

PUBLIC REVIEW DRAFT DETERMINATION OF RECLASSIFICATION and PLAN AMENDMENT- 2005 BRISTOL BAY AREA PLAN

Introduction and Scope of Decision

This document (Document) includes both a Determination of Reclassification (Determination) and a Plan Amendment to the 2005 Bristol Bay Area Plan (2005 BBAP), and is prepared pursuant to the ‘[Stipulation for Remand and Dismissal Without Prejudice](#)’ (Stipulation)¹, entered into between the Department of Natural Resources (DNR) and the Plaintiffs in *Nondalton Tribal Council et al. v. State of Alaska*, 3DI-09-46CI.²

Under the Stipulation, the Plaintiffs (hereinafter referred to as “Petitioners”) agreed to dismissal of the lawsuit and DNR agreed to treat causes of action one through eight of the [Third Amended Complaint](#)³ as a petition to reclassify land under 11 AAC 55.270, and to address the specific revisions described in the June 29, 2012 [affidavit of the Deputy Director of the Division of Mining, Land, and Water](#) (DMLW)⁴. The specific revisions identified in the DMLW Deputy Director’s affidavit include: a) establish a management unit and accompanying classification or co-classification for the western Iliamna Lake shorelands; b) revise the definition of ‘minerals’ land use designation to better correspond with the Mineral Land classification at 11 AAC 55.130; c) revise the list of criteria that are used to identify sensitive habitats to include caribou and moose wintering and calving areas; d) revise the definition of ‘recreation’ to better correspond with the Public Recreation Land classification definition at 11 AAC 55.160; e) reclassify as Wildlife Habitat Land (11 AAC 55.230) the spawning and rearing areas of navigable anadromous streams; and f) co-classify the Lower Talarik Creek Special Use Area as Wildlife Habitat Land and Public Recreation Land (11 AAC 55.160). The ninth cause of action in the Third Amended Complaint concerns development of a regulation that defines a subsistence land use classification and is not addressed in this Document.

Document Organization

The analysis that follows is separated into the following parts: Background, Determination of Reclassification, Plan Amendment and Appendices. Land Classification Order SC-04-002A02, which implements the recommended changes in land classification identified in the Plan Amendment, is included in one of these appendices.

¹ Stipulation for Remand and Dismissal, *Nondalton Tribal Council, et. al. v. State of Alaska* 3DI-09-46CI, August 31, 2012.

² The plaintiffs are Nondalton Tribal Council, Koliganek Tribal Council, New Stuyahok Traditional Council, Ekwok Village Council, Levelock Village Council, Trout Unlimited, and AIFMA Cooperative. Pebble Limited Partnership participated in the litigation as a defendant-intervenor and also signed the Stipulation.

³ Third Amended Complaint for Declaratory Judgment, *Nondalton Tribal Council, et. al. v. State of Alaska*, 3DI-09-46CI, April 2, 2012.

⁴ Affidavit of Martin W. Parsons, June 29, 2012.

The first part of this document provides background information on the State land use planning process. This background information provides a necessary framework to understanding the terminology and methodology used in this document. The second and third parts of this document contain the Determination of Reclassification (“Determination”) and Plan Amendment. The Determination considers and responds to the first eight causes of action in the Third Amended Complaint, which allege error in certain land use classification decisions in the 2005 BBAP. Pursuant to the Stipulation, this Document treats the first eight causes of action in the Third Amended Complaint as a petition to reclassify land in accordance with 11 AAC 55.270. The third part of this document is titled ‘Plan Amendment’. Each of the items identified in the DMLW Deputy Director’s Affidavit are addressed in the Plan Amendment section. This section also recommends additional changes to the 2005 BBAP derived from the analysis in the Determination of Reclassification.

Background

A. State Land Use Planning Requirements and Process

Chapter 38.04 of the Alaska Statutes translates the constitutional policies of Article VIII of the Alaska Constitution into specific land management goals to guide DNR’s land management decisions. The state land use planning statutes guide DNR by establishing the purposes and goals of making land available for private use, and for retaining state land in public ownership.⁵ Applicable statutes also prescribe that disposal and retention decisions be “determined through the inventory, planning, and classification processes set out in AS 38.04.060-38.04.070.”⁶ When DNR prepares state land use plans, DNR must “rely, to the extent that it is available, on the inventory of the state land, its resources, and other values.”⁷ During the planning process, DNR must:

- (1) use and observe the principles of multiple use and sustained yield;
- (2) consider physical, economic, and social factors affecting the area and involve other agencies and the public in achieving a systematic interdisciplinary approach;
- (3) give priority to planning and classification in areas of potential settlement, renewable and nonrenewable resource development, and critical environmental concern;
- (4) rely, to the extent that it is available, on the inventory of the state land, its resources, and other values;
- (5) consider present and potential uses of state land;

⁵ AS 38.04.010 identifies the public interest in making land available for private use. AS 38.04.015 identifies the purposes for which state land is to be retained in public ownership.

⁶ AS 38.04.005(a).

⁷ AS 38.04.065(a)(4).

- (6) consider the supply, resources, and present and potential use of land under other ownership within the area of concern;
- (7) plan for compatible surface and mineral land use classifications; and
- (8) provide for meaningful participation in the planning process by affected local governments, state and federal agencies, adjacent landowners, and the general public.⁸

Each regional plan also must identify and delineate:

- (1) areas of settlement and settlement impact, where land must be classified for various private uses, renewable and nonrenewable resource development, and for public recreation, open space, and other public uses desirable in and around settlement; and
- (2) areas that must be retained in state ownership and planned and classified for various uses and purposes under AS 38.04.015.⁹

The state land use planning process also must result in the classification of land for surface use.¹⁰ With limited exceptions, state land, or state interests in land, may not be disposed of until the land has been classified.¹¹ The definitions of the various land classification categories are set out in regulations.¹²

Land use plans are evolutionary documents.¹³ DNR may revise land use plans when it determines changes to management intent or guidelines are appropriate, such as when information in a plan is no longer current, when there are significant changes to land status/ownership, to identify land available to satisfy municipal entitlements, and when there are significant changes in management policy by either the legislature or executive branch.¹⁴

Additionally, members of the public may propose land use plan changes to DNR, who must respond to the request.¹⁵ DNR's response is then subject to the agency's appeal and reconsideration regulations¹⁶ before being subject judicial appeal pursuant to Appellate Rule 602.

Current land use plans consist primarily of three kinds of information: an inventory and description of the resources in the planning area;¹⁷ management summaries and guidelines for each region and unit;¹⁸ and statements of management intent for each unit, which correlate to the

⁸ AS 38.04.065(b).

⁹ AS 38.04.065(c).

¹⁰ AS 38.04.065(e); AS 38.05.300.

¹¹ 11 AAC 55.040(i).

¹² 11 AAC 55.050-.230.

¹³ See AS 38.04.065(a) ("the commissioner shall . . . adopt, maintain, and, when appropriate, revise regional land use plans.")

¹⁴ AS 38.04.065(a); 11 AAC 55.040(f).

¹⁵ 11 AAC 55.270.

¹⁶ 11 AAC 02.

¹⁷ See, e.g., 2005 BBAP at 3-29 to 3-34.

¹⁸ See, e.g., 2005 BBAP at 3-34 to 3-39.

broader management guidelines for the planning area.¹⁹ The management intent statements are based on the described resources and uses of each planning unit. DNR regulations provide that “management guidelines and stated management intent, representing department policies to guide the actions of the department when making land use decisions, directing land management and ensuring compatibility among competing land uses.”²⁰ DNR thus uses the plan designations and statements of management intent in conjunction with the management guidelines for each land use designation to make land use decisions that are consistent with Article VIII of the Alaska Constitution and the statutory directives of the various state land programs.²¹

Management intent, management guidelines, plan designations, and land use classifications are described in more detail below. Together, these planning elements indicate the basic way state land is to be managed and the requirements of that management. Therefore, an understanding of how these components of an area plan are used is necessary to understanding Petitioners’ claims and DNR’s response.

Plan Designations: While all state land is managed for multiple use, area plans use ‘designations’ to identify the primary allowed uses of major importance in a particular management unit. Activities in the unit are to be managed to encourage, develop, or protect this use. Plan designations are the basis for the land use classifications required by statute. Plan designations are converted to land classifications through a land classification order, which is approved at the same time as the land use plan. Land use classifications reflect the plan’s land use designation and management intent; the land use designations and management intent drive the classification, not the other way around.

Management Intent: Statements of management intent define DNR’s near and long term management objectives and the method to achieve those objectives for each planning unit. The term refers to the management objectives and methods for a particular management unit.

Management Guideline: Management guidelines establish a course of action to be followed by DNR resource managers or required of land users when DNR permits, leases, or otherwise authorizes the use of state land or resources.

Land Classifications: Land use classifications reflect the land use designations and management intent that describe how a particular planning unit of state land will be managed. The different land classifications are defined in DNR regulations.²² All classification categories permit multiple use, although a particular use may be considered primary. Land may be given a maximum of three classifications.²³ Land use classifications are derived from the designations and management intent in the land use plan and represent the way that state land is to be managed. The applicable plan designations, management intent, and management guidelines are considered together when DNR makes management decisions regarding state land.

¹⁹ See, e.g., 2005 BBAP at 3-40 to 3-44 & Ch. 2.

²⁰ 11 AAC 55.030(c)(6).

²¹ 2005 BBAP at 1-5.

²² 2005 BBAP at 1-5.

²³ 11 AAC 55.040(d).

The format and management approach of DNR area plans have evolved since the first plans were developed in the 1980s. Certain aspects of this development are discussed here because they are implicated by some of the issues raised by Petitioners. The original plans assigned up to six primary and secondary uses, which often conflicted with each other and made it difficult for DNR adjudicators to determine the primary management purposes and objectives for a particular management unit. The newer plans attempt to eliminate this uncertainty by identifying a primary, and occasionally a co-primary use. Limiting use designations in this way facilitates compliance with 11 AAC 55.030, which limits to three the number of classifications that could be applied to an area. Additionally, newer plans identify more management units than the original area plans, such as the 1984 BBAP. This was done for a variety of reasons, but most importantly, to be able to articulate management intent and management guidelines at a finer scale in order to more effectively manage state land and its resources. The ability to identify these smaller areas in area plans was made possible with the use of Geographic Information System (GIS) technology, beginning in the year 2000. Introduction of this technology allowed DNR planners to provide more detailed information about individual management units, and this increased detail enhanced DNR decision making on land use and resources. Relatedly, GIS shapefiles are used as the basis for the classification layer in state status plats, and require that each management unit must have a discrete land classification. This characteristic, coupled with the increasingly detailed information about the resource, supports the use of smaller parcels that would carry discrete classifications.

The newer plans also better match the land use designation descriptions with the land use classification definitions at 11 AAC 55.030. Area plans use designations as the basis for allocating land uses; but the definition of these designations in area plans occasionally differed from the definition of the corresponding land use classifications. This sometimes created confusion, evident in public comments, and to minimize this problem DNR has tried to apply its designations in a manner more consistent with the concepts contained in the land use classifications. One result of this effort is the increased use of the General Use designation. In implementing the early land use plans, DNR learned that the practice of assigning a single land use classification to an entire planning area was unproductive and misleading. It was unproductive in that it did not provide clarity as to management intent and objectives in DNR decision making, and it was misleading in that it could be interpreted that a management unit could be managed for almost any use, even uses that were incompatible. DNR therefore has increased reliance on the General Use designation²⁴ because this designation recognizes that a variety of uses and resources can occur within management units, especially those of large size that are not expected to be developed during the planning period.

B. The Bristol Bay Area Plan

DNR adopted the 2005 Bristol Bay Area Plan on April 19, 2005, after a two-year development process that included public meetings, written comments, and publication of a draft plan.²⁵ The Plan catalogues state land and water values and establishes management priorities for over 12 million acres of state upland and over seven million acres of state-owned tideland, submerged

²⁴ Which converts to the land classification of Resource Management Land.

²⁵ 2005 BBAP, inside cover and at 1-5 to 1-6. The Department of Fish and Game also endorsed the Plan on October 24, 2005. 2005 BBAP, inside cover.

land and shoreland in the planning area. It replaces the original, 1984 Bristol Bay Area Plan.²⁶ As required by AS 38.04.065(e) and AS 38.05.300, the Plan also classifies for surface use, including tide and submerged lands, the land in the planning area.²⁷

The predominant classifications used in the 2005 BBAP include: Mineral, Wildlife Habitat, Public Recreation, Resource Management, and Settlement. Because many of Petitioners' claims concern the 2005 BBAP's use of the Resource Management Land, Wildlife Habitat Land, and Public Recreation Land classifications, the regulatory definitions of these classifications are set forth here:

11 AAC 55.160. Public Recreation Land. Land classified public recreation is land that is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

11 AAC 55.200 Resource management land. Land classified resource management is either:

1. land that might have a number of important resources, but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information; or for which a decision is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or
2. land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

11 AAC 55.230. Wildlife Habitat Land. Land classified wildlife habitat is land which is primarily valuable for:

1. fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
2. a unique or rare assemblage of a single or multiple species of regional, state, or national significance.

The description of the General Use designation is similar to the Resource Management classification, but is somewhat more detailed. It includes the concept of a parcel "large enough to accommodate a variety of uses with appropriate siting and design considerations."²⁸

Many of the issues raised by Petitioners concern management approach and classification changes in the 2005 BBAP from the 1984 BBAP. Both of these area plans are available for review on the DMLW website and should be consulted for other information and detail. Access

²⁶ 2005 BBAP at 1-1, 1-4.

²⁷ 2005 BBAP at B-1.

²⁸ 2005 BBAP at 3-3.

these plans at <http://dnr.alaska.gov/mlw/planning/>. The 1984 BBAP is referenced at the bottom of the 2005 BBAP webpage. Some of the major distinctions between the 1984 BBAP and the 2005 Plan are described below.

The 1984 BBAP reflects the method used by DNR in its initial development of area plans in the early and mid-eighties. Land use designations were listed for each management unit and divided into primary and secondary uses. The primary land use designations converted to equivalent land use classifications. The 1984 Plan used a small number of very large management units-22- to cover an upland area of over 12 million acres and 7 million acres of shore and tidelands. For example, Region 6 in the 1984 BBAP exceeded 4.4 million acres in size. In contrast, the 2005 BBAP consists of 276 upland management units and over 60 tide and submerged land units. The units in the 2005 BBAP vary in size from the very small (1 acre) to the very large (over 50,000 acres). Additionally, the 1984 BBAP applied designations on an area-wide basis, sometimes encompassing the entirety of the planning area. The 2005 BBAP applies designations in a more specific way, to smaller geographic areas. In nearly all management units, the 1984 BBAP identified both Wildlife Habitat and Public Recreation as designations but also, depending on location, included oil and gas, minerals, forestry, settlement, and transportation corridors as co-designations. In the case of the Wildlife Habitat and Public Recreation classifications, these covered the entirety of the planning area with the exception of one 13,000 acre unit classified as Settlement Land. The 1984 Plan was, and remains, unique among state land use plans in the extent that it employed the Wildlife Habitat classification.

Plans developed during the early and middle 1980s chose to describe uses that were allowed and not allowed through the use of terms 'primary,' 'secondary,' and 'prohibited.' DNR moved away from this approach beginning in the late 1990s because of the confusion over what the overall management intent was for a unit with multiple allowed uses. Increasingly, DNR used 'designations' as the reference mechanism to describe the principle management intent on state land, and later area plans (after year 2000) minimized the number of designations that would affect a unit. Typically, it is limited to a single designation. The designations convert to land use classifications and therefore there is a better match between what is intended in terms of state land management and the land use classification.

Both the 1984 Plan and the 2005 Plan have a multiple use orientation. The 1984 BBAP accomplished this by indicating a range of allowed uses in tables that identified primary and secondary uses but also allowed all other uses that were compatible with management intent, management guidelines, and plan designations. It is therefore inaccurate to conclude, as Petitioners claims suggest, that the only uses allowed by the 1984 BBAP within the planning area were Wildlife Habitat and Public Recreation. In fact, the 1984 BBAP used a management approach that identified the full range of appropriate primary and secondary uses in a management region, and left the determination of the dominant use to a later interpretation at a site specific level when an actual adjudication occurred.

Generally, the 2005 BBAP assigns a primary designation, indicating that this is the primary way that the land will be managed. The 2005 BBAP does not assign multiple designations unless the designations are compatible and of coequal importance. Typically the number of designations per management unit is limited to two. To further DNR's multiple use mandate, the 2005 BBAP

does not include tables of primary and secondary uses, but provides that other uses may occur within a given management unit if the use is compatible with the primary and, if applicable, co-primary designation. This approach reflects the statutory provision that all state public domain land is multiple use²⁹ and that uses other than the designated use are appropriate if they are compatible with the designated use or stipulations are employed that mitigate adverse impacts upon the primary designated use.³⁰ The approach of the 2005 BBAP is more consistent with regulatory requirements.³¹

The 2005 BBAP also has been developed to be more consistent with the classification definitions in Administrative Code³² and rely more heavily on the multiple use designation (General Use), reflecting the large size of some management units in the BBAP planning area and the presence of multiple compatible uses. Because of the range of uses in parcels of large size, the Resource Management classification is considered more appropriate as a land use classification since this classification is intended to encompass a wider variety of uses than more specific classifications and is to be applied in remote and inaccessible areas where development is not anticipated during the planning period.³³ Resources and uses that are important to protect are noted in the management intent for those management units, and the management intent is, along with plan designation and management guidelines, the basis for the management of state land. For every unit with a Resource Management land classification, the sensitive uses and resources are identified and text is included in the management intent section of the unit that protects these uses and resources.³⁴ These units will also include the requirement to consider specific requirements, usually related to fish and wildlife habitats, in Chapter 2 that apply to all areas within the plan.³⁵

Further, the 2005 BBAP does not identify retained lands in the same manner as the 1984 BBAP. The 2005 BBAP identifies certain designations that are to be retained in state ownership,³⁶ whereas the 1984 BBAP does not include this statement.

²⁹ AS 38.04.065(b)(1).

³⁰ 11 AAC 50.040(c).

³¹ 11 AAC 55.040(c).

³² 11 AAC 55.040-.230.

³³ While the 1984 BBAP used a multiplicity of primary and secondary designations, 11 AAC 55.040 sets a maximum of three classifications, the effect of which is to preclude the use of numerous designations and classifications.

³⁴ An example of this is provided by unit R21-01: "Unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, oil and gas exploration and development, the possible development of the Herendeen coalfield, and dispersed recreation." P. 3-300, 2005 BBAP.

³⁵ Also, from unit R21-01: "Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements...for 'Caribou and Moose Calving and Rutting Areas' in this Chapter." p. 3-300, 2005 BBAP.

³⁶ 2005 BBAP at 3-3 through 3-7.

Determination of Reclassification

Table 1 summarizes the results of the Determination of Reclassification. This table identifies the Cause of Action, indicates what DNR interprets as a request for reclassification for each Cause of Action, and summarizes the results of the Determination analysis. Refer to the descriptions of each individual Cause of Action, which follows, for detail.

Table 1: Determination of Reclassification

Causes of Action	Request for Reclassification	Results of DNR Analysis
<p>First Cause: The issue presented in the First Cause of Action is whether it is appropriate to reclassify the entirety of the plan area to the classifications that existed (specifically Wildlife Habitat) in the 1984 BBAP and whether the land use classification of Resource Management Land identified in the 2005 BBAP can satisfactorily protect sensitive habitats.</p>	<p>DNR has interpreted this Cause of Action as a request to reclassify the entirety of the planning area to the classification of Wildlife Habitat Land. (The entirety of the planning area in the 1984 BBAP was classified Wildlife Habitat or co-classified with other classifications, especially Public Recreation, with the exception of approximately 15,000 acres of land that were classified Settlement.)</p>	<p>DNR determined that it is inappropriate to reclassify the entirety of the planning area to the classification of Wildlife Habitat. The request for reclassification to Wildlife Habitat is denied.</p> <p>However, DNR also determined that: 1) certain areas within the planning boundary should be reclassified to Wildlife Habitat or co-classified Wildlife Habitat and Public Recreation, 2) it is appropriate to amend Management Guideline B in the Fish and Wildlife Habitat and Harvest section of Chapter 2 to include moose and caribou wintering and calving habitat in this Guideline, and 3) it is appropriate to amend the management intent statements in specific units classified Resource Management, Settlement, and Minerals to include the management of sensitive habitats (where this is now lacking). These aspects of the request for reclassification are approved.</p> <p><i>See Determination of Reclassification for detail.</i></p>
<p>Second Cause: The issue presented in the Second Cause of Action is whether it is appropriate to reclassify the entirety of the planning area to the classifications that existed (specifically Public Recreation) in the 1984 BBAP and whether the land use classification of Resource Management Land identified in the 2005 can satisfactorily protect areas of dispersed recreation.</p>	<p>DNR has interpreted this Cause of Action as a request to reclassify nearly the entirety of the planning area to the classification of Public Recreation. (Most of the planning area in the 1984 BBAP was classified Public Recreation or co-classified with other classifications, especially Wildlife Habitat, with the exception of approximately 15,000 acres of land that were classified Settlement.)</p>	<p>DNR determined that it is inappropriate to reclassify much of the planning area to the classification of Public Recreation. The request for reclassification to Public Recreation is denied.</p> <p>However, DNR also determined that: 1) certain areas within the planning boundary should be reclassified to Public Recreation or co-classified Public Recreation and Wildlife Habitat and 2) certain streams and lakes should be reclassified to Public Recreation or reclassified to Public Recreation and Wildlife Habitat, and 3) it is appropriate to amend the management intent statements in specific units classified Settlement or Minerals to include the management of dispersed recreation (where this is now lacking). These aspects of the request for reclassification are approved.</p> <p><i>See Determination of Reclassification for detail.</i></p>
<p>Third Cause: The issue presented in the Third Cause of Action is whether it is appropriate and necessary to classify all anadromous streams, including those that are not navigable, to Wildlife Habitat. (Streams and lakes determined to be navigable and anadromous are currently classified Wildlife Habitat or co-classified Wildlife Habitat and Public Recreation in the 2005 BBAP.)</p>	<p>DNR has interpreted this Cause of Action as a request to classify all anadromous streams, including those that are not navigable, Wildlife Habitat.</p>	<p>DNR determined that it is inappropriate and unnecessary to classify those anadromous streams that are not navigable to Wildlife Habitat. The request for classification is denied.</p> <p>Note: However, under subsequent causes of action, DNR did determine that streams affected by Mineral Closing Order 393 are appropriate for classification to Wildlife Habitat. See Fifth Cause of Action.</p> <p><i>See Determination of Reclassification for detail.</i></p>
<p>Fourth Cause: The issue presented in the Fourth Cause of Action is whether it is appropriate to classify the western portion of Lake Iliamna Wildlife Habitat.</p>	<p>DNR has interpreted this Cause of Action to be a request for classification to Wildlife Habitat for the western portion of Lake Iliamna.</p>	<p>DNR has determined that the western portion of Lake Iliamna is already classified Wildlife Habitat. The request for classification is denied.</p> <p>Note: The Plan Amendment section recommends, however, clarification of plan text</p>

Causes of Action	Request for Reclassification	Results of DNR Analysis
		and map to specify that the entirety of Lake Iliamna is classified Wildlife Habitat. <i>See Determination of Reclassification for detail.</i>
Fifth Cause: The issue presented in the Fifth Cause of Action is whether it is appropriate to classify streams that affected by Mineral Closing Order 393 as Wildlife Habitat.	DNR has interpreted this Cause of Action to be a request for classification to Wildlife Habitat for those streams affected by Mineral Closing Order 393.	DNR has determined that it is appropriate to classify streams affected by Mineral Closing Order 393 as Wildlife Habitat. (Note: certain streams affected by this Order are currently classified Wildlife Habitat or co-classified Wildlife Habitat and Public Recreation; these streams retain their current classification.) The request for classification is approved . <i>See Determination of Reclassification for detail.</i>
Sixth Cause: The issue presented in the Sixth Cause of Action is whether the current wording in the Navigability portion of Chapter 3 of the 2005 BBAP limits the application of streams and lakes classified Wildlife Habitat to (only) those areas where rearing and spawning occur.	DNR has interpreted this Cause of Action as a request to clarify current plan text and to reclassify the entirety of streams identified as navigable and anadromous in Table 3.1 of the 2005 BBAP as Wildlife Habitat.	DNR has determined that it is appropriate to amend current plan text to clarify that the classification of Wildlife Habitat applies to the entirety of the waterbody (not to just areas of spawning and rearing). The request for clarification and reclassification is approved . <i>See Determination of Reclassification for detail.</i>
Seventh Cause: The issue presented here is whether it is appropriate to amend the classification of management unit R10-04 (Lower Talarik Creek) to a co-classification of Wildlife Habitat and Public Recreation. (The unit is currently classified Public Recreation.)	DNR has interpreted this Cause of Action as a request to co-classify management unit R10-04 Wildlife Habitat and Public Recreation.	DNR has determined that the request for co-classification of this management unit as Wildlife Habitat and Public Recreation as appropriate. The request for clarification and reclassification is approved . <i>See Determination of Reclassification for detail.</i>
Eighth Cause: The issue presented here is whether the act of reclassification from the classifications of Wildlife Habitat and Public Recreation to Resource Management Land in the 2005 BBAP effectively precluded the protection afforded by retaining state land in state ownership. Other issues raised in this Cause of Action concerned the definition of the Minerals designation, the absence of moose and caribou wintering and calving areas from the listing of sensitive habitats in Chapter 2 of the 2005 BBAP, and the absence of the terms 'sport hunting and fishing' from the Glossary definition of word 'recreation.'	DNR has interpreted this Cause of Action as a request to 1) reclassify the entirety of the planning area to Wildlife Habitat and Public Recreation (on the basis that these classifications require that the state retain land in these classifications) and as a request to 2) clarify current plan text relating to the definition of Minerals, 3) amend plan text to include moose and caribou wintering and calving habitat in the listing of sensitive habitats, and 4) as a request to clarify the Glossary definition of the word 'recreation'.	1) DNR has determined, in the First and Second Causes of Action, that reclassification of the entirety of the planning area to Wildlife Habitat and/or Public Recreation as inappropriate and unnecessary. This aspect of the request for reclassification is denied . However, DNR has determined that it is appropriate to clarify the definition of the designation of General Use (which converts to the Resource Management Land classification) as it relates to retaining this classification of land in state ownership. This aspect of the request for reclassification is approved . 2) DNR has determined that clarification of plan text relating to the designation of Minerals is appropriate. This aspect of the request for reclassification is approved . 3) DNR has determined that the amendment of plan text to include moose and caribou wintering and calving habitats in the listing of sensitive habitats and that modification of Management Guideline B are appropriate. This aspect of the request for reclassification is approved . 4) DNR has determined that the clarification of the word 'recreation' is appropriate. This aspect of the request for reclassification is approved . <i>See Determination of Reclassification for detail.</i>

First and Second Causes of Action: Determination of Reclassification Regarding Wildlife Habitat Land and Public Recreation Land

The First Cause of Action claims that the 2005 BBAP inappropriately reclassifies land that had been classified in the 1984 Plan as Wildlife Habitat because the 2005 Plan employs an arbitrarily narrow definition of “habitat” that departs from regulation, and uses an arbitrary list of primary marine-related “fish and wildlife habitat categories” to identify inland upland habitat far from the marine environment. The Petitioners assert that habitat protection for about 93 percent, or 10.7 million acres, of the area classified as Wildlife Habitat Land in the 1984 Bristol Bay Area Plan (1984 BBAP) was ‘lost’ or removed with the adoption of the 2005 BBAP. DNR interprets this cause of action as a request to reclassify as Wildlife Habitat those areas that were so classified in the 1984 Plan but did not retain that classification in the 2005 Plan.

The Second Cause of Action claims that the 2005 BBAP inappropriately reclassifies land that had been classified in the 1984 Plan as Public Recreation land because the 2005 Plan employs an arbitrary definition of “recreation” that excludes sport hunting and fishing. Petitioners assert that 9.6 million acres, or 87 percent, of the area classified Public Recreation Land in the 1984 BBAP lost protection for public recreation interests and uses. DNR interprets this cause of action as a request to reclassify as Public Recreation those areas that were so classified in the 1984 Plan but did not retain that classification in the 2005 Plan.

Even though the 1984 BBAP co-classifies many areas as Wildlife Habitat Land and Public Recreation Land, the Third Amended Complaint and this Determination treat these claims as separate requests for reclassification by evaluating the appropriateness of each requested classification separately. This is a more conservative evaluation approach than combining them as a co-classification of Wildlife Habitat Land and Public Recreation Land and assessing them in a combined form, as was done in the 1984 Plan.³⁷

First Cause of Action: Wildlife Habitat Land

The issue presented in the First Cause of Action is whether it is appropriate to reclassify as Wildlife Habitat all uplands that were classified as Wildlife Habitat in the 1984 Plan but did not retain this classification in the 2005 Plan. The analysis that follows describes the information base used in this analysis, determines whether the current distribution of Wildlife Habitat land is satisfactory, and whether changes to the current distribution of this classification are warranted.

The First Cause of Action claims that the classifications of uplands that lost their prior Wildlife Habitat classification are based on a Habitat designation definition that is inconsistent with the Wildlife Habitat classification definition in regulation. However, land use designations serve a different purpose than land use classifications, and are thus defined differently. Designation definitions are more specific than the land classifications published at 11 AAC 55. This has occurred since these plans were first prepared in the mid-eighties. The Habitat designation definition used in the Plan focuses on the protection of critical life cycle stages of species that are of regional, state, or national significance.³⁸ Protection of these areas increases the likelihood of

³⁷ See ‘Primary Land Uses on State Lands’ in the 1984 BBAP.

³⁸ 2005 BBAP at 3-3.

species reproduction and, on a more general level, creates a higher probability of species sustainability. The habitat designation uses concepts derived from the Wildlife Habitat classification definition, but augments these concepts with principles that are likely to result in higher levels of species sustainability. This definition was developed with the assistance of ADF&G and, it should be noted, ADF&G has consistently endorsed area plans that include this definition, including the 2005 BBAP. DNR therefore determines that the Habitat designation definition is appropriate and that the definition has not resulted in inappropriate classifications in the 2005 Plan.

The Petitioners maintain that a number of important habitat areas were omitted from the 2005 BBAP as a result of the Habitat designation definition and the use of a list of primarily marine-related fish and wildlife categories to identify inland upland habitat. The Third Amended Complaint references as source material information from the 1984 BBAP and various maps produced during the 1984 Plan development period. This Determination uses the most current data available from the Alaska Department of Fish and Game (ADF&G), which is derived from the 2005-2012 period. The Third Amended Complaint also implies that any area that has habitat value requires the application of the Wildlife Habitat classification. While habitat values are present in much of the planning area, current DNR area plans apply the Wildlife Habitat classification in specific areas where especially important life cycles periods of single or multiple species of regional importance occur. This approach is consistent with the designation of Habitat in these more recent area plans and with the current regulatory definition of the Wildlife Habitat Land classification, which was promulgated in 1984 and not employed in the 1984 BBAP. It is also consistent with the need for area plans to provide guidance to DNR adjudicators by identifying those areas of habitat that are particularly important and require a heightened level of state management over the generally applicable statutory and regulatory habitat protections.

ADF&G's most current and best available wildlife data on moose and caribou calving and wintering areas is depicted on Map 1, attached, which correlates this habitat information with the management units in the 2005 BBAP. This updated information identifies a somewhat different distribution of these habitats than that associated with similar data used to prepare the 2005 Plan, but provides a reasonable basis to determine whether important habitat areas were not considered in the 2005 Plan and whether the current land management approach that uses the Resource Management Land classification satisfactorily protects these habitats.

Moose calving and Wintering Areas: These areas tend to concentrate within river corridors and their adjacent riparian areas and, generally, the 2005 BBAP provides adequate protection of these habitats. However, the data also identified certain additional areas of important habitat that warrant use of the Wildlife Habitat Land classification. These additional areas are of two types: 1) areas that were not included in the 2005 Plan; and 2) riverine areas that were only classified Public Recreation Land but should have been co-classified Wildlife Habitat as well. Examples of the latter types of areas include the important habitat areas associated with Old Man, Moose, and Portage Creeks and the Main and East Forks of the Mosquito River. Riparian areas adjoining portions of the Mulchatna River and an important area of riparian wetlands and ponds north of the Nuyakuk River also warrant reclassification as Wildlife Habitat. DNR also has determined that portions of the Mulchatna, Chilikadrotna, Little Mulchatna and Chilchitna Rivers should be co-classified as Wildlife Habitat in addition to the current Public Recreation

Map 1: BBAP - Habitat data

classification. DNR has determined that these changes to the 2005 BBAP are appropriate and approves this portion of the Request for Reclassification. These revisions are included under the Plan Amendment section. See [Table B-7](#) in Appendix B of this Determination and [Map 3](#) in the Plan Amendment section of this Determination.

DNR also has determined that it will be necessary to amend Management Guideline K on p. 2-13 of the 2005 BBAP to encompass caribou and moose wintering areas. This guideline is now limited to rutting and calving and must be expanded to include wintering. This change is also included under the Plan Amendment section.

Caribou Calving and Wintering Areas: These areas show no particular concentration and, in fact, there is a fairly widespread distribution of these habitats throughout the planning area. Map 1 depicts this distribution; it also indicates moose calving and wintering areas. The patterns that are represented on this map are the historic use areas, which were determined through a review of ADF&G caribou range maps. The location of caribou calving and wintering varies throughout this range from year to year and seasonally in any one year, and does not exhibit the same concentrated pattern that is characteristic of moose calving and wintering areas. The definition of the Wildlife Habitat classification indicates that areas be so classified if they are ‘unique or rare assemblage of a single or multiple species of regional, state, or national significance.’ Designations are assigned where there is a dominant use or resource, and in those instances where the principle resource relates to wildlife and their associated habitats, use of the Wildlife Habitat classification is justified if these resources are also associated with areas characterized by a critical life cycle period. Within the large General Use units that characterize this planning area, a number of uses and resources occur, no one of which is dominant. Because these habitats are widespread, the concentration requirement in the Wildlife Habitat definition is not met; nor is the standard of a dominant use in a particular area satisfied. Except for those specific areas that DNR determines as appropriate for reclassification to Wildlife Habitat (see [Table B-7](#) in Appendix B of this Determination), the Request for Reclassification to Wildlife Habitat of areas related to caribou calving and wintering and not already classified Wildlife Habitat in the 2005 BBAP is therefore denied.

Large areas with a diversity of resources and uses are better and more appropriately managed under the Resource Management classification. Within these large parcels in the 2005 BBAP wildlife habitat is not a dominant land use or resource within the diversity of uses and resources typical for such parcels. Some of these uses may involve economic use of the land, which suggests a different classification than Wildlife Habitat and a different management orientation than that of just habitat protection. Where the Resource Management classification is used, land management decisions rely heavily on the management intent assigned to the management unit. Management intent carries the same weight as a plan designation and is integral to DNR’s management of a unit. Typically, the management intent text that is included in these units with a Resource Management classification includes the requirement that these areas be managed for the protection of fish and wildlife resources and their associated habitats. The management intent statements also typically include a statement that management guidelines that relate to fish or wildlife resources in the Fish and Wildlife section of Chapter 2 are to be followed in DNR

adjudication of authorizations. Chapter 2 requirements in an area plan apply to all management units, regardless of whether these requirements are explicitly stated in the management intent for any particular individual unit.

Use of Resource Management Land Classification. DNR recognizes that widespread use of the Resource Management classification in managing Bristol Bay area land requires that important habitats be addressed in the Plan. Therefore, these habitats are identified in management unit descriptions in the Resource Allocation table (found in Chapter 3 of the 2005 BBAP) and management guidelines requiring protection of that habitat are identified in the units' overall management intent.

DNR conducted a review of units that were not already designated or co-designated Habitat (e.g., Settlement, Minerals, Materials, Reserved Use, Public Recreation, or General Use designations) to ensure that information on moose and caribou calving and wintering areas were identified and if identified, that the text portion of the management intent of the affected unit acknowledged the need for such protection. This analysis is included in [Table B-1](#) in Appendix B of this Determination. The column 'Revise Management Intent' notes whether revised text is needed to ensure the protection of caribou and moose calving and wintering areas. Where it indicates 'yes,' text establishing protective management intent is missing and will be added. The column 'Revise Resource Info' indicates whether the presence of such areas are noted in the unit; text noting the presence of these areas will be added where 'yes' is indicated in this column.

This analysis determined that the 2005 BBAP did not identify all such areas. It is therefore appropriate to amend those management units that either lack resource information in the description of the unit or lack management intent text that indicates that sensitive resources are to be protected. DNR concludes that amendment of the Resource Allocation Tables is appropriate in order to ensure the protection of these resources, and specifically, to identify moose and caribou calving and wintering areas where such areas exist and are not identified in a management unit. DNR also concludes that it is appropriate to amend Management Guideline K on page 2-13 of the 2005 BBAP to include moose and caribou wintering areas as part of this guideline. The text in the Plan currently includes the protection of calving areas but does not identify wintering areas for moose and caribou.

Waterfowl and Brown Bear Concentration Areas. Review of the available information indicates that the 2005 BBAP encompasses brown bear stream and denning habitats and waterfowl molting and nesting concentration accurately, with only a few exceptions. [Table B-2](#) in Appendix B of this Determination identifies those management units that are not designated Habitat and are designated Settlement, Minerals, Resource Management, or Public Recreation. [Table B-2](#) indicates whether waterfowl concentrations exist in these units and where it does but is not now indicated, management intent or resource information needs to be revised. Although waterfowl habitat exists throughout the planning area, the vast majority of units do not contain waterfowl habitat concentrations (shown by a blank space in this Table) and only few that do.

The column ‘Revise Management Intent’ notes whether revised text should be included. Where it indicates ‘yes’, text should be added. The column ‘Revise Resource Info’ indicates whether the presence of such areas are noted; where ‘yes’ is indicated text should be added.³⁹

Determination: DNR determines that it is inappropriate to redesignate as habitat or reclassify to Wildlife Habitat all of those areas identified in the 1984 BBAP as Fish and Wildlife, or co-designated Fish and Wildlife with Recreation, Oil and Gas, Minerals, and Transportation. DNR has determined, however, that it is appropriate to re-designate certain areas along stream corridors that are important moose calving and wintering areas. It is also appropriate to amend the Resource Allocation Table as it is related to areas not designated Habitat to include certain information about the presence of moose and caribou calving and wintering areas, and waterfowl habitat concentrations, and to amend the Chapter 2 section, Management Guideline K. See specific recommendations in Plan Amendment.

The effect of these changes is as follows. The Petitioners assert that 10.7 million acres of land classified Wildlife Habitat in the 1984 BBAP was ‘lost’ and therefore the protection of these areas for their habitat values will suffer. DNR has determined that the Resource Management Land classification, with its associated management intent, is effective in protecting habitat. Under the 2005 BBAP, 9.3 million acres of Resource Management Land contains management intent language providing for the management of these habitats. DNR determines that management intent text will be added to certain units classified as Resource Management Land where appropriate text is now lacking. This change affects 1.3 million acres. With the changes that are recommended, this will result in 11.4 million acres having a classification of Public Recreation, Wildlife Habitat, or Resource Management with management intent providing for habitat protection. Adequate protection of important habitats is provided through the 2005 BBAP and the amendments in this Determination.

Second Cause of Action: Public Recreation Land

The second cause of action claims that excluding sport hunting and fishing from the Glossary definition of “recreation” led to inappropriate Mineral Land, Resource Management Land, and Settlement Land classifications in the 2005 BBAP of land that had been classified as Public Recreation in the 1984 Plan. The underlying issues here are whether it is appropriate to retain in the 2005 BBAP the entirety of the area classified as Public Recreation Land in the 1984 BBAP, and whether use of the Resource Management Land classification in the 2005 BBAP is satisfactory for the purpose of managing and protecting important recreation resources. This cause of action is linked to the First Cause of Action because so much of the planning area in the 1984 BBAP is co-classified Wildlife Habitat and Public Recreation, and because the Third Amended Complaint identifies the spatial relationship between the two classifications.

³⁹ Review of the distribution of brown bear stream concentrations and denning habitats and rivers classified Wildlife Habitat indicated that we did not need to make any changes to reflect such concentrations, and therefore no table is included in this Determination. DNR used current (2009) and 2005 data in this review.

DNR reviewed the 2005 BBAP to determine if there is valid basis for the reclassification of a unit or units to apply the Public Recreation Land classification⁴⁰ and the Dispersed Recreation designation defined in the Plan.⁴¹ DNR did not use the Glossary definition of ‘recreation’ for the purpose of allocating land uses or assigning land use designations in the 2005 BBAP. The Glossary defines terms used in the area plan; it is not a management component of the plan. Instead, the plan designation ‘Public Recreation and Tourism-Dispersed’ was used in making its land allocation decisions.⁴² This designation “applies to those areas that offer or have a high potential for dispersed recreation or tourism and where desirable recreation conditions are scattered or widespread rather than localized.”⁴³ Sport hunting and fishing are included in the types of recreation uses that are ‘scattered or widespread.’ DNR considered both sport fishing and hunting in the context of this designation, and applied this designation where there was a concentration of such uses, which tend to coincide with major streams and lakes. See Table 3-1 in the 2005 BBAP for a listing of affected water bodies. DNR also considered sport fishing and hunting in the determination of the types of uses requiring management in management units designated General Use. Sport hunting and fishing is often identified in the ‘Resources, Uses, Additional Info’ portion of the Resource Allocation Tables.

Recreation Associated with Specific Areas. Recreation in this planning area tends to be of the dispersed recreation type; that is, it is scattered and widespread, although there is a concentration of such recreation uses (hunting, fishing, harvesting) in areas that provide float plane or boat access and that coincide with major fisheries, either in lakes or streams. Thus, there were two components of this review: are the major fisheries, as represented by major streams and lakes, appropriately designated such that recreation is recognized as an important use in addition to the habitat value of these water bodies? The second portion of the review analyzed whether dispersed recreation was identified in other areas; that is, where the recreation use was more scattered and widespread.

Many of the arguments made by the Petitioners about ‘important’ recreation areas are derived from the DNR Nushagak/Mulchatna Recreation Rivers Management Plan (2005). Because this plan is a recreation management plan, and not a land use plan, it focuses on riverine areas and provides only limited information on upland areas that adjoin the riverine corridors. The 2005 Nushagak/Mulchatna Recreation Rivers Management Plan application is limited to recreation uses and it specifically does not affect areas classified Minerals or Settlement. The affect of the Nushagak/Mulchatna Recreation Rivers Management Plan upon areas designated General Use is limited to those few recreational facilities specified in the tables of this plan.⁴⁴ The statements regarding recreational and subsistence use are very limited in the Recreation Rivers Plan,⁴⁵ and it is inappropriate to rely on this plan as the basis for the identification of important recreation areas. Recreation use areas were analyzed in detail in the 2005 BBAP and the designations in

⁴⁰ The Public Recreation Land classification is defined at 11 AAC 55.160 and in section B of Background in this Document.

⁴¹ Pubic Recreation and Tourism-Dispersed is defined in the 2005 Plan at page 3-4.

⁴² Designations are defined in Chapter 3 in the section, ‘Land Use Designations and Management Intent Planning Tools.’ 2005 BBAP, pp. 3-2 to 3-5.

⁴³ 2005 BBAP, p. 3-4.

⁴⁴ Recreation Rivers Management Plan p. 1-5.

⁴⁵ An example is provided for the Lower Nushagak Uplands which has very limited statement in the background section on ‘fisheries’ and ‘wildlife’. Recreation Rivers Management Plan, p. 3-17.

this plan are considered by DNR as determinative. DNR never intended the Recreation Rivers Management plan to establish land use designations, including the Public Recreation designation; this authority was always assigned to the 2005 BBAP.⁴⁶ An area plan balances the resources and various possible uses of a management unit and establishes a primary or co-primary use. The fact that recreation may occur within a unit does not make that the basis for its classification for that use; recreation use has to be balanced against the other resources and uses that exist in a management unit. The analysis that follows represents a re-evaluation of available recreation information and indicates where recreation use is considered to be particularly prevalent.

Major Fisheries: DNR's initial evaluation focused on the identification in the Resource Allocation Tables of the principal river systems in the Mulchatna and Nushagak river drainages, essentially corresponding to management regions 6 and 7. All of the major drainages are identified and all were found to be either designated Public Recreation or co-designated Public Recreation and Habitat. The areas that have been added as new or expanded Habitat areas, as described in the previous section of this Determination, were not identified. Therefore, DNR determines that it is appropriate to co-designate these streams as well, for the same reason that the major river corridors are currently so designated in the 2005 BBAP. Because of the presence of moose in these areas, it is likely that sport hunting also occurs there. A listing of the streams that are recommended to be co-designated Habitat and Dispersed recreation is included as [Table B-7](#) in Appendix B of this Determination.

DNR augmented this evaluation by reviewing, with ADF&G assistance, the water bodies that are navigable and that are designated either Habitat or Dispersed Recreation or both. The Navigability portion of Chapter 3 in the 2005 BBAP⁴⁷ identifies navigable water bodies and then indicates whether they are anadromous. It also identifies whether some water bodies, although not anadromous, are known to be important for recreation purposes. Table 3.1 on page 3-326 of the 2005 BBAP contains this information. Review of this table indicates that nearly all streams that are anadromous are also designated Dispersed Recreation. Importantly, this table also includes lakes. Most major lakes within the region that can be expected to be used for public recreation are designated Dispersed Recreation or are co-designated Habitat and Dispersed Recreation. However, this review also identified a number of streams and lakes that can be expected to be important for public recreation but are not so designated in Table 3.1. Based on new data from ADF&G there are streams listed in Table 3.1 that are currently designated Habitat that have sport fishing use and should be co-designated Public Recreation. [Table B-3](#) in Appendix B of this Determination includes a listing of these water bodies. DNR determines that Table 3.1 in the 2005 BBAP should be amended to include the streams and lakes that are listed in [Table B-3](#) in Appendix B.

Dispersed and Widespread Recreation: Recreation of this type is likely to occur in areas that are designated General Use; these units are uplands that are remote and generally inaccessible and that therefore can be expected to receive some recreation use, but of a more limited and dispersed type. DNR reviewed the management intent of these units to determine if dispersed recreation was identified as a use of state land that needed to be managed and protected. The

⁴⁶ BBAP, pp. 2-50 and 2-51, and Recreation Rivers Management Plan, p. 1-5.

⁴⁷ See 2005 BBAP, Table 3.1, p. 3-326 through 3-330.

results of this review are included in [Table B-4](#) in Appendix B of this Determination; they indicate that all of these units included dispersed recreation as a use to be managed by DNR, to ensure that it is considered in authorization decisions. Map 2 visually depicts this distribution. This map depicts areas classified Public Recreation or Resource Management with management intent included requiring the consideration of dispersed recreation in the issuance of authorizations.

Based on this analysis, revision of the Resource Allocation Table related to the General Use designation is not required. DNR also determines that it is inappropriate to assign a sole designation of Dispersed Recreation, replacing the designation of General Use in these large units or in units that have a principle use already identified (Settlement or Minerals). However, it is appropriate to add plan text for the management of dispersed recreation for those units that are designated Settlement or Minerals and that are thought to have dispersed recreation. [Table B-5](#) identifies those management units with a Settlement or Minerals classification where management intent is both present and lacking. Text should be added to units identified in this table as 'yes' in the column 'Revise Management Intent'.

Determination: DNR determines that it is inappropriate to reclassify the entirety of areas in the 1984 BBAP identified as Public Recreation or co-designated Public Recreation and Wildlife Habitat or Public Recreation and Habitat and Minerals (or Oil and Gas Development) as solely Public Recreation. However, this analysis also determined that certain rivers and lakes are appropriate for co-designation as Public Recreation. DNR also determined that management intent should be added to those units classified Minerals and Settlement and that now lack appropriate text. These units are identified in [Table B-5](#) in Appendix B of this Determination. See the Plan Amendment portion for specific recommendations.

The effect of these changes is as follows. The Petitioners assert that 9.6 million acres of land classified Public Recreation in the 1994 BBAP was 'lost' and therefore the protection of these areas for their recreation uses and values will suffer. DNR has determined that the Resource Management Land classification, with its associated management intent, is effective in maintaining and managing recreation resources. Under the 2005 BBAP, 9.45 million acres of Resource Management Land contained management intent language providing for the management of recreation uses. DNR has determined that management intent text should be added to certain units classified Minerals or Settlement where appropriate text is now lacking, and this change affects 0.91 million acres. The 2005 BBAP currently classified 1.51 million acres as Public Recreation. The changes that will be made pursuant to this Determination will result in 11.87 million acres having a Public Recreation or Resource Management Land designation with accompanying recreation management intent. Adequate protection of recreational uses and resources is provided through the 2005 BBAP and the amendments to be made pursuant to this Determination. The 2005 BBAP in conjunction with the amendments in the Plan Amendment properly identify and adequately safeguard the recreational uses and resources in the planning area.

Map 2: BBAP Recreation Lands

Third Cause of Action: Determination of Wildlife Habitat Classification related To Non-navigable, Anadromous Streams

The Third Cause of Action claims that DNR has arbitrarily used navigability as the criterion for determining whether the beds of anadromous waters should be classified as Wildlife Habitat and that this resulted in the loss of habitat protection for non-navigable anadromous streams. DNR uses navigability and the presence of anadromous or high value resident fish in determining those streams to classify as Wildlife Habitat,⁴⁸ but the habitat values of all anadromous streams, navigable and non-navigable, are protected through other Plan provisions.

Navigability is a criteria for classifying an anadromous water body as Wildlife Habitat for a number of reasons. Area plans are developed at very small scales (1:250,000' typically) and they are intended to be the basis for the management of resources and uses on state lands and waters within the planning area, which are oftentimes large, as in the Bristol Bay planning area. Such plans focus on the primary resources and uses of an area and are intended to provide overall, broad management direction. Streams and lakes that are navigable tend to be those water bodies that are the largest, most important fisheries and recreational use areas and are therefore an appropriate focus for directing management attention. These water bodies also tend to be the principle areas for recreational and commercial use, the movement of goods, and are almost always the principle fisheries within a region. These areas typically require the greatest attention by DNR in its management decisions relating to water resources and land use. Identifying these areas and establishing management intent for their use in an area plan provides an enhanced basis for DNR decision making in its authorizations. Relatedly, the processing of authorizations is expedited by having specific plan designations and management intent for these areas. Navigability therefore is an appropriate criteria for identifying these water bodies.

Additionally, one of the essential purposes of classification is to spatially depict attributes in DNR status plat records. As a practical matter, it is only possible to depict the larger streams (typically the ones that are navigable) within a region because of the scale of mapping that is used. Area plan maps are developed at small scales (1:250,000') and it is not practical to depict all anadromous stream on plan maps.

Finally, the Wildlife Habitat classification would effectively preclude conveyances to municipalities since these streams and their riparian area cannot be conveyed under the Wildlife Habitat classification.⁴⁹ Development projects would be precluded for this same reason. The Alaska Constitution and AS 38.04.065 require that DNR balance resource protection with settlement and development of resources, and the use of navigability as a threshold criteria for classification decisions is appropriate in this context.

⁴⁸ Derived from the ADF&G Catalogue of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes. This catalogue identifies the anadromous waterbodies (streams and lakes) that have been identified as important for the spawning, rearing, or migration of anadromous fish within the State of Alaska.

⁴⁹ AS 29.65.130(10)(C) provides that only unclassified land or land classified for agricultural, grazing, material, public recreation, or settlement purposes may be conveyed to a municipality as part of its land entitlement.

The use of navigability as a criterion for classifying anadromous streams as Wildlife Habitat is not arbitrary, and does not indicate that the habitat values of non-navigable anadromous waterbodies are unprotected. The requirements found in the Shorelines, Stream Corridors and Coastal Areas section of Chapter 2 of the 2005 BBAP apply regardless of the assigned classification. These requirements are applied when use authorizations are considered adjacent to all anadromous fish streams and more generally in the overall management of coastal, riverine, and anadromous resources. Management Guideline H⁵⁰ establishes protective standards that apply to all anadromous water bodies, regardless of whether or not the waterbody is navigable.⁵¹ Management Guideline I also includes protective standards by establishing “widths and other requirements for easements, buffers, and public access to ensure consistency between authorizations along water bodies and related environmental features.”⁵² Table 2.1 in the 2005 BBAP identifies lands and waters (navigable and non-navigable) that are affected by mineral closing orders,⁵³ and the Mineral Resources Guideline D establishes standards for mining in fish habitat.⁵⁴ These requirements protect all anadromous water bodies, including those that are not within areas classified Wildlife Habitat, and all non-navigable anadromous fish streams.

Petitioners also claim that streams within the Mineral classification of the Pebble planning unit are not classified Wildlife Habitat and that non-navigable anadromous fish streams are not protected because they are not retained state land through their classification as Wildlife Habitat.

⁵⁰ Management Guideline H for Shorelines, Stream Corridors and Coastal Areas states:

Standards Adjacent to Anadromous Fish Streams and Waterbodies and Coastal Areas (see Table 2.3).

1. Riparian Protection Standard. Activities which are or can be made compatible with the objectives of protecting, maintaining, or enhancing anadromous or high value resident fish habitat will be authorized in the zone occurring within 300 feet of ordinary high water, measured from each stream bank. Riparian protection shall be provided on each side of the anadromous stream or waterbody whose purpose is the maintenance of fish and wildlife protection. Activities that are consistent with this policy are to be authorized by DNR in its issuance of permits, leases, or other types of development authorizations.

2. Standards for Coastal Use/Maintenance Area. A coastal use/maintenance area shall be provided within 500 feet from the mean high water on state uplands to be retained during the planning period. These areas shall be maintained in their existing natural condition for the purposes of providing public access, recreation, the protection of scenic viewsheds, and the conservation of fisheries and wildlife habitat. This area applies to areas designated Public Recreation and Tourism-Dispersed (Rd) or General Use (Gu). Limited, site specific development may be authorized in these areas by DNR but only if the objectives of this area, identified above, are maintained and after consulting ADF&G on fisheries and wildlife habitat issues.

⁵¹ 2005 BBAP at 2-66.

⁵² Management Guideline I for Shorelines, Stream Corridors and Coastal Areas states:

Application Requirements for Easements and Buffers Along Water bodies and Related Environmental Features. Table 2.3 specifies widths and other requirements for easements, buffers and public access in order to ensure consistency between authorizations along water bodies and related environmental features. On a case-by-case basis, widths may be wider, in order to accommodate floodplain width, bank characteristics, size of the water body, extent of present or expected future public use, the need to protect important environmental features, or other relevant factors.

Widths can be narrower on a case-by-case basis if it is determined that the harm intended to be avoided by the requirement is not likely to occur because of site-specific circumstances. However, the strip of land must be of sufficient width to allow for public access as well as to screen the water body from development, where possible, with an undisturbed strip of vegetation. 2005 BBAP at 2-66 to 2-67.

⁵³ 2005 BBAP at 2-34.

⁵⁴ 2005 BBAP at 2-33.

DNR responds to both of these claims in the sections that follow. The streams within the Pebble planning unit have been reclassified to Wildlife Habitat in the Plan Amendment relating to the Fifth Cause of Action. Also, in the section addressing the Eighth Cause of Action, Plan language is clarified to provide that state land, with the exception of areas designated Settlement, is to be retained by the state.

Determination: DNR determines that navigability is an appropriate criterion for classifying anadromous water bodies as Wildlife Habitat, and that the important habitats associated with non-navigable anadromous streams are protected through management guidelines and statements of management intent. Therefore, no non-navigable anadromous waters will be reclassified as Wildlife Habitat.

Fourth Cause of Action: Determination of Reclassification of Western Half of Lake Iliamna

The Fourth Cause of Action claims that the 2005 BBAP fails to designate a primary use for the western portion of Lake Iliamna, and that this failure results in an inappropriate Resource Management classification for the area that extinguishes the Wildlife Habitat and Public Recreation co-classifications in the 1984 Plan. Petitioners assert that the Resource Management classification is inconsistent with the fishery and related resource values of this Lake, which, more properly, warrant a Wildlife Habitat classification. DNR interprets this cause of action to be a request to reclassify the western part of Lake Iliamna as Wildlife Habitat and Public Recreation.

Determination: The 2005 BBAP already co-classifies Iliamna Lake as Wildlife Habitat and Public Recreation.⁵⁵ There is no specific management unit for Iliamna Lake; this lake was treated like other specific lakes in the region and was co-classified Wildlife Habitat and Public Recreation through operation of Table 3.1 and the conversion of the designations in this Table to classifications in Land Classification Order No. SC-04-002.⁵⁶ However, Map O-2 in the 2005 Plan⁵⁷ includes a boundary line that passes through the Lake, and this creates confusion regarding whether or not the Lake is included in a management unit and the Lake's classification. DNR has determined that the entirety of Lake Iliamna already is co-classified as Wildlife Habitat and Public Recreation, and the map will be revised to clarify that the entirety of Lake Iliamna lies within Region 9, as indicated on Table 3.1 in the Plan. Therefore, there is no need to establish a new management unit specific to Lake Iliamna.

Fifth Cause of Action: Determination of Reclassification of Lands Closed to Mineral Entry by MCO No. 393

The Fifth Cause of Action claims that DNR has arbitrarily defined the mineral designation because it is inconsistent with the Mineral Land classification definition, and that this designation definition results in the inappropriate classification of lands closed to mineral entry by MCO No. 393 as Mineral Land or Resource Management Land. DNR interprets this cause of

⁵⁵ 2005 BBAP at 3-328 (Table 3.1, Region 9).

⁵⁶ 2005 BBAP at B-1.

⁵⁷ 2005 BBAP in Appendices.

action to be a request to reclassify these lands as Wildlife Habitat and/or Public Recreation land, and to clarify the definition of Mineral Land so that it is more consistent with the definition used in other area plans and as described in the Mineral Land classification definition at 11 AAC 55.130.

DNR reexamined Table 3.1, which designates certain water bodies as Habitat, Dispersed Recreation, or both.⁵⁸ The analysis, attached as [Table B-6](#) in Appendix B of this Determination, identifies whether a water body that is listed in MCO 393 is identified in Table 3.1. If it is listed in Table 3.1, the water body is designated as Habitat, Dispersed Recreation, or both. Unlisted water bodies are not so designated. In certain instances water bodies that are included in MCO 393 are not included within Table 3.1. The intent in MCO 393 was to protect certain streams from mineral entry because of their habitat value. DNR has determined that streams affected by MCO 393 should be classified Wildlife Habitat.

DNR also reviewed the Minerals designation definition in Chapter 3⁵⁹ and found it to be inconsistent with the Minerals designation definition typically used in area plans as well as with the Mineral land classification definition at 11 AAC 55.130. DNR therefore has determined that the minerals designation definition should be revised to be more consistent with the Mineral Land classification definition and the mineral designation definition used in other area plans.

Determination: Streams that are affected by MCO 393 will be classified as Wildlife Habitat. Those streams listed as ‘no’ or ‘not listed’ in [Table B-6](#) of Appendix B of this Determination are to be added to Table 3.1 with a designation as Habitat. A notation will be included in this table that identifies those streams that are affected by MCO 393. Another note will state that unnamed tributaries that are also a part of MCO 393 are also designated Habitat.

The minerals designation definition on page 3-4 of the Plan will be amended to read: “**Minerals.** Areas considered to have mineral potential and for which mining is considered to be an appropriate use.”

Sixth Cause of Action: Determination of Reclassification of Migration and Food Supply Areas of Navigable Anadromous Waters

The sixth cause of action claims that arbitrary provisions in the 2005 BBAP prevent classification of migration and food supply areas of navigable anadromous streams as Wildlife Habitat. DNR interprets this cause of action to be a request to revise plan text on p. 3-325 where the current wording seems to imply that only the spawning and rearing areas of navigable, anadromous streams are classified Wildlife Habitat and to reclassify these portions of navigable anadromous streams as Wildlife Habitat.

Petitioners’ claims are based in part on statements in the plan at page 3-325 that could be read to imply that the habitat designation would apply only to navigable, anadromous streams within Federal Conservation System Units and State-owned navigable rivers and lakes where spawning and rearing occur, and that the anadromous stream would only be classified Wildlife Habitat

⁵⁸ 2005 BBAP at 3-326 to 3-330.

⁵⁹ 2005 BBAP at 3-4.

within such areas. DNR has determined that the current language in the Plan does not clearly indicate the intent that the entirety of the streams that are navigable and anadromous are to be designated Habitat. Therefore, this portion of text will be changed to clarify the plan's intent.

Determination: The text in the paragraphs at page 3-325 of the 2005 BBAP will be amended as follows:

- The third sentence of the paragraph titled “Navigable Rivers and Lakes within Federal Conservation System Units” will be changed to read “The navigable portions of water bodies within CSUs that contain anadromous fish are designated Habitat.”
- The first sentence of the paragraph titled “State Navigable Rivers and Lakes: General” will be changed to read “...and those portions of navigable anadromous streams, which are designated Habitat.”

Seventh Cause of Action: Determination of Reclassification of the Lower Talarik Creek Special Use Area

The seventh cause of action claims that the classification of the Lower Talarik Creek Special Use Area as Public Recreation Land has extinguished its Wildlife Habitat co-classification in the 1984 BBAP. DNR interprets this cause of action as a request to co-classify the Lower Talarik Creek Special Use Area as Wildlife Habitat and Public Recreation, instead of assigning it only the Public Recreation classification.

The Third Amended Complaint claims that the 1996 agreement between ADF&G, DNR and the Nature Conservancy required DNR to classify the land as Wildlife Habitat. DNR reviewed the agreement but did not conclude that it obligated DNR to co-classify this area as requested by Petitioners. However, DNR has determined that this area does have the habitat values that warrant a co-designation of Habitat.

Determination: The Lower Talarik Creek Special Use Area (unit R10-04) will be co-classified as Wildlife Habitat and Public Recreation.

Eighth Cause of Action: Determination of Reclassification to Retain State Lands

The eighth cause of action claims that the glossary definition of “subsistence” and the reduced Habitat and Recreation classifications in the 2005 BBAP have eliminated the retained-land status of nearly 10 million acres of state land that was classified as Habitat or Public Recreation in the 1984 Plan. Petitioners claim that this results in a loss of state ownership and therefore the loss of areas important for subsistence. Petitioners believe that this action of reclassification is erroneous due to: an improper definition of ‘Habitat’ that does not include mention of traditional or subsistence or cultural uses of fish and game; the absence from the listing of sensitive habitats on p. 2-13 of Chapter 2 of moose calving and wintering habitats; the failure to include moose and caribou wintering and calving areas in the listing of sensitive habitats found on p. 2-9; use of an inappropriate definition of ‘recreation;’ the failure to rely on the inventory of the 2005 Nushagak and Mulchatna Rivers Recreation Management Plan; and the use of an expansive definition of

Minerals that resulted in large areas being designated Minerals. They also imply that the 2005 BBAP intentionally facilitated mining and that areas were classified Settlement even though they were identified as important habitat areas in the Rivers Recreation Management Plan. Petitioners allege that, together, these factors resulted in the elimination of protection of over 10 million acres of state land previously co-classified as Wildlife Habitat and Public Recreation. DNR interprets this claim to be a request to reclassify as Wildlife Habitat and Public Recreation those areas that were so classified in the 1984 Plan but did not retain that classification in the 2005 Plan.

As stated earlier in this Determination, the only land use classification within the 2005 BBAP planning area that permits disposals is that of Settlement. Lands not classified Wildlife Habitat or Public Recreation may still retain the protection of state ownership. There are a number of reasons for this. First, the description of land use designations in the 2005 BBAP includes, for most designations, a statement as to whether the land is to be retained in state ownership. With certain exceptions limited to municipal entitlements,⁶⁰ all of the designations constitute retained land. For example, for the designation Public Recreation and Tourism there is the statement that this land will remain in state ownership.⁶¹ Second, in those instances where there is no specific statement that the land is to be retained, the plan indicates that it cannot be conveyed to individuals,⁶² which precludes conveyance to all entities except municipalities.⁶³ Third, 11 AAC 55.020(d) limits the sale of state land to individuals to lands that have been designated Settlement. This effectively limits conveyance of land out of state ownership under all of the other designations, including General Use.⁶⁴ Because this requirement applies as a matter of regulation, it cannot be changed through a plan amendment.

Even though the Resource Allocation Table includes a statement that land designated General Use is not intended to be developed during the planning period except at specific and limited locations,⁶⁵ DNR has determined that this intent could be more clearly expressed. Therefore, DNR has determined that the General Use designation definition at page 3-3 of the 2005 BBAP will be revised to indicate that land with the General Use designation is to be retained by the state, except for municipal selections and only when the adjudication of the entitlement decision determines that conveyance to the municipality is warranted. Additionally, this statement will be added to each management intent section after the statements concerning the limited use of this type of land.

The term ‘subsistence’ is included in the Glossary of the 2005 Plan. Terms included in the Glossary are intended to provide definitions of a particular words or abbreviations. The Glossary is not used for the purpose of identifying land uses; plan designations perform that function. Subsistence is a generally allowed use on state land and area plans do not affect Generally Allowed Uses.⁶⁶ Finally, DNR used the definition of subsistence that is contained in Alaska

⁶⁰ The only exception is that land may be conveyed to municipalities under certain land classifications.

⁶¹ 2005 BBAP at 3-5.

⁶² 2005 BBAP at 3-3.

⁶³ AS 29.65.130.

⁶⁴ There is only one municipality within the study area that has a remaining municipal entitlement – the Lake and Peninsula Borough, which as a remaining entitlement of 41,200 acres.

⁶⁵ See, for example, unit R21-01, 2005 BBAP at 3-300.

⁶⁶ 11 AAC 96.020.

Statute. As a matter of practice, DNR tries to use definitions that are the same as those in statute. The planning area is overwhelming rural in character and this definition is considered appropriate for use in this planning area. DNR did not make land use allocation decisions using this term.

While the listing of sensitive habitats in the section, ‘Allowing Uses in Fish and Wildlife Habitats’ includes sensitive marine areas, the 2005 BBAP only applies marine related criteria to tide and submerged land areas. The preparation of this plan also included a variety of sensitive upland habitats, including moose and caribou calving and rutting areas but it did not specifically list these upland habitats. DNR determines that it is appropriate to amend this listing to include moose and caribou calving and wintering areas.

The Nushagak & Mulchatna Rivers Recreation Management Plan was not used as the basis for the allocation of land uses in the area plan. It is used for specific recreation management purposes, and it was recognized at the time of its preparation that the 2005 BBAP would determine land use designations. The Rivers Recreation Management Plan is limited primarily to rivers and their riverine areas; it makes only passing references to the large upland areas that adjoin the riverine areas. It cannot perform the function of allocating land uses and does not provide a sufficient factual basis for land use determinations. A balancing of varied and conflicting uses is required in land planning and only an area plan can perform this function.

As explained earlier, the Glossary definition of the term ‘recreation’ was not used for the purpose of allocating land uses. However, DNR determines that the definition of the term ‘recreation’ in the Glossary should be modified to include sport fishing and hunting.

The allocation of land uses in the 2005 BBAP was based on a detailed inventory process and resource analysis, extensive agency and public review, and the careful evaluation of land uses and resources that resulted in a balanced distribution of land to be developed and land to be retained in state ownership – as required by AS 38.04.010 and AS 38.05.065(b). Land use designations were not allocated to promote a particular industry or to locate settlement areas in sensitive habitat locations. Mineral areas were determined by their actual or potential mineral potential, and settlement areas were determined on the basis of proximity to geographic and hydraulic features (lakes and streams) that would be attractive to the citizens of the state. The increase in the acreage assigned to Mineral and Settlement in the 2005 BBAP reflected better knowledge of geologic resource and the application of the planning principles spelled out in AS 38.04.065(b); it was not an allocation designed to benefit specific groups or industries.

Determination: DNR has determined that, with very limited exceptions, the General Use designation requires retention of state land and that no reclassifications are warranted. However, the General Use designation definition at page 3-3 of the 2005 BBAP will be revised to indicate that land with the General Use designation is to be retained by the state, except for municipal selections and only when the adjudication of the entitlement decision determines that conveyance to the municipality is warranted. Additionally, this statement will be added to each management intent section after the statements concerning the limited use of this type of land. Additionally, DNR has determined that no changes to the glossary definition of “subsistence” or the “Habitat”

designation are appropriate. The Minerals designation definition will be changed as described in DNR's determination regarding the fifth cause of action. Finally, the definition of 'recreation' will be revised to include sport hunting and fishing.

Determination of Sustained Yield and General Planning Issues

With respect to all causes of action, the Third Amended Complaint alleges that the 2005 BBAP violates the sustained yield provision of the Alaska Constitution, the statutory requirements of AS 38.04.065(b), and the requirement for classification related to AS 38.05.300. The Third Amended Complaint also allege that DNR has acted has acted arbitrarily and capriciously and abused its discretion in classifying land pursuant to the 2005 BBAP. These issues are addressed below.

Sustained yield refers to the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the state land consistent with multiple use.⁶⁷ Land use classification itself does not allocate resources for use, consumption or disposal and thus does not either comply or violate the sustained yield management principle. Activities and uses, once authorized, may affect the sustained yield of resources, but the act of land use planning and classification itself does not. Further, the 2005 BBAP provides that nearly 11.4 million acres will be retained in state ownership in the planning area. The best assurance that the sustained yield requirements of the Constitution and Statute will be met occurs through retaining state land in state ownership.

Neither does the 2005 BBAP violate AS 38.05.300. This section of statute gives the authority to the DNR Commissioner to "classify for surface use land in areas considered necessary and proper." DNR has classified land through the 2005 BBAP and did so specifically through the adoption of Land Classification Order (LCO) SC-04-002. DNR based its classification in this LCO upon the designations of the 2005 BBAP. The plan was developed on a sound factual and analytic basis, went through rigorous agency and public review, and allocated land use classifications according to the inherent values of the land and the way that state land is used by the people in the Bristol Bay area.

Similarly, the 2005 BBAP does not violate the requirements of AS 38.04.065(b). This statute identifies certain factors that must be considered or observed in the preparation of a regional land use plan. These include but are not limited to considerations related to sustained yield and multiple uses, the present and future potential uses of state land, the use of land under other ownership, and the requirement to identify areas for settlement and mineral development, and to reserve areas from development that are of critical environmental concern.

The development of the 2005 BBAP followed a long, rigorous planning process, provided for meaningful public participation, considered the availability and use of state land and resources in this process, and established a basis for the land use classifications and management intent for the management units that are central to DNR land and resource management. See 'Process of Plan Preparation' (BBAP p. 1-6) for detail. DNR observed these considerations and developed

⁶⁷ AS 38.04.910(12).

recommendations consistent with these principles and with the general policy of land use articulated in AS 38.04.010 which requires DNR to “provide for the maximum use of state land consistent with the public interest ...”

Determination: DNR therefore determines that the 2005 BBAP, including the amendments proposed as a result of this Determination, complies with the sustained yield mandate of the Alaska Constitution, AS 38.05.300, and AS 38.04.065.

Plan Amendment

This section identifies the changes to the 2005 BBAP that DNR has determined to be appropriate and necessary in the Determination of Reclassification and those changes that are identified in the Stipulation for Remand and Dismissal.

Table 2 summarizes the recommended plan amendments related to each major Cause of Action. Refer to the Plan Amendment for pertinent details. The amendments also are identified in the text following Table 2.

Table 2: Plan Amendment

Causes Of Action	Determination of Reclassification	Plan Amendment
<p>First Cause: The issue presented in the First Cause of Action is whether it is appropriate to reclassify the entirety of the plan area to the classifications that existed (specifically Wildlife Habitat) in the 1984 BBAP and whether the land use classification of Resource Management Land identified in the 2005 BBAP can satisfactorily protect sensitive habitats.</p>	<p>DNR determined that it would be appropriate to amend the 2005 BBAP to clarify and amend current plan text related to wildlife habitats. It would also be appropriate to reclassify certain areas to Wildlife Habitat. See Determination of Reclassification for detail.</p>	<p>The following changes to the 2005 BBAP will be made:</p> <p>1) Certain areas within the planning boundary will be reclassified to Wildlife Habitat or co-classified Wildlife Habitat and Public Recreation, 2) Management Guideline B in the Fish and Wildlife Habitat and Harvest section of Chapter 2 will be amended to include moose and caribou wintering and calving habitat in this Guideline, and 3) the management intent statements in specific units classified Resource Management, Settlement, and Minerals will be amended to include the management of sensitive habitats.</p> <p><i>See Plan Amendment for detail.</i></p>
<p>Second Cause: The issue presented in the Second Cause of Action is whether it is appropriate to reclassify the entirety of the planning area to the classifications that existed (specifically Public Recreation) in the 1984 BBAP and whether the land use classification of Resource Management Land identified in the 2005 can satisfactorily protect areas of dispersed recreation.</p>	<p>DNR determined that it would be appropriate to amend the 2005 BBAP Plan to classify or co-classify certain management units to Public Recreation. See Determination of Reclassification for detail.</p>	<p>The following changes to the 2005 BBAP will be made:</p> <p>1) Certain areas within the planning boundary will be reclassified to Public Recreation or co-classified Public Recreation and Wildlife Habitat and 2) certain streams and lakes will be reclassified to Public Recreation or reclassified to Public Recreation and Wildlife Habitat, and 3) the management intent statements in specific units classified Settlement or Minerals will be amended to include the management of dispersed recreation (where this is now lacking).</p> <p><i>See Plan Amendment for detail.</i></p>
<p>Third Cause: The issue presented in the Third Cause of Action is whether it is appropriate and necessary to classify all anadromous streams, including those that are not navigable, to Wildlife Habitat.</p>	<p>DNR determined that it is inappropriate and unnecessary to classify anadromous streams that are anadromous but not navigable as Wildlife Habitat. See Determination of Reclassification for detail.</p>	<p>No plan amendment.</p>
<p>Fourth Cause: The issue presented in the Fourth Cause of Action is whether it is appropriate to classify the western portion of Lake Iliamna Wildlife Habitat.</p>	<p>DNR determined that it is appropriate to clarify the 2005 BBAP to indicate that Lake Iliamna is a single unit and is already classified Wildlife Habitat. See Determination of Reclassification for detail.</p>	<p>The plan will be amended to clarify that Lake Iliamna is a single unit and is classified Wildlife Habitat.</p>
<p>Fifth Cause: The issue presented in the Fifth Cause of Action is whether it is appropriate to classify streams affected by Mineral Closing Order 393 to Wildlife Habitat.</p>	<p>DNR determined that it is appropriate to classify to Wildlife Habitat those streams affected by Mineral Closing Order 393. See Determination of Reclassification for detail.</p>	<p>The following change to the 2005 BBAP will be made:</p> <p>The streams affected by Mineral Closing Order 393 will be classified Wildlife Habitat.</p>

Causes Of Action	Determination of Reclassification	Plan Amendment
<p>Sixth Cause: The issue presented in the Sixth Cause of Action is whether the current wording in the Navigability portion of Chapter 3 of the 2005 BBAP limits the application of streams and lakes classified Wildlife Habitat to only those areas where rearing and spawning occur.</p>	<p>DNR determined that it is appropriate to amend current plan text to clarify that the classification of Wildlife Habitat applies to the entirety of the water body, not to just areas of spawning and rearing. See Determination of Reclassification for detail.</p>	<p>Plan text and tables will be amended to clarify that the classification of Wildlife Habitat applies to the entirety of the waterbody (not to just areas of spawning and rearing).</p> <p><i>See Plan Amendment for detail.</i></p>
<p>Seventh Cause: The issue presented here is whether it is appropriate to amend the classification of management unit R10-04 (Lower Talarik Creek) to a co-classification of Wildlife Habitat and Public Recreation. (The unit is currently classified Public Recreation.)</p>	<p>DNR determined that the co-classification of this management unit as Wildlife Habitat and Public Recreation is appropriate. See Determination of Reclassification for detail.</p>	<p>The Resource Allocation Table for unit R10-04 will be amended to identify this unit as co-classified Wildlife Habitat and Public Recreation.</p> <p><i>See Plan Amendment for detail.</i></p>
<p>Eighth Cause: The issue presented here is whether the act of reclassification from the classifications of Wildlife Habitat and Public Recreation to Resource Management Land in the 2005 BBAP effectively precluded the protection afforded by retaining state land in state ownership. Other issues raised in this Cause concerned the definition of the designation Minerals, the absence of moose and caribou wintering and calving areas from the listing of sensitive habitats in Chapter 2 of the 2005 BBAP, and the absence of the terms ‘sport hunting and fishing’ from the definition of word ‘recreation’ in the Glossary.</p>	<p>DNR determined that it is appropriate to amend the 2005 BBAP to 1) clarify the definition of the designation of General Use to indicate those specific conditions where land affected by this classification would be retained in state ownership, 2) clarify the current plan text relating to the definition of Minerals, 3) amend plan text to include moose and caribou wintering and calving habitat in the listing of sensitive habitats, and 4) clarify the word ‘recreation’ in the Glossary.</p> <p>See Determination of Reclassification for detail.</p>	<p>The following changes to the 2005 BBAP will be made:</p> <p>1) the definition of the designation of General Use (which converts to Resource Management Land) as it relates to retaining this classification of land in state ownership will be clarified, 2) plan text relating to the designation of Minerals will be clarified, 3) moose and caribou wintering and calving habitats will be included in the listing of sensitive habitats and Management Guideline B will be modified to include these habitats, and 4) the Glossary definition of ‘recreation’ will be amended to include sport hunting and fishing.</p> <p><i>See Plan Amendment for detail.</i></p>

First Cause of Action: Wildlife Habitat Land

Revisions related to Moose Calving and Wintering Areas

These amendments are identified in [Table B-7](#) of Appendix B of this Determination and on Map 3.

Revisions related to Moose and Caribou Calving and Wintering Area: Areas Not Already Designated Habitat and Designated General Use

The 2005 BBAP will be amended to reflect the results of the review of areas designated General Use and as identified in [Table B-1](#) in Appendix B of this Determination. Units where management intent or resource information is lacking will be revised to ensure that moose/caribou calving and wintering areas are identified in the resource description of the unit and to include the following management intent language:

‘Development authorizations may be appropriate subject to the protection of these resources and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, Caribou and Moose Calving, Wintering and Rutting Areas’.

Revisions related to Waterfowl Concentration Areas

The 2005 BBAP will be amended to reflect the results of the review of areas considered important to waterfowl concentrations and as identified in [Table B-2](#) in Appendix B of this Determination. Units where management intent or resource information is lacking will be revised to ensure that waterfowl concentration areas are identified in the resource description of the unit and to include the following management intent language:

‘Development authorizations may be appropriate subject to the protection of these resources and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline M, Activities in Important Waterfowl Habitat.’

Revisions related to Management Guideline K, ‘Caribou and Moose Calving, Wintering and Rutting Areas’

Management Guideline K, at page 2-13 of the 2005 BBAP, will be amended to recognize the inclusion of wintering areas. ‘Wintering Areas’ will be added to the title of this Guideline and wintering areas will be added to the list of areas to be given consideration in DNR management decisions. The current list, which includes calving and rutting, will be revised to include wintering.

Map 3: BBAP Recommended Classification Changes

Second Cause of Action: Public Recreation Land

Revisions Related to Public Recreation: Major Fisheries

The Plan will be amended to include the Dispersed Recreation designation for all new, realigned, or co-designated units identified in [Table B-7](#) in Appendix B of this Determination and for all water bodies identified in [Table B-3](#) in Appendix B of this Determination. These tables include the Dispersed Recreation designation for all streams identified therein. The plan will also be amended to include a management intent statement related to dispersed recreation for those units classified Minerals or Settlement and missing such text in [Table B-5](#) in Appendix B of this Determination.

Third Cause of Action: Determination of Wildlife Habitat Classification related To Non-navigable, Anadromous Streams

No non-navigable anadromous waters will be reclassified as Wildlife Habitat.

Fourth Cause of Action: Determination of Reclassification of Western Half of Lake Iliamna

The Map O-2 in the appendix will be revised to remove the line bisecting the Lake. This will clarify that the entirety of Lake Iliamna lies within Region 9, as indicated on Table 3.1 in the Plan, and is co-classified as Wildlife Habitat and Public Recreation.

Fifth Cause of Action: Determination of Reclassification of Lands Closed to Mineral Entry by MCO No. 393

Streams that are affected by MCO 393 will be classified as Wildlife Habitat. Those streams listed as ‘no’ or ‘not listed’ in [Table B-6](#) on Appendix B of this Determination are to be added to Table 3.1 with a designation as Habitat. A notation will be included in this table that identifies those streams that are affected by MCO 393. Another note will state that unnamed tributaries that are also a part of MCO 393 are also designated Habitat.

The minerals designation definition on page 3-4 of the Plan will be amended to read: “**Minerals.** Areas considered to have mineral potential and for which mining is considered to be an appropriate use.”

Sixth Cause of Action: Determination of Reclassification of Migration and Food Supply Areas of Navigable Anadromous Waters

The text in the paragraphs at page 3-325 of the 2005 BBAP will be amended as follows:

- The third sentence of the paragraph titled “Navigable Rivers and Lakes within Federal Conservation System Units” will be changed to read “The navigable portions of water bodies within CSUs that contain anadromous fish are designated Habitat.”

- The first sentence of the paragraph titled “State Navigable Rivers and Lakes: General” will be changed to read “...and those portions of navigable anadromous streams, which are designated Habitat.”

Seventh Cause of Action: Determination of Reclassification of the Lower Talarik Creek Special Use Area

The Lower Talarik Creek Special Use Area (unit R10-04) will be co-designated Habitat and Recreation and co-classified as Wildlife Habitat and Recreation.

Eighth Cause of Action: Determination of Reclassification to Retain State Lands

Three changes to the 2005 BBAP are warranted to clarify certain aspects related to the retention of state land and to clarify language associated with the definition of the designation Minerals, the definition of ‘recreation’, and to include certain upland habitats in the listing of sensitive habitats identified in Chapter 2.

1. The General Use designation definition at page 3-3 of the 2005 BBAP will be revised as follows: after the text reading “unless stated otherwise in the unit’s management intent, cannot to sold to individuals” add the following, “Lands designated General Use are to be retained by the state during the planning period unless affected by a municipal selection and is only to be conveyed to a municipality if the adjudicatory decision determines that this conveyance is consistent with the requirements of AS 29.65.”

Amend the current management intent statement of General Use units that indicates intensive development is not expected within this unit during the planning period except occasionally and at specific locations to *add* the following: “This unit is to be retained in state ownership unless affected by a municipal selection and is only to be conveyed to a municipality if the adjudicatory decision determines that this conveyance is consistent with the requirements of AS 29.65.” Note: This wording will apply to those management units affected by municipal entitlement selections.

2. The definition of recreation in the Glossary will also be changed to include the terms sport hunting and fishing.
3. Management Guideline B, ‘Allowing Uses in Fish and Wildlife Habitats’ on p. 2-9 will be modified to include in this listing caribou and moose calving and winter concentration areas.

Proposed Decision

This is a preliminary Determination of Reclassification and Plan Amendment decision and is being submitted for the purpose of public review and comment. Public review may result in changes to either or both actions. Changes to the proposed actions will be included in a final decision to be issued by the Department on or before September 12, 2013.



Bruce Phelps, Chief
Resource Assessment and Development Section
Division of Mining, Land and Water

114113

Date

PUBLIC NOTICE and PUBLIC COMMENT PROCEDURES

The public is invited to comment on the Proposed Determination of Reclassification and Plan Amendment to the 2005 Bristol Bay Area Plan and the associated Land Classification Order. Comments must be received in writing or emailed to Ray Burger at the Division of Mining, Land and Water, Resource Assessment and Development Section at 550 West 7th Avenue, Suite 1050, Anchorage, Alaska 99501-3579 on or before April 4, 2013 to ensure consideration. Please direct any questions concerning this decision to Ray at (907) 269-8534, or by fax (907)269-8915, or email: dnr.bbapamend@alaska.gov.

The postmasters in Akutan, Aleknagik, Chignik, Clarks Point, Cold Bay, Dillingham, Egegik, Ekwook, Goodnews Bay, Igiugig, Iliamna, King Cove, King Salmon, Kokhanok, Koliganek, Levelock, Manokotak, Naknek, Nelson Lagoon, New Stuyahok, Nondalton, Pedro Bay, Pilot Point, Platinum, Port Alsworth, Quinhagak, Sand Point, South Naknek, Stony River, Togiak, and Twin Hills will be asked to post a notice announcing the Proposed Determination of Reclassification and Plan Amendment. Public Notice on the Internet will be posted on the State's web page under Notices and under the DNR's public notice site: <http://dnr.alaska.gov/mlw/>. Additionally, notice will be sent to the Lake and Peninsula, Aleutians East, and Bristol Bay boroughs, local and regional libraries, native villages and regional corporations, and to tribal governments.

Following the comment deadline, all written responses will be considered and either or both the Determination of Reclassification and Plan Amendment may be modified to incorporate public comments and recommendations. A copy (electronic or CD) of the Final Proposed Determination of Reclassification and Plan Amendment will be sent to any person who comments on the Proposed Determination of Reclassification and Plan Amendment and requests the final decision in comments submitted to the Department on the preliminary decision. The final decision on the Proposed Determination of Reclassification and Plan Amendment will include appeal instructions.

The Department of Natural Resources complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aides, services, or special modifications to participate in this decision process should contact the person indicated above or by TDD 907.269.8411 seven days in advance of the need, to arrange accommodations.

Appendix A

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

Land Classification Order No. SC-04-002A02

- I. Name: 2012 Plan Amendment, Bristol Bay Area Plan
- II. The classifications in Part III are based on written justification contained in the Determination of Reclassification and Plan Amendment to the Bristol Bay Area Plan adopted on _____:

Area Plan: **Bristol Bay Area Plan**
 Adopted () Revised (x) Dated _____

Management Plan:
 Adopted () Revised () Dated _____

Site Specific Plan:
 Adopted () Revised () Dated _____

III.	<u>Legal Description</u>	<u>Acreage</u>	<u>Acquisition Authority</u>	<u>Existing Classification</u>	<u>Classification by this Action</u>
	Map 3 and Tables B-3, B-6, and B-7, 2012 Plan Amendment	723,811	GS, CG	Resource Management, Wildlife Habitat, Public Recreation	Wildlife Habitat, Public Recreation

This order replaces and supersedes the land classifications of the 2005 Bristol Bay Area Plan for (only) those management units and areas identified in Tables B-3, B-6, and B-7, and Map 3 in the Plan Amendment.

- IV. This order is issued under the authority granted by AS 38.04.065 and AS 38.05.300 to the Commissioner of the Department of Natural Resources. The above described lands are hereby designated and classified as indicated. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

The date of issuance for this decision shall be _____

Concur: _____
 Director, Division of Mining, Land, and Water Date

Classified: _____
 Commissioner, Department of Natural Resources Date

Appendix B

Tables

<u>Table B-1: Habitat Analysis for Moose and Caribou</u>	<u>B - 1</u>
<u>Table B-2: Habitat Analysis for Waterfowl.....</u>	<u>B - 4</u>
<u>Table B-3: Streams and Lakes to be Co-designated Public Rec and Habitat</u>	<u>B - 7</u>
<u>Table B-4: Recreation: Resource Management and Public Recreation.....</u>	<u>B - 8</u>
<u>Table B-5: Recreation Analysis: Mineral, Settlement and Resource Management.....</u>	<u>B - 19</u>
<u>Table B-6: MCO 393</u>	<u>B - 21</u>
<u>Table B-7: Changes in Classification</u>	<u>B - 23</u>

Table B-1: Habitat Analysis for Moose and Caribou

Region	Unit	Classification	Acreage	Moose Wintering		Moose Calving		Caribou Wintering		Caribou Calving	
				Revise Management Intent?	Revise Resource Info?						
2	1	RMG	194,579	Yes	Yes			Yes	Yes		
2	2	RMG	252,313							No	No
2	3	PUR	114,561							Yes	No
2	5	RMG	175,192							Remove	
3	1	PUR	45,601							Yes	Yes
3	5	RMG	3,178								
5	1	PUR	10,883	No	Yes		Remove				
5	2	RMG	61,438	No	Yes		Remove				
5	3	RMG	32,477	No	Yes	No	No				
5	4	STL	28,361	No	No						
5	5	STL	981								
5	10	STL	16,062	Remove	Remove						
5	11	STL	1,266								
5	12	STL	33,651							Yes	Yes
5	13	RMG	6,400							No	Yes
5	14	STL	628								
5	15	STL	15,963	No	No						
5	16	STL	15,950	No	Yes						
5	17	RMG	2,272								
5	20	RMG	23,182					No	Yes		
5	21	STL	59,607	No	Yes	No	No	No	Yes	No	Yes
5	23	RMG	42,248	No	Yes	No	Yes	No	Yes	No	Yes
5	24	RMG	16,762	No	Yes			No	Yes		
5	32	RMG	1,920	No	Yes	No	No	No	Yes		
5	34	STL	36,166					Yes	Yes		
5	11a	STL	2,513								
6	1	RMG	754,084	No	Yes	No	Yes	No	Yes	No	Yes
6	3	MIN	35,437								
6	5	RMG	1,220,314	No	Yes	No	No	No	Yes	No	Yes
6	7	PUR	19,851	No	Yes	No	No	No	Yes		
6	13	RMG	637,423	No	Yes	No	No	No	Yes	No	Yes
6	15	PUR	239	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6	16	RMG	107,150					No	Yes		
6	18	MIN	73,206	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6	23	MIN	48,500	Yes	Yes						Remove
6	24	MIN	36,741	Yes	No						Remove
6	30	PUR	19,705	Yes	No						Remove
6	31	PUR	480	Yes	Yes						

Region	Unit	Classification	Acreage	Moose Wintering		Moose Calving		Caribou Wintering		Caribou Calving	
				Revise Management Intent?	Revise Resource Info?						
6	36	MIN	109,587	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6	38	PUR	400					Yes	Yes		
6	39	PUR	440					Yes	Yes		
6	40	PUR	671					Yes	Yes		
6	41	PUR	2,129					Yes	Yes		
6	42	RMG	607,190	No	No	No	No	Yes	Yes	Yes	Yes
6	47	MAT	3,498					Yes	Yes		
7	1	RMG	342,349					No	Yes	No	Yes
7	2	RMG	565,660	No	No	No	Yes	No	Yes	No	No
7	4	STL	12,649	No	No		Remove	No	Yes		
7	6	PUR	156,928	Yes	No	Yes	No	Yes	Yes		
7	16	RMG	40,389					Yes	Yes		
7	19	RMG	341,000	No	No		Remove	Yes	Yes		
7	20	STL	68,743	Yes	No			Yes	Yes		
7	21	STL	57,079	Yes	No						
7	22	STL	7,564	Yes	No						
8	1	RMG	23,337								
8	2	STL	1,920								
8	5	STL	14,849								
8	6	RMG	11,625	No	No						
8	7	RSU	1,203								
9	1	RMG	179,894	No	Yes	No	Yes				
9	2	STL	18,365	Yes	Yes						
9	3	STL	16,970	Yes	Yes	Yes	No				
9	6	PUR	6,788	Yes	Yes						
9	7	RMG	311,122	No	Yes	No	No				
9	8	STL	53,541	Yes	Yes						
9	13	PUR	1,109	No	Yes	No	No				
9	14	RMG	15,675								
10	1	RMG	40,227	No	No						Remove
10	2	MIN	24,979	Yes	Yes						Remove
10	3	PUR	173,645	Yes	Yes			Yes	Yes		
10	4	PUR	3,158								
10	6	RMG	222,677	No	Yes			No	Yes		
10	7	PUR	179,539	Yes	Yes	Yes	No	Yes	Yes		
10	8	RMG	57,144	No	No	No	Yes				
10	9	PUR	3,896	No	No	No	Yes				
10	10	STL	1,456	No	No	No	Yes				
10	12	RMG	70,630					No	Yes		

Region	Unit	Classification	Acreage	Moose Wintering		Moose Calving		Caribou Wintering		Caribou Calving	
				Revise Management Intent?	Revise Resource Info?						
11	1	RMG	160,521	No	Yes	No		No	Yes		
11	2	STL	14,234	No	Yes			No	Yes		
11	9	RSU	1,558								
11	11	RMG	164,969	No	Yes			No	Yes		
12	1	RMG	824,898	No	Yes	No	Yes	No	Yes	No	Yes
12	2	STL	1,903					Yes	Yes		
12	4	STL	7,577					Yes	Yes	Yes	Yes
13	1	RMG	1,712	No	Yes	No	Yes	No	Yes	No	No
14	1	STL	1,544					Yes	Yes		
14	2	RMG	48,539	No	Yes	No	Yes	No	Yes	No	Yes
15	1	RMG	491,424	No	Yes	No	No	No	Yes	No	No
15	2	RMG	3,195			Remove	Remove				
15	3	RMG	7,240					No	Yes		Remove
16	1	RMG	550					No	Yes		Remove
16	2	RSU	3,542								
16	3	STL	4,436					No	Yes		Remove
16	4	STL	13,993					No	Yes		Remove
16	5	RMG	37,346					No	Yes	No	No
17	1	RMG	85,677							No	No
18	1	RMG	737,743	No	Yes	No	No	No	Yes	No	No
18	3	STL	6,514					No	Yes	No	No
18	5	STL	8,361	No	Yes	No	Yes	No	Yes	No	No
19	1	RMG	63,463							No	Yes
19	2	STL	20,098								
21	1	RMG	438,118					No	Yes	No	Yes
21	2	STL	520					Yes	Yes	Yes	Yes
21	3	STL	35,028					No	Yes	No	No
21	4	RMG	4,480					No	Yes	No	Yes
22	1	RMG	6,701					No	Yes	No	Yes
22	2	RSU	1,702					Yes	Yes		
22	6	RSU	645								
AN	1	RMG	5,485							No	Yes
LC	1	RMG	8,544	No	No						Remove
LC	2	PUR	7,602								

Table B-2: Habitat Analysis for Waterfowl

Region	Unit	Classification	Unit Acres	Revise Management Intent?	Revise Resource Info?
2	1	RMG	194,579		
2	2	RMG	252,313		
2	3	PUR	114,561		
2	5	RMG	175,192		
3	1	PUR	45,601		
3	5	RMG	3,178		
5	1	PUR	10,883		
5	2	RMG	61,438		
5	3	RMG	32,477		
5	4	STL	28,361		
5	5	STL	981		
5	10	STL	16,062		
5	11	STL	1,266		
5	12	STL	33,651		
5	13	RMG	6,400		
5	14	STL	628		
5	15	STL	15,963		
5	16	STL	15,950		
5	17	RMG	2,272		
5	20	RMG	23,182		
5	21	STL	59,607		
5	23	RMG	42,248		
5	24	RMG	16,762		
5	32	RMG	1,920		
5	34	STL	36,166		
5	11a	STL	2,513		
6	1	RMG	754,084		
6	3	MIN	35,437		
6	5	RMG	1,220,314		
6	7	PUR	19,851		
6	13	RMG	637,423	No	Yes
6	15	PUR	73,446		
6	16	RMG	107,150		
6	18	MIN	73,099	Yes	Yes
6	23	MIN	48,500		
6	24	MIN	36,741		
6	30	PUR	19,705		
6	31	PUR	480		
6	36	MIN	109,587		
6	38	PUR	400		

Region	Unit	Classification	Unit Acres	Revise Management Intent?	Revise Resource Info?
6	39	PUR	440		
6	40	PUR	671		
6	41	PUR	2,129		
6	42	RMG	607,190	No	Yes
6	47	MAT	3,498		
7	1	RMG	342,349		
7	2	RMG	565,660		
7	4	STL	12,649		
7	6	PUR	156,928		
7	16	RMG	40,389		
7	19	RMG	341,000		
7	20	STL	68,743		
7	21	STL	57,079		
7	22	STL	7,564		
8	1	RMG	23,337		
8	2	STL	1,920		
8	5	STL	14,849		
8	6	RMG	11,625		
8	7	RSU	1,203		
9	1	RMG	179,894		
9	2	STL	18,365		
9	3	STL	16,970		
9	6	PUR	6,788		
9	7	RMG	311,122		
9	8	STL	53,541		
9	10	MIN	4,480		
9	13	PUR	1,109		
9	14	RMG	15,675		
10	1	RMG	40,227		
10	2	MIN	24,979		
10	3	PUR	173,645	Yes	Yes
10	4	PUR	3,158		
10	6	RMG	222,677		
10	7	PUR	179,539	Yes	Yes
10	8	RMG	57,144		
10	9	PUR	3,896		
10	10	STL	1,456		
10	12	RMG	70,630		
11	1	RMG	160,521		
11	2	STL	14,234		
11	9	RSU	1,558		

Region	Unit	Classification	Unit Acres	Revise Management Intent?	Revise Resource Info?
11	11	RMG	164,969	No	Yes
12	1	RMG	824,898	No	No
12	2	STL	1,903	Yes	Yes
12	4	STL	7,577		
13	1	RMG	1,712	No	Yes
14	1	STL	1,544		
14	2	RMG	48,539	No	Yes
15	1	RMG	491,424	No	No
15	2	RMG	3,195		
15	3	RMG	7,240		
16	1	RMG	550		
16	2	RSU	3,542		
16	3	STL	4,436		
16	4	STL	13,993		
16	5	RMG	37,346	No	Yes
17	1	RMG	85,677		
18	1	RMG	737,743		
18	3	STL	6,514		
18	5	STL	8,361		
19	1	RMG	63,463		
19	2	STL	20,098		
21	1	RMG	438,118		
21	2	STL	520		
21	3	STL	35,028		
21	4	RMG	4,480		
22	1	RMG	6,701		
22	2	RSU	1,702		
22	6	RSU	645		
AN	1	RMG	5,485		
LC	1	RMG	8,544		
LC	2	PUR	7,602		

Table B-3: Streams and Lakes to be Co-designated Public Rec and Habitat

Big Fish Lake
Canoe Bay River
Caribou River
Cathedral River
Chekok Lake
Chilchitna River
David River
Gibraltar Lake
Ilnik Lake
Ilnik River
Kakhonak River

Table B-4: Recreation: Resource Management and Public Recreation

Unit #	Designation	Acres	Management Intent
Region 2			
R02-01	Gu - General Use	204,807	If these lands are conveyed by the Federal government they are to be managed for a variety of uses including mineral exploration and development, oil and gas exploration and development, the protection of anadromous fish and other fish and wildlife resources, and dispersed recreation and tourism...
R02-02	Gu - General Use	252,330	These lands should be managed for a variety of uses including potential minerals exploration and development, the protection of fish and their associated habitat, and dispersed recreation and and tourism...
R02-03	Rd - Public Recreation and Tourism, Dispersed	114,544	This unit is designated Rd and is to be managed, generally, for the purposes of dispersed recreation and the protection of fish and wildlife. This unit is to be retained by the state and is recommended for eventual inclusion in the Wood-Tikchik State Park. DNR authorizations should be limited to those that are consistent with the eventual use of this area as part of the State Park. The management of this unit should be similar to that of the adjoining area of the State Park. Consult the management requirements of Management Unit 2 (Upper Tikchik Lakes) in the State Park Plan for specific guidance.
R02-05	Gu - General Use	203,770	If these lands are conveyed by the Federal government they are to be managed for a variety of uses including mineral exploration and development, oil and gas exploration and development, the protection of anadromous fish and other fish and wildlife resources, and dispersed recreation and tourism...
Region 3			
R03-01	Rd - Public Recreation and Tourism, Dispersed	45,660	This unit is designated Rd and is to be managed, generally, for the purposes of dispersed recreation and the protection of fish and wildlife. This unit is to be retained by the state and is recommended for eventual inclusion in the Wood-Tikchik State Park. DNR authorizations should be limited to those that are consistent with the eventual use of this area as part of the State Park. The management of this unit should be similar to that of the adjoining area of the State Park. Consult the management requirements of Management Unit 3 (Lower Tikchik Lakes) in the State Park Plan for specific guidance.
R03-05	Gu - General Use	3,178	These lands are to be managed for a variety of uses including recreation and tourism , hunting and fishing, and protection of fish and wildlife and their associated habitat.
Region 5			
R05-01	Rd - Public Recreation and Tourism, Dispersed	10,523	This unit is designated Rd and is to be managed, generally, for the purposes of dispersed recreation and the protection of fish and wildlife. It is to be retained by the state and is recommended for eventual inclusion in the Wood-Tikchik State Park. DNR authorizations should be limited to those that are consistent with the eventual use of this area as part of the State Park. The management of this unit should be similar to that of the adjoining area in the State Park. Consult the management requirements of Management Unit 7 (Lake Nerka) in the State Park Plan for specific guidance. Refer also to the specific management requirements for calving areas in the Fish and Wildlife Habitat and Harvest Areas section of Chapter 2.
R05-02	Gu - General Use	61,466	This unit is General Use and is to be managed for a variety of resources, including dispersed recreation , fish and wildlife protection, and habitat protection...
R05-03	Gu - General Use	20,421	These lands should be managed for a variety of uses including the protection of fish and wildlife and their associated habitat, anadromous fish streams, and dispersed recreation and tourism...
R05-06	Rp - Public Recreation and Tourism, Public Use Site	554	If these lands are conveyed by the Federal government they are to be managed for public recreation and tourism . Authorizations related to commercial recreation uses may be appropriate subject to the protection of these resources and the requirements of Chapter 2. Intensive development is not intended during the planning period except occasionally and at specific locations. If conveyed, the unit is to be retained in state ownership. This is considered a high priority selection.

Unit #	Designation	Acres	Management Intent
R05-13	Gu - General Use	6,385	These lands should be managed for a variety of uses including protection of fish and wildlife, protection of fish and wildlife habitat, minerals exploration and development, and dispersed recreation and tourism.
R05-17	Gu - General Use	2,517	This unit is designated General Use (Gu). If these lands are conveyed by the Federal government they are to be managed for a variety of uses including mineral exploration and development, the protection of anadromous fish and other fish and wildlife resources, and dispersed recreation and tourism. Intensive development is not intended during the planning period except occasionally and at specific locations related to minerals or commercial recreation. This is considered to be a high value selection.
R05-20	Gu - General Use	23,326	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions. Intensive development is not expected within this unit during the planning period, except occasionally and at specific locations associated with recreation uses and mineral exploration and development. Settlement is not considered an appropriate use.
R05-22	Rd and Ha - Public Recreation and Tourism-Dispersed, and Habitat	4,949	Unit is to be retained by the state and managed to maintain the recreational uses of the Iowithla River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Unit 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions. In general, authorizations should not be issued for nonrecreational uses that are incompatible with the management intent of this unit and the management objectives of the RRMP...
R05-23	Gu - General Use	42,561	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions...

Unit #	Designation	Acres	Management Intent
R05-24	Gu - General Use	16,765	If conveyed by the Federal government, this unit is to be managed for a variety of uses including mineral exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation and tourism.
R05-32	Gu - General Use	1,920	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, "Caribou and Moose Calving and Rutting Areas", in the Fish and Wildlife Habitat and Harvest Areas section and with Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions...
Region 6			
R06-01	Gu - General Use	754,027	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, "Caribou and Moose Calving and Rutting Areas", in the Fish and Wildlife Habitat and Harvest Areas section and with Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions.
R06-02	Rd, Ha - Public Recreation and Tourism-Dispersed, and Habitat	318,982	Unit is to be retained by the state and managed to maintain the recreational uses of the Nushagak River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Units 10, 12, and 13. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...

Unit #	Designation	Acres	Management Intent
R06-05	Gu - General Use	1,196,780	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, "Caribou and Moose Calving and Rutting Areas", in the Fish and Wildlife Habitat and Harvest Areas section and with Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions...
R06-07	Rd - Public Recreation and Tourism, Dispersed	19,946	Except for those areas that may be conveyed under the Municipal Entitlement program, the unit is to be retained by the state and managed to maintain the recreational uses of the Mulchatna River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Unit 20. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses related to recreational facilities by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...
R06-09	Rd and Ha - Public Recreation and Tourism - Dispersed, and Habitat	199,246	Unit is to be retained by the state and managed to maintain the recreational uses of the Mulchatna River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Units 15, 18, and 20. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...
R06-13	Gu - General Use	587,500	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, "Caribou and Moose Calving and Rutting Areas", in the Fish and Wildlife Habitat and Harvest Areas section and with Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2.
R06-16	Gu - General Use	107,402	Unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitat, mineral exploration and development, and dispersed recreation.

Unit #	Designation	Acres	Management Intent
R06-25	Rd and Ha - PublicRecreation andTourism-Dispersed,and Habitat	40,319	Unit is to be retained by the state and managed to maintain the recreational uses of the Nuyakuk River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Units 10, 12, and 13. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...
R06-26		12,495	Unit is to be retained by the state and managed to maintain the recreational uses of the Nushagak River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Units 1, 3, 5, and 7. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...
R06-27	Rp - Public Recreation and Tourism, Public Use Site	361	This unit is designated Public Recreation and Tourism-Public Use Site (Rp) and is to be managed for public recreation , consistent with the requirements of the Special Use Designation. The unit is to be retained in state ownership. See also the Management Guideline for "Public Use Sites" in the Recreation, Tourism, and Scenic Resources section of Chapter 2.
R06-30	Rd - Public Recreation and Tourism, Dispersed	20,636	Except for those areas that may be conveyed under the Municipal Entitlement program, unit is to be retained by the state and managed to maintain the recreational uses of the Koktuli River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Unit 17. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses related to recreational facilities by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...
R06-31	Rp - Public Recreation and Tourism, Public Use Site	491	This unit is designated Public Recreation and Tourism-Public Use Site (Rp) and is to be managed for public recreation and tourism . The unit is to be retained in public ownership. See also the Management Guideline for "Public Use Sites" in the Recreation, Tourism, and Scenic Resources section of Chapter 2. Conveyance of the unit to the Lake and Peninsula Borough is appropriate with the stipulation that the unit remain in public ownership as a Public Use Site.
R06-35	Rd and Ha - PublicRecreation andTourism-Dispersed,and Habitat	85,089	Unit is to be retained by the state and managed to maintain the recreational uses of the Kokwok River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Unit 4. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...

Unit #	Designation	Acres	Management Intent
R06-38	Rp - Public Recreation and Tourism, Public Use Site	445	This unit is designated Public Recreation and Tourism-Public Use Site (Rp) and is to be managed for public recreation and tourism and retained in public ownership. See also the Management Guideline for "Public Use Sites" in the Recreation, Tourism, and Scenic Resources section of Chapter 2.
R06-39	Rp - Public Recreation and Tourism, Public Use Site	432	This unit is designated Public Recreation and Tourism-Public Use Site (Rp) and is to be managed for public recreation and tourism and retained in public ownership. See also the Management Guideline for "Public Use Sites" in the Recreation, Tourism, and Scenic Resources section of Chapter 2.
R06-40	Rp - Public Recreation and Tourism, Public Use Site	693	This unit is designated Public Recreation and Tourism-Public Use Site (Rp), is to be managed for public recreation , and retained in public ownership. See also the Management Guideline for "Public Use Sites" in the Recreation, Tourism, and Scenic Resources section of Chapter 2. Conveyance of the unit to the Lake and Peninsula Borough is appropriate with the stipulation that the unit remain in public ownership as a Public Use Site.
R06-41	Rd - Public Recreation and Tourism, Dispersed	2,109	The unit is designated Public Recreation and Tourism-Dispersed (Rd). Land selections by the Lake and Peninsula Borough as part of it's municipal entitlement are considered appropriate for conveyance.
R06-42	Gu - General Use	577,023	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats , mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, "Caribou and Moose Calving and Rutting Areas", in the Fish and Wildlife Habitat and Harvest Areas section and with Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2.
R06-49	Rd and Ha - Public Recreation and Tourism-Dispersed, and Habitat	45,205	Unit is to be retained by the state and managed to maintain the recreational uses of the Iowithla River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Unit 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses by RRMP management unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions...
Region 7			
R07-01	Gu - General Use	343,586	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitat, mineral exploration and development, and dispersed recreation.

Unit #	Designation	Acres	Management Intent
R07-02	Gu - General Use	565,591	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation . Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline K, "Caribou and Moose Calving and Rutting Areas", in the Fish and Wildlife Habitat and Harvest Areas section and with Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions...
R07-06	Rd - Public Recreation and Tourism, Dispersed	157,126	Except for those areas that may be conveyed under the Municipal Entitlement program, the unit is to be retained by the state and managed to maintain the recreational uses of the Mulchatna River and the adjoining upland corridor, its fish and wildlife resources, and public recreation values. The management requirements of the Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) are to be followed by DNR in the granting of authorizations related to certain types of recreational uses and structures. See the Management Intent and Management Guidelines in the RRMP for Management Units 20, 21, 22, and 23. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional uses related to recreational facilities by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2, which more specifically defines the relationship between the RRMP and the BBAP, also applies and should be consulted in adjudication decisions... It is intended that this area shall remain vegetated and undisturbed, except for isolated sites necessary for public facilities or public recreation facilities. The purpose of this easement will be to protect resources and values of riverine areas, and provide for public access.
R07-16	Gu - General Use	40,343	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation . Some forms of recreation use, including commercial recreation, may be appropriate if these recreational uses are found to be compatible with the management intent for adjacent river corridors designated Ha-Rd or Rd in the Area Plan. Development authorizations may be appropriate subject to the protection of these resources, consistency with the recreation uses specified in the RRMP, and the specific requirements of Chapter 2; see particularly the requirements for Management Guideline J, "Nushagak & Mulchatna Rivers Recreation Management Plan", in the Recreation, Tourism, and Scenic Resources section of Chapter 2. For convenience, Table 2.2 contains a listing of allowed, prohibited, and conditional (recreational) uses by RRMP Management Unit. Management Guideline J in the Recreation, Tourism, and Scenic Resources section of Chapter 2 specifically defines the relationship between the RRMP and the BBAP, and must be consulted in adjudication decisions...
R07-19	Gu - General Use	344,379	These lands should be managed for a variety of uses including protection of fish and wildlife and their associated habitats, dispersed recreation and tourism , and minerals exploration and development.
Region 8			
LC-01	Gu - General Use	8,196	The unit is designated General Use (Gu) and is to be managed for a variety of uses including dispersed public recreation and tourism , fish and wildlife harvest, and protection of fish and wildlife habitat. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.

Unit #	Designation	Acres	Management Intent
LC-02	Rd - Public Recreation and Tourism, Dispersed	7,680	The unit is designated Public Recreation and Tourism-Dispersed. If the land is conveyed by the federal government it is to be consistent with surrounding recreation uses.
R08-01	Gu - General Use	23,284	Unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation may be appropriate. Development authorizations may be appropriate subject to the protection of these resources and the specific requirements of Chapter 2... The unit is partly affected by LLO1.
R08-06	Gu - General Use	11,622	Unit is designated General Use (Gu) and, if conveyed by the Federal government, is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitats, mineral exploration and development, and dispersed recreation. Some forms of recreation use, including commercial recreation, may be appropriate. Development authorizations may be appropriate subject to the protection of these resources and the specific requirements of Chapter 2.
Region 9			
R09-01	Gu - General Use	183,905	Unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitat, and dispersed recreation. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.
R09-06	Rd - Public Recreation and Tourism, Dispersed	19,833	These units are designated Public Recreation and Tourism-Dispersed, are to be managed for dispersed public recreation purposes, and retained by the state.
R09-07	Gu - General Use	352,970	Unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitat, and dispersed recreation. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2...
R09-13	Rd - Public Recreation and Tourism, Dispersed	2,268	This unit is to be managed for dispersed recreation and the protection of fish and wildlife resources and their habitats. DNR authorizations shall consider siting requirements that avoid or minimize impacts to principal recreational use areas and other recreation values. Such authorizations shall also ensure that impacts to anadromous streams are minimized and are consistent with the requirements for such uses in Chapter 2...
R09-14	Gu - General Use	15,698	The unit is designated General Use (Gu) and is to be managed for a variety of uses including minerals exploration and development, dispersed public recreation and tourism , fish and wildlife harvest, and protection of fish and wildlife habitat. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.
Region 10			
R10-01	Gu - General Use	41,962	The unit is designated General Use (Gu) and is to be managed for a variety of uses including mineral exploration and development, public recreation and tourism , and protection of anadromous fish and wildlife resources and habitat. Development authorizations may be appropriate subject to the protection of these resources and the requirements of Chapter 2.
R10-03	Rd - Public Recreation and Tourism, Dispersed	171,321	This unit is to be retained in state ownership and managed to maintain the recreational values and uses of this large area, although mineral exploration and development are considered appropriate within the unit. Such uses are to maintain the recreational values of this area to the maximum extent practicable. DNR authorizations shall consider siting requirements that avoid or minimize impacts to principal recreational use areas. Such authorizations shall also ensure that impacts to anadromous streams and tundra swan concentrations are minimized and are consistent with the requirements for such uses in Chapter 2.

Unit #	Designation	Acres	Management Intent
R10-04	Rp - Public Recreation and Tourism, Public Use Site	3,120	The unit is designated Public Recreation and Tourism-Public Use Site (Rp), managed consistent with the requirements of the Special Use Designation, and is to be retained in state ownership. See also the Management Guideline for "Public Use Sites" in the Recreation, Tourism, and Scenic Resources section of Chapter 2.
R10-06	Gu - General Use	265,565	If conveyed by the Federal government, this unit is to be managed for a variety of uses including mineral and oil and gas exploration and development, the protection of fish and wildlife resources and their habitats, dispersed recreation and tourism , and potential development of a transportation access corridor to mineral and other resources.
R10-07	Rd - Public Recreation and Tourism, Dispersed	187,025	This unit, consisting of upland adjoining the Kvichak and Alagnak Rivers, is designated Public Recreation and Tourism-Dispersed (Rd) and is to be managed to maintain the current recreational values and uses of these uplands. The unit contains several municipal selections, which are considered appropriate for conveyance to the Lake and Peninsula Borough subject to a separate and subsequent Best Interest Finding. Development authorizations may be appropriate subject to the requirements of Chapter 2 and with the management intent given above. Such authorizations shall be limited to those uses that are related to commercial recreation, public facilities, or other economic activities that are of a recreation type and are consistent with the management intent given above. Leases or disposals should be limited to those uses that are related to commercial recreation, public facilities, or other economic activities that are of a recreation type. It is intended that these disposals and leases be confined to areas no greater than 5 acres in size and that there be distance separation of at least three miles, unless site conditions warrant a lesser distance...
R10-08	Gu - General Use	58,137	This unit, including lands that may be eventually conveyed by the Federal government, is to be managed for a variety of uses including mineral or oil and gas exploration and development, the protection of fish and wildlife resources and their habitats, and dispersed recreation.
R10-09	Rd - Public Recreation and Tourism, Dispersed	2,600	This unit is to be managed for dispersed recreation and the protection of fish and wildlife resources and their habitats. DNR authorizations shall consider siting requirements that avoid or minimize impacts to principal recreational use areas and other recreation values. Such authorizations shall also ensure that impacts to anadromous streams are minimized and are consistent with the requirements for such uses in Chapter 2.
R10-12	Gu - General Use	66,923	This unit, if eventually conveyed by the Federal government, is to be managed for a variety of uses including mineral or oil and gas exploration and development, the protection of fish and wildlife resources and their habitats, and dispersed recreation.
Region 11			
R11-01	Gu - General Use	145,038	These lands should be managed for a variety of uses including minerals, oil and gas exploration and development, protection of fish and wildlife and associated habitat, and dispersed recreation and tourism. Development authorizations may be appropriate subject to the protection of these resources and the requirements of Chapter 2.
R11-11	Gu - General Use	164,691	These lands should be managed for a variety of uses including minerals and oil and gas exploration and development, protection of fish and wildlife and their associated habitat, and dispersed recreation. Development authorizations may be appropriate subject to the protection of these resources and the requirements of Chapter 2.
Region 12			
R12-01	Gu - General Use	872,496	These lands should be managed for a variety of uses including minerals or oil and gas exploration and development, protection of fish and wildlife and their associated habitat, and dispersed recreation. Development authorizations may be appropriate subject to the protection of these resources and the requirements of Chapter 2.
Region 13			
R13-01	Gu - General Use	1,541	The unit is to be managed for a variety of resources, including oil and gas exploration and development, dispersed recreation , and the protection of fish and wildlife, including their associated habitat. Development authorizations may be appropriate subject to the protection of these resources and the requirements of Chapter 2.

Unit #	Designation	Acres	Management Intent
Region 14			
R14-02	Gu - General Use	50,580	The unit is to be managed for a variety of resources, including dispersed recreation and the protection of fish and wildlife, including their associated habitat. Development authorizations... may be appropriate subject to the protection of these resources and the requirements of Chapter 2.
Region 15			
AN-01	Gu - General Use	5,486	The unit is designated General Use (Gu) and is to be managed for a variety of uses including protection of anadromous fish and wildlife resources and habitat, dispersed recreation , and mineral and oil and gas exploration and development. Development authorizations may be considered appropriate subject to the protection fish and wildlife resources and the specific requirements of Chapter 2.
R15-01	Gu - General Use	499,667	The unit is designated General Use (Gu). It is to be managed for a variety of uses including minerals or oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation.
R15-02	Gu - General Use	3,195	The unit is designated General Use (Gu). It is to be managed for a variety of uses including minerals or oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation.
R15-03	Gu - General Use	10,200	If conveyed by the federal government, these lands are to be managed for a variety of uses including oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation. The Lake and Peninsula Borough has made a number of land selections within the unit as part of its municipal entitlement. These include lands at Painter Creek and the landing strip, lands east of the King Salmon River, a selection on Old Creek, and several selections between Mud Creek and the Cinder River. Conveyance of these selections is considered appropriate, subject to a separate, subsequent Best Interest Finding.
Region 16			
R16-01	Gu - General Use	538	If conveyed by the federal government, these lands are to be managed for a variety of uses including oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation.
R16-05	Gu - General Use	37,256	This unit is designated General Use (Gu). It is to be managed for a variety of uses including minerals or oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation.
Region 17			
R17-01	Gu - General Use	3,284	This unit is designated General Use (Gu). It is to be managed for a variety of uses including minerals or oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation.
Region 18			
R18-01	Gu - General Use	744,580	This unit is designated General Use (Gu). It is to be managed for a variety of uses including minerals or oil and gas exploration and development, the protection of fish and wildlife resources and their associated habitat, and dispersed recreation... Several land selections have been made in this unit by the Lake and Peninsula and Aleutians East Boroughs; the selections may be appropriate for disposal, subject to a separate and subsequent Best Interest Finding.
Region 19			
R19-01	Gu, Ha - General Use and Habitat	63,576	The large inland portion of this unit is designated General Use (Gu) and is to be managed for a variety of uses, including subsistence and recreational harvest, the protection of sensitive habitats and fish/wildlife, the possible development of the Herendeen coalfield, oil and gas exploration and development, and dispersed recreation. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.

Unit #	Designation	Acres	Management Intent
Region 21			
R21-01	Gu - General Use	432,067	Unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitat, oil and gas exploration and development, the possible development of the Herendeen coalfield, and dispersed recreation. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.
R21-04	Gu - General Use	25,401	If conveyed, the unit is designated General Use (Gu) and is to be managed for a variety of uses, including subsistence and recreational harvest, the protection of fish and wildlife resources and their associated habitat, oil and gas exploration and development, and dispersed recreation. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.
Region 22			
R22-01	Gu - General Use	6,656	The unit is designated General Use (Gu) and is to be managed for a variety of uses, including the protection of fish and wildlife resources and their associated habitat, oil and gas exploration and development, and dispersed recreation. Development authorizations may be considered appropriate subject to the protection of these resources and the specific requirements of Chapter 2.
TOTAL ACRES			
	Upland Units	10,924,243	

Table B-5: Recreation Analysis: Mineral, Settlement and Resource Management

Classification	Region	Unit	Unit Acres	Revise Management Intent
MIN	6	3	35,437	Yes
MIN	6	18	73,099	Yes
MIN	6	23	48,500	Yes
MIN	6	24	36,741	Yes
MIN	6	36	109,587	Yes
MIN	9	10	4,480	Yes
MIN	10	2	24,979	Yes
RMG	2	1	194,579	No
RMG	2	2	252,313	No
RMG	2	5	175,192	No
RMG	3	5	3,178	No
RMG	5	2	61,438	No
RMG	5	3	32,477	No
RMG	5	13	6,400	No
RMG	5	17	2,272	No
RMG	5	20	23,182	No
RMG	5	23	42,248	No
RMG	5	24	16,762	No
RMG	5	32	1,920	No
RMG	6	1	754,084	No
RMG	6	5	1,220,314	No
RMG	6	13	637,423	No
RMG	6	16	107,150	No
RMG	6	42	607,190	No
RMG	7	1	342,349	No
RMG	7	2	565,660	No
RMG	7	16	40,389	No
RMG	7	19	341,000	No
RMG	8	1	23,337	No
RMG	8	6	11,625	No
RMG	9	1	179,894	No
RMG	9	7	311,122	No
RMG	9	14	15,675	No
RMG	10	1	40,227	No
RMG	10	6	222,677	No
RMG	10	8	57,144	No
RMG	10	12	70,630	No
RMG	11	1	160,521	No
RMG	11	11	164,969	No
RMG	12	1	824,898	No

Classification	Region	Unit	Unit Acres	Revise Management Intent
RMG	13	1	1,712	No
RMG	14	2	48,539	No
RMG	15	1	491,424	No
RMG	15	2	3,195	No
RMG	15	3	7,240	No
RMG	16	1	550	No
RMG	16	5	37,346	No
RMG	17	1	85,677	No
RMG	18	1	737,743	No
RMG	19	1	63,463	No
RMG	21	1	438,118	No
RMG	21	4	4,480	No
RMG	22	1	6,701	No
STL	5	4	28,361	Yes
STL	5	5	981	Yes
STL	5	10	16,062	Yes
STL	5	11	1,266	Yes
STL	5	12	33,651	Yes
STL	5	14	628	Yes
STL	5	15	15,963	Yes
STL	5	16	15,950	Yes
STL	5	21	59,607	Yes
STL	5	34	36,166	Yes
STL	5	11a	2,513	Yes
STL	7	4	12,649	Yes
STL	7	20	68,743	Yes
STL	7	21	57,079	Yes
STL	7	22	7,564	Yes
STL	8	2	1,920	Yes
STL	8	5	14,849	Yes
STL	9	2	18,365	Yes
STL	9	3	16,970	Yes
STL	9	8	53,541	Yes
STL	10	10	1,456	Yes
STL	11	2	14,234	Yes
STL	12	2	1,903	Yes
STL	12	4	7,577	Yes
STL	14	1	1,544	Yes
STL	16	3	4,436	Yes
STL	16	4	13,993	Yes
STL	18	3	6,514	Yes

Table B-6: MCO 393

River Name	Anadromous Stream ID	BBAP Region	Ha Classification?
Agulowak River	325-30-10100-2031-3118	4	Not Subject to BBAP
Bear River	315-11-10200	18	Yes
Belinda Creek	324-10-10150-2156	10	Not Listed
Canyon Creek	324-10-10150-2273	9	Not Listed
Caribou River	313-30-10140	21	Yes
Chekok Creek	324-10-10150-2267	9	Not Listed
Chilchitna River	325-30-10100-2202-3446	7	Yes
Chilikadrotna River	325-30-10100-2202-3510	7	Yes
Chinkelyes Creek	324-10-10150-2402-3014	9	Not Listed
Chulitna River	324-10-10150-2207-3173	7	No
Copper River	324-10-10150-2280	9	Yes
Cranberry Creek	325-30-10100-2214	6	Yes
Dennis Creek	324-10-10150-2182	?	Not Listed; AS ID# does not match ArcGIS Attributes
Dream Creek	324-10-10150-2196-3033	9	Not Listed
Harris Creek	325-30-10100-2280	6	Not Listed
Iliamna River	324-10-10150-2402	9	Yes
Iowithla River	325-30-10100-2101	6	Yes
Kakhanok River	324-10-10150-2240	9	Yes
Keefer Creek	325-30-10100-2202-3338	6	Yes
Kenakuchuk Creek	325-30-10100-2129-3040	6	Not Listed
King Salmon River	325-30-10100-2435	6	Yes
Kluktuk Creek	325-30-10100-2141	6	Yes
Koktuli River	325-30-10100-2202-3080	6	Yes
Kokwok River	325-30-10100-2129	6	Yes
Kukwuk River	325-30-10100-2129-3046	N/A	Not Listed
Kvichak River	324-10-10150	10	Yes
Lefthead River	313-30-10140-2013-3007	21	Not Listed
Lower Talarik Creek	324-10-10150-2167	10	Not Listed
Muklung River	325-30-10100-2031-3028	4,5	Region 4 N/A, Region 5 Yes
Mulchatna River	325-30-10100-2202	6,7	Yes
Newhalen River	324-10-10150-2207	8	Yes
Nikadavna Creek	325-30-10100-202-3446-4052	7	Not Listed
Nushagak River	325-30-10100	5,6	Yes
Nuyakuk River	325-30-10100-2249	6	Yes
Old Man Creek	325-30-10100-2202-3075	6	Yes
Pecks Creek	324-10-10150-2136	10	Yes
Pete Andrews Creek	324-10-10150-2195	10	Not Listed
Peterson Creek	313-30-10140-2013-3006	21	Not Listed
Pike Creek	325-30-10100-2031-3118-4062	4	Not Subject to BBAP

River Name	Anadramous Stream ID	BBAP Region	Ha Classification?
Pile River	324-10-10150-2341	9	Yes
Sandy River	315-12-10100	18	Yes
Sapsuk River	313-30-10140-2013	21	Yes
Tommy Creek	324-10-10150-2320	9	Not Listed
Upper Talarik Creek	324-10-10150-2183	10	Not LIsted
Wood River	325-30-10100-2031	5	Yes

Table B-7: Changes in Classification

Management Unit	Designation	Management Intent	Comment
Old Man Creek (new unit 6-56) 21,186 acres	Ha, Rd	Manage to protect fish and wildlife resources and their associated habitat and public recreation value	Moose calving area not previously identified.
East Fork of Mosquito River (new unit 6-58) 12,981 acres	Ha, Rd	Manage to protect fish and wildlife resources and their associated habitat and public recreation value	Moose calving area not previously identified.
Moose/Portage/Mosquito River (new unit 6-57) 6,756 acres	Ha, Rd	Manage to protect fish and wildlife resources and their associated habitat and public recreation value	Moose calving area not previously identified.
Corridor of Lower Mulchatna River (R06-09) 215,418 acres (presently 184,879)	No change: currently Ha and Rd	No change	Moose calving area not previously identified. Amends the configuration of current unit. See Map 3
Nuyakuk Creek (R06-25) 66,356 acres (presently 39,554)	No change: currently Ha and Rd	No change	Moose calving area not previously identified. Amends the configuration of current unit. See Map 3
Corridor of Kokwok River (R06-035) 149,454 acres (presently 84,730)	No change: currently Ha and Rd	No change	Moose calving area not previously identified. Amends the configuration of current unit. See Map 3
Middle Mulchatna River (R06-07) 19,851 acres	Add Ha designation	No change except to indicate that classification changes back to Rd for approved municipal selections.	Recognizes the habitat importance of this portion of the river.
Upper Kaktuli River (R06-30) 19,705 acres	Add Ha designation	No change except to indicate that classification changes back to Rd for approved municipal selections.	Recognizes the habitat importance of this portion of the river.
Upper Mulchatna River (R07-06) 156,928 acres	Add Ha designation	No change except to indicate that classification changes back to Rd for approved municipal selections.	Recognizes the habitat importance of this portion of the river.
Iowithla River (R6-48) 52,018 acres	Add Rd designation	Manage to protect public recreation value	Recognizes the public recreation importance of this portion of the river.