

## Settlement

### Background

The current pattern of settlement within the planning area is characterized by two principal communities – Nome and Kotzebue, which function as the central place for their respective areas – and by small, Native communities that are distributed throughout the planning area, most of which are situated on the coast or along major rivers. Other than these locations settlement is sparse and uneven.

It is unlikely, given the relative isolation of this area and the lack of a significant economic base, that extensive population growth can be expected for the foreseeable future. Given this, there is little need for large additions to the settlement base on state land. Accordingly, a comparatively small amount of area – roughly 113,000 acres, or less than 1% of the total land base -- is allocated to settlement. These areas are provided either adjacent to recreational areas near Nome or in remote locations that provide access to remote recreational areas.

Review of available settlement locations throughout the planning area indicated that there were few good settlement areas outside of the Seward Peninsula on state land. While several good locations exist, particularly along the major rivers and lakes scattered through the Kotzebue, Baird Mountain, and Kobuk regions, these locations occur on private land, Native allotments, or Native corporation land. The areas identified by the state within these regions in the 1989 Plan have been selected by the Northwest Arctic Borough under their municipal entitlement and these sites are no longer available. However, several satisfactory sites do exist within the Seward Peninsula and there appears to be some amount of demand for settlement in this part of the planning area.

Areas designated Settlement are allocated within the Northwest Seward Peninsula region (1 offering), Southwest Seward Peninsula region (6 offerings), and Norton Sound region (1 offering). These areas were selected on the basis of either road or trail access, suitable terrain and soils, proximity to areas of attraction (Salmon Lake), and where some amount of demand for settlement is believed to exist. Other factors considered in selection included the compatibility with adjacent land uses and expected minimal impact on biological resources.

### Goals

**Private Land Ownership.** Provide suitable public land for transfer to private ownership for settlement purposes. DNR will attempt to satisfy three settlement categories within the planning area:

- 1. Seasonal residences for recreation.** DNR will offer land suitable for seasonal recreation use. This land will be provided as demand warrants, subject to the availability of funding. This category of land disposal is intended to provide land, often in remote locations, for recreational needs. No public facilities and services are intended to be provided.
- 2. Year-round residences for community expansion.** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and work is, or will be, in the area of the disposal. It also includes land disposals of commercial and industrial land to accommodate the expansion needs of communities. This land will be provided as demand warrants, subject to the availability of funding.
- 3. Industrial or commercial development.** DNR may sell, lease, or protect for future use suitable land for private commercial and industrial uses. Within the NWAP planning area most land designated Settlement is intended for residential use. Relatively few parcels are suitable for possible commercial or industrial development. If DNR sells the land, the timing of this disposal will depend on market demand and adequate funding.

**Community, Social, and Aesthetic Values.** In designing future disposals, DNR will maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and minimize undesired impacts on those values while considering the needs and demands of all state residents.

**Protection of Critical Recreational Areas and Environmental Resources.** Sensitive environmental features, habitat resource areas, and areas (or corridors) used by local residents for recreation will be taken into consideration in subdivision design and subdivisions should be developed to protect or maintain these features.

**Fiscal Impacts.** Land disposals should be sited and planned to minimize the costs of infrastructure and other services resulting from settlement. Disposals should be focused on areas of existing settlement; areas along the road system or a waterway that can be easily accessed by water transport; or areas where service requirements may be provided by local government or community organizations.

## Management Guidelines

### A. Planning and Coordination.

- 1. Competition.** The state may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.

2. **Local Plans.** DNR will comply with provisions of Borough comprehensive plans and zoning ordinances (if applicable) regarding the location and density of land development unless local requirements are inconsistent with a significant state interest.
3. **Coordination with Local Governments.** Where state land adjoins Borough land and where both areas are designated for Settlement, consideration should be given to the coordination of land disposal programs in order to achieve economies of scale and reduce infrastructure costs.
4. **Pacing.** Settlement offerings may be phased over 20 years, the life of this plan. The timing and extent of disposals will depend upon anticipated demand, availability of funding, the rate of community expansion, the availability of or costs to provide necessary infrastructure, and the particular land requirements of such expansion. Another factor may be whether the disposal will generate a demand for services that cannot be reasonably expected to be met by local government or community organizations.
5. **Areas Designated General Use and Minerals.** The large areas of state land within that are designated General Use are generally not suitable for residential development during the planning period. Most General Use areas are inaccessible and remote and generally unsuitable for development because of the presence of adverse topography, poor drainage, and extensive areas of wetlands that occupy or adjoin these areas. This makes the uplands within the General Use areas difficult to develop because of the costs and difficulty of road construction in the adjacent wetlands. For these reasons, residential development during the planning period in areas designated General Use is considered generally inappropriate except in those areas that adjoin parcels designated Settlement, where road access has been provided to adjoining properties, or for remote land disposals that are not dependent upon access. Similar considerations exist for areas designated Minerals (or Minerals/Habitat) except that settlement/residential development to support mining exploration and/or development may be appropriate. In instances where settlement has been determined by DNR to be appropriate within areas that are so designated, plan amendment (to Settlement) and reclassification (to Settlement Land) will be required.

**B. Types of Settlement Land and Land Offerings.** The nature of state land available for private ownership is influenced by both the characteristics of land designated for settlement, and the type of land sales program that makes it available. The Northwest Plan designates certain lands for settlement and provides guidelines for land sales, but does not develop or require a specific land sales program, although the general character or the type of land sale is indicated in order to provide some indication to the public as to the likely type of such development.

Unlike other recent area plans, this plan does not designate a particular type of settlement pattern. In other area plans, a distinction is made between remote settlement and subdivision type settlement offerings. The decision as to which type of settlement pattern (pre-surveyed

lots or remote staking) is appropriate is to be made on a case-by-case basis by DMLW at the time of the development of the subdivision. Prior to commitment to a specific design, DNR shall consult with local government and with the local community.

**C. Recommended Land Disposal Program.** This area plan designates eight settlement areas within the plan boundary; none occur outside the Seward Peninsula. There is one offering within the Northwest Seward Peninsula region, five in the Southwest Seward Peninsula region, and one in the Norton Sound region. Areas designated Settlement are usually larger than the actual area of the subdivision in order to provide flexibility in design. This plan continues that custom. The actual number of acres that are to be provided as part of the land sales programs within areas designated Settlement is indicated in the listing below. State land offerings shall conform to these acreage limits.

Norton Sound

- Peace River (800 acres)

Northwest Seward Peninsula

- Nuluk Shelter (800 acres)

Southwest Seward Peninsula

- Nome River (2,000 acres)
- Casadepaga (1,200 acres)
- Sinuk River (1,500 acres)
- East Fork Pass (1,600 acres)
- North Salmon Lake<sup>8</sup> (200 acres)

Consult the Resource Allocation Table for each of these regions to determine the location of these parcels and for more information.

**D. Protection, Management, and Enhancement of Other Resources.**

- 1. Protect Life and Property.** DNR should design and develop subdivisions to protect life and property. Sensitive areas such as wetlands or potentially dangerous areas such as areas with unstable soil, riverbanks subject to active stream erosion, or within floodways or floodplains, should be avoided in subdivision design or protected by retaining these areas in state ownership or restricting their use through developmental reservations or restrictions. Easements or plat notes can be used for this purpose in lieu of retaining land in state ownership.

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<sup>8</sup> Includes Salmon Lakes odd lots.

- 2. Protect and Manage Valuable Environmental Areas.** The state will provide, in its design of land disposals, an open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands. Where appropriate other design and management approaches may be used; these may complement an open space system or substitute for it, although preference should be given to the provision of an open space system.

These areas should be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be protected to provide adequate terrestrial habitat.

- 3. Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important fish and wildlife habitat or recreation value will be designed to protect riparian habitat and protect access to and along the stream for fishing, hiking, camping, and other recreational activities. Disposals near streams that have important fish or wildlife habitat or wildlife resources will be designed to ensure the protection of fish and wildlife and their habitats.

In certain limited cases, it may be appropriate to provide land for private use, but such an action must be in the overall best interests of the state. Before lands are disposed of in stream corridors, DNR will assess existing and projected public use needs associated with the stream corridor, in consultation with other affected agencies and the public. Depending on the context, DNR may either protect these areas through retaining land in state or public ownership or through the imposition of a reservation of an interest in land for the maintenance of riparian values and access.

- 4. Protect and Enhance Scenic Features.** DNR will design and develop subdivisions to protect or maintain unique geologic and scenic features such as cliffs, bluffs, or waterfalls. These areas should be avoided altogether or protected in subdivision design and development through the use of reservations or plat restrictions. Where scenic views exist, lots should be oriented to this feature.
- 5. Mineral Closing Orders.** Generally, state upland parcels designated Settlement do not coincide with patterns of historical or potential mining activity in the planning area. Since little potential conflict is expected to exist, this plan does not create any new Mineral Closing Orders or Leasehold Location Orders. However, Mineral Closing Orders are recommended for use at the time that an area is being considered for disposal for purposes of settlement or other forms of development that would be inconsistent with mining activity. The timing of the closure is at the discretion of the Department, but should be early enough in the process to avoid the inadvertent staking of mining claims. The current Mineral Closing Orders affecting existing areas of settlement or proposed settlement will be retained.

6. **Timber Harvest<sup>9</sup>.** Timber harvests are considered appropriate in areas designated Settlement if intended to support the costs of subdivision development, provide access to the subdivision, or provide ancillary facilities subject to the other requirements of the Forestry standards in this Chapter. Selective harvesting of timber before construction of the subdivision is considered appropriate, if authorized by the Regional Manager, DMLW. Land conveyed out of state ownership for the purpose of settlement, or another form of active land use, shall not be used for commercial timber harvest and sale. Subdivisions or disposals of state land by DNR shall preclude the sale of merchantable timber harvested on lots or parcels conveyed out of state ownership. The format used to impose this restriction is at the discretion of the Regional Manager, DMLW. This guideline is not intended to preclude the cutting of trees or other vegetation as part of the process of land clearing or site development.
7. **Protect and Enhance Recreational, Educational, and Cultural Opportunities.** DNR should determine the need for and retain appropriate areas for outdoor recreation, hunting, fishing, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

#### E. Design.

1. **Provide State Land for Important Environmental and Resource Development Purposes.** DNR, as a general policy, should retain appropriate green belts, public-use corridors, water supply areas, riparian and coastal buffer areas, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas. Where appropriate other design and management approaches may be used; these may complement retained areas or substitute for them.  
  
Generally, however, subdivision design should provide for the creation of an open space system designed to protect or maintain important uses and values. Depending on the context, DNR may either protect these areas through retaining land in state or public ownership or through the imposition of a reservation of an interest in land for the maintenance of riparian values and access.
2. **Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-round settlement to areas where services exist or can be provided with reasonable efficiency. State land that is located beyond the range of existing schools and other necessary public services or that is located where development of sources of employment is improbable will be sited and designed to encourage seasonal use with sufficient separation between residences so that public services will not be necessary or expected. Wildfire management costs that result from settlement will be considered and minimized to the extent feasible.
3. **Ensure Access.** DNR should ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved to and within land offerings. However, the state is not legally obligated to construct

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<sup>9</sup> This requirement is of limited applicability within this planning area but is included on the chance that some future subdivision activity not identified in this plan will occur in forested areas.

roads. In instances where a subdivision or other development is to abut a major arterial, the location of driveway and main road access is to be coordinated with ADOT/PF and other approving agencies. Section line or other easements should not be relied on for access without field inspection of the practicality of such routes, where topography or other conditions might make the practicability of the section line location suspect. Identified access routes should be described in the land-offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.

4. **Subdivision Design.** Subdivisions will be designed to preserve and enhance the quality of the natural setting and the recreational opportunities that make an area attractive to potential buyers. State subdivision design will take account of site limitations and opportunities such as slope, drainage, soils, erosion, riparian zone and coastal buffer, and other features to ensure that sites offered are buildable and can be developed without the need for extensive public infrastructure. DNR should review Borough subdivision requirements prior to the initiation of subdivision design. See also design requirements described in D(1), described previously.

**F. Other Guidelines Affecting Settlement.** Other guidelines will affect settlement. See other sections of this chapter.