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Appendix A

Glossary

17(b) Easement. Easement across Native corporation land reserved through the Alaska Native Claims Settlement Act (ANCSA). Uses of the easements are limited to transportation purposes and other uses specified in the act and in conveyance documents. Information on 17(b) easements may be found at the DNR website:
<http://dnr.alaska.gov/mlw/trails/index.htm>

AAC. Alaska Administrative Code

Access. A way or means of approach. Includes transportation, trail, easements, rights of way, and public use sites.

Adequate. Sufficient for a specific need or requirement.

ADF&G. Alaska Department of Fish and Game

ADNR. Alaska Department of Natural Resources

ADOT/PF. Alaska Department of Transportation and Public Facilities

Agriculture. Land that is agricultural or 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. Also refers to the plan designation of Agriculture or the land classification of Agricultural Land.

Agricultural Land Disposal. A disposal of land for the purpose of promoting, for commercial or personal use, the production of useful plants and animals. Housing and other improvements that are reasonable required or related to agricultural production are considered appropriate uses (AS 38.05.321).

Anadromous waters. A river, lake or stream that is specified under AS 16.05.871(a) as important for the spawning, rearing, or migration of anadromous fishes; or is not so specified but has been determined to contain or exhibit evidence of anadromous fish. The anadromous designation applies from the waterbody's mouth to its uppermost specified point, including all sloughs and backwaters adjoining the listed water, and that portion of the streambed or lakebed covered by ordinary high water. Anadromous waters are shown in "The Atlas and Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes" (referred to as the Anadromous Waters Catalog (AWC)) compiled by ADF&G and adopted by regulation.

ANCSA. Alaska Native Claims Settlement Act (1971)

ANILCA. Alaska National Interest Land Conservation Act (1980)

Area Plan. A plan approved by the Commissioner of the Department of Natural Resources under the authority of AS 38.04.065 that establishes the land and resource management policies for state land within a planning area. Such plans also assign land use designations to individual parcels of state land, which are subsequently converted to land use classifications in a Land Classification Order. When used in this plan, the term “Area Plan” refers to the North Slope Area Plan.

AS. Alaska Statutes

ASLS. Alaska State Land Survey

Authorized Use. A use allowed by DNR by permit or lease.

AWC. Anadromous Waters Catalog, see “Anadromous waters”

Best Interest of the State. As used in this plan, refers to a decision made by the Department that, after considering the merits of a proposed use or activity, that the use or activity has a unique and important value or interest to the state and that this value or interest is higher than competing values and interests. This is not to be confused with, nor does it refer to a ‘Best Interest Finding’, a written decision required under AS 38.05.035(e) when land, or an interest in land, is being conveyed out of state ownership.

Best Interest Finding. Refers to the written decision required under AS 38.05.035(e) when land, or an interest in land, is being conveyed out state ownership.

Borough. Refers to the North Slope Borough.

Buffer. An area of land between two activities or resources managed and used to reduce the effect of one activity upon another. These areas are usually vegetated or are required to be re-vegetated if the original vegetation has been removed.

Classification. Land classification identifies the primary purpose for which state land will be managed, subject to valid existing rights and multiple uses. (11 AAC 55.040(c)). Land classifications are converted from plan designations through a Land Classification Order. Other land uses may be authorized by the Department that do not conflict with the land use plan (11 AAC 55.040(c)).

Classification Order. See “Land Classification Order”

Closed to mineral entry. Areas where the staking of new mineral claims is prohibited because mining has been determined to conflict with significant surface uses in the area.

Existing mineral claims that are valid at the time of plan adoption are not affected by mineral closures.

Co-designation. When more than one land use designation is identified in a management unit. These two (or more) designations reflect uses or resources that are of equal importance, are considered compatible within a specific management unit, and apply to the entirety of the management unit. (See also “Land use designation”)

Commissioner. The Commissioner of the Alaska Department of Natural Resources

Contamination. The Environmental Protection Agency (EPA) defines contaminants as “any physical, chemical, biological, or radiological substance found in air, water, soil or biological matter that has a harmful effect on plants or animals; harmful or hazardous matter introduced into the environment.” Contamination is regulated by numerous state and federal regulations.

ADEC. Alaska Department of Environmental Conservation

Department. Alaska Department of Natural Resources or DNR

Designated use. An allowed use of major importance in a particular management unit. Activities in the unit will be managed to encourage, develop, or protect this use. Where a unit has two or more designated uses, the management intent statement and guidelines for the unit; the Chapter 2 guidelines; and existing statutes, regulations, and procedures, will direct how resources are managed to avoid or minimize conflicts between designated uses.

Designation. See “Land Use Designation”

Developed recreational facility. Any structure or facility that serves either public or private recreational needs.

Development node. A distinct and compact cluster of development for public and private commercial facilities related to road traffic.

Director. The division director of the state division responsible for managing state land. Most often, director refers to the Director of the Division of Mining, Land and Water; for lands administered by DPOR, director refers to the Director of DPOR; for lands administered by the DOF, Director of Forestry; for lands administered by DOAg, the Director of Agriculture.

Dispersed recreation. Recreational pursuits that are not site specific in nature, such as hunting, fishing, recreational boating or wildlife viewing. The designation of “Public Recreation-Dispersed” is used to indicate such uses where public recreation within a management is especially great or significant. These types of uses are allowed on nearly all state general domain land and are those uses that are permitted as Generally Allowed Uses in 11 AAC 96.020.

Disposal. Refers to the conveyance of state land or an interest in state land to another entity. Disposal, as used in this plan, is meant to convey this general meaning. The Terms “Land Disposal” or “Agricultural Land Disposal” describe particular types of disposal. See also “Land Disposal” and “Agricultural Land Disposal.” Such disposals are evidenced by conveyance documents, including either a patent or Quit Claim Deed. The issuance of an easement or lease does not utilize these forms of conveyance documents.

DMLW. Division of Mining, Land and Water, a division of DNR

DOAg. Division of Agriculture, a division of DNR

DOF. Division of Forestry, a division of DNR

DPOR. Division of Parks and Outdoor Recreation, a division of DNR

DR&R. Dismantlement, Removal, and Restoration

Easement. Generally, an interest in land owned by another that entitles its holder to a specific limited use. Easements may be issued within areas that are designated by the plan to be retained.

Feasible. Means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, technical, and safety factors.

Feasible and Prudent. Means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from a proposed action.

Fish and wildlife. Any species of aquatic finfish and amphibian, reptile, bird or mammal in any stage of their life cycle found in or which may be introduced into Alaska, except domestic birds and mammals. The term “area(s)” in association with the term “fish and wildlife” refers to both harvest and habitat areas.

FLUP. Forest Land Use Plan. FLUPs are prepared by the Division of Forestry and precede state timber sales.

FRPA. See “Forest Resources Practices Act”

Forestry. Land that is or has been forested and is suited for long-term forest management because of its physical, climatic, and vegetative conditions. Also refers to the plan designation of Forestry or the land classification of Forest Land.

Forest Resources and Practices Act. That section of Alaska Statute (AS 41.17.010-.955) that deals with the use, management, and protection of forest resources within the State of Alaska. More formally described as the Alaska Forest Resources and Practices Act.

Generally allowed use (GAU). An activity conducted on state land managed by the Division of Mining, Land and Water that is not in a special category or status. For the most part these uses are allowed for 14 days or less, and a permit is not required (11 AAC 96.020).

Goal. A statement of basic intent or general condition desired in the long term. Goals are not usually quantifiable and do not have specified dates for achievement.

Guideline (or Management Guideline). A course of action to be followed by ADNR resource managers or required of land users when the manager permits, leases, or otherwise authorizes the use of state land or resources. Guidelines also range in their level of specificity from giving general guidance for decision making or identifying factors that need to be considered, to setting detailed standards for on-the-ground decisions. Some guidelines state the intent that must be followed and allow flexibility in achieving it.

Habitat. Areas that serve as a concentrated use area for a single or multiple species of fish and wildlife during a sensitive life history stage or are highly important to the maintenance or management of a single or multiple species of fish or wildlife. This designation, when used, applies to localized areas having particularly valuable or sensitive habitat within the planning boundary. The “Ha” designation does not preclude human uses that are compatible with the following fish and wildlife categories. Also refers to the plan designation of Habitat or the land classification of Wildlife Habitat Land.

High value resident fish. Resident fish populations that are used for recreational, personal use, commercial, or subsistence purposes (from AS 41.17.950(10)).

ILMA or ILMT. See “Interagency Land Management Agreement/Transfer”

Improvements. Buildings, wharves, piers, and other similar types of structures permanently fixed to the uplands or submerged lands that were constructed and/or maintained by the applicant for business, commercial, recreation, residential, or other beneficial uses or purposes. In no event shall fill be considered a permanent improvement when placed on the submerged lands solely for the purposes of disposing of waste or spoils. However, fill material utilized for beneficial purposes by the applicant shall be considered a permanent improvement (11 AAC 62.840). ADNR practice is to apply this requirement to shorelands since similar conditions exist.

Instream flow. An instantaneous flow rate of water through a stream during specified periods of time, from a designated location upstream to a designated location downstream.

Instream flow reservation. The legal water reservation for instream uses such as fish, wildlife, recreation, navigation, and water quality.

Interagency Land Management Agreement/Transfer (ILMA/ILMT). An agreement between DNR and other state agencies that transfers some land management responsibility to these other agencies.

Land Classification Order. An order approved by the Commissioner of the Department of Natural Resources that classifies state land into specific land use categories (AS 38.04.065 and AS 38.05.300). The Land Classification Order in this Area Plan classifies all state lands within the planning area according to the land use designations assigned to individual land parcels in the Resource Allocation Tables contained in Chapter 3 of the Area Plan.

Land disposal. Same as Land offering, defined below; except that land disposal areas referenced in Chapter 3 may include lots reserved for lease or sale for public, commercial, or industrial facilities. Differs from an agricultural land disposal; the latter conveys agricultural rights only.

Land offering. Transfer of state land to private ownership as authorized by AS 38.04.010, including fee simple sale and sale of agricultural rights. They do not include leases, land use permits, water rights, rights-of-way, material sales, or other disposals of interest in lands or waters. (See also “Land disposal”)

Land use designation. A category of land allocation determined by a land use plan. Designations identify the primary use or uses of state land. Chapter 4 sets out how the land use designations of this plan will be classified according to 11 AAC 55. Referred to in this plan as Designation. Designations are applied to state general domain land, but not usually to Legislatively Designated Areas (LDAs). A designation is only applied where the authorizing statute indicates that Title 38 (Public Land) authorities are to be retained for certain aspects of LDA management or if the LDA is not completely removed from the general public domain.

Leasable minerals. Leasable minerals include deposits of coal, sulfur phosphates, oil shale, sodium potassium, oil and gas.

Lease. A Department of Natural Resources authorization for the use of state land according to terms set forth in AS 38.05.070-105. The State Pipeline Coordinator’s Section holds authority for surface authorizations that pertain to pipeline infrastructure as defined under in AS 38.35.

LDA or Legislatively Designated Area. An area set aside by the state legislature for special management actions and retained in public ownership. Examples are State Game Refuges and State Recreation Areas. Does not include sites that have been administratively designated for a special purpose, such as a state recreation site of less than 640 acres.

Leasehold Location Order. The order used by the Department to manage the leasing of state land for locatable minerals. In this plan, a leasehold location order (#34) is used to

manage mineral development in certain areas designated Settlement and not otherwise closed to mineral entry. See http://dnr.alaska.gov/mlw/factsht/mine_fs/upland.pdf for more detail.

Locatable minerals. Minerals that are subject to location under the mining laws of the United States on January 3, 1959, and that are described in AS 38.05.185. These include both metallic and non-metallic minerals.

Management intent statement. The statements that define the department’s near and long-term management objectives and the methods to achieve those objectives. As most often used in the plan, it refers to the management objectives and methods to achieve those objectives for a management unit. Management intent statements function to provide more specific guidance than that provided by a plan designation or land classification and are to be interpreted as intended to be consistent with that designation or classification.

Materials. “Materials” include but are not limited to common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders, clay and sod. Materials may also refer to the designation of Materials or the land classification of Materials Land.

MCO. See “Mineral Closing Order”

Mineral Closing Order (MCO). Mineral closing orders close state lands (mineral estate) to mineral entry. All state lands are open for the prospecting and production of locatable minerals unless the lands are specifically closed to mineral entry. The Commissioner of the Department of Natural Resources may close land to mineral entry if a finding has been made that mining would be incompatible with **significant surface use** on state land (AS 38.05.205). A significant surface use of the land has been interpreted by ADNR to include not only residential and commercial structures, but may also include fish and wildlife habitat, recreational, and scenic values where there is very high sensitivity, use, or value.

Mineral entry. Acquiring exploration and mining rights under AS 38.05.185-38.05.275.

Mineral Opening Order. An order approved by the Commissioner that opens state land to mineral entry.

Mineral Order. An order approved by the Commissioner that either closes or opens land to mineral entry. The use of this term is fairly recent. Previously the Department issued mineral opening orders or mineral closing orders. Reference in this plan is to ‘mineral closing order’ since this is the instrument that was used by the Department to close areas within the planning area and since graphic representations applicable at the time of review make reference to ‘Mineral Closing Orders’.

Mining. Any structure or activity for commercial exploration and recovery of minerals, including, but not limited to resource transfer facilities, camps, and other support facilities associated with mineral development. The term “mining” does not refer to offshore prospecting.

Mining claim. Rights to deposits of minerals, subject to AS 38.05.185-38.05.275, in or on state land that is open to claim staking may be acquired by discovery, location and recording as prescribed in AS 38.05.185-38.05.275. The locator has the exclusive right of possession and extraction of the minerals lying within the boundaries of the claim, subject to AS 38.05.185 -38.05.275.

Minor Change. 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 (11 AAC 55.030).

Multiple use. Means the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; it includes:

- a) the use of some land for less than all of the resources, and
- b) a combination of balanced and diverse resource uses that takes into account the short-term and long-term needs of present and future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic values (AS 38.04.910).

Native-owned land. Land that is patented or will be patented to a Native corporation.

Native-selected land. Federally owned land that is selected by a Native corporation but not yet patented.

Navigable. Used in its legal context, it refers to lakes and rivers that meet federal or state criteria for navigability. Under the Equal Footing Doctrine, the Alaska Statehood Act, and the Submerged Lands Act, the state owns land under navigable waterbodies.

Navigable Water. Means any waterbody of the state that is navigable in fact for any useful public purpose and as specifically described in AS 38.05.965(13).

NRO. Northern Regional Land Office of the Division of Mining, Land and Water, Alaska Department of Natural Resources.

NSAP. North Slope Area Plan

NSB. North Slope Borough

Objective. A concise statement of what we want to achieve, how much we want to achieve, when and where we want to achieve it, and who is responsible for the work. Objectives are derived from goals.

Ordinary high-water mark (OHW). The mark along the bank or shore up to which the presence and action of the non-tidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics (from 11 AAC 53.900(23)).

Permanent use. A use that includes a structure or facility that is not readily removable. Permanent facilities are improvements that do not need to be removed and usually involve the construction of a foundation for the improvement.

Permit. A Department of Natural Resources authorization for use of state land according to terms set forth in 11 AAC 96.

Planning period. Refers to the length of time that the plan covers, which is 20 years. However, the area plan, and the land use classifications that derive from the plan, remain valid until the area plan is revised.

Policy. An intended course of action or a principle for guiding actions; in this plan, ADNR policies for land and resource management include goals, management intent statements, management guidelines, land use designations, implementation plans and procedures, and various other statements of ADNR's intentions.

Pollutant. A substance that contaminates the natural environment including air, water, or land.

Pollution. The introduction of harmful materials into the environment.

Primary use. The primary intended use of state land or water, which is indicated through a primary land use designation. In this plan there may be two compatible uses within a management unit. When this occurs, it is represented by a co-designation. These types of uses are most often expressed through a land use designation (see "Designation") in this plan.

Prohibited use. A use not allowed in a management unit because of conflicts with the management intent, designated primary or secondary uses, or management guideline. Uses not specifically prohibited nor designated as primary or secondary uses in a management unit are allowed if compatible with the primary and secondary uses, the management intent statements for the unit, and the plan's guidelines. Changing a prohibited use to an allowable use requires a plan amendment.

Public Trust Doctrine. A doctrine that requires the state to manage tidelands, shorelands, and submerged lands for the benefit of the people so that they can engage in such things as

commerce, navigation, fishing, hunting, swimming, and ecological study. (See also Appendix C)

Public use. Any human use of state land, including commercial and non-commercial uses.

Recreation. Any activity or structure for recreational purposes, including but not limited to hiking, camping, boating, anchorage, access points to sport hunting and fishing areas, and sightseeing. “Recreation” does not refer to subsistence hunting and fishing. See the term Subsistence.

Region. A spatial unit used in area plans to describe major geographic areas within the plan boundary. Often regions occupy state lands that are contiguous or are generally close to each other and that may have similar resource and use characteristics. In this plan, there are four regions that encompass state general domain land and one that covers areas affected by Legislatively Designated Area designations.

Remediation. The act of remedying something, in particular of reversing or stopping environmental damage.

Resource management. A land designation or classification used for lands which are presently inaccessible or remote and may have a number of resources; where the lack of adequate resource, economic or other relevant information combined with the unlikelihood of resource development within the next 20 years makes a specific resource allocation decision unnecessary; or where a number of uses can be accommodated in a given area, which tend to be of considerable size in this plan. In previous area plans, this designation was referred to as General Use.

Retained land. Uplands, shorelands, and waters that are to remain in state ownership. Certain plan designations indicate whether state land is to be retained on a general basis. (See the section, ‘Designations Used in This Plan’ in Chapter 3 for more information.) Retained land may also exist within specific areas and, if so, this intent applies to individual management units. (See the Resource Allocation Tables in Chapter 3 for more information.) Easements granted under AS 38.05.850 are not considered to be ‘retained land’ within the context of this plan and as described in the section ‘Disposal or Retention in State Ownership’ in Chapter 2.

RS 2477. RS 2477 stands from Revised Statute 2477 from the Mining Act of 1866, which states that “The public right-of-way for the construction of highways over public lands, not reserved for public use, is hereby granted. Information on RS 2477s can be accessed at the DNR website: <http://dnr.alaska.gov/mlw/trails/index.htm>

Right-of-way. The legal right to cross the land of another.

Riparian Areas. Areas adjacent to streams, rivers, and lakes. Standards for the management of riparian areas are contained in the Shorelands and Stream Corridors section of Chapter 2; see especially Management Guideline I.

Settlement. The sale, leasing, or permitting of state lands to allow private recreational, residential, commercial, industrial, or community use. May also refer the designation of Settlement or the land classification of Settlement Land.

Shall. Same as “will.”

Shoreland. Land belonging to the state that is covered by navigable, nontidal water up to the ordinary high-water mark as modified by accretion, erosion or reliction. (See definition of Navigable.) Shorelands are generally lake bottoms or the beds of navigable rivers and streams. (See Figure 1-1, Chapter 1.)

Should. States intent for a course of action or a set of conditions to be achieved. Guidelines modified by the word “should” state the plan’s intent and allow the manager to use discretion in deciding the specific means for best achieving the intent or whether circumstances justify deviations from the intended action or set of conditions. Includes the concept of ‘feasible and prudent.’ Any deviation from a management intent statement or management guideline in an authorization requires an explanation for the variation in the written decision. See also “Will.”

Spill and Contaminated Sites. Areas impacted by a release of oil or hazardous substances, and are regulated under 18 AAC 75.

State land. A generic term meaning all state land, including all state-owned and state-selected uplands, all shorelands, tidelands and submerged lands. See also definitions of state-owned land and state-selected land as well as definitions for shorelands, tidelands, and submerged lands. Refer to Figure 1-1 in Chapter 1 for a graphical depiction of these areas. ‘State Land’ excludes lands owned by the University of Alaska, the Mental Health Trust Authority, or by state agencies that have acquired through deed.

State-owned land. Land that is patented or will be patented to the state, including uplands, tidelands, shorelands, and submerged lands.

State-selected land. Federally owned land that is selected by the State of Alaska, but not yet patented nor Tentatively Approved (TA) by the Bureau of Land Management.

Submerged Lands. Land covered by tidal waters between the line of mean lower low water and seaward to a distance of three geographic miles or as may hereafter be properly claimed by the state. (AS 38.05.965) (See definition of Tidelands and Figure 1-1, Chapter 1.)

Subsistence. Subsistence is defined in Alaska state laws as the “non-commercial customary and traditional uses of fish and wildlife.” See AS 16.05.940, especially subsections 30 and 31 (sport fishing), 32 (subsistence hunting), and 33 (subsistence uses) for further information.

Suitable. Land that is physically capable of supporting a resource development.

Sustained Yield. Means the achievement and maintenance in perpetuity of a high level of annual or regular periodic output of the various renewable resources of state land consistent with multiple use. (AS 38.04.910(12))

Temporary use. A use that is one year or less in duration requiring a state permit. Any structure associated with the use must be readily removable.

Tidelands. Lands that are periodically covered by tidal waters between the elevation of mean high water and mean lower low water. (AS 38.05.965) (See Figure 1-1, Chapter 1.)

Top filed (also Top Filing). A future state selection for lands which were not available on the date of filing. These selections automatically become effective without further action by the state on the date the lands become available for state selection.

Unsuitable. Land that is physically incapable of supporting a resource development (usually because that resource doesn't exist in that location).

Uplands. Lands above mean high water. (See Figure 1-1, Chapter 1.)

USFWS or U. S. Fish and Wildlife Service. United States Fish and Wildlife Service, a division of the U.S. Department of Interior.

Viewshed. A viewshed is an area of land, water, or another environmental element that is visible to the human eye from a fixed vantage point. Viewsheds tend to be areas of scenic or historic value that are readily visible from public areas such as roadways, rivers with important recreation functions, or regional trails.

Water Resources. Refers to the plan designation of Water Resources or the land classification of Water Resources Land.

Water-dependent. Means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.

Water-related. Means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Wetlands. Includes both freshwater and saltwater wetlands. “Freshwater wetlands” means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth. “Saltwater wetlands” means those coastal areas along sheltered shorelines characterized by salt tolerant, marshy plants and large algae extending from extreme low tide which is influenced by sea spray or tidally induced water table changes. Note: This definition may be inconsistent with the federal definition of wetlands as applied by the U.S. Corps of Engineers.

Will. Requires a course of action or a set of conditions to be achieved. A guideline modified by the word “will” must be followed by land managers and users. Deviation from plan designations, management intent, or management guidelines requires a plan amendment consistent with 11 AAC 55.040(f). (See Chapter 4 - Types of Plan Changes.)

Working Forest. A “working forest” refers to actively managed forest lands that provide wood for personal and commercial use, while protecting fish and wildlife habitat, providing the public with recreation and other multiple use of state land, and maintaining public benefits such as clean air, land, and water.

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Land Classification Order No. NC-19-001

I. Name: North Slope Area Plan (NSAP)

II. The classifications in Part III are based on written justification contained in one of the following plans:

Area Plan: **North Slope Area Plan**
 Adopted (x) Revised () Dated March 12, 2021

Management Plan:
 Adopted () Revised () Dated _____

Site Specific Plan:
 Adopted () Revised () Dated _____

III. Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this Action
See NSAP plan maps	11,700,000	GS	Several site-specific plans	See NSAP plan maps

IV. This order replaces and supersedes all existing land classification orders within the plan boundary of the NSAP.

V. This order is issued under the authority granted by AS 38.04.065 and AS 38.05.300 to the Commissioner of the Department of Natural Resources. The above described lands are hereby designated and classified as indicated. Additionally, state land under contract for conveyance remains classified Settlement Land until this land is conveyed out of state ownership. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

Classified:  Date: March 12, 2021
 Commissioner, Department of Natural Resources

Appendix B: Land Classification Order

Appendix C

Public Trust Doctrine

The Public Trust Doctrine provides that public trust lands, waters, and living natural resources in a state are held by the state in trust for the benefit of all the people, and establishes the right of the public to fully utilize the public trust lands, waters, and resources for a wide variety of public uses. Each state has the authority and responsibility for managing these public trust assets to assure the public rights are upheld.

The Public Trust Doctrine applies whenever navigable waters or the lands beneath those waters are altered, developed, conveyed, or otherwise managed. It also applies whether the trust lands are publicly or privately owned. Shorelands below the ordinary high-water mark are considered public trust lands. In summary, all lands beneath navigable waters, be they shorelands, tidelands, or submerged lands out to the three mile limit are public trust lands.

The Alaska Constitution contains numerous provisions embracing principles of the Public Trust Doctrine that require the state to exercise authority to ensure that the right of the public to use navigable waters for navigation, commerce, recreation, and related purposes is protected. In Alaska, the Public Trust Doctrine extends beyond those submerged lands in which the state holds title to include all waters that are navigable. The state's waters are themselves reserved to the people for common use.

The Alaska Constitution (Article VIII, sections 1, 2, 3, 6, 13, and 14) and Alaska Statutes (38.05.127 and 38.05.128) contain some of the provisions, which are the legal basis for applying the Public Trust Doctrine in Alaska. In Alaska, this doctrine guarantees the public's right to engage in activities such as commerce, navigation, fishing, hunting, trapping, and swimming, while also providing for the protection of areas for ecological study.

The Alaska Constitution provides that "free access to the navigable or public waters of the state, as defined by the legislature, shall not be denied any citizen of the United States or resident of the state, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes." The Alaska Supreme Court has concluded "the provisions in Article VIII [of the Constitution] were intended to permit the broadest possible access to and use of state waters by the general public." *Wernberg v. State*, 516 P. 2d 1191, 1198-9 (Alaska 1973). The Alaska legislature has broadly defined the navigable and public waters available for public use in AS 38.05.965. Moreover, the legislature has endorsed a broad interpretation of the Public Trust Doctrine in Article VIII of Alaska's Constitution in finding that:

Appendix C: Public Trust Doctrine

“Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high-water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purposes for which the water is used or capable of being used consistent with the public trust.” Sec. 1, Ch. 82, SLA 1985.

The legislature has also declared that the right to use state waters does not include the right to enter or trespass upon private lands. Nevertheless, with 99 percent of Alaska in public ownership at statehood, state laws regarding the transfer of land to private parties provide for public access to navigable waters. For instance, AS 38.05.127 implements the state’s constitutional guarantee of access to navigable waters under Article VIII, Section 14. Under the statute, the Commissioner of the Alaska Department of Natural Resources must “provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the Commissioner finds that regulating or eliminating access is necessary for other beneficial uses or public purposes.” The State’s responsibilities to implement the Public Trust Doctrine are considered and used throughout this plan. Any management actions will be consistent with the Public Trust Doctrine as defined by the Alaska Constitution, statutes, court decisions, and public involvement.