

Chapter 4

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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
- Relationship of Land Use Designations in the Plan to State Land Classifications
- Public Trust Doctrine
- Leasing of State Land
- Classification Order
- Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps
- Survivor Designations and Classifications
- Municipal Entitlement
- State Land Selections
- Mineral and Leasehold Location Orders
- Legislatively Designated Areas
- Transportation Corridors
- Generally Allowed Uses
- Types of 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 land 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 Resource Management (Rm) designation is used occasionally in this plan, typically applying to the large management units 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.

11 AAC 55.050. Agricultural Land. Land classified agricultural is land that, by reason of its climate, physical features, and location, is suitable for present or future agricultural cultivation or development and that is intended for present or future agricultural use.

11 AAC 55.070. Forest Land. Land classified forest is land that is or has been forested and is suited for forest management because of its physical, climatic, and vegetative conditions.

11 AAC 55.095. Heritage Resources Land. Land classified heritage resources is land where there is active preservation of, or research for, significant historical, prehistoric, paleontological, or other cultural values or where there is reason to believe that these values exist.

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 Use Land. (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 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.

11 AAC 55.205. Transportation Corridor Land. Land classified Transportation Corridor is land that is identified for the location of easements and rights-of-way under AS 38.04.065(f), including transportation, pipeline, or utility corridor purposes, or is under consideration for a right-of-way lease.

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 and 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. Descriptions of each of the following designations are also provided at the beginning of Chapter 3. Note: Acreages associated with plan classifications are given in Table 4-3.

Table 4-1: Acreages Associated with Land Designations and Co-designations

Symbol	Designation	Acreage
Ag	Agriculture	56,627
F	Forestry	607,148
F/Ha	Forestry/Habitat	136,401
F/Mi	Forestry/Minerals	133,727
Ha	Habitat	1,861,284
Ha/Rd	Habitat/Public Recreation-Dispersed	947,389
Ha/Wr	Habitat/Water Resources	147,900
Hr/Wr	Heritage/Water Resources	6,635
Hv	Harvest	9,561
Ma	Materials	2,573
Mi	Minerals	240,077
Mi/Ha	Minerals/Habitat	701,455
Mi/Rd	Minerals/Public Recreation-Dispersed	12,827
Pr	Public Facilities-Retain	2,554
Pt	Public Facilities-Transfer	5
Rd	Public Recreation-Dispersed	353,376
Rm	Resource Management	1,287,867
Rp	Public Recreation-Public Use Site	134
Rs	Reserved Use	15,333
Sc	Settlement-Commercial	316
Se	Settlement	278,730
Tc	Transportation Corridor	4,611

Symbol	Designation	Acreage
Wr	Water Resources	51,383
Wr/Rd	Water Resources/Public Recreation-Dispersed	62,798
Total		6,920,711

NOTES: 1) Shoreland acreage is generally combined with that of upland units, although in several instance shorelands are segregated from that of the adjoining uplands. Separate management units exist for the Tanana, Nabesna, Delta, Robertson, and Chisana Rivers. These rivers are designated Habitat and Public Recreation-Dispersed; 125,586 acres are associated with these shoreland units. 2) This table includes the acreage associated with the LDAs that are assigned a plan designation (and subsequently a land classification – except for the Tanana Valley State Forest that is affected by its own classification order). The amount of land that is designated for particular uses in the larger LDAs follows: Tanana Valley State Forest, 1,348,436 acres designated Forestry, Delta Junction Bison Range Area, 88,385 acres designated Habitat; and Goldstream Public Use Area, 3,213 acres designated Public Recreation-Retain.

The conversion of land use designations used by this plan into state land classifications is indicated in the table 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: Land Designations – Conversion to Classifications

Symbol	Designation	Classification
Ag	Agricultural	Agricultural Land
F	Forestry	Forest Land
Ha	Habitat	Wildlife Habitat Land
Hv	Harvest	Wildlife Habitat Land
Ma	Materials	Material Land
Mi	Minerals	Mineral Land
Pr	Public Facilities-Retain	Reserved Use Land
Pt	Public Facilities-Transfer	Reserved Use Land
Rd	Public Recreation-Dispersed	Public Recreation Land
Rm	Resource Management	Resource Management Land
Rp	Public Recreation-Public Use Site	Public Recreation Land
Rs	Reserved Use	Reserved Use Land
Sc	Settlement-Commercial	Settlement Land
Se	Settlement	Settlement Land
Tc	Transportation Corridor	Transportation Corridor Land
Wr	Water Resources	Water Resources Land

Public Trust Doctrine

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

Leasing of State Land

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 project is consistent with the land's classification and 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 for the Department of Natural Resources, Division of Mining, Land and Water, Northern Region, Fairbanks, 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 NC-10-004 classifies all state land within the plan area. See Appendix B. Additionally, state land under contract for conveyance remains classified Settlement Land until this land is conveyed out of state ownership.

This Land Classification Order supersedes and replaces all previous classifications and classification orders affecting the planning area of the Eastern Tanana Area Plan with a single exception. It does not affect the classification orders pertinent to the Tanana Valley State Forest.

The potential for the reclassification of state land in the future is authorized under 11 AAC 55.240, but this action will require the revision of LCO NC-10-004 and may require, in some cases, the revision of this area plan. An amendment to the area plan is required under 11 AAC 55.030(f)(1)(B) if the proposed authorization would modify the basic management intent for one or more of the subunits or if the authorization would conflict with the plan's allowed or prohibited uses, policies, or guidelines.

Also refer to the following section, "Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps." 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 and co-classification for upland and shoreland units of state land.

Table 4-3: Acreages Associated with Land Classifications and Co-classifications

Classification	Upland Acreage	Shoreland Acreage¹
Agricultural land	56,627	
Forestry Land	607,148	
Forestry/ Mineral land	133,727	
Forestry/Wildlife Habitat land	136,401	
Heritage/Water Resources land	6,635	
Materials land	2,573	
Mineral land	240,077	
Minerals/Public Recreation land	12,827	
Minerals/Wildlife Habitat land	701,455	
Public Recreation land	353,510	
Resource Management land	1,287,867	
Reserved Use land	17,891	
Settlement land	279,046	
Transportation Corridor land	4,611	
Wildlife Habitat land	1,870,845	
Wildlife Habitat/Public Recreation land	947,389	125,586
Wildlife Habitat/Water Resources land	147,900	
Water Resources land	51,383	
Water Resources/Public Recreation land	62,798	
Totals	6,920,710	125,586

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 ETAP or classified in the Land Classification Order. Such lands include those state lands inadvertently omitted in the ETAP 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. If state land is identified subsequent to the adoption of this plan (and is not state selected land identified herein) and the requirements of this section are followed, a formal plan amendment or revision of the Land Classification Order is not required.

¹ This estimate is for the Tanana, Delta, Robertson, Nabesna, and Chisana Rivers. Shoreland acreage is combined with the adjacent upland management units for all other units.

Chapter 4: Applicability of Plan Designations/Classifications

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 conveyed to municipalities or homeowner associations if they are not needed for state purposes and community purposes will be protected.
- **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. If there are two different designations of the abutting parcels, the designation of the larger parcel shall apply. Such lands can be considered appropriate for disposal if they are designated Settlement 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 Resource Management are to be designated and classified Resource Management. 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 landowner 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. If the purpose of the acquired land cannot be determined with precision, the designation of abutting or surrounding land will apply to the newly acquired parcels of state land. If there are no abutting or surrounding lands, then the designation of Resource Management land will apply.
- **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 and classified Resource Management.

Survivor Designations and Classifications

This revision of the ETAP replaces and supersedes all previous plan designations and land classifications (termed ‘survivor’) that affected the ETAP planning area. It does not replace or supersede Special Use Designations predating the approval of this revision. Areas not reclassified in this plan remain subject to the requirements of 11 AAC 55.040(g).

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 (i.e., classified as Agricultural, Grazing, Material, Public Recreation, Settlement, Resource Management, or unclassified land) may be appropriate for conveyance to municipalities with a remaining general grant land entitlement under AS 29.65.

There is one municipal entity that is entitled to receive state land within the planning area. The Fairbanks North Star Borough is entitled to 112,000 acres of state land under the Municipal Entitlement program. However, their entitlement has been fulfilled and the plan does not provide any further recommendations on entitlement issues. Should another borough be formed in the future, selections are to come from those areas designated Agriculture, Settlement, and, potentially, Materials and Public Recreation-Dispersed. However, those areas designated settlement are intended to be retained by the state for the support of the state land disposal program, while those areas designated Materials are also intended to be retained by the state. See the description of designations in the first section of this Chapter for additional guidance as to which designations are to be retained or may be potentially conveyed by the state.

State Land Selections

State Land Selections

Under the Statehood Act, Alaska is entitled to approximately 103 million acres of federal land. The selections made by the state in the planning area occurred under the “General Grant” and Community Grant programs, and much of the original state selections of federal land have been either conveyed to the state through patent or are in TA (Tentative Approval) status, which gives management authority to the state. However, there remains a large number of state selections that must be adjudicated by the U.S. Bureau of Land Management, and it is uncertain as to when the adjudication of state selections will occur. Many of these

selections are within areas also selected by the native corporations and until BLM adjudication has been completed land ownership patterns in this planning area will remain uncertain. The areas noted as state-selected land on the plan maps or plan text indicates those areas of federal land selected for eventual conveyance to the state. Areas of state selections on the plan maps include, in addition to state selections proper, ANILCA topfiled selections and areas subject to Public Land Orders.

There may be areas of state selections that this plan has not identified. In these instances, land conveyed to the state is to be considered classified under this plan and land classification order. In those instances where a plan designation has not been specifically assigned to a state selection, classifications are to be assigned according to the standards described in the section, “Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps.” Land designated or classified according to these requirements does not require a formal plan amendment or change to the LCO.

Because the ETAP plan maps indicate the status of state land and state land selections to a specific date (2014), DNR adjudicators must review the status of state land at the time of an adjudicatory decision. It would be imprudent to rely upon the land status information contained in this plan given the changing character of state land selections. Consult DNR Alaska Mapper for the most recent state selection information.

ANILCA Topfiled Lands

There are certain areas that are topfiled by the state under the provisions of Sec. 906 of the Alaska National Interest Lands Conservation Act (ANILCA). These are selections made by the state that become valid when Native regional or village ANCSA (Alaska Native Claims Settlement Act) selections are relinquished. It is uncertain how many of these state selections will become valid during the planning period because the amount of Native selections, in terms of acreage, greatly exceeds that allowed under the corporation’s selection entitlement and the adjudication process of the Bureau of Land Management (BLM) has slowed appreciably. BLM is currently adjudicating all prioritized Native village and regional corporation selections so the corporations and state can receive their land. The category of “State-Selected Land” on region plan maps includes areas of ANILCA topfiled selections in addition to areas of state-selected land.

The same caution in the use of plan maps for ANILCA topfiled lands as for state land selections exist (see above), and the same procedures for classification are to be followed for areas of topfiled lands that ultimately become state land but were not identified on the plan maps. See ‘State Land Selections’ above.

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 major PLOs have been topfiled by the state. Most of the PLOs within the planning area are, in terms of acreage, associated with military activities or other major government functions, and there is no indication that these uses or facilities will terminate during the planning period. Since the plan has a 20 year planning horizon, it would be premature to develop specific land use recommendations (including classifications) for these areas in this plan. In the unusual event that such land is conveyed to the state during the planning period, these areas are designated and classified Resource Management. However, this designation may need to be changed if this land is, in fact, conveyed. Should this occur, a more detailed, step-down management plan should be prepared for the conveyed areas, which will establish specific plan designations and management intent at a detailed scale.

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 retains all existing mineral closing orders, but additional mineral closing orders are not recommended except for a single mineral closing order of about 4,620 acres in the Delta region to protect an area of a transportation (railroad extension) and utility corridor. A leasehold location order (LLO 39), which would affect newly designated settlement areas as well as existing settlement areas that are not now closed (2016) to mineral entry, is recommended, since there are areas where conflicts may exist between mining and sensitive surface uses given the location of the mineral deposits and settlement areas.

This is particularly the case in the Fairbanks region where extensive mining activity has occurred historically, with settlement occurring in close proximity in some cases. The other area of extensive mineralization occurs in the Delta region, which includes the Pogo Mine, but in this instance no settlement exists in this area and Settlement is not designated in this area in this plan. All of the land in the Delta - Salcha mineralized area is owned by the state so the recommendations of this plan will control, precluding the creation of settlement areas. Utilization of the LLO is therefore unnecessary in this large area.

Legislatively Designated Areas

Existing Legislatively Designated Areas

There are numerous Legislatively Designated Areas within the plan area. The largest of these are the Tanana Valley State Forest, Chena River State Recreation Area, and the Delta Junction Bison Range Area; together, these total 2,140,797 acres². Several smaller sites exist, including the Goldstream Public Use Area and Creamer's Field State Game Refuge; these total 5,917 acres. In addition, there are a number of special purpose sites that have been created administratively; all are less than 640 acres in size.

These special purpose areas encompass the principal recreational and forestry, and habitat resources that require special management within the planning area and specific management plans pertain to these areas. This area plan does not provide management guidance for these areas, or for the other legislative and administratively designated special purpose sites, although it does classify them except for the Tanana Valley State Forest³ since all state land must be classified prior to disposal and certain of the facilities that often occur in LDAs (communication and some form of utilities) require leases, which constitute a disposal of an interest in state land. This plan provides classification for all of the aforementioned sites except the Chena River State Recreation Area and the Tanana Valley State Forest, which has its own land classification order.

Additions to Legislatively Designated Areas

This plan recommends several additions to the TVSF. These additions are scattered throughout the State Forest and together total 218,101 acres. Each of these additions are included as specific management units, which are identified in the Forestry component of Chapter 2.

The Chatanika River State Recreation River and the Delta River Critical Habitat Area are recommended for Legislative designation.

² This acreage figure includes the acreage of the entire Tanana Valley State Forest, a significant portion of which occurs within the YTAP planning area.

³ It is impacted by a classification order specific to the State Forest.

Transportation Corridors

The development of an efficient regional transportation system is key to resource development and can be a major determinant of land use patterns. In this plan no attempt is made to identify actual routes. Actual routes will be determined through siting analyses conducted through design analyses and the results of environmental impact statement reviews and subsequent Records of Decision. However, it is important to note that this plan recognizes the importance of access to the development of state land within the plan area, and that transportation corridors (road, transmission facilities, pipelines, and the like) may cross state general domain land regardless of plan designation.

There is one transportation corridor that may be developed within portions of the Delta Region. This corridor is identified here to indicate that the provision of this access is considered appropriate and to prevent foreclosure of transportation and utility siting options.

Northern Rail Extension. The Alaska Railroad Corporation proposes to construct and operate a new rail line in the area between North Pole and Delta Junction⁴. The project would involve approximately 80 miles of new rail line connecting the existing Eielson Branch rail line at the Chena River Overflow Structure to a point near Delta Junction. The proposed rail line would provide freight and potentially passenger rail services for commercial interests and communities in or near the project corridor.

In the event that funding becomes available for the remainder of this facility, it is recommended that a more detailed land use analysis occur within the area of the corridor in both the YTAP and ETAP area plans.

Road to Tanana. The other major transportation project occurs in the Fairbanks region. This involves the construction of a road to Tanana from the existing highway system. This project is intended to improve access to mineral deposits and between remote villages, larger hub communities and road networks near Fairbanks. It is also intended to reduce the costs of goods in remote villages, thereby supporting their continued sustainability. The area plan recognizes this proposed facility. Once a route is chosen and funding for the Tanana Road occurs, it is recommended that the area plan be reevaluated at that time within a corridor width of 10 miles from the alignment of the proposed road, to discern if changes to the current plan are necessary⁵.

⁴ A portion of this route, the bridge crossing the Tanana River, is under construction (2014).

⁵ Most of the area of the proposed road traverses the Yukon-Tanana Area Plan area.

Generally Allowed Uses

Under 11 AAC 96.020 there are a variety of uses and activities that are allowed on state land that usually do not require a permit from DNR. These uses are listed in [11 AAC 96.020](#) and are explained further in a [DNR Factsheet](#) on Generally Allowed Uses (GAUs) that may be obtained from a DNR Public Information Center. In some instances it may become necessary to limit or preclude certain uses on state land that would otherwise be permitted as a Generally Allowed Use on state land under 11 AAC 96.020. Uses may be limited under the authority of 11 AAC 96.014 when land use or natural resource management requires it, but limits to such uses must be codified in all cases on general domain land in state administrative code. However, no such limits to GAUs are recommended to be imposed on state owned land in this 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 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.”