

Kevin Meyer  
Lieutenant Governor  
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907.465.3520  
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Anchorage, Alaska 99501  
907.269.7460  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Mary Kay Ryckman  
Department of Natural Resources

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** November 21, 2019

**RE:** Filed Permanent Regulations: Department of Natural Resources  
  
Department of Natural Resources Regulation re: Mining, Land and Water -  
Glacier/Winter Creek (11 AAC 96.014)

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Attorney General File:	2019200385.002
Regulation Filed:	11/21/2019
Effective Date:	12/21/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Joseph Joyner

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF NATURAL RESOURCES

The attached 1 page of regulations, dealing with 11 AAC 96.014(b)(16), for the Glacier/Winner Creek Special Use Area, is adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.05.020 and AS 38.05.211 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 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: 11-4-2019

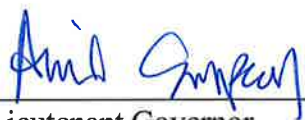
  
Corri Feige, Commissioner, Department of  
Natural Resources

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

November 21, 2019, at 11:01a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
for Lieutenant Governor Kevin Meyer

Effective: December 21 2019

Register: 232, January 2020.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K-Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

11 AAC 96.014(b)(16) is amended to read:

11 AAC 96.014. Special use land.

...

(16) for Glacier/Winner Creek, ADL number 227203, generally described as those lands designated in the Turnagain Arm Management Plan as subunit 3-A, as shown on the map entitled *Glacier/Winner Creek Special Use Area*, dated October 16, 2002, and adopted by reference, **generally allowed uses as listed in 11 AAC 96.020 are not subject to a special restriction**[A PERMIT IS REQUIRED FOR COMMERCIAL SNOWCAT OPERATION; ONLY ONE COMMERCIAL SNOWCAT OPERATION WILL BE ALLOWED AT ANY ONE TIME]; (Eff. 12/7/2002, Register 164, am 1/11/2004, Register 169; am 11/9/2008, Register 188; am 1/20/2013, Register 205; am 12/21/2014 Register 232)

**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		

# MEMORANDUM

## State of Alaska Department of Law

To: The Honorable Kevin Meyer  
Lieutenant Governor

Date: November 13, 2019

File No.: 2019200385.002

Tel. No.: 465-3600

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

Re: Department of Natural Resources  
Regulation: 11 AAC 96.014: Div.  
Mining, Land and Water –  
Glacier/Winner Creek

The Department of Law has reviewed the attached regulations of the Department of Natural Resources against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 regulations were adopted by the Department after the close of the public comment period. The regulations concern Glacier/Winner Creek special use area. Under current regulation, only one commercial snowcat operator may obtain a permit to operate in the area. The regulation change would allow more than one commercial snowcat operator to receive a permit to operate. The department would like this regulation to be in effect by January 1, 2020, to allow for operation during the 2020 ski season.

The generally allowed uses listed in 11 AAC 96.020 would continue to apply to the area, as would the registration requirements for certain uses identified in 11 AAC 96.018, including for commercial recreation activities. The Glacier Creek and Winner Creek drainages are closed to mineral entry pursuant to administrative and legislative closures. Mineral Order (Closing) 1121; ch. 26, SLA 2012 (an act closing certain land within Glacier Creek and Winner Creek to new mineral entry). The mineral closures prevent mineral entry (i.e., the acquisition of new property rights in minerals), but do not affect recreational gold panning, prospecting, or suction dredging allowed under 11 AAC 96.020(a)(3)(E)-(G). The area was closed to mineral entry because the Glacier and Winner Creek drainages contain significant commercial recreation infrastructure and possess strong potential for future recreational development. Mineral entry and development would therefore be incompatible with existing and planned future uses of the area.

The September 11, 2019, public notice and the November 4, 2019, 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.

SRP:srp

cc: Honorable Corri A. Feige, Commissioner  
Department of Natural Resources

J. Anne Nelson, Chief Assistant Attorney General  
Natural Resources Section  
Department of Law

Joseph Joyner, Regulations Contact  
Division of Mining, Land, and Water  
Department of Natural Resources

## Department of Natural Resource Proposed Regulations Notice - Proposed Glacier Winner Creek Special Use Area Regulations

Dear Reader,

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with the Glacier/Winner Creek Special Use Area. Specifically, the Department of Natural Resources is proposing to *revise 11 AAC 96.014(b)(16) dealing with the Glacier/Winner Creek Special Use Area.*

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 the Division of Mining, Land and Water, 550 W. 7<sup>th</sup> Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov) or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Monday, October 14, 2019.**

You may submit written questions relevant to the proposed action to: Joe Joyner, Division of Mining, Land and Water, 550 W 7<sup>th</sup> Ave., Suite 1070, Anchorage, Alaska 99501-3579, Fax: (907) 269-8904, E-Mail: [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov). Questions must be received at least 10 days before the end of the public comment period (**October 4, 2019**). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and agency website at <http://www.dnr.state.ak.us/mlw/hottopics>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joe Joyner at 269-8511 no later than October 1, 2019, 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 at the following websites: <http://www.dnr.state.ak.us/mlw/hottopics> or by contacting contact the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joe Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.

After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations.

Sincerely,

Joseph Joyner, Chief, Program Support Section, DMLW, DNR

### Attachments, History, Details

#### Attachments

[Dear Alaskan Letter 2.pdf](#)

[GWCSUA Proposed regulations Sept 11 2019.pdf](#)

[Non-newspaper Reg Change Notice.pdf](#)

#### Details

Department:

Category:

Sub-Category:

Location(s):

Natural Resources

Regulations

Notice of Proposed  
Regulations

Statewide

**NOTICE OF PROPOSED REGULATION CHANGES  
IN THE REGULATIONS OF THE  
DEPARTMENT OF NATURAL RESOURCES**

**BRIEF DESCRIPTION**

**The Department of Natural Resources (DNR) proposes to amend its Special Use Land regulation dealing with commercial recreational land use authorizations within the Glacier/Winner Creek Special Use Area.**

The Department of Natural Resources proposes to adopt a regulation change in Title 11 of the Alaska Administrative Code, dealing with the Glacier/Winner Creek Special Use Area. Specifically, the Department of Natural Resources is proposing to amend 11 AAC 96.014(b)(16) dealing with commercial recreational land use authorizations within the Glacier/Winner Creek Special Use Area.

You may comment on the proposed regulation change, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7<sup>th</sup> Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov) or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Monday, October 14, 2019**.

You may submit written questions relevant to the proposed action to: Joe Joyner, Division of Mining, Land and Water, 550 W. 7<sup>th</sup> Ave., Suite 1070, Anchorage, Alaska 99501-3579, Fax: 907-269-8904, E-Mail: [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov). Questions must be received at least 10 days before the end of the public comment period (**October 4, 2019**). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and agency website at <http://www.dnr.state.ak.us/mlw/hottopics>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joe Joyner at 907-269-8511 no later than **October 1, 2019**, to ensure that any necessary accommodations can be provided.

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After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulation. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

**Statutory Authority:** AS 38.05.020, AS 38.05.035, AS 38.05.850.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 38.05.020, AS 38.05.035, AS 38.05.850.

**Fiscal information:** The proposed regulation change is not expected to require an increased appropriation.



Date: September 11, 2019

Marty Parsons,  
Director, Division of Mining, Land and Water,  
Department of Natural Resources

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Generally Allowed Uses of State Land
3. Citation of regulation (may be grouped): 11 AAC 96.014(b)(16)
4. Department of law file number (if any) \_\_\_\_\_
5. Reason for the proposed action:  
☐ ( ) compliance with federal law or action (identify) \_\_\_\_\_  
☐ ( ) compliance with new or changed state statute \_\_\_\_\_  
☐ ( ) development of program standards \_\_\_\_\_  
☒ (X) other: (identify) Department Initiated

6. Appropriation/Allocation: NONE

7. Estimated annual cost to comply with the proposed action to:

**A private person:** \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

**Another state agency:** \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on any state agencies. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

**A municipality:** \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a municipality. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>20</u>	Subsequent Years
Operating Cost	\$ <u>0.0</u>	\$0.0
Capital Cost	\$ <u>0.0</u>	\$0.0
Federal receipts	\$ <u>0.0</u>	\$0.0
General fund match	\$ <u>0.0</u>	\$0.0
General fund	\$ <u>0.0</u>	\$0.0
General fund/ program receipts	\$ <u>0.0</u>	\$0.0
General fund/ mental health	\$ <u>0.0</u>	\$0.0
Other funds (specify)	\$ <u>0.0</u>	\$0.0

9. The name of the contact person for the regulations:

Name Joseph Joyner  
Title Natural Resource Manager  
Address DNR, DMLW, 550 W. 7<sup>th</sup> Avenue, Suite 1070  
Anchorage, AK 99501-3579  
Telephone 907-269-8511  
E-mail address: joe.joyner@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify): \_\_\_\_\_

11. Date: September 11, 2019

Prepared by: \_\_\_\_\_

Name (typed) Joseph Joyner  
Title (typed) Natural Resource Manager  
Telephone 907-269-8511

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Joseph Joyner, Natural Resource Manager III, of the Division of Mining, Land and Water, Department of Natural Resources, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 11 AAC 96.014(b)(16), for the Glacier/Winner Creek Special Use Area, has been given by being

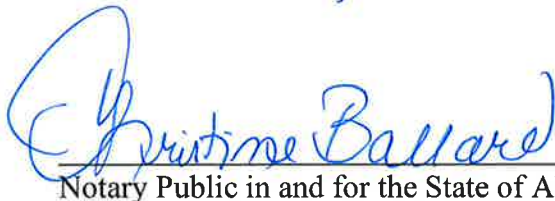
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: November 4, 2019

  
Joseph Joyner, Natural Resource Manager III

Subscribed and sworn to before me at DNR Suite 1020, Atwood Bldg on  
November 4, 2019  
(date)

  
Notary Public in and for the State of Alaska

[NOTARY SEAL]



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 269004 Order #: W0011517 Cost: \$338.68

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Leilisi Misa  
being first duly sworn on oath  
deposes and says that she is  
a representative of the  
Anchorage Daily 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 newspaApril 3

September 11, 2019

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 27 day of Sept

20 19



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

4/14/21

### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources proposes to adopt a regulation change in Title 11 of the Alaska Administrative Code, dealing with the Glacier/Winner Creek Special Use Area. Specifically, the Department of Natural Resources is proposing to amend 11 AAC 96.014(b)(16) dealing with commercial recreational land use authorizations within the Glacier/Winner Creek Special Use Area.

You may comment on the proposed regulation change, including the potential costs to private persons of complying with the proposed change, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov) or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Monday, October 14, 2019.**

You may submit written questions relevant to the proposed action to: Joe Joyner, Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579, Fax: (907) 269-8904, E-Mail: [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov). Questions must be received at least 10 days before the end of the public comment period (October 4, 2019). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and agency website at <http://www.dnr.state.ak.us/mlw/hottopics>.

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

**Statutory Authority:** AS 38.05.020, AS 38.05.035, AS 38.05.850.

**Statutes Being Implemented, Interpreted, or Made Specific:**  
AS 38.05.020, AS 38.05.035, AS 38.05.850.

**Fiscal information:** The proposed regulation change is not expected to require an increased appropriation.

Date: September 11, 2019

By: /s/ Marty Parsons,  
Director, Division of Mining, Land and Water, Department of  
Natural Resources

Published: September 11, 2019

**ANGELA M SIMMONS**  
**NOTARY PUBLIC**  
State of Alaska  
My Commission Expires Apr. 14, 2021



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Joseph Joyner, Natural Resource Manager III, of Division of Mining, Land and Water, Department of Natural Resources, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Natural Resources 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 Department of Natural Resources regulation on 11 AAC 96.014(b)(16), for the Glacier/Winner Creek Special Use Area.

Date: November 4, 2019

Joseph Joyner  
Joseph Joyner, Natural Resource Manager III

Subscribed and sworn to before me at DNR Suite 1020, Atwood Bldg on  
November 4th, 2019  
(date)

Christine Ballard  
Notary Public in and for the State of Alaska

[NOTARY SEAL]

