

**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

A handwritten signature in black ink, appearing to read "Tom Brookover", written over a horizontal line.

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

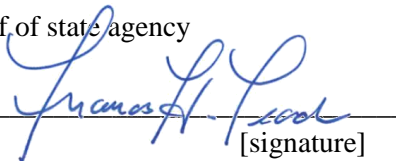
8. Cost of implementation to the state agency and available funding (in thousands of dollars): There is no cost to the agency for establishing and implementing the applicable fees.
9. The name of the contact person for the regulations:

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

Title 5. Fish and Game.

Chapter 93. Department Programs.

Article 1. Miscellaneous Department Programs.

5 AAC 93.060 is amended to read:

5 AAC 93.060. Little Susitna Public Use Facility fees. (a) Each year, in order to offset operation and maintenance costs for the Little Susitna Public Use Facility, the department will charge a fee under this section for each applicable use in the facility described in this section based on the fees charged for the same and similar uses for other state-owned and private facilities in the general vicinity. The department will not establish and charge a fee that exceeds a maximum fee set out in this section. 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 [SET BY] this section and displaying the fee receipt as directed by department personnel. The fees established under [SET BY] this section apply only during the season [PERIOD] from APRIL 15 through OCTOBER 30 of a calendar year. The fees and effective dates of the fees established under this section will be posted at the facility and on the department's website.

(b) Except as provided in (f) and (g) of this section, the department fee for overnight use of a developed campsite at the Little Susitna Public Use Facility is a fee established under (a) of this section that is at least \$15, but not more than \$30 [\$10] per night for a nightly camping pass or a fee established under (a) of this section that is at least \$150, but not more than

\$250 [\$100] for a season camping pass [, FOR THE PERIOD FROM APRIL 15 THROUGH OCTOBER 30 OF A CALENDAR YEAR].

(c) Except as provided in (f) and (g) of this section, the department fee for non-commercial use of the Little Susitna Public Use Facility boat ramp to launch a boat or for boat pullout is **a fee established under (a) of this section that is at least \$15, but not more than \$35** [\$10] per boat for one launch/retrieval and one day parking pass or **a fee established under (a) of this section that is at least \$200, but not more than \$450** [\$150] per boat for a season launch and parking pass. A [\$15] daily pass entitles the holder of the pass to unlimited launches and pullouts of one boat, and to parking for one vehicle with an attached trailer, for one calendar day [DURING THE PERIOD FROM APRIL 15 THROUGH OCTOBER 30 OF A CALENDAR YEAR]. A season launch and parking pass entitles the holder of the pass to unlimited launches and pullouts of one boat, to parking for one vehicle with an attached trailer, and to tie up one boat along the river bank (depending on space availability) within the Little Susitna Public Use Facility, for the **season** [PERIOD FROM APRIL 15 THROUGH OCTOBER 30 OF A CALENDAR YEAR]. The department fee for parking an unattached trailer in the upper parking lot is **a fee established under (a) of this section that is at least \$15, but not more than \$30** [\$10] per **calendar** day. An unattached trailer may not be parked in the lower lot.

(d) Except as provided in (b), (c), (f), and (g) of this section, the department fee for non-commercial parking in the Little Susitna Public Use Facility is **a fee established under (a) of this section that is at least \$7, but not more than \$20** [\$5] per vehicle per **calendar** day for a daily parking pass or **a fee established under (a) of this section that is at least \$100, but not**

more than \$200 [\$75] per vehicle for a season parking pass [FOR THE PERIOD FROM APRIL 15 THROUGH OCTOBER 30 OF A CALENDAR YEAR].

(e) Except as provided in (g) of this section, the department fee for non-commercial use of the dump station at the Little Susitna Public Use Facility is **a fee established under (a) of this section that is at least \$10, but not more than \$25** [\$3] per vehicle per dump.

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

(1) **a fee established under (a) of this section that is at least \$450, but not more than \$650** [\$300] for a season launch and parking pass for an individual who does not possess an authorization described in (2) of this subsection;

(2) **a fee established under (a) of this section that is at least \$450, but not more than \$650** [\$300] 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; and

(3) **a fee established under (a) of this section that is at least \$300, but not more than \$400** [\$200] for a season camping pass; the department fee for parking an unattached trailer in the upper parking lot is **a fee established under (a) of this section that is at least \$15, but not more than \$40** [\$10] per day; an unattached trailer may not be parked in the lower lot; a commercial season launch and parking pass entitles the holder of the pass to unlimited launches and pullouts of one boat, to parking for one vehicle with an attached trailer, and to tie up a boat along the river bank (depending on space availability) within the Little Susitna Public Use

Facility [,] for the **season** [PERIOD FROM APRIL 15 THROUGH OCTOBER 30 OF A CALENDAR YEAR]; a commercial season camping pass entitles the holder of the pass to overnight use of a developed campsite (depending on space availability) for the **season** [PERIOD FROM APRIL 15 THROUGH OCTOBER 30 OF A CALENDAR YEAR]; a commercial pass issued under this subsection 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.

(g) The fees established in [(b) – (f) 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.

(h) 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 [(ARREST)] and **citation under** AS 16.05.165 [(CITATION)]. 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 ____/____/2016, Register _____)

Authority: AS 16.05.020 AS 16.20.036 AS 16.20.060

AS 16.05.050 AS 16.20.050

Alaska Department of Fish and Game(ADF&G)
Little Susitna Public Use Facility

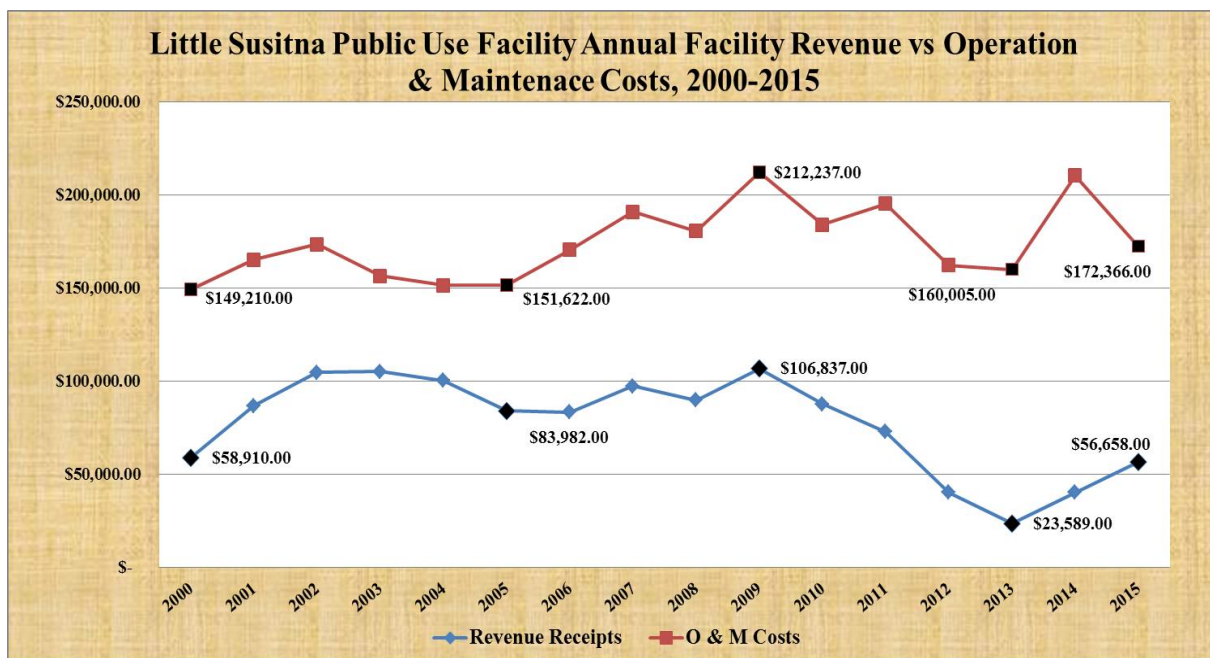
Frequently Asked Questions (Fee Schedule Change)

1. When was the last time the Fee Schedule was changed/amended at the Little Susitna Public Use Facility?

The present Fee Schedule was set in 2000 and has not been increased over the last 15 years.

2. How have Operation and Maintenance Costs changed?

The Little Susitna Public Use Facility is owned by ADF&G, but is managed and operated by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation (State Parks) through an annually renewed cooperative agreement. Since it was constructed in 1990 overall facility related costs have increased significantly. Over this time, facility revenue receipts (user fees) collected at the Little Susitna Public Use Facility have helped off-set some of the operating costs, but they have never been able to fully cover all facility expenses. Compounding the issue, over the past several years the number of users, and thus the fees collected at the facility has been declining (please note chart).



3. If the Little Susitna Public Use Facility is a Fish and Game facility, then why is State Parks managing the facility?

ADF&G does not have the regulatory authority to operate and maintain public recreational facilities, nor does it have the law enforcement regulatory authority to manage the type of public use issues that occur. However, State Parks by regulation was established for management of public recreational facilities and is ideally trained for management and operational needs at this public use facility.

4. Why is the department raising user fees at Little Susitna Public Use Facility?

The operation and maintenance of the site is primarily funded by ADF&G, Division of Sport Fish, Boating and Angler Access Program to help offset the substantial difference in actual operating costs vs. revenue receipt/user fees collected at the facility. Due to increasing site costs, raising user fees is necessary to help make it as self-sustaining as possible. The fee increase will help to ensure that the facility remains open for the entire summer season and continues to provide safe public access by maintaining current operation and maintenance levels.

5. What will the additional fees be used for?

All user fees will continue to be used exclusively for daily management and operational services provided by State Parks. Services include overall site operation and maintenance, management of a double lane boat launch ramp, 40 site campground, RV dump station, fish cleaning table, barrier free angler trails, light-penetrating grate walkway, and river access/fishing platforms. There are also seven developed, boat-accessible campsites that are located along the river within the first four river miles upstream of the facility.

6. Is the fee increase correlated with the decline in Chinook salmon production?

No – While the decrease in use over the past few years, and subsequent loss of user fees can probably be attributed to low abundance of Chinook salmon, the fee increase is not meant to make up for those losses. Rather, the increase in fees will ensure the department is generating enough fees to cover the long term operation

and maintenance of the facility even after the Chinook salmon stock has rebounded.

7. How do the new fees compare to previous fees at the Little Susitna Public Use Facility, and the current Deshka Landing fee schedule?

<u>Services</u>	<u>Little Susitna Public Use Facility Fee Schedule</u>			<u>Private Landing Fee Schedule</u>		
<u>General Public</u>	<u>Current Fee</u>	<u>Proposed New Fee</u>		<u>Deshka Landing</u>		
Day Boat Launch and Parking Pass	\$10.00	\$15.00		\$30.00		
Annual Boat Launch and Parking Pass	\$150.00	\$200.00		\$450.00		
Day Vehicle Parking Pass	\$5.00	\$7.00		\$10.00		
Annual Vehicle Parking Pass	\$75.00	\$100.00		N/A		
Day Parking Unattached Boat Trailer Upper Parking Lot Pass	\$10.00	\$15.00		N/A		
Over Night Camping Pass	\$10.00	\$15.00		N/A		
Dump Station Per. Vehicle	\$3.00	\$10.00		N/A		
Commercial Operator						
Annual Boat Launch and Parking Pass	\$300.00	\$450.00		\$1,000.00		
Day Parking Unattached Boat Trailer Upper Parking Lot	\$10.00	\$15.00		N/A		

8. How did the department come up with the new fee schedule?

By comparing current State Parks, private, and other ADF&G fee schedules that provide comparable services.

9. Why do commercial operators pay higher user fees?

Commercial operators use the facility at a much higher frequency than individual season pass holders and daily user groups.

Commercial operators use a common property resource (belonging to the residents of the State of Alaska) and a common property facility (intended for general public use) to generate business income and make a living.