

Chapter 4: Implementation

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1 **Chapter 4: Implementation**

2 **Introduction**

3

4 This chapter provides the basis, more specifically, for the management of uses and resources
5 within the PUA. It describes the management actions necessary to implement components of
6 the plan. It also explains the relationship between the plan and regulations that have been
7 proposed and those regulations that will be promulgated subsequent to the adoption of the
8 plan. It also describes the relationship between this planning document and other existing
9 state, federal and Borough plans. The procedures for plan review and amendment are also
10 included.

11

12

13 **General Management of PUA Lands**

14

15 DNR will implement the Knik River Management Plan based on authorities as described in
16 AS 41.23.180-230 and Title 38 of the Alaska Statutes and associated regulations. This plan
17 serves as the basis for the management of uses and resources within the PUA planning
18 boundary.

19

20 All state lands will be managed consistent with the purposes provided in AS 41.23.180 and
21 with the more specific guidance provided in this plan. Regulations addressing significant
22 issues of safety and public use are proposed by DNR. Additional regulations necessary to
23 implement management guidelines in the plan will be developed subsequent to plan
24 adoption.

25

26

27 **Access to Public Lands**

28

29 DNR will ensure access to the PUA from state and adjacent borough land through public
30 easements, management agreements, or other mechanism. Access at Bodenburg Creek and
31 Manmade Lake will be reserved as public easements and noted to state status plat(s). DNR
32 will work with MSB to survey and plat the Pavilion Parking Area, Sexton Trail, and the Envy
33 Trail as public easements. The Knik Glacier Trail on state land will be reserved as a public
34 easement. DNR will work with BLM to identify 17(b) easements necessary to provide
35 continued public access across lands that are likely to be conveyed to Eklutna Inc.

36

37

1 **Trails Management Process**

2
3 DNR will initiate a Trails Management Process subsequent to the approval of this plan to
4 identify existing trails and assess the level and impact of current use on fish wildlife and their
5 habitat. DNR should consult with ADFG to determine if uses are having a deleterious impact
6 on fish and wildlife. The TMP will also identify where additional trails are needed to
7 enhance recreational user opportunities or reduce impacts to fisheries and wildlife habitat.
8 The initial phase of this process will address trails in vegetated areas within the Lower Knik
9 Flats and Lakes and Wetlands units. The second phase will address trails in the remaining
10 units. Details of the TMP are included in Appendix D.

13 **Knik River Special Use Areas**

14
15 Certain lands, while not included in the PUA legal description, should be managed in a
16 manner consistent with the PUA when they are acquired by DNR. These parcels are located
17 adjacent to the KRPUA, but were not included in the legal boundary of the PUA. Parcel one
18 is owned by the State of Alaska. Parcel two is owned by MHT and will soon be conveyed to
19 DNR. Parcel three is owned by MSB and may be conveyed to the state in the near future.
20 The fourth parcel is privately owned and is currently for sale. These parcels are proposed to
21 be designated as SUA's because of their proximity to the PUA and levels of use related to the
22 PUA. Parcel one was proposed for designation as a SUA (ADL 230206) in Phase I
23 Regulations and may be approved prior to the adoption of this plan. See Phase I regulations
24 in Appendix C. Parcels two, three, and four are proposed for designation as SUA's through
25 Phase II regulations once they are acquired and all interests are conveyed to the State of
26 Alaska. The existing SUA will be amended to include these additional parcels. All three
27 parcels are to be managed consistent with the management direction for provided in this plan
28 for Unit A. Management recommendations and policies developed through the plan will
29 apply to state lands within the boundary of the PUA and the proposed SUA's. See *General*
30 *Land Status* Map 1-2 pp. 1 - 5 for a depiction of the parcels mentions above.

33 **Amendments to Current Area Plans**

34
35 When adopted, the Knik River Public Use Area Management Plan will function as the land
36 use plan for the area of the PUA under AS 38.04.065 authorities. Currently, land within the
37 PUA is included in both the Susitna Area Plan (SAP) and the Prince William Sound Area
38 Plan (PWSAP) and both plans provide some level of management guidance.

39
40 Included in Appendix F are amendments to the SAP and the PWSAP. Amendment of these
41 plans is required in order to reconcile discrepancies between the management plan and the
42 two current area plans, and to ensure that the Knik River Management Plan functions as the
43 (only) management plan for state land in the planning boundary.

1 Since AS 38.04.065 authorities were not voided in the enacting legislation, it is necessary to
2 enact the Knik River Management Plan to also function as the area plan for the planning
3 area. It replaces the two current area plans but, when adopted, will function to provide both
4 areawide planning policies and plan designations.

5
6 Amendment of the PWSAP was required to shift the boundary of the existing units in the
7 PWSAP southward from their current location so there was not a conflict with the Knik
8 River Public Use Area Management Plan. PWSAP boundaries were re-drawn to remove the
9 area of the PWSAP that is now included in the PUA. The effect of this action is that this
10 management plan becomes the basis for management for those three townships that were
11 previously managed under the PWSAP.

12
13 Amendment of the SAP was required to shift the boundary of the existing units in the SAP
14 northward from their current location so there was not a conflict with the Knik River Public
15 Use Area Management Plan. SAP boundaries were re-drawn to remove the area of the SAP
16 that is now included in the PUA. The effect of this action is that this management plan
17 becomes the basis for management for those three townships that were previously managed
18 under the SAP.

19 20 21 **Land Classification Order**

22
23 Classification of the lands within the PUA is required under AS 38.04.065 and AS 38.05.300,
24 and is necessary for certain authorizations issued by DNR.

25
26 Appendix G includes a Land Classification Order (LCO). It rescinds all previous LCO's.
27 All lands within the PUA will be classified Public Recreation and Wildlife Habitat. The LCO
28 consolidates and supersedes all the various LCO's that preceded this planning effort. Prior
29 LCO's classified the area as Public Recreation, Wildlife Habitat, and Resource Management.
30 The new LCO is based on the enactment of the Knik River Management Plan as the
31 foundation for land use planning required under AS 38.04.065(b) and for classification under
32 AS 38.05.300.

33 34 35 **Enforcement**

36
37 The Southcentral Regional Office (SCRO) will continue to work with the Department of
38 Public Safety (DPS) and local law enforcement agencies to carry out law enforcement
39 responsibilities within the Public Use Area. Currently DNR has provided a Reimbursable
40 Services Account to DPS to pay for enforcement activities conducted by DPS within the
41 PUA. DNR may pursue authorizing employees as peace officers within the PUA. This
42 authority was granted through AS 41.23.210. Appropriate training and policy will be
43 developed prior to DNR employees becoming designated peace officers
44

1 DNR is developing regulations as described in 11 AAC 96.015 to address many issues
2 identified through the public process (see Appendix C for proposed regulations). These
3 regulations directly resulted from input received during meetings and public comment
4 periods and discussions with law enforcement and the Attorney General's Office.
5 Regulations necessary to implement the plan will be developed subsequent to the adoption of
6 the plan.

9 **Title 38 Requirements**

11 The legislation enacting the PUA mandated the creation of this plan to act as the basis for
12 DNR management. It did not, however, rescind Title 38 authorities related to public lands
13 management. These authorities apply to the PUA except where a conflict exists between the
14 enabling legislation, regulations, or specific guidelines contained in the management plan. In
15 these instances, the management plan controls. This management plan has been written to
16 avoid such conflicts, so it is envisioned that this situation will occur rarely.

18 All lands within the planning area are managed consistent with Alaska Statutes contained in
19 Title 38, applicable regulations in 11 AAC, and existing policies except as they are amended
20 or superseded by this planning document and subsequent regulations.

23 **Authority of Management Plan**

25 DNR management plans, once adopted, are the legally binding policy for the management of
26 state land and resources and they direct permitting, leasing, and other decisions made by
27 DNR. Staff must follow DNR management plans when adjudicating authorizations for the
28 use of state land. Further guidance on implementation of this policy is attached.

31 **Allowed and Prohibited Uses**

33 All uses that are consistent with administrative regulations and the management guidelines of
34 this plan are allowed. Land disposals, timber harvest (commercial and private¹) and large
35 scale strip mining or open pit mining for leasable or locatable minerals are prohibited.

¹ Except for the types of forest management identified in the Forestry section of Chapter 2.

1 **Proposed Regulations**

2
3 Draft phase one regulations were recently released for public review and comment. They
4 address issues of great public concern that were identified early in the planning process. These
5 were developed concurrent with the planning process, and are consistent with the management
6 intent, guidelines and recommendations in this plan. Phase one regulations can be found in
7 Appendix C.
8

9 Subsequent to the adoption of the management plan, phase two regulations will be
10 developed. Phase two regulations are those regulations that are derived from the Knik River
11 Management Plan and are necessary to implement the plan. These regulations will be
12 developed to address issues at discrete locations or areas. DNR may consider additional or
13 modify existing regulations in the future to address impacts to resources, public safety or
14 changes in public use. These regulations will undergo a separate public notice and review
15 period after the final plan is adopted. See Appendix C for phase two regulations and for an
16 explanation of what issues these regulations are related to and what each intends to
17 accomplish.
18

19 Regulations necessary to implement this plan include:
20

- 21 • Motorized uses will be prohibited within the Rippy Non-motorized Area².
- 22 • Shooting areas will be established at the existing site on Maude Road, approximately
23 ½ of mile southeast of Mud Lake and in the area of forested state land east of the
24 Pavilion Parking area.
- 25 • Motorized use will be prohibited on Manmade Lake from May 1 to September 30 to
26 provide for the safety of recreational users.
- 27 • Motorized use within 100 feet of the water of Manmade Lake will be restricted to 10
28 mph or less to provide for the safety of recreational users in this area.
- 29 • Motorized boat use on a segment of McRoberts Creek will be restricted to 5mph or
30 less to provide for safety of non-motorized users in an area with limited sight
31 distances.
- 32 • Motorized boat use on Jim Lake and associated wetlands will be restricted to 5
33 horsepower or less to maintain existing use patterns and protect waterfowl nesting
34 habitat.
- 35 • Camping and recreational discharge of firearms will be restricted at public use sites.
- 36 • Additional regulations may be developed through a public process as needed by DNR
37 for the management of the PUA to include but not limited to unauthorized activities at
38 public use sites, stream crossing violations, and commercial use violations.

² This assumes that the Preferred Alternative recommended for the Lakes and Wetland Unit is adopted by the DNR Commissioner or a variant approach is selected that will require the use of regulation.

- Amend regulations to allow rutting and ground disturbance in excess of 6 inches for the area depicted on Map 2-3, pp. 2 -35.

Fees

DNR has evaluated the institution of a fee program to pay for facilities and management of the PUA. DNR will recommend to the Legislature that a fee schedule be implemented for development and subsequent management of facilities and for the ongoing management of the PUA. A fee schedule should not be implemented until such facilities are developed.

Other Lands

There are state, borough, and private-owned lands adjacent, but not within the legal boundaries of the PUA, that have high levels of use and impacts associated with the PUA. The state owns 252 acres of such lands on the western boundary of the Public Use Area. The MSB owns approximately 471 acres of land adjacent to the PUA at the Pavilion Parking Area on Sullivan Road. The Mental Health Trust owns approximately 78 acres of land east of the Old Glenn Highway Bridge. The fourth parcel is approximately 9 acres of private land on the northeast side of the Old Glenn Highway Bridge. See *General Land Status* Map 1-2, pp. 1 - 5 for the location of these lands. The three parcels that are not currently owned and managed by DNR were identified for acquisition by the state. See *Parcel Acquisition*, Chapter 2, pp. 2 - 23 for information related to acquisition of these lands.

The plan stipulates how the state land is to be managed and makes recommendations for these lands. In each instance, the intent is to provide consistent management for highly used lands adjacent to the PUA. Until they are included into the PUA, all acquired lands will be recommended as a SUA and will be managed consistent with the intent, guidelines and recommendations for the PUA.

The following recommendations pertain to state, Mental Health Trust, MSB, and private land outside of the legal boundaries of the PUA. These parcels of land adjoin the PUA and are currently used by the public for recreation and access, and the parcels essentially function as part of the PUA. For this reason, and to provide uniformity of management, their acquisition is recommended. These recommendations are mandatory on state land, but discretionary on MSB, MHT, and private land until the parcels in question are conveyed to the state. through the Replacement Land Process, which is an agreement between DNR and the Mental Health Trust Authority as to how to deal with land conveyed in error to the Trust Authority. See *Parcel Acquisition* in Chapter 2, pp. 2 - 25 for additional information related to these lands.

1 State Land within Lands within Section 31, Township 17N, R3E³

2 State land within Section 31, Township 17N, R3E⁴ is recommended for designation as a
3 SUA (ADL 230206). SUA designations are placed on sites and areas identified for more
4 intensive management by DNR. This designation restricts some uses that would otherwise
5 be classified “generally allowed” under 11 AAC 96.020. The original SUA designation was
6 included in Phase I regulations. The amended SUA is included in Appendix E in this plan.
7

8 Management Recommendations

- 9
- 10 • This land will be managed consistent with the management guidelines of the entire
11 PUA as well as the unit specific guidelines for Unit A as well as the management
12 provided in the SAU (ADL 230206). See Appendix E for specific management of
13 land included in the SUA.
 - 14 • This land will be recommended to the Legislature to be included in the legal
15 boundary of the PUA.
16

17 Matanuska-Susitna Borough Lands

18 The *Asset Management Plan for Borough-Owned land in the Butte Area* states that the
19 borough owned portion of the Jim Creek Parcel should be developed for “...motorized
20 recreation off-road vehicle including local off-road motorized vehicle training and learning
21 area as well as a regional access point to Knik River and Knik Glacier.” This management
22 intent is consistent with the legislatively designated purposes of the PUA and the
23 management guidelines contained in the management plan. These lands are recommended
24 for designation as a SUA.
25

26 Management Recommendations

- 27
- 28 • The state will work with MSB to acquire a portion of the Jim Creek Parcel that
29 encompasses the Pavilion Parking Area and Sexton and Envy trails. If these lands are
30 acquired it is recommended that they be included in the legal boundary of the PUA
31 and managed consistent with the adjoining unit.
 - 32 • Until this land is acquired by the State, DNR will work cooperatively with the MSB
33 to ensure that facility development and other significant action that the Borough may
34 undertake are coordinated with the eventual use of this land as part of the PUA.
 - 35 • Once acquired by the State, this land will be managed consistent with the
36 management guidelines of the entire PUA as well as the unit specific guidelines for
37 Unit A. The existing SUA (ADL 230206) will be amended to include all acquired
38 parcels. See Appendix E for specific management of land included in the SUA.

³ Addressed in Phase I regulations

⁴ These state lands are located outside of the KRPUA but are included within the planning boundary.

- Parking, camping and sanitation facilities may be developed at the Pavilion Parking area after DNR has acquired those lands from MSB. The type and location of these facilities will be determined following a site assessment and design process.
- These lands will be recommended to the Legislature to be included in the legal boundary of the PUA.

Mental Health Trust Land

Based on a 1994 Settlement Agreement between the Trust and the State, this parcel is to be returned to the State. Because of its location and heavy recreation use, this parcel is included within the PUA planning boundary.

Management Recommendations

- Once acquired by the State, this land will be managed consistent with the management guidelines of the entire PUA as well as the unit specific guidelines for Unit A. The existing SUA (ADL 230206) will be amended to include all acquired parcels. See Appendix E for specific management of land included in the SUA.
- These lands will be recommended to the Legislature to be included in the legal boundary of the PUA.

Private Parcel

Some users access the PUA from private parcels of land adjacent to the PUA. Currently, the private parcel on the northeast end of the Old Glenn Highway Bridge is for sale. This parcel is currently used by many individuals in trespass. Other private parcels provide access to the PUA, but none have been identified for acquisition at this time.

Management Recommendations

- The state may purchase the private parcel or access rights across this parcel, on the northeast end of the Old Glenn Highway Bridge. This will only be done if the parcel or access easement is offered by a willing seller. If this parcel is purchased it will be managed consistent with the management guidelines of the entire PUA as well as the unit specific guidelines for Unit A. The existing SUA (ADL 230206) will be amended to include this parcel. See Appendix E for specific management of land included in the SUA.
- These lands will be recommended to the Legislature to be included in the legal boundary of the PUA.

Other Land Not Identified in this Plan

There may be additional land adjacent to the PUA identified for acquisition in the future. The state will only acquire land from willing sellers. Acquisition of any additional land is dependant upon adequate funding. The state may accept donations of land that will enhance use and access to the PUA.

1 Management Recommendations

- 2
- 3 • Once acquired by the State, land will be managed consistent with the management
- 4 guidelines of the entire PUA as well as the unit specific guidelines for the adjacent
- 5 unit. The existing SUA (ADL 230206) will be amended to include all acquired
- 6 parcels. See Appendix E for specific management of land included in the SUA.
- 7 • Land acquired for the purpose of enhancing access and use of the PUA will be
- 8 recommended to the Legislature to be included in the legal boundary of the PUA.
- 9

10 Navigable Waterbodies

11 This management plan is based upon the Public Trust Doctrine, which provides for access,
12 movement and commerce on waterbodies that are navigable. Under this doctrine and the Equal
13 Footing doctrine applied in the Statehood Act, the state owns and manages all navigable
14 waterbodies (including the water column and the bed of the waterbody). Through a separate
15 action, DNR maintains that the Knik River is navigable and that the rights under the public
16 Trust Doctrine apply. Shorelands within the Knik River are therefore under state ownership
17 and management, except for those areas that are likely to be conveyed to Eklutna Inc. A more
18 complete description of the Public Trust Doctrine is included in Appendix H.
19
20
21
22

23 Coordination with Other Agencies

24 The state will coordinate activities with other state, federal and borough agencies as
25 appropriate and necessary. Projects proposed within the planning area will be consistent with
26 state, federal and borough requirements of law, ordinance, and code.
27
28
29

30 Procedures for Plan Review, Modification, and Amendment

31 Categories of management intent, policies, implementation actions, and management
32 guidelines of this plan may be changed if conditions warrant. The plan will be updated
33 periodically in response to new data or changing resource conditions or uses.
34
35

36 The various kinds of changes allowed in 11 AAC 55.030 are:

- 37
- 38 • “A revision to a land use plan is subject to the planning process requirements of
- 39 AS 38.04.065. For the purposes of this section and AS 38.04.065, a ‘revision’ is an
- 40 amendment or special exception to a land use plan as follows:
 - 41 ○ An ‘amendment’ permanently changes the land use plan by adding to or modifying
 - 42 the basic management intent for one or more of the plan’s subunits or by changing
 - 43 its allowed or prohibited uses, policies, or guidelines. For example, an amendment
 - 44 might close to new mineral entry an area that the plan designated to be open, allow

- 1 a land use in an area where the plan prohibited it, or allow land to be opened to
2 homestead entry in an area that the plan designated for retention in public
3 ownership.
- 4 ○ A ‘special exception’ does not permanently change the provisions of a land use plan
5 and cannot be used as the basis for a reclassification of the subunit. Instead, it
6 allows a one-time, limited-purpose variance of the plan’s provisions, without
7 changing the plan’s general management intent or guidelines. For example, a
8 special exception might be used to grant an eligible applicant a preference right
9 under AS 38.05.035 to purchase land in a subunit designated for retention in public
10 ownership. A special exception might be made if complying with the plan would
11 be excessively burdensome or impractical or if compliance would be inequitable to
12 a third party, and if the purposes and spirit of the plan can be achieved despite the
13 exception.
- 14 ○ A minor change to a land use plan is not considered a revision under AS 38.04.065.
15 A ‘minor change’ is a change that does not modify or add to the plan’s basic intent,
16 and that serves only to clarify the plan, make it consistent, facilitate its
17 implementation, or make technical corrections. Authority: AS 38.04.065,
18 AS 38.04.900, AS 38.05.020, AS 38.05.300.”
19
20

21 **Recommended Future Studies**

22
23 Management of recreational use and protection of fish and wildlife and their habitat may
24 require periodic study and monitoring. The actions listed below will allow DNR to assess
25 effectiveness of management guidelines and regulations to ensure management remains
26 adaptive to changing use patterns or changing resource conditions. They will provide a base
27 of knowledge on existing fish and wildlife populations and will allow DNR to assess the
28 effectiveness of management actions. All recommended studies and monitoring is subject to
29 acquiring necessary funding and staffing. Recommended studies include:
30

- 31 • Continue to gather baseline data on resources and habitat and fish and wildlife
32 populations. This data will be collected from ADFG and other available scientific
33 literature. Baseline data gathering would allow DNR staff to learn more about the
34 habitat requirements and use patterns of the fish and wildlife resources throughout the
35 PUA.
- 36 • Initiate a user survey to determine the type, levels and location of use within the
37 PUA. A user survey could also provide information on changing use patterns or if
38 conflict situations exist elsewhere. Survey may include a section that addresses
39 commercial use within the PUA.

- 1 • Subsequent to the adoption of the plan, DNR will work with ADFG to monitor fish
2 and wildlife, impacts to resources, and effectiveness of management actions. The
3 intent is to determine if significant deleterious impacts are occurring to fish and
4 wildlife, or other resources, related to use in the PUA. Should monitoring indicate
5 that these types of impacts are occurring, the agencies will work together to develop
6 timely and appropriate strategies to address the deleterious impacts.
- 7 • If necessary, DNR will seek additional funding to carry out additional studies on
8 impacts of use on fish and wildlife resources, habitat, and other state resources.
9