

11 AAC 20.860 is repealed and readopted to read:

**11 AAC 20.860. Boat motor use.** (a) Except as prohibited by 11 AAC 20.865, and subject to the limitations and restrictions set out in this section, the operation of a boat by the use of a boat motor is allowed in the Kenai River Special Management Area.

(b) On or after January 1, 2008, a person may not operate a boat in the Kenai River Special Management Area by use of a motor or combination of motors with a total propshaft horsepower rating greater than 50 horsepower. These horsepower rating limitations do not apply to the following:

(1) the operation of a boat on Kenai Lake, on Skilak Lake, and on the Kenai River between the Kenai Lake Bridge and river mile 80.7;

(2) the operation of a boat by a federal, state, or local governmental agency for the purpose of law enforcement or search and rescue, or for the purpose of fish and game management under a special park use permit issued under 11 AAC 18.010.

(c) On or after January 1, 2008, a person may not operate a boat in the Kenai River Special Management Area by the use of a motor that has been altered or disguised with respect to the manufacturer's propshaft horsepower rating, manufacturer cowling decals, or the model or serial numbers to produce more than 50 propshaft horsepower.

(d) A person may not operate a boat in the Kenai River Special Management Area by the use of a motor unless the original propshaft horsepower rating of a motor is clearly labeled by the manufacturer or a factory authorized dealer mechanic in the form of cowling decals appropriate to the propshaft horsepower rating. The original propshaft horsepower rating of the motor may be further indicated by a stamp marking embossed in the metal or as part of the model number of the motor.

(e) On or after January 1, 2008, a person may not operate a boat in the Kenai River Special Management Area by the use of a motor as follows:

(1) with a total propshaft horsepower rating greater than 35 horsepower, unless the motor is a four-stroke motor or a direct fuel injection two-stroke motor, as described in Attachment A of the Department of Natural Resources, Division of Parks and Outdoor Recreation, Director's Decision on Reduction of Hydrocarbon Pollution from Motorized Boats on the Kenai River, signed November 16, 2006, and adopted by reference;

(2) during the month of July, unless the motor is a four-stroke motor or a direct fuel injection two-stroke motor, as described in Attachment A of the Department of Natural Resources, Division of Parks and Outdoor Recreation, Director's Decision on Reduction of Hydrocarbon Pollution from Motorized Boats on the Kenai River, signed November 16, 2006, and adopted by reference;

(3) without displaying on the motor cowling a decal issued by the department that certifies that the motor complies with the requirements of this subsection.

(e) In this section,

(1) "direct fuel injected two-stroke motor" means a motor whose fuel is directly injected into the top of the cylinder of an internal combustion engine whose cycle is completed in two piston strokes;

(2) "four-stroke motor" means an internal combustion engine whose cycle is completed in four piston strokes; "four-stroke motor" includes a suction stroke, compression stroke, expansion stroke, and exhaust stroke;

(3) "propshaft horsepower rating" means the boat motor's original manufacturer rated and labeled horsepower; however, the addition of a jet drive unit to a boat motor does not

change the propshaft horsepower rating of the motor powerhead and driveshaft configuration for the purposes of this section. (Eff. 5/11/85, Register 94; am 4/25/86, Register 98; am 7/1/89, Register 110; am 7/1/98, Register 146; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 41.21.020 AS 41.21.506

11 AAC 20 is amended by adding a new section to read:

**11 AAC 20.861. Boat specifications.** (a) A person may not operate a motorized boat in the Kenai River Special Management Area that exceeds 21 feet in overall length and 106 inches in overall width. This restriction does not apply to boats operated in accordance with 11 AAC 20.860(b)(1) and (2).

(b) Notwithstanding (a) of this section, the director shall authorize a person to use a motorized boat that exceeds 21 feet in overall length or 106 inches in overall width, if the person provides proof satisfactory to the division that the person owned the boat before the effective date of these regulations. If the director provides an authorization under this subsection, the director shall issue a nontransferable permit under 11 AAC 18. A permit issued by the director under this subsection expires on a date that is specified by the director, but it is no later than December 31, 2009.

(c) In this section,

(1) "outboard motor" means a boat engine that, when properly mounted on a boat in the position to operate, houses the engine and drive unit external to the hull of the boat;

(2) "overall length" means the straight-line measurement between the extremities of the boat, but does not include trim tabs or outboard motors;

(3) "overall width" means the straight-line measurement between the two widest extremities of the boat, measured at a right angle to the overall length measurement;

(4) "trim tabs" means an extension of the bottom of a boat, at the transom, that is no more than 18 inches long at its longest point and whose sole function is to provide trim to a boat while underway; "trim tabs" do not include an extension that provides increased floatation.

(Eff. \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 41.21.020 AS 41.21.506

11 AAC 20.865(b) is repealed:

(b) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

(Eff. 4/25/86, Register 98; am 2/3/88, Register 105; am 7/1/98, Register 146; am 5/3/2001,

Register 158; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 41.21.020 AS 41.21.506