

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Frances Leach
Department of Fish & Game

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in black ink, appearing to be "Scott Meriwether".

DATE: April 20, 2017

RE: Filed Permanent Regulations: Department of Fish & Game

Department of Fish and Game Regulations re: Little Susitna Public Use Facility Fees (5 AAC 93.060)

Attorney General File: JU2015200901

Regulation Filed: 4/19/2017

Effective Date: 5/19/2017

Print: 222, July 2017

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

**ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF FISH AND GAME**

The attached four pages of regulations, dealing with Little Susitna Public Use Facility Fees, are adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.020 and AS 16.05.050 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Fish and Game 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.

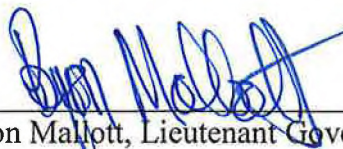
DATE: 4/12/17
Juneau, Alaska



Charles O. Swanton, Deputy Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 19, 2017, at 1450 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott, Lieutenant Governor
State of Alaska

Effective: May 19, 2017.

Register: 222, July 2017.

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
P.O. BOX 115526
JUNEAU, ALASKA 99811

DELEGATION OF AUTHORITY

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING
REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA
ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO CHARLES O. SWANTON,
DEPUTY COMMISSIONER.

SIGNED:

Sam Cotten

SAM COTTEN

(Please print name)

SIGNED AND SWORN TO before me this 2 day of February, 2015

[NOTARY SEAL]

Abby Smith
Notary Public in and for the
State of Alaska

My commission expires: with office

STATE OF ALASKA
OFFICIAL SEAL
Abby Smith
NOTARY PUBLIC
My Commission Expires with office



Title 5. Fish and Game.

Chapter 93. Department Programs.

Article 1. Miscellaneous Department Programs.

5 AAC 93.060 is repealed and readopted to read:

5 AAC 93.060. Little Susitna Public Use Facility fees. (a) A person may not use a Little Susitna Public Use Facility developed campsite, boat ramp, parking area, or dump station without first paying to the department the applicable fee established under this section and displaying the fee receipt as directed by department personnel. The fees established under this section apply only during the season from April 15 through October 31^{of a calendar year}.

(b) Except as provided in (e) of this section, the department fees for noncommercial use of the Little Susitna Public Use Facility are as follows:

(1) \$15 per night for a ^{one-night} ~~nightly~~ camping pass or \$150 for a season camping pass; a ^{one-night} ~~nightly~~ camping pass entitles the holder of the pass to overnight use of a developed campsite and parking for one vehicle; a season camping pass entitles the holder of the pass to overnight use of a developed campsite for the season and parking for one vehicle, depending on space availability;

Except as provided in (b)(1), (b)(3), and (b)(4) of this section,

(2) \$7 ^a ~~per~~ vehicle ^{for each} ~~per~~ calendar day for a ^{one-day} ~~daily~~ parking pass or \$100 ^a ~~per~~ vehicle for a season parking pass;

(3) \$15 ^{for each} ~~per~~ boat for a ^{and} ~~one-launch~~ retrieval and one-day parking pass; a ^{and} ~~one-launch~~ retrieval and one-day parking pass entitles the holder of the pass to one launch and retrieval of one boat, and parking for one vehicle with an attached trailer for one calendar day;

(4) \$200 ^{for each} ~~per~~ boat for a season launch and parking pass; a season launch and

parking pass entitles the holder of the pass to unlimited launches and retrievals of one boat, to parking for one vehicle with an attached trailer, and to tie up one boat along the riverbank within the Little Susitna Public Use Facility for the season, depending on space availability;

(5) \$15 ^{For each} ~~per~~ calendar day for parking an unattached trailer in the upper parking lot;

an unattached trailer may not be parked in the lower lot; and

(6) \$10 ^a ~~per~~ vehicle ^{For each} ~~per~~ use of the dump station.

Except as provided in (e) of this section,

(c) ^f The department fees for commercial use of the boat ramp and campsites at the Little Susitna Public Use Facility, for the purpose of deriving income, are as follows:

(1) \$450 for a season launch and parking pass for an individual who does not possess an authorization described in (2) of this subsection; a commercial season launch and parking pass entitles the holder of the pass to unlimited launches and retrievals of one boat, to parking for one vehicle with an attached trailer, and to tie up ^{the} ~~a~~ boat along the riverbank within the Little Susitna Public Use Facility for the season, depending on space availability;

(2) \$450 for a season launch and parking pass for an individual who possesses a valid authorization for commercial use of the recreational rivers and state park facilities upstream of the Susitna Flats State Game Refuge; a commercial season launch and parking pass entitles the holder of the pass to unlimited launches and retrievals of one boat, to parking for one vehicle with an attached trailer, and to tie up ^{the} ~~a~~ boat along the riverbank within the Little Susitna Public Use Facility for the season, depending on space availability;

(3) \$300 for a season camping pass; a commercial season camping pass entitles the holder of the pass to overnight use of a developed campsite for the season, depending on space availability;

(4) \$15 ^{For a} ~~per~~ calendar day for parking an unattached trailer in the upper parking lot;

an unattached trailer may not be parked in the lower lot; and

(5) \$10 ^a ~~per~~ vehicle ^{for each} ~~per~~ use of the dump station.

(d) A commercial pass issued under (c) of this section is nontransferable, and entitles the holder to advertising space on the Little Susitna Public Use Facility information kiosk as determined by the department. There is no daily launch and parking pass and no daily camping pass available to commercial users.

(e) The fees established in (b) ^{and (c)} of this section do not apply to a law enforcement officer or a state employee engaged in refuge management activities authorized by the department or engaged in other law enforcement activities.

(f) Failure to pay an applicable fee or to display the fee receipt as directed is a violation of this section, constitutes a misdemeanor under AS 16.05.925, and subjects the violator to arrest under AS 16.05.160 and citation under AS 16.05.165. If a vehicle is parked at the Little Susitna Public Use Facility and the fees required by this section have not been paid and the fee receipt is not properly displayed, the department will consider the registered vehicle owner to be the violator of this section, unless the registered owner presents evidence satisfactory to the department that the

(1) owner is a car rental agency and that the vehicle was under a rental contract at the time of the violation; or

(2) vehicle was being used without the owner's consent. (Eff. 9/20/90, Register 115; am 8/7/92, Register 123; am 5/25/94, Register 130; am 4/25/96, Register 138; am 5/4/2000, Register 154; am 5 / 19 /2017, Register 222)

Authority: AS 16.05.020 AS 16.20.036 AS 16.20.060

Register 222, July 2017 FISH AND GAME

AS 16.05.050

AS 16.20.050

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor
(hand delivery)

Date: April 19, 2017

File No.: JU2015200901

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Fish and Game
Regulations re: Little Susitna Public
Use Facility Fees (5 AAC 93.060)

We have reviewed the attached regulations from the Department of Fish and Game against the statutory standards of the Administrative Procedure Act. The regulations concern updating fees for certain commercial and noncommercial uses of the Little Susitna Public Use Facility to offset operation and maintenance costs for the facility.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The public notice and the April 12, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made minor edits to conform the regulations in accordance with AS 44.62.125. The edits are shown on the attached copy of the regulations.

SRP:ljm
cc w/enc: (via email)

Honorable Sam Cotten, Commissioner
Dept. of Fish and Game

Forrest Bowers, Deputy Director
Division of Commercial Fisheries
Dept. of Fish and Game

Tom Brookover, Director
Division of Sport Fisheries
Dept. of Fish and Game

Tom Taube, Deputy Director
Division of Sport Fish
Dept. of Fish and Game

Bob Powers, Program Coordinator
Division of Sport Fish
Dept. of Fish and Game

Lisa Olson, Deputy Director
Division of Subsistence
Dept. of Fish and Game

Glenn Haight, Executive Director
Board of Fisheries
Dept. of Fish and Game

Frances Leach, Fishery Regulations
Program Coordinator
AAC Contact
Dept. of Fish and Game

Enforcement Commander
Division of Wildlife Troopers
Dept. of Public Safety

Vanessa Lamantia, Assistant Attorney
General
Natural Resources Section

NOTICE OF PROPOSED CHANGES IN LITTLE SUSITNA PUBLIC USE FACILITY FEES REGULATIONS OF THE DEPARTMENT OF FISH AND GAME

BRIEF DESCRIPTION

The Department of Fish and Game proposes changes to regulations relating to fees for certain commercial and noncommercial uses of the Little Susitna Public Use Facility.

The Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with fees for certain commercial and noncommercial uses of the Little Susitna Public Use Facility, including the following:

5 AAC 93.060. Little Susitna Public Use Facility Fees, is proposed to be changed to update fees for certain commercial and noncommercial uses of the facility, which haven't been addressed since 2000, to offset operation and maintenance costs for the facility.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Frances H. Leach, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at frances.leach@alaska.gov. The comments must be received no later than 5:00 p.m. on February 6, 2017.

You may submit written questions relevant to the proposed action to Frances H. Leach by submitting written questions to Frances H. Leach, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. The questions must be received at least 10 days before the end of the public comment period. The Department of Fish and Game may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Frances H. Leach at (907) 465-6124 no later than January 24, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Frances H. Leach, Regulations Program Coordinator Program Project Manager, at the mailing address, telephone number or email address above.


After the public comment period ends, the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 16.05.020; AS 16.05.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.020; AS 16.05.050; AS 16.20.036; AS 16.20.050; AS 16.20.060

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 1/3/17



Thomas Brookover, Director
Division of Sport Fish
Department of Fish and Game

NOTICE OF PROPOSED CHANGES IN LITTLE SUSITNA PUBLIC USE FACILITY FEES REGULATIONS OF THE DEPARTMENT OF FISH AND GAME

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Statutory Authority: AS 16.05.020; AS 16.05.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.020; AS 16.05.050; AS 16.20.036; AS 16.20.050; AS 16.20.060

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE:1/3/17

Thomas Brookover, Director

Division of Sport Fish
Department of Fish and Game

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Fish and Game
2. General subject of regulation: Little Susitna Public Use Facility Fees
3. Citation of regulation (may be grouped): 5 AAC 93.060
4. Department of Law file number, if any: JU2015200901
5. Reason for the proposed action: Update fees that haven't been changed since 2000
6. Appropriation/Allocation: Natural Resources
7. Estimated annual costs in the aggregate to comply with the proposed action to:

Private Persons: Since the regulation is regarding use fees, the cost to a person using the facility would be the fee established for the applicable use under the section.

Other State Agencies: \$0

Municipalities: \$0

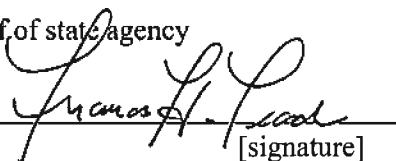
8. Cost of implementation to the state agency and available funding (in thousands of dollars): There is no cost to the agency for establishing and implementing the applicable fees.
9. The name of the contact person for the regulations:

Name: Frances H. Leach
Title: Regulations Program Coordinator
Address: P.O. Box 115526
Juneau, AK 99811-5526
Telephone: (907) 465-6124
E-mail address: frances.leach@alaska.gov

10. The origin of the proposed action: Staff of state agency

11. Date: 1/3/2017

Prepared by:


[signature]

Name: Frances H. Leach
Title: Regulations Program Coordinator
Telephone: (907) 465-6124

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

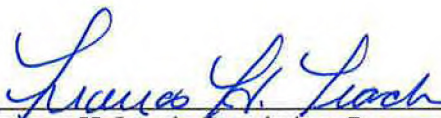
I, Frances H. Leach, Regulations Program Coordinator, of the Department of Fish and Game, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC 93 dealing with the Little Susitna Public Use Facility Fees has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

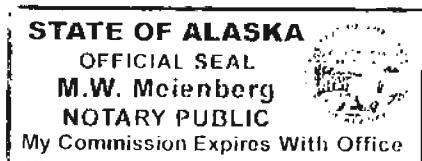
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

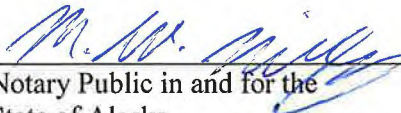
Date: 1/31/17
Juneau, Alaska



Frances H. Leach, Regulations Program Coordinator
Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 31st day of January, 2017.





Notary Public in and for the
State of Alaska


My commission expires: with office.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Frances H. Leach, Regulations Program Coordinator, of the Department of Fish and Game, being duly sworn, state the following:

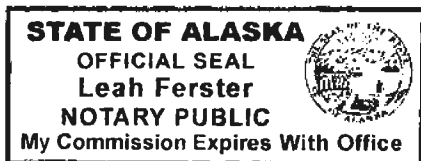
In compliance with AS 44.62.215, the Department of Fish and Game has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Fish and Game on regulations on fees for certain commercial and noncommercial uses of the Little Susitna Public Use Facility.

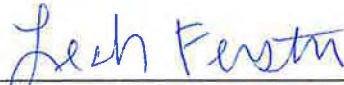
Date: 4/18/17
Juneau, Alaska



Frances H. Leach, Regulations Program Coordinator
Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 18 day of April, 2017.





Notary Public in and for the
State of Alaska

My commission expires: with office

270233
0001398110
\$303.80

AFFIDAVIT OF PUBLICATION

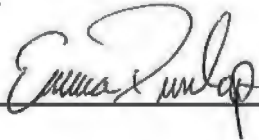
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

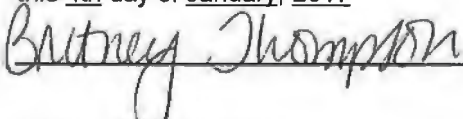
January 04, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed



Subscribed and sworn to before me
this 4th day of January, 2017



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

NOTICE OF PROPOSED CHANGES IN LITTLE SUSITNA PUBLIC USE FACILITY FEES REGULATIONS OF THE DEPARTMENT OF FISH AND GAME

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Statutory Authority: AS 16.05.020; AS 16.05.050

Statutes Being Implemented, Interpreted, or Made Specific:
AS 16.05.020; AS 16.05.050; AS 16.20.036; AS 16.20.050; AS 16.20.060

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 1/3/17

Thomas Brookover, Director
Division of Sport Fish
Department of Fish and Game

Published: January 4, 2017 -

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019