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# Chapter 1

## Introduction

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# 1 Chapter 1

## 2 Introduction

### 3 Introduction and Background

4

#### 5 Summary of Purpose of the Plan

6

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

11

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

14

15

#### 16 Description of the Planning Area

17

18 The Northwest Area Plan (NWAP) directs how the Alaska Department of Natural Resources  
19 (DNR) will manage general state uplands, shorelands, tidelands, and submerged lands within  
20 the planning boundary. The following is a summary of the acreage to which the plan will  
21 apply:

22

23

Area	Acres (m = million)
State-owned uplands	7.6 m
State-selected uplands	5.9 m
State-owned tidelands	5.5 m
Total Acreage	19.0 m

24

25

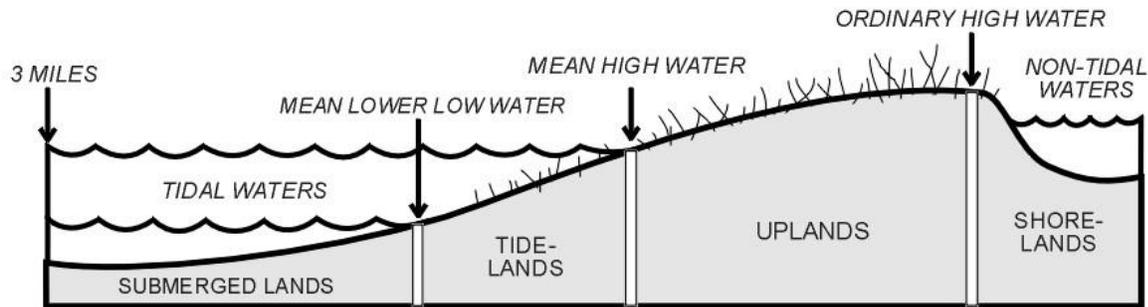
#### 26 Submerged Lands, Tidelands, Uplands and Shorelands as Described in This Plan

27

28 Tidelands span the area from mean high water to mean lower low water; submerged lands  
29 reach from mean lower low water to a line three miles seaward from mean lower low water.  
30 Shorelands include the lands below ordinary high water in non-tidal areas.

31

1 **Figure 1-1: Submerged lands, tidelands, uplands, and shorelands as described in this plan**  
 2



3  
 4  
 5 **Update of the Original Northwest Area Plan**  
 6

7 The original Northwest Area Plan was prepared in the mid-eighties and adopted in 1989. Since  
 8 then, there have been significant changes in land ownership within the planning area as well as  
 9 changes in economic conditions, knowledge of mineral occurrences and mineral value, and the  
 10 importance of the Western Arctic Caribou Herd.

11  
 12 Land that at the time of initial plan preparation was owned by the federal government has been,  
 13 in large part, conveyed to Native organizations and the state of Alaska over the last 20 years.  
 14 And over 10 million more acres will be conveyed in the next 5-10 years to these entities.

15  
 16 This change in land ownership has resulted in changes in the way that land is managed, and  
 17 since additional land is to be transferred out of federal ownership, these problems will continue  
 18 and will probably worsen. This has affected the ability of the 1989 area plan to effectively  
 19 manage state land. Land that was assumed to be state land in the 1989 plan is now owned by  
 20 Native organizations. In some areas this has resulted in large losses in the lands that the state  
 21 thought it would acquire as well as resulted in the creation of isolated remnants of state land  
 22 where the current land use classifications no longer make sense. The 1989 classifications were  
 23 related to a larger area and made sense in terms of the larger area, but not for isolated remnants.  
 24 In other instances, large areas of state land have been added since the preparation of the area  
 25 plan in 1989 and have no plan designation.

26  
 27 Another major consideration present now but not of a significant issue during initial plan  
 28 preparation has been the expansion in both size and geographic range of the Western Arctic  
 29 Caribou Herd (WACH). The herd now numbers 500,000 (previously it was 50,000) and now  
 30 uses nearly the entirety of the planning area, whereas before its range was much more  
 31 concentrated. There is a need to incorporate information about the WACH in the area plan,  
 32 and to include management guidance for authorizations issued by the Department that pertain  
 33 to concentration areas and movement corridors.  
 34

1 Finally, the interest in mineral development has quickened, partly as a result of the rapid  
2 increases in commodity prices but also because of improved mineral information. Areas that  
3 were not thought to possess mineral resources do and vice versa. Taking these factors together,  
4 the Department has determined that it is necessary to revise the area plan since it is not  
5 providing adequate guidance in its decision making. Area plans are intended to be updated on  
6 a 15 to 20 year schedule.

7  
8 This revision supersedes and replaces the 1989 Northwest Area Plan (hereafter referred to as  
9 the “1989 Plan”). The Land Classification Order that accompanies this revision revises and  
10 supersedes all previous land classifications. Current mineral orders and leasehold location  
11 orders however remain in effect and are not modified by this revision.

## 12 13 14 **Planning Area**

15  
16 The planning boundary of the Northwest Area Plan includes all state-owned and state-selected  
17 uplands, and all tidelands, submerged lands and shorelands within the area depicted on  
18 Figure 3-1 at the beginning of Chapter 3. This area includes the entire corporate boundary of  
19 the Northwest Arctic Borough and that part of the North Slope within the Lisburne planning  
20 region. The planning area extends from Icy Cape, on the Arctic Ocean in the north, south to  
21 the Norton Sound, and east, generally, to the eastern boundary of the Northwest Arctic  
22 Borough. Within the planning area there are 13.5 million acres of uplands and over 5.5 million  
23 acres of tide and submerged lands adjoining the coasts of the Arctic Ocean, Chukchi Sea,  
24 Bering Sea, and Norton Sound. Upland areas consist of both state-owned and state-selected  
25 land; of this, 7.6 million acres are now owned by the state and 5.9 million acres are in selection  
26 status. Some of the selected land is a top-file over Native selections and it is unclear at this  
27 time how much of this land will be conveyed to the state and where this conveyance will occur.  
28 Because of this uncertainty this plan covers all of the state selections lands.

## 29 30 31 **How the Plan is Organized**

32  
33 The plan has four chapters:

34  
35 **Chapter 1** includes a summary of the purpose of the plan, description of the planning area,  
36 how and why the plan was developed, what the plan does and does not cover, and a summary  
37 of plan actions.

38  
39 **Chapter 2** includes goals of the plan and guidelines that apply throughout the planning area.  
40 Guidelines are listed in 11 resource and land-use categories. Guidelines are specific directives  
41 that will be applied to land and water management decisions as resource use and development  
42 occurs.

1 **Chapter 3** includes an explanation of plan designations, general management intent for state  
2 land, descriptions of the eight planning regions, and a detailed listing of management units. It  
3 also provides a summary of management constraints and considerations based on existing  
4 plans, legislative designations and other management constraints that significantly affect  
5 resource management and a description of navigability as it relates to state waters within the  
6 planning region.

7  
8 The bulk of this Chapter, however, consists of the Resource Allocation Tables. State land in  
9 the planning area is divided into spatial units called ‘units’. These may either be tidelands or  
10 uplands and may consist both of small areas of state land, like a lot or tract within a state  
11 subdivision, as well as very large areas that have common locational, access, use, or resource  
12 characteristics. There are 58 upland units and 21 tideland units. This table identifies, for each  
13 unit, the recommended land use designation, background and resource information, and  
14 management intent. These parcels correspond to the management units identified on the plan  
15 maps.

16  
17 **Chapter 4** discusses specific actions necessary to implement the plan. These include a  
18 description of how land use designations convert into classifications, a description of survivor  
19 designations and classifications, and a land classification order. Procedures for changing the  
20 plan are also discussed.

21  
22 **Appendices** include a glossary and a land classification order.

### 23 24 25 **Why This Plan Was Developed**

26  
27 The planning area is rich in natural resources, contains a mix of developed and undeveloped  
28 land, and there are competing demands for the use of state land. There are many different ideas  
29 about how these resources should be used or protected. Although some proposed uses might  
30 be in conflict with each other, many different uses can occur throughout the planning area  
31 while protecting vital resources, providing the uses are properly managed.

32  
33 This plan establishes the land use designation for state land and describes their intended uses.  
34 The plan directs which state lands will be retained by the state and which should be sold to  
35 private citizens, used for public recreation, or used for other purposes. It also identifies general  
36 management guidelines for major resources and land uses within the planning area as well as  
37 guidelines for the development and use of resources for specific parcels.

38  
39 With an area plan, state permits and permit review processes become more efficient for the  
40 government and the public. The area plan guides DNR decisions for leases, sales, and permits  
41 that authorize use of state lands. Preparation of land use plans for state lands (except for State  
42 Park System lands) is required under Title 38 of Alaska Statutes. DNR’s actions will be based  
43 on the area plan.

1 **The Mandate**

2

3 The state is responsible for the management of those lands it owns and the Department of  
4 Natural Resources is that agency specifically responsible for this management. There are over  
5 41.4 million acres of uplands within the planning boundary and over 5.5 million acres of  
6 tidelands and submerged lands. Of the upland areas, nearly 5.9 million acres have been  
7 selected by the state but have not yet been conveyed.<sup>1</sup> These upland areas are distributed  
8 throughout each of the seven planning regions.

9

10 Alaska Statute (AS 38.04.065) requires the Commissioner of the Department of Natural  
11 Resources (DNR) to “adopt, maintain, and when appropriate, revise regional land use plans  
12 that provide for the use and management of state-owned land.” To ensure that these lands are  
13 properly managed, the Department of Natural Resources has developed this plan for all state  
14 lands – uplands, shorelands, tide and submerged lands – in the planning area.

15

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

23

24

25 **What the Plan Will Do**

26

27 The plan will help ensure that state resource management takes into account the sustained yield  
28 of renewable resources, that development is balanced with environmental concerns, and that  
29 public access to state land is provided. The plan encourages cooperation with other  
30 landowners to better address conflicts caused by checkerboard land ownership patterns.  
31 Finally, the plan documents the state’s intent for land management so that both public and  
32 private interests know how the state plans to manage lands over the long term.

33

34

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<sup>1</sup> Some of the selections are top-filed over Native corporation selections, and the latter have priority over the state when there is a duplication of selection. Native corporations have significant remaining entitlements within the planning area but not all of their selections can be conveyed since many are ‘over selections’ to the land to which they are entitled under the law. In these instances the state’s selections will attach and this land will be conveyed to the state. It is not known which of the top-filed lands will be conveyed and therefore this plan covers all of the state’s selections, whether an actual selection or a top-file selection.

## 1 **How This Plan is Used**

2  
3 This plan is intended to manage state lands and resources within the planning area, and is the  
4 expression of how DNR will pursue this management. Much of the use of this plan is by the  
5 DNR Division of Mining, Land and Water. Adjudicators use this plan when reviewing and  
6 making decisions on authorizations for use of state land, including permits, leases, sales,  
7 conveyances, and rights-of-way.  
8  
9

## 10 **Public Participation in Planning Process**

11  
12 The Northwest Area Plan is the product of over a one year long planning process conducted by  
13 the Division Mining, Land, and Water (DMLW) of the Department of Natural Resources; other  
14 divisions within DNR; state and federal agencies (primarily ADFG and BLM); local  
15 government (primarily the Northwest Arctic and North Slope Boroughs); interest groups, and  
16 the public. Public meetings were held in the planning area in the summer and fall of 2007.  
17 These meetings dealt with an explanation of the state planning process and the identification of  
18 local issues, which included both land use and resource management issues. Where  
19 appropriate, the results of these discussions and meetings were incorporated into the Public  
20 Review Draft. A second round of meetings will focus on the review of the Public Review  
21 Draft.  
22  
23

## 24 **Process of Plan Preparation**

25  
26 The following process was used to develop this area plan:  
27

- 28 • identify issues in the planning area;
- 29 • map and analyze resources and uses;
- 30 • conduct public meetings to identify land use issues;
- 31 • prepare the Public Review Draft (PRD) based in part on comments previously received  
32 from the public and from agencies;
- 33 • public reviews the PRD<sup>2</sup>;
- 34 • prepare an Issue/Response summary of all public comments on the PRD;
- 35 • based on the results of the Issue/Response Summary, prepare an Intent to Adopt (ITA)  
36 draft of the plan;
- 37 • the Commissioner signs the plan and adopts it as DNR's management intent for state  
38 lands in the planning area.  
39

---

<sup>2</sup> This is the current phase of plan preparation.

**1 Who Developed the Plan?**

2  
3 The DNR planning staff directs the planning process, including data collection, drafting the  
4 plan, response to public and agency comments, and final plan preparation. A number of local,  
5 state, and federal agencies reviewed the preliminary draft of the PRD and provided land use  
6 and resource recommendations that were valuable in refining initial plan recommendations.  
7 The Commissioner of the Department of Natural Resources formally adopts the Northwest  
8 Area Plan, which is scheduled to occur following the review of public and agency comments  
9 on the PRD.  
10

**11**  
**12 Uses and Resources Within the Planning Area**

13  
14 **Uses of State Land.** The plan outlines management objectives for state land. This includes  
15 describing what resources and valid existing uses should be protected, and what uses are most  
16 suitable for development or protection on state land during the planning horizon.  
17

18 **State-selected Land and Land Susceptible to Navigation.** Some lands have been selected  
19 but not yet been conveyed to the state. Other lands are under waterbodies that, if determined  
20 navigable, are state-owned. In both cases, the plan determines how to manage these lands if  
21 they are state-owned.  
22

23 **Land Sales.** The state has offered land for sale to Alaskan citizens. The planning process  
24 reviewed the state land holdings to determine which undeveloped lands are suitable for  
25 settlement uses in the future.  
26

27 **Land Conveyance.** Both the Northwest Arctic Borough and the North Slope Borough have  
28 remaining entitlements. A large portion of the Northwest Arctic Borough's entitlement was  
29 recently completed, but portions remain along the Squirrel River. Similarly, some of the North  
30 Slope Borough's entitlement has been completed but portions remain along the Kukpuk River.  
31 Both areas are in selection status and cannot be adjudicated until the state receives title. This  
32 plan provides recommendations for both of their remaining entitlements.  
33

34 **Roads, Trails, and Access.** The plan considers access across state lands, including existing  
35 and proposed roads, trails, easements, and rights-of-way.  
36

37 **Mining.** The plan reviews the mineral potential within the planning area and describes the  
38 statutory authorities that affect mining use. Much of the federal land selected by the state was  
39 selected for its mineral potential and many areas are designated Minerals or co-designated  
40 Minerals and Habitat. The appropriateness of mining activity is also recognized in areas  
41 designated General Use and in some areas designated Habitat. All state-owned lands are open  
42 to mineral entry, except for those areas that have been previously closed to mineral entry,  
43 which are relatively few (less than 10,000 acres).  
44

1 **Leaseable Minerals, Coal, and Oil and Gas Development.** This planning area is endowed  
2 with a wide variety of leaseable minerals, coal deposits, and the potential for oil and gas  
3 resources to exist is considered to be high. The plan does not provide recommendations  
4 affecting oil and gas development or leaseable minerals, but acknowledges the presence of both  
5 and indicates that the utilization of these resources is appropriate. Although most of the most  
6 valuable coal deposits are situated on Native owned land in the planning area, there are a  
7 number of significant deposits, and these are designated Coal.

8  
9 **Recreation.** Recreation is a popular use of state land and is recognized as a generally allowed  
10 use. The recreation values and uses of state land within the planning area are noted, and it is  
11 intended, as a matter of policy, that these uses should continue on state land. Although the  
12 specific designation of Public Recreation is not extensively applied in the area plan, such uses  
13 are appropriate within all of the designations that are used in this plan.

14  
15 **Fish and Wildlife Habitat and Harvest.** The plan documents fish and wildlife habitat and  
16 harvest areas and provides management intent and guidelines for these resources and uses.

## 17 18 19 **What the Plan Won't Do**

20  
21 The Northwest Area Plan is not the only way in which land management goals are  
22 implemented. The area plan is coordinated with a variety of other programs and projects  
23 implemented by the Department of Natural Resources and other state agencies. There are  
24 some important issues that are not addressed in this plan:

25  
26 **Non-DNR Lands.** This plan does not apply to federal, municipal, private, University of  
27 Alaska, Alaska Department of Transportation and Public Facilities, or Mental Health Trust  
28 lands.

29  
30 **Fish and Wildlife.** Allocation of fish and game stocks and regulating methods and means of  
31 harvest are the responsibility of the state boards of Fisheries and Game.

32  
33 **Generally Allowed Uses (GAU).** The area plan does not regulate activities that do not require  
34 a written authorization on state land, such as hiking, camping, boating, hunting, and fishing.  
35 Generally allowed uses are identified in 11 AAC 09.030 and 11 AAC 96; these sections also  
36 indicate the requirements, if any, affecting such uses.

37  
38 **Legislatively Designated Areas.** The plan does not apply to state refuges and recreation areas  
39 that are legislatively designated.

40  
41 **Decisions on Specific Applications.** While this plan provides general management intent for  
42 state lands, the plan does not make decisions about specific land-use authorizations. These  
43 decisions are made through the application review process. Land-use authorizations must,  
44 however, be consistent with the plan, and existing laws and regulations.

1 **Actions by agencies other than DNR.** The plan does not provide management intent for  
2 prescribing actions and policies for agencies and governments other than DNR.  
3

4  
5 **Planning Period**  
6

7 This plan reflects land management decisions and allocations based on the best available  
8 information on the demand for use of state land and resources projected over the next 20 years.  
9 It is also based on a specific set of social, environmental, economic, and technological  
10 assumptions. The plan guides state land use and resource decisions for the next 20 years or  
11 until the plan is revised.  
12  
13

14 **Summary of Plan Actions**  
15

16 **Management Intent**  
17

18 The planning area consists of seven regions that primarily contain uplands, although extensive  
19 areas of tideland and submerged land are also included in the five regions that adjoin the coast.  
20 Extensive areas of shorelands are also affected; this is especially significant given the  
21 numerous important lakes and navigable streams that occur throughout this very large planning  
22 area. Both state-owned and state-selected land is included. Area plans as a matter of course  
23 include designations and management intent for federal lands selected by the state for  
24 conveyance under the various types of land entitlement programs since it is likely that some or  
25 all of the selected land will eventually be conveyed. The plan presents management intent that  
26 explains the department’s overall resource management objectives for each region and unit,  
27 and provides resource and use information for land managers. This information is presented in  
28 Chapter 3.  
29  
30

31 **Land Use Designations**  
32

33 Each unit identifies one or more designations representing the uses and resources for which the  
34 area will be managed. Plan designations are identified and described in the first part of  
35 Chapter 3. The Resource Allocation Table in the same Chapter contains the designations  
36 specific to individual units.  
37  
38

39 **Management Guidelines**  
40

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

1 **Classifications**

2  
3 All state lands in the planning area will be classified consistent with the land use designations  
4 in this plan. Classifications made by the plan will be noted to the state's Land Status Plats. A  
5 table that shows how designations convert to classifications is located in Chapter 4. The Land  
6 Classification Order (LCO) that is to be adopted with this plan is included as Appendix B. The  
7 LCO actually enacts and imposes the classifications that are identified as designations in the  
8 area plan.

9  
10  
11 **Summary of Plan Implementation and Modification**

12  
13 The plan is implemented through administrative actions such as leases, permits, land  
14 conveyances, and classification orders. The plan serves as the final finding for land  
15 classifications. Chapter 4 presents the details of plan implementation recommendations and  
16 procedures.

17  
18 Economic and social conditions in Alaska and the planning area are sure to change and the plan  
19 must be flexible enough to change with them. The plan will be reviewed regularly to monitor  
20 progress in implementing the plan and to identify problems that may require amendment or  
21 modification.

22  
23 Specific modifications may be made whenever conditions warrant them, though a request for  
24 these changes must follow certain procedures. The plan may be amended after approval by the  
25 Commissioner of DNR following public review and consultation with the appropriate agencies.  
26 Special exceptions and minor changes must follow certain procedures. See Chapter 4 for a  
27 more detailed description of procedures for plan modifications, amendments, special  
28 exceptions, and minor changes.

29