

Chapter 96. Miscellaneous Land Use

11 AAC 96.016(b)(1) is amended to read:

(1) a permit or other written authorization is required for **a land use** [AN] activity listed in 11 AAC 96.010;

11 AAC 96.016(b)(3) is amended to read:

(3) unless [OTHERWISE] prohibited in (c) **or (e)** of this section, the land uses and **land use** activities listed in 11 AAC 96.020, alone or in combination, are generally allowed uses without any permit or other written authorization from the department, except that a land use [OR] activity for a commercial recreation purpose requires prior registration under 11 AAC 96.018; and

11 AAC 96.016 is amended by adding new subsections to read:

(e) Within the Jonesville Public Use Area as described in AS 41.23.286, a person may not, without a permit from the department,

(1) engage in any land use or land use activity prohibited under (c) of this section;

(2) engage in use of weapons, including firearms, except for lawful hunting or trapping, within high use areas, including any designated public use site, developed facility, trailhead, or campground, near Slipper Lake, Eska Falls, Wishbone Lake, and within one-quarter mile of residential and other private property;

(3) from May 1 through September 30, operate a vehicle on land at a speed greater than 10 miles per hour

(A) within a designated public use site; or

(B) within 100 feet of the waters of Slipper Lake and Wishbone Lake; or

(4) operate a watercraft that utilizes a motor greater than 10 horsepower on the water of Slipper Lake.

(f) Within the Jonesville Public Use Area as described in AS 41.23.286, a person who fails to obtain or comply with the terms, conditions, or limitations of a permit or registration required under (b) or (e) of this section, or who engages in a use or activity prohibited under (e) of this section, is subject to citation and penalty under AS 41.23.288 and 41.23.289. (Eff. 11/9/2008, Register 188; am 12/27/2012, Register 204; am 10/8/2017, Register 224; am 6/2/2019, Register 230; am ____/____/_____, Register _____)

Authority:	AS 38.04.200	AS 41.23.070	AS 41.23.220
	AS 38.05.020	AS 41.23.110	<u>AS 41.23.280</u>
	AS 38.05.035	AS 41.23.120	<u>AS 41.23.282</u>
	AS 38.05.300	AS 41.23.150	<u>AS 41.23.284</u>
	AS 38.05.850	AS 41.23.160	<u>AS 41.23.286</u>
	AS 41.23.020	AS 41.23.190	<u>AS 41.23.288</u>
	AS 41.23.030	AS 41.23.200	<u>AS 41.23.289</u>
	AS 41.23.060	AS 41.23.210	

Editor's note: The maps adopted by reference in 11 AAC 96.016 are available at the Department of Natural Resources, Public Information Center, 550 West 7th Avenue, Suite 1260, Robert B. Atwood Building, Anchorage, Alaska, at the Department of Natural Resources, Division of Mining, Land and Water, Director's Office, 550 West 7th Avenue, Suite 1070, Robert B. Atwood Building, Anchorage, Alaska, and on the department's Internet web site at

<https://dnr.alaska.gov/mlw/> [HTTP://DNR.ALASKA.GOV/MLW/KRPUA/INDEX.CFM].

11 AAC 96 is amended by adding a new section to read:

11 AAC 96.017. Matanuska Valley Moose Range. (a) Within the Matanuska Valley Moose Range as described in AS 16.20.360, without a permit from the department, a person may not

(1) transport a non-functional vehicle into the area;

(2) have an open fire larger than three feet in diameter and two feet in height except on open and non-vegetated areas at least 100 feet from forested land; an open fire is subject to the requirements of 11 AAC 95.412 - 11 AAC 95.450;

(3) burn or cause to burn a wooden pallet, a vehicle, a structure, household or commercial refuse, construction debris, or non-naturally occurring materials;

(4) place, dump, or discard waste or refuse;

(5) place, dump, discard, or release hazardous substances, including those contained within appliances, batteries, automotive fluids, and electronic devices; in this paragraph, "hazardous substance" has the meaning given in AS 46.03.826;

(6) construct or maintain a structure other than a temporary structure authorized under 11 AAC 96.020(a)(4)(A), and may not abandon a structure;

(7) cut, collect, or harvest a live tree; in this paragraph, "tree" means a woody perennial plant with a single, well-defined stem, a definite crown shape, and a diameter at breast height of five inches or greater;

(8) engage in an activity involving the use of an explosive or explosive device; in this paragraph, "explosive" includes a firework but does not include a firearm;

(9) discharge a firearm for purposes of target practice at a

(A) target other than one made from wood, paper, clay, or other organic material;

(B) manufactured steel target; or

(C) tree or other plant, whether live or dead, or at a target as described in

(A) or (B) of this paragraph affixed to or placed on a tree or other plant;

(10) discharge a weapon, including a firearm except

(A) for the purposes of lawful hunting or trapping;

(B) within a lawfully designated shooting area; or

(C) on non-state land, including private property;

(11) repeatedly approach fish or wildlife in a manner that results in the animal altering its behavior, except for the purposes of lawful hunting, fishing, and trapping;

(12) construct, develop, improve, widen, brush, or otherwise create a road or trail;

(13) damage, deface, destroy, or remove public property, or property leased or rented by the department or local government;

(14) from May 1 through September 30, operate a vehicle on land at a speed greater than 10 miles per hour

(A) within a designated public use site; or

(B) within 100 feet of the waters of Slipper Lake and Wishbone Lake; and

(15) operate a watercraft that utilizes a motor greater than 10 horsepower on the water of Slipper Lake.

(b) Within the Jonesville Public Use Area portion of the Matanuska Valley Moose Range, a person who fails to obtain or comply with the terms, conditions, or limitations of a permit

required under (a) of this section, a commercial recreation registration required under 11 AAC 96.018, or who engages in a use or activity prohibited under (a) of this section is subject to citation and penalty under AS 41.23.288 and 41.23.289. (Eff. ____/____/_____, Register _____)

Authority:	AS 16.20.340	AS 16.20.360	AS 41.23.288
	AS 16.20.350	AS 41.23.286	AS 41.23.289

The introductory language of 11 AAC 96.020(a) is amended to read:

11 AAC 96.020. Generally allowed uses. (a) A permit [OR OTHER WRITTEN AUTHORIZATION] is required for uses and activities not appearing on the list in this subsection. Unless otherwise provided in (b) of this section, in a special use land requirement in 11 AAC 96.014, or in a public use area land requirement under 11 AAC 96.016 **or 11 AAC 96.017, and subject to the conditions in 11 AAC 96.025,** the following land uses and activities, alone or in combination, are generally allowed uses on state-owned public domain land without **a permit** [ANY PERMIT OR OTHER WRITTEN AUTHORIZATION] from the department, except that a land use or activity for a commercial recreation purpose requires prior registration under 11 AAC 96.018:

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(Eff. 1/1/70, Register 31; am 12/7/2002, Register 164; am 11/9/2008, Register 188; am 7/1/2018, Register 227; am 4/18/2019, Register 230; am ____/____/_____, Register _____)

Authority:	AS 38.05.020	AS 38.05.035	AS 38.05.850
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The introductory language of 11 AAC 96.030(a) is amended to read:

(a) **To apply for a permit required under 11 AAC 96.010, an applicant must submit an application on a form provided by the department and the nonrefundable application fee required by 11 AAC 05** [AN APPLICATION FOR A PERMIT UNDER 11 AAC 96.010 MUST BE ON A FORM PROVIDED BY THE DEPARTMENT AND ACCOMPANIED BY THE APPLICABLE NONREFUNDABLE APPLICATION FEE REQUIRED BY 11 AAC 05].

An application that is not complete or otherwise does not comply with this section or other applicable statute or regulation may be rejected and returned to the applicant without consideration. The application must contain the following information in sufficient detail to allow for the department's evaluation of the planned activities' effect on the land:

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(Eff. 1/1/70, Register 31; am 8/6/94, Register 131; am 12/7/2002, Register 164; am 8/31/2008, Register 187; am 7/1/2018, Register 227; am 5/22/2020, Register 234; am ____/____/_____, Register _____)

Authority: AS 38.05.020 AS 38.05.035 AS 38.05.850

Article 3. General Provisions

11 AAC 96.250(19) is amended to read:

(19) "motorized vehicle" means a vehicle **propelled by a motor or engine for the purpose of personal or commercial transportation; "motorized vehicle" includes vehicles powered by internal combustion engines, electric motors, hybrid systems, fuel cells, or other onboard propulsion technologies** [THAT IS POWERED BY AN INTERNAL COMBUSTION ENGINE AND THAT AN INDIVIDUAL USES FOR THE PURPOSE OF

PERSONAL OR COMMERCIAL TRANSPORTATION];

11 AAC 96.250(26) is amended to read:

(26) "explosive" means a chemical compound, mixture, or device that is **designed, intended, or reasonably capable of rapidly releasing energy by detonation or deflagration** [COMMONLY USED OR INTENDED FOR THE PURPOSE OF PRODUCING A CHEMICAL REACTION RESULTING IN A SUBSTANTIALLY INSTANTANEOUS RELEASE OF GAS AND HEAT]; "explosive" includes dynamite, blasting power, nitroglycerin, blasting caps, nitrojelly, and mixtures containing nitrates and petroleum based fuel; **"explosive"** [EXPLOSIVE] does not include **consumer fireworks lawfully manufactured, possessed, and used in accordance with applicable law** [SALABLE FIREWORKS AS DEFINED BY AS 18.72.100];

11 AAC 96.250(28) is amended to read:

(28) "firework" means **a pyrotechnic device designed and** [AN EXPLOSIVE DEVICE OR COMBUSTIBLE MATERIAL] used to produce **visible and audible effects by combustion or deflagration, including light, color, sound** [LIGHTS], smoke, or noise for entertainment;

11 AAC 96.250 is amended by adding new paragraphs to read:

(31) "explosive device" means any assembly, configuration, or apparatus that contains, incorporates, or is constructed using an explosive to cause an explosion, detonation, or destructive effect; "explosive device" includes any arrangement of components that, when combined, activated, or assembled, function as an explosive;

(32) "designated public use site" means an area on state land or water that the department has identified for increased management attention to protect availability and accessibility of the area for continued public use;

(33) "organic mat" has the meaning given in 11 AAC 95.900;

(34) "permit" means a written authorization, revocable with or without cause, to engage in uses or activities that are otherwise prohibited or restricted;

(35) "wetlands" means those environments characterized by rooted vegetation that is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth. (Eff. 1/1/70, Register 31; am 3/21/81, Register 77; am 8/19/84, Register 91; am 12/7/2002, Register 164; am 1/11/2004, Register 169; am 8/31/2008, Register 187; am 11/9/2008, Register 188; am ____/____/____, Register ____)

Authority: AS 38.05.020 AS 38.05.180 AS 38.05.850
AS 38.05.035