g., state business license, fishing or guiding license, US Coast Guard license, FAA license where required).
4. **Possession of appropriate safety gear** in the vessel (e.g., personal floatation devices, first aid kit).
5. **Vessels must clearly display DNR commercial permit registration numbers and their business name.**
6. **Keep a log of the number of clients served.**
7. **Payment of commercial-use permit fees.**
8. **Physical address in the event the company must be contacted in an emergency.**

Fees. The department shall promulgate regulations which establish fees for commercial-use permits. Fees should be reasonable and consistent with those used by other state agencies for similar purposes. The costs of managing the Recreation Rivers should not rely entirely on revenues from commercial-use permits. The cost of the permit shall be based on the following:

First Year of Program. During the first year the permit system is enacted, all in-state commercial businesses using the Recreation Rivers will be charged a flat rate of \$150 per business; all out-of-state businesses will be charged a flat rate of \$450 per business. During the first year of the program, there will be no per-client, drop-off, or boat-rental fee that are described below. Higher fees for non-resident commercial-use permits are intended to reflect the additional state cost of managing this area which is not borne by non-residents or other state governments. Charging higher fees for non-residents is not intended to discourage non-resident commercial activities in the Recreation Rivers.

Second and Succeeding Years of Program. During the second and succeeding years the permit system is implemented, the following will apply.

1. **Flat Rate Fee.** Each business must pay a flat rate per businesses (the same as described above).
2. **Drop-off and Pick-up Fee.** For clients that are not accompanied by an employee of the business after they are dropped off or before they are picked up, a drop-off and pick-up fee will be charged. The fee will be generally based on a percent of the total gross revenue from the trip, rather than the number of people transported. This will ensure that short-inexpensive trips do not pay a disproportionate percentage of revenues compared with longer and more costly trips.
3. **Per-client-day Fee.** Businesses will pay a per-client-day fee when clients are accompanied by an employee of the business.
4. **Boat Rentals.** Rental boats include all boats that are used for commercial operations in the Recreation Rivers that are operated primarily by clients, guests, or customers in exchange for payment or other compensation for use of the boat. Businesses renting boats for use on the

Recreation Rivers must have a commercial use permit and pay an additional charge for each rental vessel used in the Recreation Rivers, even if the business is located outside the Recreation Rivers. The commercial-use permit shall require that rental boats be in a safe condition and the boat rented with basic safety equipment such as life vests, oars, and lines. Boats shall also be equipped to conform with all applicable U.S. Coast Guard and state laws and regulations. Each boat shall be clearly marked with a company name and DNR boat registration number.

Criteria for Issuing Commercial Use Permits. DNR will consider the following criteria before issuing a commercial-use permit.

1. Recreational, natural, or heritage resources will not be adversely affected;
2. Public use values in the Recreation Rivers will be maintained and protected;
3. Public safety, health, and welfare will not be adversely affected, and
4. The activity is consistent with the goals and management intent in the plan.

Prohibited Commercial Activities. Commercial-use permits will generally not be authorized for engaging in soliciting, selling, or peddling liquids or edibles for human consumption; or distributing circulars, or hawking, peddling, or vending goods, wares, services, or merchandise to the general public in the Recreation Rivers. The intent of this guideline is based on concerns that these types of activities can significantly detract from the recreation experience, particularly when they occur in heavily used public use sites during the peak-use season. This guideline does not apply to businesses providing goods or services to clients who have made prior arrangements to purchase the goods or services with the business prior to entering the Recreation Rivers or who have made arrangements on private lands. Renting boats or providing limited services from marinas necessary for accessing the river in remote areas (such as providing boat moorage and selling fuel and oil) may be authorized. (See *Shoreline Development, Marinas* in this chapter.)

Grounds for Suspension or Revocation. The following are listed by two levels of violations of state laws, regulations, or permit stipula-

tions which may result in permit revocation or suspension. These conditions will be implemented through regulations. Also see *Chapter 4, Other Recommendations, Denying Permits and Leases*.

Type I. The following will result in automatic suspension and may result in revocation of a commercial-use permit.

1. Loss of required level of liability insurance.
2. Loss or expiration of US Coast Guard license, if required.
3. For commercial-use permit holders:
 - A. Loss of Alaska sport fishing license or hunting guide license by court action; or
 - B. Conviction of a violation of state or federal fish or game regulations resulting in a fine of \$350 or greater. Convictions include violation of laws prohibiting transportation of illegally harvested fish or game.
4. Conviction of gross public safety violation related to applicable activity (for example, a fish guide convicted for operating a boat or aircraft while intoxicated or reckless endangerment).
5. Failure to pay the commercial use permit fee.
6. Gross violation within the Recreation Rivers of laws or regulations protecting public safety and peace.
7. Repeated or willful non-compliance with permit stipulations.
8. Conviction for violation of two regulations established for the Recreation Rivers within a one-year period, or three convictions in a five-year period.

Type II. The following may result in suspension or revocation of a commercial-use permit.

1. Convictions for violation within the Recreation Rivers of laws protecting public safety or peace.
2. Conviction for violation of any state or federal fish or game law e.g., exceeding fish or game limits, allowing clients to exceed take-limits, wanton waste, fishing during a closed

season, retaining protected species, using illegal gear or methods, or transporting illegally harvested fish or game.

3. Allowing a non-permitted guide to operate a permitted vessel for commercial activities without a permitted operator aboard, except in an emergency.
4. Conviction for violation of regulations established for the Recreation Rivers.
5. Non-compliance with permit stipulations.

Allocation. Until the effects of a commercial-use permit program, boating regulations, and camping limitations have been assessed, the department will not limit the number of commercial-use permits issued. DNR should continue to monitor commercial use to determine if a limitation may be appropriate in the future. Criteria for determining unacceptably high levels of use may include standards such as numbers of encounters at campsites and number of encounters on the rivers. If use threatens to exceed standards, limits on the number of permits issued may be required. If limitations are required, only those types of commercial operations directly related to overcrowding or resource damage may be limited. Limitations should apply only to peak use periods. Also see Recreation, Use Allocation in this chapter.

In-Kind Services. The department should promulgate regulations similar to 11 AAC 05.010 (d)(1-3) which allow the director to waive all or a portion of fees for recreation-related permits where: DNR may accept goods or services in lieu of fees charged for authorizations within the Recreation Rivers when such goods or services are comparable in value. This option enables the state to provide expanded facilities or services to the public at no additional cost. Examples of in-kind remuneration are: providing building materials, transporting materials, assistance with construction projects, servicing privies, or assistance with litter patrols. The permit filing fee shall not be waived. A contract or formal agreement between the state and the applicant should be drafted specifying the services or materials the applicant will be providing and a timetable for completion of the contract. Also see Waiver of Fees above.

Accounting for Revenues. Under AS 41.23.470 (e), the Commissioner of the Department of Administration shall separately account for funds collected under the Recreation Rivers Act. The annual estimated balance in the account may be appropriated by the legislature to the department to carry out the purposes of the Recreation Rivers Act. An efficient accounting system should be established so that the total annual receipts from the Recreation Rivers can easily be estimated at the end of each fiscal year.

Lodges. Additional lodges on state land within the corridors are prohibited for the following reasons:

1. *Compatibility.* Lodges are not compatible with management intent for Class I areas, which is to maintain a primitive setting.
2. *Crowding.* Class II, Class III, and Special Management Areas contain an abundance of private land. Most of the 460 private parcels and all of the 30 lodges now operating in the corridors are located in these areas. More lodges are likely to be developed on these private lands in the future. Crowding is becoming a concern. Building additional lodges on state lands may result in significant overcrowding.
3. *Public Input.* Public comments at meetings and responses to the alternatives workbook demonstrated clear opposition to additional lodges on state lands.
4. *Review.* During the five-year plan update process, the issue of whether new lodge development on state lands within the corridors should be authorized will be re-evaluated.

Commercial Camps. Unlike primitive tent camps, commercial camps remain in one site for longer than 96 hours (4 nights) and require a land use permit. They generally serve as a center for commercial operations, providing overnight accommodations for guests, guides, and employees. They generally include tents for sleeping, a cook tent or shelter, a storage area, and human waste and gray-water disposal systems. Commercial camps do not include resource management camps or mining camps. See *Recreation, Primitive Tent Camps; Upland Development, Resource Management Camps; and Subsurface Resources, Siting of Structures* in this chapter.

The following guidelines apply to commercial camps on state land.

1. Peak Season. During the peak season, May 15 to August 31, the number of permits authorized for commercial camps on state lands in the Recreation Rivers will be limited to nine. This limitation is intended to provide for continued economic uses of the rivers, while addressing public concerns about over-crowding and a proliferation of development of long-term camps on state lands within the Recreation Rivers. The number of camps allowed are based on the number that were estimated to be in place during the summer in 1988 when a user survey was administered. At that time a large majority of respondents stated that they did not want to see additional "temporary base camps" on lands in the Recreation Rivers. Sites will be restricted to the following subunits: two on the Lower Deshka (2b), two on the Middle Deshka (2c), two on Neil Lake (2d) (subunit, not on the lake) and three on the Lower Alexander (6a). No more than one permit per river will be issued to a business. During the off-season period, from September 1 to May 14, a land use permit is required for commercial camps remaining at one site for longer than 14 days. An unlimited number of off-season camps may be allowed in all subunits.

2. Term of Use. A land use permit for a commercial camp will be issued for the term of actual use of the camp for the authorized activity, or the minimum length of time required by the applicant to carry out the intended use. Permits will not be authorized for use exceeding one year.

3. Commercial Use. Commercial camps will not be authorized for private camps. Permits may only be issued to commercial operations that have a Recreation Rivers commercial use permit.

4. Siting Criteria. Camps will be sited consistent with the management intent for the subunit and applicable guidelines. In order to protect public safety, minimize the negative impacts on water quality and public access, and to protect heritage sites, commercial camps will not be authorized:

A. in public use sites;

B. below ordinary high water;

C. within 100 feet of a waterbody or in a wetland;

D. near identified heritage sites;

E. if they do not minimize evidence of human as seen from the river, or

F. if they block public easements, heavily used trails, or seismic lines.

5. Levels of Use. The permit applicant shall be required to specify the estimated number of clients, guests, and employees that will occupy the camp at any one time and over the term of use. Following a review of the application by DNR, DFG, DEC, and the Matanuska-Susitna Borough, limitations on the number of clients using the camp may be attached to the permit, if in the opinion of the agencies, the number of clients represents a threat to the resource which can not be adequately mitigated through standard stipulations. A decision to limit the number of clients must describe the reason for the limitation.

6. Fees. During the peak season, when the number of permitted commercial camps is limited, fees for camps should provide a fair return to the state. Fees may be based on the number of clients using the camp or a set fee that is higher than the current statewide fee. Fees should not be so high that small operators can not afford them. If demand for permits exceeds supply, DNR may consider a lottery. During the off-season period, fees for commercial camps will be consistent with statewide fees for these types of camps.

Commercial Campgrounds. Privately built and operated campgrounds may be authorized under the following conditions (Also see Recreation, Public Facilities in this chapter):

1. Class I Areas. They are prohibited in Class I areas and public use sites in Class I areas.

2. Construction Guidelines. They must be constructed consistent with *Upland Development, Management Guidelines* listed in this chapter.

3. Competition. If leased under AS 38.05.070 or 38.05.073, campgrounds must be consistent with AS 41.23.470(d) which does not allow leasing of a campground if the facility is in competition with a private facility or enterprise. Competition is defined by this plan to include competition within (not between) each Recreation River. Also see *Other Recommendations, Commercial Facilities* in Chapter 4.

4. Public Need. The decision to authorize this type of facility shall include the availability of similar facilities nearby, the availability of private parcels nearby that could meet this need, existing levels of public use and crowding, and the public need for such a facility.

5. Public Use. Such facilities shall be open to the public although fees for use of improvements and services may be required.

6. Improvements. Because the public was opposed to additional lodges in the Recreation Rivers (see *Lodges* in this section), cabins, wall-tents, and other types of walled structures provided by the lessee to accommodate overnight guests will not be authorized in these campgrounds.

Other Guidelines Affecting Commercial Activities. Several other guidelines may affect commercial activities. See the following sections of this chapter.

Subsurface Resources
Enforcement
Phasing and Interim Management

GENERAL ACCESS

Goals

See *Boating, Upland Access, Air Access, and Special Management Areas* in this chapter.

Management Guidelines

Permits for Access to Private Land and Mining Locations. The department should promulgate a regulation requiring a permit for all motorized access to private land or active mine operations that crosses state land or water closed to motorized use². Permits for motorized access may be issued across closed areas to private lands or mine operations when there is no feasible and prudent alternative to provide access for this use. The cost of these permits should be minimal. Fees may be waived in cases where they would constitute an undue hardship on the permittee or act to discourage compliance with the permit requirement. Filing fees may not be waived. Also see *Upland Access, Access to Private Land and Mining Camps*.

² "Motor Use" refers to motors associated with vessels, aircraft, and vehicles used for transportation, not use of motors such as chainsaws and generators.

Government Use of Motorized Transportation. The department should promulgate regulations that allow the operation of motorized vehicles including boats, aircraft, helicopters, and ground vehicles in non-motorized areas by governmental agency for the purposes of law enforcement, emergency search and rescue, medical evacuations, fire suppression; or for fish, game, recreation, or natural resource management.

Other Guidelines Affecting General Access. Several other guidelines may affect general access. See the following sections of this chapter:

Shoreline Development
Boat Access
Upland Access
Air Access
Subsurface Resources