

# Chapter 1

## INTRODUCTION AND BACKGROUND

### Summary of purpose of the plan

The role of state land use plans was established by state statute (AS 38.04.005). It is the policy of the State of Alaska "...to establish a balanced combination of land available for both public and private purposes. The choice of land best suited for public and private use shall be determined through the inventory, planning, and classification processes..."

The plan determines management intent, land-use designations, and management guidelines that apply to all state lands in the planning area.

### Description of the planning area

The Kenai Area Plan directs how the Alaska Department of Natural Resources (DNR) will manage state uplands, tidelands, and submerged lands within the planning boundary. There is approximately 14.8 million acres in the planning area under all ownerships. Following is a summary of the state acreage that the plan applies to.

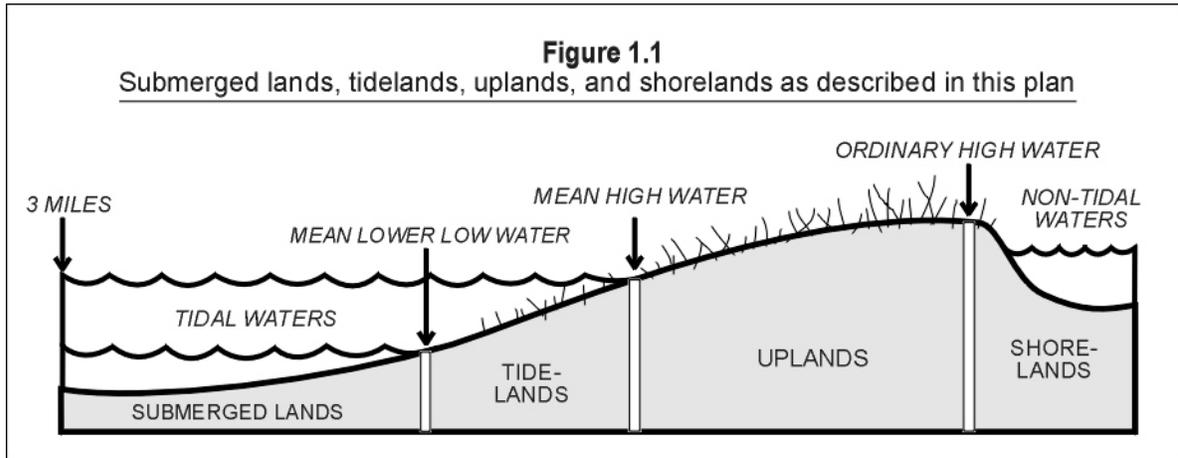
**Table 1.1 Acreage of Land the Plan Applies To**

State-owned uplands	2,117,000
State-selected uplands	214,000
State-owned tidelands and submerged lands	2,580,000
<b>Total Acreage</b>	<b>4,912,000<sup>1</sup></b>

See Appendix E, Table E.3 for a list of acreages of lands in all ownerships.

---

<sup>1</sup> This acreage does not include portions of the State Park System that have been legislatively designated, which the plan does not apply to (379,000 acres). The table above does, however, include 462,000 acres of uplands and 265,000 acres of tidelands that are in legislatively designated wildlife areas that are jointly managed by both DNR and ADFG. The plan also applies to state-owned shorelands (although these acreages are not included in this table).



**Submerged Lands, Tidelands, Uplands, & Shorelands as described in this plan**

Tidelands span the area from mean high water to mean lower low water; submerged lands reach from mean lower low water to a line three miles seaward from mean lower low water. Shorelands include the lands below ordinary high water in non-tidal areas. Uplands include land above the mean high water line and ordinary high water mark.

**Please click on the link for Map 1.1 that shows land ownership and plan boundaries.**

### **How the plan is organized**

The plan has four chapters. **Chapter 1** includes a summary of the purpose of the plan, description of the planning area, how and why the plan was developed, what the plan covers and does not cover, and a summary of plan actions.

**Chapter 2** includes goals of the plan and guidelines that apply throughout the planning area. Guidelines are listed in 20 resource and land-use categories. Guidelines are specific directives that will be applied to land- and water-management decisions as resource uses and development occur.

**Chapter 3** includes detailed descriptions of the land-use designations in the plan's 12 regions. Each region will be described in a regional summary that depicts the location, land ownership pattern, acreage, physical features, access, resources and uses for each region. This section also provides a summary of management constraints and considerations based on existing plans, legislative designations, and other issues that significantly affect the management of state lands. The state land in the entire planning area is divided into units (there are over 750 in the planning area). A table lists the resources and uses in each unit, and identifies the uses for which each unit is designated. This chapter also includes the management intent and management guidelines for each unit, and location maps. The last section of this chapter addresses navigable waters.

**Chapter 4** discusses specific actions necessary to implement the plan and provides important background information. These include a description of how land-use designations convert into classifications, proposed additions to the State Park System and wildlife areas, units proposed for management by other agencies, and proposed special use land designations. Types of plan changes are also discussed. This chapter also provides background information School Trust lands, Public Trust Doctrine, municipal entitlements, surface leasing, the Alaska Coastal Management Program and other issues.

**Appendices** offer support materials for information presented in the plan including a glossary, mineral orders, revised Caribou Hills Management Plan, Special Use Land Designations, plan acreages, criteria for resource ratings, list of related planning documents, and an index.

### **Why this plan was developed**

The planning area is rich in natural resources and supports a variety of uses. During the course of the planning process, there were many different ideas about how these resources should be used or protected. This plan transforms these ideas into management intent and actions. Although some proposed uses may conflict with other uses, because of the vast size of the planning area, the plan is able to provide for many different uses while protecting vital resources and minimizing conflicts. Another reason the plan was developed was to consolidate and update the management intent set out by a variety of state planning documents that have been adopted over the last 20 years.

### **The mandate**

Forty years after statehood, the state is close to receiving almost all its land entitlement within the Kenai Area Plan boundary. Although some of the most valuable state lands have already been

conveyed to the Kenai Peninsula Borough and to citizens, the state is responsible for managing the lands remaining in state ownership. To ensure that these lands are properly managed, the Department of Natural Resources has developed this plan for all state lands in the Kenai Area.

The planning process provides a means of openly reviewing resource information and public concerns before making long-term decisions about public land management. The planning process resolves conflicting ideas on land use and informs the public about what choices were made and why. Decisions are made on a comprehensive basis, rather than case-by-case, providing consistency and consideration of the wide diversity of resources and uses within the planning area. This process provides for more efficient use and protection of the area's resources.

### **What the plan will do**

The plan will ensure that natural resources are developed, conserved, and enhanced on an ecologically sustainable basis for present and future Alaskans. The plan encourages cooperation with other landowners to better address conflicts caused by checkerboard land-ownership patterns. The plan also documents the state's intent for land management so that both public and private interests know how the state plans to manage lands over the long term.

### **How this plan is used**

One of this plan's primary audiences is the staff within the DNR Division Mining, Land, and Water. Adjudicators use this plan when reviewing and making decisions on authorizations for use of state land, including permits, leases, sales, conveyances, and rights-of-way. This plan is also used by the DNR Division of Forestry, Division of Parks and Outdoor Recreation, and Division of Agriculture. The Division of Oil and Gas references this plan in its mitigation measures.

### **The relationship between the Kenai Area Plan and other plans**

Although no previous DNR plan addresses all state lands in the Kenai Peninsula Borough, different DNR planning efforts over the years have addressed portions of the state lands that are now addressed by the Kenai Area Plan. Also, the borough and federal government have completed plans and have ongoing planning efforts that directly and indirectly affect state lands.

State Plans The recommendations from earlier DNR planning efforts were used, in part, as a starting point when the first draft of the KAP was developed. Adopted DNR plan that are entirely encompassed within the KAP area include the *Public Interest Land Report for the Kenai Lowlands* (1979), and *Deep Creek Area Management Plan* (1981). The area addressed by the *Nuka Island and Vicinity Management Plan* (1986) was subsequently added to Kachemak Bay State Park and is not addressed by KAP. Adopted DNR area plans that overlap with KAP include the *Susitna Area Plan* (1985), which includes the Beluga River drainage, the *Bristol Bay Area Plan* (1984), which includes the east side of the Chigmit Mountains, and the *Prince William Sound Area Plan* (1988) which includes portions of the Resurrection Peninsula. Where KAP overlap with these older area plans, KAP supersedes these plans and their classifications, policies, and guidelines.

*Caribou Hills Management Plan (CHMP)* This plan was adopted in 1993. KAP incorporates and amends the policies for state lands contained in this plan as well as the Special Use Land Designation (SULD) that was also adopted at that time. KAP amends the CHMP by expanding the area affected to encompass state lands to the south and west of the original CHMP area. KAP allows seven sections in Unit 45A to be conveyed to a municipality. The revised CHMP is included in Appendix C.

*Site Specific Plans* Policies and guidelines from DNR Site Specific Plans are incorporated into KAP. In some instances, the KAP prescribes different classifications, guidelines or management intent. In these cases, the KAP prevails. See the *Management Constraints and Consideration* section in each region in Chapter 3 to determine how individual site specific plans are addressed, incorporated, or superseded by KAP.

*State Park Plans* Recommendations in the existing State Park Management Plans were reviewed when KAP was developed. Many of the recommendations in these plans that apply to areas not yet added to the State Park System are incorporated in the KAP. These plans include the *Kenai River Comprehensive Management Plan* (1997), *Prince William Sound and Resurrection Bay State Marine Park Management Plan* (1995) and *Kachemak Bay State Park Management Plan* (1995).

*ADFG Plans* A number of ADFG management plans for Critical Habitat Areas and State Game Refuges also helped guide the development of KAP. These include ADFG management plans for the Anchor River/Fritz Creek Critical Habitat Area, Kachemak Bay and Fox River Flats Critical Habitat Areas, Trading Bay State Game Refuge, Redoubt Bay Critical Habitat Area, Susitna Flats State Game Refuge, and McNeil River State Game Sanctuary and State Game Refuge.

*Kenai Peninsula Borough Plans* The Kenai Peninsula Borough developed a Coastal Management Program in 1990 and a Comprehensive Plan in 1992. The unit-specific policies and guidelines in these plans were reviewed and incorporated into the unit-specific intent in KAP. In addition, the Kenai Peninsula Borough is in the process of developing more specific plans that apply to borough-owned and -selected lands. These planning efforts also include draft and adopted recommendations for state lands. These plans were developed with the assistance of the Borough's Advisory Planning Commissions. The only plan adopted by the borough so far is for the Cooper Landing area. Policies in these plans for state lands were taken into consideration when developing KAP.

*Federal Plans* Resource information was incorporated into KAP from the Chugach National Forest planning effort (which was underway during the KAP process) and from plans for other federal areas (including national parks and national wildlife refuges) in the planning area.

### **How the plan was developed**

The Kenai Area Plan is the product of over 8 years of work by state and federal agencies, other landowners, local governments, interest groups and the public. Two rounds of public meetings were held in Anchorage, Seward, Cooper Landing, Soldotna, Homer, and Seldovia. In addition,

numerous working group sessions were held in various locations over the last three years. All rounds of public meetings were accompanied by written comment periods.

### **THE PLANNING PROCESS**

- Identify issues in the planning area through public meetings
- Map and analyze resources and uses
- Develop two Agency Review Draft (ARD) Plans
- Planning team and agencies review the ARDs
- Prepare two Public Review Draft (PRD) Plans based on comments on the ARDs
- Public reviews the two PRDs)
- Final plan developed that reflects changes based on comments on the PRDs
- Public comments on the final plan prior to adoption and additional changes are made.
- Commissioner signs the plan and adopts it as DNR's management intent for state lands in the planning area (January 7, 2000)

### **Who developed the plan?**

The planning team and planning staff directed the planning process, including data collection, draft plan and final plan preparation, and response to public and agency comments. The team included representatives from state agencies and the Kenai Peninsula Borough<sup>2</sup>, with additional input from federal agencies that manage land or natural resources in the area. The Commissioner of the Department of Natural Resources adopted the Final Kenai Area Plan.

### **Resources and uses within the planning area**

Uses of State Land. The plan outlines management objectives for state land. This includes describing what resources and valid existing uses should be protected, and what proposed uses are compatible with plan intent on a unit-by-unit and areawide basis.

State-selected Land and Land Susceptible to Navigation. Some lands have been selected but not yet been conveyed to the state. Other lands are under waterbodies surrounded by federal lands that, if determined navigable, are state-owned. In both cases, the plan determines how to manage these lands if they are state owned.

Land Sales. The state has offered land for sale to Alaskan citizens. The planning process reviewed the state land holdings to determine which undeveloped lands are suitable for settlement uses in the future.

Land Conveyance. The Kenai Peninsula Borough has selected land from the state. They are likely to relinquish some of these selections and select other lands. Until state lands are conveyed to the borough, the state will continue to plan for their future use in case some of these lands remain in state ownership.

Roads, Trails, and Access. The plan considers access across state lands, including existing and proposed roads, trails, easements, and rights-of-way.

---

<sup>2</sup> Planning team members are listed after the Table of Contents at the beginning of the plan.

Additions to State Park System and areas to be managed by other agencies. Many units are recommended for addition to the Kenai River Special Management Area and other units of the State Park System. A few parcels are also proposed for addition to state wildlife areas, and for management by other state agencies such as the Department of Transportation and Public Facilities. These parcels are listed in Chapter 4.

Waterfront Development. There are a number of state-owned tideland sites that have been considered for development. The planning process reviewed these areas to see whether development would be compatible with existing resources and uses and if mitigating measures may be needed if they are authorized.

Mining. The plan addresses existing proposals for mineral development support facilities on state land. The plan also considered policies concerning areas of state land to be subject to leasehold location or closed to new mineral locations. Chapter 2 summarizes these decisions. The Mineral Orders are included in Appendix B.

Recreation and Tourism. Recreation is a popular use of state land in the borough. The plan proposes designations to manage lands for these purposes.

Fish and Wildlife Habitat and Harvest. The plan documents fish and wildlife habitat and harvest areas and provides management intent and guidelines for these resources and uses.

Special Use Land Designations. The plan designates two tideland areas and two upland areas as Special Use Lands in order to better manage the increased levels of public recreation these areas have been experiencing in recent years.

Water Resources. DNR is responsible for allocating water resources on all lands within the state of Alaska. The plan designates areas to be managed for watershed values that include current and future community drinking water sources. Glacier ice harvest guidelines provide protection for seal haulout and pupping areas, and for resolving conflicts with other users of these areas.

### **What the plan won't do**

The Kenai Area Plan is not the only way in which land management goals are implemented. The area plan is coordinated with a variety of other programs and projects implemented by the Department of Natural Resources and other state agencies. There are some important issues that are not addressed in this plan:

Non-DNR Lands. This plan does not apply to borough, private, university, federal or designated Mental Health Trust lands. The plan does, however, apply to state-selected federal land so that when these lands are conveyed to DNR, plan intent will apply. Similarly, the plan addresses land owned by the Department of Transportation and Public Facilities and the Department of Administration so that the plan will take effect if these parcels are relinquished to DNR.

Fish and Wildlife. Allocation of fish and game stocks and regulating methods and means of harvest are the responsibility of the state boards of Fisheries and Game.

Generally Allowed Uses. The area plan does not regulate activities that do not require a written authorization on state land, such as hiking, camping, boating, hunting, and fishing.

Legislatively Designated Areas. The plan does not apply to units of the State Park System that are legislatively designated and managed under Title 41 rather than Title 38. The plan does, however, apply to legislatively designated wildlife areas that are jointly managed by ADFG under Title 16 and DNR under Title 38.

Decisions on Specific Applications. While this plan provides general management intent for state lands, the plan does not make decisions about specific land-use authorizations. These decisions are made through the application review process. Land-use authorizations must, however, be consistent with the plan, and existing laws and regulations.

Actions by agencies other than DNR. The plan does not provide management intent for prescribing actions and policies for agencies and governments other than DNR.

## **SUMMARY OF PLAN ACTIONS**

### **Management Intent**

Twelve regions are delineated in the planning area. These regions are divided into over 750 units, each with a unique number. The plan presents management intent that explains the department's overall resource management objectives for each region and unit and provides resource and use information for land managers. This information is presented in Chapter 3.

### **Land-use Designations**

Each unit shows a combination of designations representing the uses and resources for which the area will be managed. These designations are explained and mapped in Chapter 3.

### **Management Guidelines**

According to the Alaska Constitution, state lands are intended to be managed for multiple use. When potentially conflicting uses are designated in a management unit, the plan uses guidelines to allow various uses to occur without unacceptable consequences. Management guidelines for specific management units are given in Chapter 3. Guidelines that apply to the entire planning area are located in Chapter 2.

### **Classifications**

All state lands in the planning area will be classified consistent with the land use designations in this plan. Classifications made by the plan will be noted to state status plats. A table that shows how designations convert to classifications is located in Chapter 4.

### **Other Actions**

At the same time the plan was adopted, a mineral closing order and leasehold location order were enacted. These are included in Appendix B. Special Use Land Designations were also enacted (Appendix D). The plan also amends the Caribou Hills Management Plan and Special Use Lands Designation (Appendix D) as we incorporates and supercedes former DNR DLWM area plans, management plans, and site specific plans that are within the planning area.

### **Summary of plan implementation and modification**

The plan is implemented through administrative actions such as leases, permits, land conveyances, classification orders, and mineral orders. The plan serves as the final finding for land classifications, mineral orders, and special use land designations (and located in the appendices). Chapter 4 presents the details of plan implementation recommendations and procedures.

Economic and social conditions in Alaska and the planning area are sure to change and the plan must be flexible enough to change with them. The plan will be reviewed periodically to monitor progress in implementing the plan and to identify problems that may require amendment or modification.

Specific modifications may be made whenever conditions warrant them, though a request for these changes must follow certain procedures. The plan may be amended after approval by the Commissioner of DNR following public review and consultation with appropriate agencies. Special exceptions and minor changes must also follow certain procedures. See Chapter 4 for a more detailed description of the types of plan changes allowed under regulation including amendments, special exceptions, and minor changes.