Chapter 4
IMPLEMENTATION AND RECOMMENDATIONS

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Chapter 4

IMPLEMENTATION AND RECOMMENDATIONS

Introduction

This chapter includes information and recommendations necessary to implement plan goals, management intent, and guidelines. Information is included on the following:

- State Land Classification
- Public Trust Doctrine
- Surface Leasing
- Classification Order
- Special Use Designations
- Alaska Coastal Management Program
- Municipal Entitlement
- Land Selection and Selection Priorities
- Proposed Selection Relinquishments
- Coordination with Federal Land Management
- Mineral and Leasehold Location Orders
- Proposed Additions to State Park System
- Coordination with Nushagak & Mulchatna Rivers Recreation Management Plan
- Procedure for Plan Changes

State Land Classification

To implement the plan on state lands, DNR must "classify" state lands to reflect the intent of "land use designations" made by this plan. State law requires that classification precede most conveyance or leasing of state uplands or tidelands. According to state statute classification means, " . . .the designation of lands according to their apparent best use." It " . . . identifies the primary use for which the land will be managed . . .." but " . . . all other uses are initially presumed as compatible with the primary use." For this reason, all plan classifications are intended for multiple uses. In this plan most management units are assigned a single, principle designation.

In some instances more than one designation is identified; these are termed "co-designations" and indicate that two (or more) uses are considered to be compatible within a specific management unit of state land. The General Use (Gu) designation is used frequently in this plan, typically applying to the larger management units of state land where two or more uses are judged to be compatible within specific portions of the management unit. Compatibility of uses should be able to be achieved through distance separation, or siting and design techniques that should reduce or preclude the undesirable effects of a particular use.

Following is a list of land classifications, and their associated definitions in Alaska regulations (the Alaska Administrative Code – AAC), which will apply to state lands in the planning area as a result of plan adoption. DNR will manage state lands and resources consistent with these classifications and with the management directions given in Chapter 3 for specific management units of state land.[1]

11 AAC 55.120. Material Land. Land classified material is land that is suitable for the extraction of common varieties of sand, gravel, stone, peat, clay, and other similar materials.

11 AAC 55.130. Mineral Land. Land classified mineral is land where known mineral resources exist and where development is occurring or is reasonably likely to occur, or where there is reason to believe that commercial quantities of minerals exist.

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 55.170. Reserved Land Use. (a) Land classified reserved use is land that:

- **(1)** is reserved for transfer to another governmental or non-governmental agency that is performing a public service;
- **(2)** is reserved for transfer through land exchanges; or
- **(3)** has been designated for a public facility.

(b) Nothing in this section requires classification of land identified for a future land exchange under AS 38.50.

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

[1] Land not otherwise classified on the plan maps within the planning area are classified General Use (Gu) or if reconveyed to the state and previously classified, under the previous applicable classification order.

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 55.202. Settlement Land. An upland area classified settlement is land that is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development. Tideland, submerged land, or shoreland classified settlement is land that is suitable for floathomes, or land that is immediately adjacent to upland areas with existing or proposed settlement and that will be managed to support those existing or proposed upland settlement uses.

11 AAC 55.215. Waterfront Development Land. Land classified waterfront development is tideland, submerged land, or shoreland that is suitable to be used for commercial or industrial activities such as fish processing, aquatic farming, mineral and log transfer facilities, or commercial recreation.

11 AAC 55.222. Water Resources Land. Land classified water resources is land encompassing watersheds or portions of watersheds and is suitable for such uses as water supply, watershed protection, or hydropower sites.

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.

Relationship of Land Use Designations in the Plan to State Land Classifications

The classifications contain no specific land management directives; those directives are expressed through the use of land use designations in the plan, described in detail for individual Regions and management units included in Chapter 3. However, the designations used in the area plan must be converted into land classifications outlined in state regulation (11 AAC 55) that reflect the intent of the plan.

Since plan designations are central to the management of state land in this area plan, knowledge of the amount of area associated with particular designations is important, allowing a

comparison between the designated uses. Table 4-1 identifies the acreage associated with the designations recommended in this plan, specified for upland and tideland management units. Descriptions of each of the following designations are also provided in Chapter 3 pages 2 to 5. Note: Acreages associated with plan classifications are given in Table 4-3.

Table 4-1(A): Acreages Associated with Upland Designations - Management Units

Symbol	Designation	Acreage
Gu	General Use	9,409,409
Ha	Habitat	767,527
Ma	Materials	334
Mi	Minerals	331,458
Pr	Public Facilities-Retain	11,775
Rd	Public Recreation and Tourism-Dispersed	1,469,126
Rp	Public Recreation and Tourism-Public Use Site	13,083
Se	Settlement	640,574
Sc	Settlement-Commercial	286
Total		**12,643,572**

Table 4-1(B): Acreages Associated with Tideland, Submerged Land, and Shoreland Designations - Management Units

Symbol	Designation	Acreage
F	Forestry	0
Gu	General Use	5,577,366
Ha	Habitat	1,392,852
Hv	Harvest	459,783
Pr	Public Facilities- Retain	0
Rd	Public Recreation and Tourism-Dispersed	494,313
Sd	Shoreline Use	0
Wd	Waterfront Development	32,506
Total		**7,956,820**

Note that the total of the acreages for all designations is greater than the acreage of state land in the plan area since management units with more than one designation have their acreage counted under each designation.

The conversion of land use designations used by this plan into state land classifications is indicated in the two tables below. These are intended to identify the allowable uses of a state upland or tideland area, consistent with the definitions described previously and with any management intent given in Chapter 3.

Table 4-2(A): Upland Designations –- Conversion to Classifications

Symbol	Designation	Classification
Gu	General Use	Resource Management Land
Ha	Habitat	Wildlife Habitat land
Ma	Materials	Material Land
Mi	Minerals	Mineral Land
Pr	Public Facilities - Retain	Reserved Use Land
Rd	Public Rec. & Tourism-Dispersed Use	Public Recreation Land
Rp	Public Rec. & Tourism-Public Use Site	Public Recreation Land
Rm	Resource Management – High Value	Resource Management Land
Se	Settlement	Settlement Land
Sc	Settlement - Commercial	Settlement Land
W	Water Resources	Water Resources Land

Table 4-2(B): Tideland, Submerged Land, and Shoreland Designations –- Conversion to Classifications

Symbol	Designation	Classification
F	Forestry	Forest Land
Gu	General Use	Resource Management Land
Ha	Habitat	Wildlife Habitat Land
Hv	Harvest	Wildlife Habitat Land
Pr	Public Facilities–Retain	Reserved Use Land
Rd	Public Rec. & Tourism-Dispersed Use	Public Recreation Land
Sd	Shoreline Use	Settlement Land
Wd	Waterfront Development	Waterfront Development Land

Public Trust Doctrine

See the Management Intent for Navigable Rivers section at the end of Chapter 3.

Surface Leasing

Under the authority of AS 38.05 and 11 AAC 58.300-.340, state land within the planning area is available for surface leasing, provided that the leasing is allowed under the classification and is consistent with the management intent set forth in this area plan.

Applications for uses of state land within the planning area will be considered by the Regional Manager, Department of Natural Resources, Division of Mining, Land and Water, Southcentral Region, Anchorage, Alaska.

Classification Order

State land is classified under the authority of AS 38.04.005, AS 38.05.300, and 11 AAC 55.010 -.280 according to the management intent set forth in this area plan.

Land Classification Order SC-04-002 classifies all state land within the plan area. See Appendix B. This Land Classification Order supersedes and replaces all previous classifications and classification orders affecting the planning area of the BBAP. (Note: Special Use Designations predating the adoption of this revision are unaffected.)

See also the section 'Application of Plan Designations/Classifications to State Lands', following. This section describes how lands inadvertently omitted in the Area Plan or acquired by the state subsequent to this revision are to be treated in terms of plan designation and classification.

Table 4-3 provides estimates of the acreage by classification for uplands and tidelands.

Table 4-3: Acres of State Lands Classified

Classification	Upland Acreage	Tideland and Submerged Land Acreage
Forest Land	0	0
Grazing land	0	0
Heritage resources land	0	0
Materials land	334	0
Mineral Land	331,457	0
Public recreation land	1,482,209	494,313
Reserved use land	11,775	0
Resource management land	9,409,409	5,577,366
Settlement land	640,860	0
Water resources land	0	0
Waterfront development land	0	32,506
Wildlife habitat land	767,527	1,852,635
Totals	**12,643,572**	**7,956,820**

Note that the total of the sum of the figures above is larger than the acreage total for all management units. This is because management units that are co-designated with two or more designations are counted for each designation under which they are co-designated.

Special Use Designations

Special Use Designations are used whenever it is necessary to establish specific requirements for uses of state lands that would otherwise be permitted under 11 AAC 96. This section of administrative code specifies those uses that require or do not require a permit for the authorization of a use on state land. It also provides under 11 AAC 96.014 that DNR may, through the use of a Special Use Designation, extract a certain use from the list of Generally Allowed Uses (GAU) that would otherwise be authorized without permit, and require that this use receive an authorization to occur. Special Use Designations usually affect a specific type of use and are usually confined to specific geographic areas. They also usually specify conditions or standards that must be satisfied by the affected use. The three current (2004) Special Use Designations[2] in effect within the planning area are retained and are unaffected by the provisions of this plan. An additional special use designation, used to protect the large walrus haul-out at Cape Seniavin, is recommended and is in development under a separate process involving the DMLW Southcentral Region Office.

Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps

This section deals with those lands that are not designated in the BBAP or classified in the Land Classification Order. Such lands include those state lands inadvertently omitted in the BBAP and those lands that may be acquired by the state in the future but not designated or classified in the Area Plan. The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The purpose of this section is to give direction to the designation of these lands by the Department when future issues of parcel classification and management arise.

The following guidelines of plan designation/classification and potential disposal out of state ownership are to apply:

- Parcels in or near Existing Communities. If the parcel is in or is immediately adjacent to an existing community or past state land offering, the designation of Settlement and classification of Settlement Land apply. Such land can be considered for disposal use unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. Unsold lots identified for disposal in existing subdivisions and lots that return to state ownership will be available for lease, sale, or conveyance. Tracts identified for community purposes in existing subdivisions will not be sold but may be

[2] The three SUDs (ADLs 226851, 226,852, and 227445) relate to camping activities in the Togiak NWR and Lower Goodnews River (ADL 226851), Lower Talarik Creek (ADL 227445), and the Nushagak River public use sites (ADL 226852).

conveyed to municipalities or homeowner associations if they are not needed for state purposes.

- Parcels near other State Land. If the parcel adjoins or is surrounded by other state land, the designation of that area(s) applies. It is to be managed according to the management intent and guidelines applicable to the adjacent lands. Such lands can be considered appropriate for disposal if they are designated Settlement or Settlement/Commercial unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. They may also be conveyed to a municipality even if it is suitable for these public uses as long as the proposed uses are for comparable municipal (public) use.

- Parcels not near Other State Land. Parcels not near other state land or that occur within areas designated General Use are to be designated General Use and classified as Resource Management Land. These lands are to be managed according to the management intent and guidelines applicable to the adjacent lands. Disposal of these lands to the adjacent land owner may be appropriate but will require reclassification to Settlement Land.

- Newly Acquired State Lands. Lands that were acquired proactively through exchange, purchase, or other methods will be managed and classified consistent with the purposes for which they were acquired.

- Other Lands. If the designation/classification of a parcel of acquired or omitted state land cannot be adequately determined, the parcel is to be designated General Use and classified Resource Management Land.

Survivor Designations and Classifications

This revision of the BBAP replaces and supercedes all previous plan designation and land classifications (termed 'survivor') that affect the BBAP planning area. It does not replace or supercede Special Use Designations predating the approval of this revision.

Alaska Coastal Management Program

The Alaska Coastal Management Program will be implemented through the coastal consistency review process described in Title 46 of the Alaska Statutes and associated regulations at 11 AAC. Activities, federal activities, and activities that require a state or federal authorization within the coastal zone of the planning area must be conducted in a manner consistent with the standards of the Alaska Coastal Management Program and the enforceable policies of the four coastal district plans[3]. Consult the Alaska Coastal Management Program web site at

[3] Coastal district plans within the planning area include those of the Lake and Peninsula Borough, Bristol Bay CRSA, Aleutians East Borough, and the Bristol Bay Borough. Note that the coastal district plans (and specifically the enforcement policies of the plan) must be reviewed, revised, and submitted for DNR approval following the development of statewide standards for the Alaska Coastal Management Program (11 AAC 180) and criteria for the preparation and approval of coastal district plans (11 AAC 185) pursuant to AS 46.40.030. The revisions to the

www.alaskacoast.state.ak.us for the coastal zone boundaries and enforceable policies of the coastal district plans.

Municipal Entitlement

The Municipal Entitlement Act (AS 29.65) determines a municipal general grant land entitlement and identifies what lands are available for transfer to a qualifying municipality. The term "municipality" includes both incorporated cities and organized boroughs. The size of a municipality's entitlement is generally 10 percent of the vacant, unappropriated, unreserved (VUU) state general grant land within the municipal boundaries. State general grant lands that meet the criteria of VUU land as defined in AS 29.65.130 (ie. classified as Agricultural, Grazing, Material, Public Recreation, Settlement, or Resource Management land) may be appropriate for conveyance to municipalities with a remaining general grant land entitlement under AS 29.65.

Municipalities that are eligible to receive state general grant land under the Municipal Entitlement Program include the Aleutians East Borough (entitlement of 7,633 acres), the Lake and Peninsula Borough (entitlement of 125,000 acres), and the Bristol Bay Borough (entitlement of 2,898 acres), for a total entitlement of 135,531 acres within the planning boundary. Of this entitlement, the Lake and Peninsula Borough has 31,620 acres of DNR approved selections, the state has conveyed 2,549 acres to the Bristol Bay Borough, and the Aleutians East Borough has 1,913 acres of approved selections. The remaining entitlement, while selected by the boroughs, could not be conveyed by the state under the 1984 BBAP because the selections coincided with plan designations that precluded conveyance. Approximately 93,380 acres of selections by the Lake and Peninsula Borough, 349 acres of selections by the Bristol Bay Borough, and 5,720 acres of selections by the Aleutians East Borough were affected by plan designations in the 1984 Area Plan that precluded conveyance. This plan revision (2004) assigns land use designations that provides for the conveyance of the pending municipal selections in many instances.

The formation of a new borough in the Bristol Bay region has been under consideration and is likely to continue to be an issue. If a new Borough is formed, it will also be eligible for 10 per cent of the vacant, unappropriated, and unreserved state general grant land within its corporate limits.

State land with land use designations of Settlement, Settlement/Commercial, Public Recreation - Dispersed, and General Use in the Area Plan may be conveyed to municipalities to fulfill outstanding municipal entitlements. Consult the Resource Allocation Table to determine if an area of municipal selection is appropriate for conveyance under this plan. Areas so identified are considered appropriate for conveyance, subject to the outcome of a separate and subsequent state Best Interest Finding. The conversion of these land use designations to corresponding land

regulations are scheduled to be completed in 2004; the revisions to the coastal district plans are scheduled to be completed in 2006. Adjudicators should consult the web site given above to determine whether a coastal district plan exists, and what the approved enforceable policies for a coastal district management plan are.

classifications will enable the land to be conveyed to municipalities. However, it should be noted that certain of the management units that are designated General Use or Public Recreation – Dispersed (normally conveyable categories) are not appropriate for conveyance. The management intent of each management unit affected by these designations must be carefully reviewed since in some instances all or portions of these management units are identified for retention by the state.

Lands identified for retention by the state in management intent statements or designated of Habitat, Minerals, Water Resources, or Public Facilities–Retain are not appropriate for conveyance under the Municipal Entitlement program. Public Use Sites within the Nushagak/Mulchatna river system are designated Public Recreation and Tourism–Public Use Site. These sites may be conveyed to municipalities if so indicated in the management intent statement contained in the Resource Allocation Tables, but, if conveyed, must remain in public ownership and use.

A listing of municipal selections by the Lake and Peninsula and Aleutians East Boroughs is provided in tabular form in Appendix C. Those selections or portions of selections that are considered appropriate for conveyance are so indicated. Certain selections or portions of selections are considered **not** appropriate for conveyance – these include:

- A block of selections on the Mulchatna River, mostly within units R06-07 and R07-06; only portions of these selections are appropriate for conveyance. The selection must be broken up to adhere to the 4:1 rule. A public use easement of 100 feet is to be maintained; this area is to remain vegetated and undisturbed except for utility and road crossings, and public facilities related to recreation or public safety.

- A selection at Dream Creek within management unit R09-07 is considered not appropriate for conveyance because of high fishery values.

- A selection along the Kvichak River within unit R10-07; only portions of the selection are considered appropriate for conveyance. The selection must be broken up to adhere to the 4:1 rule. A public use easement of 100 feet is to be maintained; this area is to remain vegetated and undisturbed except for utility and road crossings, and public facilities related to recreation or public safety.

- A selection on the Koktuli River which encompasses land designated for minerals, a public use site (PU31), and a small amount of general use lands is not considered appropriate for conveyance to prevent conflicts with nearby mineral resource development.

- Portions of a selection on the Copper River, below the falls, is not considered appropriate for conveyance; the management unit that encompasses this area has been designated fish and wildlife habitat (unit R09-09).

- Portions of selections falling within units R09-13 and R10-09 on the south shore of Lake Iliamna in the vicinity of Dennis Creek-Eagle Bluff are considered not appropriate for conveyance in order to provide for public recreation opportunities along the lake. (Note: the remainder of the municipal selection (that portion within units R09-07 and R10-08) is, however, considered appropriate for conveyance.)

- All selections in the Lower Talarik Creek vicinity of Region 10 are considered not appropriate for conveyance; the lands contain a special use area and are heavily utilized by the public for sports fishing.

- A selection on the northwest shore of Lake Iliamna is considered not appropriate for conveyance to order ensure public access and recreational opportunities (management unit R10-03).

State Land Selections, ANILCA Topfiled Lands, and Public Land Orders

State Land Selections

Under the Statehood Act, Alaska is entitled to approximately 130 million acres of federal land. The selections made by the state in the planning area occurred under the 'General Grant' program, and nearly all have been either conveyed to the state through patent or are in TA (Tentative Approval) status, which gives management authority to the state. The areas noted as 'state-selected' land on the Plan Maps depict those areas of federal land selected for eventual conveyance to the state. These are primarily located in Regions 5 (Dillingham-Nushagak), 6 (Nushagak – Mulchatna), 8 (Lake Clark – Newhalen), 9 (Eastern Iliamna Lake), and 10 (Western Iliamna Lake and Kvichak River), totaling approximately 1.6 million acres[4]. Over 10.5 million acres have been conveyed to the state. Areas of state selections on the Region Plan Maps include, in addition to state selections proper, ANILCA top-filed selections and areas subject to Public Land Orders.

ANILCA Topfiled Lands

There are certain areas that are 'topfiled' by the state under the provisions of ANILCA legislation. These are selections made by the state that apply or 'attach' when Native regional or village selections are adjudicated by the Bureau of Land Management, but it is uncertain how many of these selections will attach during the planning period. The amount of Native selections, in terms of acreage, greatly exceeds that allowed under their selection entitlement, and BLM does not require that these selections be prioritized, which would otherwise make it possible to adjudicate the lower ranked Native selections. The distribution of ANILCA top-filed selections is generally similar to the distribution of state-selected lands. The category of

[4] Note to DNR adjudicators: check land status of selection when reviewing authorizations. Management units may have already been conveyed to the state or to Native corporations.

'state-Selected Land' on Region Plan Maps includes areas of ANILCA top-filed selections in addition to areas of state-selected land.

Public Land Orders

Public Land Orders (PLO) of the U.S. Bureau of Land Management withdraw federally owned land for a specific federal use. PLOs may be rescinded if the specific use no longer occurs or the affected area is no longer needed for a federal purpose. These withdrawals may, depending on a variety of considerations, be conveyable to the state and all of the PLOs within the planning area have been topfiled by the state. Many of the PLOs within the planning area are associated with village or regional native corporation selections or with withdrawals for national parks and wildlife refuges, although there are some PLOs that withdraw federal land for other purposes. Areas affected by PLOs coincide with areas of state selections on Region Plan Maps. This plan assumes that all such PLOs that are lifted should be conveyed to the state unless affected by hazardous materials[5].

Coordination with Federal Land Management

Large portions of the planning area are within federal wildlife refuges or national parks. Most of the northwestern part of the planning area, generally within the drainages of the Goodnews and Togiak Rivers, is occupied by the Togiak National Wildlife Refuge (NWR). The U.S. Fish and Wildlife Service administers this refuge according to a management plan[6] that is in the process of being revised (2004). Large portions of the uplands on the Alaska Peninsula, especially on the south side of the Peninsula fronting the Pacific Ocean, lie within the Alaska Peninsula, Becharof, and Izembek NWRs. These refuges are currently administered under separate management plans of the U.S. Fish and Wildlife Service, but are also in the process of being revised and incorporated into a combined management plan (2003)[7]. The eastern portion of the Alaska Peninsula is occupied by the Katmai National Park and Preserve. The Park/Preserve is administered through a General Management Plan (1986). Numerous rocks, islets, and off-shore islands located throughout the planning area are part of the Alaska Maritime National Wildlife Refuge. The Alaska Maritime NWR is also administered according to a Comprehensive Conservation Plan.[8]

The Department reviewed these plans in its preparation of the Area Plan. The area plan only makes decisions for state lands. However, it is appropriate to coordinate tidelands management, over which the state has jurisdiction, with the management of federally owned uplands in order to avoid the siting and development of incompatible tideland uses. Certain types of mariculture operations and floating facilities are considered generally incompatible with adjacent refuge or

[5] Unless the area of federal land affected by hazardous materials is remediated.
[6] Togiak National Wildlife Refuge Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Review (1986).
[7] Draft Alaska Peninsula/Becharof National Wildlife Refuge Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Review (2003).
[8] Alaska Maritime National Wildlife Refuge Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Review (1988).

park uplands and should not be authorized by the Department. There are certain exceptions to this general management intent, and the Resource Allocation Tables and the sections on Aquatic Farming and Floating Facilities in Chapter 2 must be consulted prior to granting authorizations.

Other types of tideland uses may also be appropriate pursuant to ANILCA; see the sections on specific tidelands management provisions in the 'Management Summary: Tide and Submerged Land' for each Region in Chapter 3 for these uses. In general, Department land authorizations are to be made compatible with the federal upland management designations to the extent feasible and prudent, consistent with the exceptions noted above and if the authorization is in the overall best interest of the state.

Mineral and Leasehold Location Orders

Alaska Statute 38.05.185 requires the Commissioner of DNR to determine that mineral entry and location is incompatible with significant surface uses in order to close state-owned lands to mineral entry. This plan revision retains all of the mineral closing orders and Leasehold Location Order 1 from the 1984 BBAP. Additional mineral closing orders or leasehold location orders are not recommended since few conflicts should exist between mining and sensitive surface uses given the location of the mineral deposits and settlement areas. Settlement areas are not located within or adjacent to the areas of principal mineral deposits, which are designated Minerals in this Area Plan.

Proposed Additions to the State Park System

Areas of state-owned land and state-selected land adjacent to western and southwestern portions of Wood-Tikchik State Park are recommended for inclusion in the Legislatively Designated Area of this state park. The recently adopted (October 2002) Wood-Tikchik State Park Management Plan recommended that the western boundaries of the park be extended to include these areas. The proposed areas are depicted on Plan Map O-1 and total over 170,000 acres within the plan area. Other additions to the state park system (including marine parks) are not recommended.

Coordination with Nushagak & Mulchatna Rivers Recreation Management Plan

The Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP) was developed by DNR and other entities to provide the basis for the management of recreation uses and structures on state land within the Nushagak and Mulchatna drainage basin. It was adopted in 1990 as an element of the Bristol Bay Area Plan and as an Area Meriting Special Attention in the District Coastal Plan of the Bristol Bay Coastal Resource Service Area.

This plan revision continues the use of the RRMP as an element of the Bristol Bay Area Plan within the navigable waters of the Nushagak-Mulchatna drainage basin and those adjacent uplands designated in the Area Plan as General Use, Public Recreation – Dispersed (Rd), Recreation – Public Use Site (Rp), or (with these designations) co-designated Fish and Wildlife Habitat (Ha) for specific types of recreation activities and facilities. The Revised RRMP (RRRMP) is to be used as the basis for decision making for the following types of recreation and related uses within these areas: Permanent facilities, Temporary Facilities, Trapping Cabin, Boat storage, Airstrip development, Docks, and 'Other Uses', as more fully described in Chapter 3 of the RRRMP[9]. The definition of these terms as they are applied to the RRRMP planning area is included in the Glossary.

There are a number of restrictions in the application of the RRRMP to DNR decision- making. It does not apply to areas designated Settlement and Mining in the BBAP, and it does not affect decisions related to municipal entitlement selections, mining or other forms of subsurface use, or oil and gas development. All other types of uses than those specifically related to recreation are also managed under the auspices of the BBAP. DNR adjudicators should therefore review the management guidelines for specific management units in the BBAP in addition to the listing of allowed and prohibited uses identified in the Nushagak & Mulchatna Rivers Recreation Management Plan.

Types of Plan Changes

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

"A revision to a land use plan is subject to the planning process requirements of AS 38.04.065. For the purposes of this section and AS 38.04.065, a 'revision' is an amendment or special exception to a land use plan as follows:

An 'amendment' permanently changes the land use plan by adding to or modifying the basic management intent for one or more of the plan's subunits or by changing its allowed or prohibited uses, policies, or guidelines. For example, an amendment might close to new mineral entry an area that the plan designated to be open, allow a land use in an area where the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan designated for retention in public ownership.

A 'special exception' does not permanently change the provisions of a land use plan and cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited-purpose variance of the plan's provisions, without changing the plan's general management intent or guidelines. For example, a special exception might be used to grant an eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit designated for

[9] The RRMP only covers certain types of activities related to short-term and long-term uses. These are listed in Table 2-1 of the RRMP. This table, for convenience, is also included as Table 2-1 in this Plan; however, adjudicators should read the entire section on allowed uses in Chapter 2 of the RRMP as well as the specific requirements for particular river segments.

retention in public ownership. A special exception might be made if complying with the plan would be excessively burdensome or impractical or if compliance would be inequitable to a third party, and if the purposes and spirit of the plan can be achieved despite the exception.

A minor change to a land use plan is not considered a revision under AS 38.04.065. A 'minor change' is a change that does not modify or add to the plan's basic intent, and that serves only to clarify the plan, make it consistent, facilitate its implementation, or make technical corrections."