

Appendix D

Special Use Land Designations

COMMISSIONER'S DECISION Lake Clark, Kenai Fjords, and Resurrection Bay Special Use Land Designations (ADL 227835, 227836, 227837)

Location

All state lands within the boundaries shown on Maps D.1, D.2, and D.3 (located at the end of this chapter) are designated Special Use Land.

Actions

1. Tidelands and submerged lands adjacent to National Parks, Preserves, and Refuges in the planning area are designated as Special Use Land under 11 AAC 96.010(b). These two areas are 1) tidelands in and adjacent to Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge, and 2) tidelands in and adjacent to Lake Clark National Park and Preserve and the Alaska Maritime National Wildlife Refuge.
2. Tidelands and submerged lands in Resurrection Bay are designated as Special Use Land under 11 AAC 96.010(b).

Special Use Lands are designations placed on land identified as having special resource values needing protection. The result of this designation is to require a permit for certain activities that would otherwise be considered "generally allowed" under 11 AAC 96 in order to protect those special resource values. These three tideland areas are designated as Special Use Land because of their outstanding public recreation, tourism, and wildlife habitat values. The Special Use Land will be protected from activities that may damage the resources for which they were designated (see *Background Information* section below). Since the Lake Clark Special Use Land Designation is intended to address recreation and tourism issues, oil and gas-related activities are exempt from the management intent for this designation. The total acreage of the tidelands and submerged lands in these three areas is about 666,000 acres: Kenai Fjords 423,536 acres; Lake Clark 109,748 acres, and Resurrection Bay 132,503 acres.

Authority

AS 38.05.020 and AS 38.05.035 and 11 AAC 96.010(b)

Background Information

Kenai Fjords. The tidelands in and adjacent to Kenai Fjords National Park and the islands in the Alaska Maritime National Wildlife Refuge have high public recreation and tourism values, in addition to high habitat values. The dominant features of this region are steep, glacier-covered mountains rising abruptly out of the ocean. Tour boats and commercial flightseeing companies operate in this region, providing customers with views of the scenery and wildlife. Sport fishers, kayakers, campers, mountaineers, and boaters also use the region extensively. Many of the small bays in the area provide safe anchorages. The habitat values in these tidelands include fish spawning, rearing, feeding, and migration grounds, as well as habitat for seabirds, seals, sea lions, and bald eagles.

Lake Clark. The tidelands in and adjacent to Lake Clark National Park and Preserve and the Alaska Maritime National Wildlife Refuge support large seabird colonies and saltmarshes used extensively by brown bears, as well as fish spawning, rearing, feeding, and migration grounds. Both commercial and sport fisheries occur within the subject area. The area also supports ducks and geese, bald eagles, and seabirds. A few commercial lodges and private cabins are located on private land adjacent to these tidelands.

Resurrection Bay. The tidelands in Resurrection Bay have extremely high public recreation, tourism, and wildlife values, and support activities such as fishing, sightseeing, wildlife viewing, kayaking, sailing, overnight mooring, and beachcombing. Thousands of visitors and tourists frequent the bay in the many commercial sightseeing and fishing boats based in Seward. Resurrection Bay is an important recreation area for both tourists and local residents because of its incredible scenery, protected waters, and abundant wildlife. The majority of this recreational use is low impact, short-term, and transitory. Most of the uplands adjacent to Resurrection Bay are in the State Park System or are recommended to be added to the system.

Management Objective

The uplands surrounding these Special Use Lands are almost all in State Parks (or recommended to be added to the State Park System) or in National Parks, Preserves, Wilderness, or Refuges. The scenic quality of the uplands will be preserved through guidelines developed for the tidelands and submerged lands in consultation with the DNR Division of Parks and Outdoor Recreation, National Park Service, and US Fish and Wildlife Service. The Special Use Land Designations create a complementary system for management of the adjacent tidelands. The designation is designed to evaluate a project based on the best interest of the state with consideration given to the adjacent land manager's goals and objectives.

Emerging Issues

As the use of Kenai Fjords and Resurrection Bay increases, potential future conflicts that may be addressed by the Special Use Land designation are increased demand for use of anchorages, and operations that require the use of both state-owned tidelands and uplands in National Parks, Preserves, Refuges or State Parks to be economically feasible.

Potential future conflicts in the Lake Clark area include increased human/bear contact, bear habituation to human food sources, and impacts on important bear habitat. Management pressures are likely to increase as the various users of these two areas compete for space during the summer season.

Purpose of the Special Use Land Designation

Under a Special Use Land designation, DNR may in the future initiate additional public process to require permits for activities that are currently “generally allowed” in this area (see “Proposed Actions” above for more information on generally allowed uses). While the Special Use Land Designation does not establish new regulations or restrictions at this time, please see Chapter 3, Regions 3 and 10, “Management Intent for Multiple Units” in the Kenai Area Plan for new restrictions on authorizing overnight use of commercial floating facilities in Resurrection Bay, Aialik Bay, and Northwestern Lagoon. This restriction is not part of the Special Use Land Designation because commercial overnight use of floating facilities is not a generally allowed use, but is rather an activity that requires an authorization. Additional guidelines for managing the Special Use Land will be developed through additional public process after the adoption of the Kenai Area Plan. Until additional process occurs, this Special Use Land Designation does not restrict “generally allowed uses” under 11 AAC 96.

DNR will develop the specific stipulations for the Special Use Land by working with affected users, landowners, and other agencies. This process will only be initiated when an additional guideline may be effective in minimizing conflicts. A Special Use Land designation provides DNR with a management tool that enables land managers to quickly respond to proposed or initiated uses that are incompatible with the public recreation and habitat values for which these tidelands are designated in this plan. The designation will also be used to minimize conflicts between tideland uses and uses on adjacent park, refuge, or preserve uplands while maintaining DNR’s authority over the state-owned tidelands.

Some generally allowed uses of State lands have the potential to damage the resources for which the Special Use Lands were designated. Although no generally allowed uses have been identified at this time as requiring a permit, some uses may require a permit in the future to ensure that certain activities are done in a manner consistent with the management intent for the Special Use Land.

Decision

A Special Use Land Designation will be adopted at this time for the Kenai Fjords, Lake Clark, and Resurrection Bay areas. The Special Use Land Designation will not preclude any future land management action deemed to be in the public interest. The development of restrictions and regulations for the Special Use Land Designation will be developed through additional public process after the adoption of the Kenai Area Plan. Other changes or modifications to the Special Use Land Designation will be subject to public review and comment.

Under 11 AAC 96.010(a)(2) and 11 AAC 96.010(b), the lands described herein and shown on the attached maps are hereby designated as Special Use Land for habitat, public recreation, and tourism purposes. These lands will be known as the Kenai Fjords Special Use Land, the Lake Clark Special Use Land, and the Resurrection Bay Special Use Land. I find that this designation is consistent with the Department of Natural Resources management authority and that it is in the best interest of the state.

Signed By Marty Rutherford for John Shively
Commissioner, Department of Natural Resources

January 11, 2000
Date

Please Click on:

Map D.1 Lake Clark Special Use Land Designation (ADL 227835)

Map D.2 Kenai Fjords Special Use Land Designation (ADL 227836)

**Map D.3 Resurrection Bay Special Use Land Designation
(ADL 227837)**

COMMISSIONER'S DECISION Exit Glacier Road Special Use Land Designation (ADL 227699)

Location

State lands within Unit 359A and part of Unit 605 located in Region 3 (Map 3A) in the Kenai Area Plan. See Map D.4 at the end of this section.

Proposed Action

The state lands within Unit 359A are designated as "Special Use Land" under 11 AAC 96.010(b).

Special Use Lands are designations placed on land identified as having special resource values needing protection. The result of this designation may be to prohibit certain activities, or to require a permit for certain activities that would otherwise be considered "generally allowed" (under 11 AAC 96) in order to protect those special resource values. The state-owned uplands along Exit Glacier Road are designated as Special Use Land because of their public recreation and tourism values. The Special Use Land will be protected from activities that may damage the resources for which they were designated (see "Background Information" section below). The total acreage of the area is approximately 1,030 acres.

Authority

AS 38.05.020 and AS 38.05.035 and 11 AAC 96.010(b)

Background Information

Exit Glacier Road follows the north shore of the Resurrection River, and is the "gateway" to Kenai Fjords National Park's Exit Glacier area. The road provides outstanding views of the Resurrection River valley as it parallels the Resurrection River and passes through the Kenai Mountains. Over 100,000 visitors travel the road to the park each year. With the recent paving of the Exit Glacier Road through state land, and expected further paving, these numbers are likely to increase. In addition, the state lands along Exit Glacier Road are being used intensively by campers and day users. Long-term camping here is exacerbated by the limited opportunities in nearby Seward for camping and affordable housing.

Emerging Issues

The state land near Exit Glacier Road has been used for many years as a short- and long-term camping area. Although camping in one place for 14 days or less at a site is a "generally allowed use" on state land (11AAC 96), the popularity of this area for this use warrants more intensive management. The large numbers of campers, combined with the lack of managed facilities such as trash containers and toilets, has created garbage, sanitation, and bear problems. Unsanitary conditions resulting from human waste are both a public health and aesthetic issue. Garbage left in the area has attracted bears that have become habituated to human food. This has increased the incidence of encounters between bears and visitors and nearby homeowners. These

encounters increase the chances of “defense of life and property” kills of brown bears, whose population on the Kenai Peninsula is of concern. Trash, large unsightly camps, abandoned equipment, and human waste along the roadside also detracts from the visitor experience for those who drive this otherwise scenic road. Finally, the competition between short-term campers, long-term campers, and day users for the same sites warrants a more equitable allocation of this opportunity.

Purpose of the Special Use Land Designation

Under a Special Use Land Designation, DNR will initiate a limited form of direct management to achieve certain objectives. A few initial restrictions and management actions will be instituted at this time. If more action is necessary in the future, further guidelines for managing the Special Use Land will be developed through additional public process after the adoption of the Kenai Area Plan.

Proposed Management Actions

- I. Campers are limited to eight days in the Exit Glacier Road area. This restriction will 1) provide a more equitable arrangement for the short- and long-term campers and day users in the area, 2) limit the accumulation of large camps and garbage associated with them, and 3) will limit the possibility of bear habituation to long-term camps.
- II. This restriction will be posted.
- III. Sites that attract recurring problems such as long-term camping, abandoned trash and garbage, or sanitation problems (because of the high water table or proximity to Resurrection River) may be closed.

If further actions are necessary, the Division of Mining, Land, and Water may in the future, through an additional public process, explore the possibility of issuing authorizations or management agreements that allow the area to be managed as a campground, dispersed campsites, and/or a day use area. Other management options may also be considered at that time. This process will involve affected users, landowners, and other agencies. This Special Use Land Designation provides DNR with a management tool that enables land managers to quickly respond to proposed or initiated uses that are incompatible with the public recreation and tourism values for which these tidelands are designated in this plan.

Decision

A Special Use Land Designation is adopted at this time for the state lands along the Exit Glacier Road, north of the Resurrection River. The Special Use Land Designation includes restrictions on the length of camping, posting of this restriction, and if necessary, provides the Department of Natural Resources with the opportunity to close sites that have become a public nuisance. The implementation of further restrictions for this area will be developed through additional public process. Other changes or modifications to the Special Use Land Designation will be subject to public review and comment.

Under 11 AAC 96.010(a)(2) and 11 AAC 96.010(b), the lands described herein within Unit 359A are hereby designated as Special Use Land for public recreation and tourism purposes. These lands will be known as the Exit Glacier Road Special Use Land. I find that this designation is consistent with the Department of Natural Resources management authority and that it is in the best interest of the state.

Signed By Marty Rutherford for John Shively
Commissioner, Department of Natural Resources

January 11, 2000
Date

Please click on:

**Map D.4 Exist Glacier Road Special Use Land Designation
(ADL 227699)**