

Public Access

Like many places in Alaska, public access on the North Slope is sparse due to the limited number of roads throughout the region. Although ground travel is enhanced significantly during the winter when the ground is frozen and ice roads can be constructed, much of the region is primarily accessed by air. The planning area is encompassed by the North Slope Special Use Area (ADL 50666) and is regulated by 11 AAC 96.014(b)(1). This regulation states that on, “all state land in townships within the Umiat Meridian, a permit is required for motorized vehicle use, unless that use is for subsistence purposes or is on a graveled road.” With few exceptions, the Dalton Highway is the only road in the planning area that is open to the public; it is also the only permanent road connecting the North Slope to the rest of the Alaska Highway System. Off-road vehicles are prohibited on land within five miles of the Dalton Highway right-of-way, with a few exceptions. See AS 19.40.210 for more information.

For a number of years, North Slope communities have expressed the need and desire for community connectivity, with either permanent or seasonal roads. Both the State and the North Slope Borough have developed projects to investigate options for connecting communities. Recently, the North Slope Borough has developed winter access snow routes to communities through its Community Winter Access Trails (CWAT) project. They have been proven successful in providing an opportunity to connect communities to the road system to allow transportation of goods and services seasonally. Concurrent with the CWAT project, the State through ADNR has taken steps to analyze conceptual transportation corridors that could meet the needs of the communities through the Arctic Strategic Transportation and Resources (ASTAR) program. The ASTAR project has provided some information related to materials necessary for route construction in addition to some conceptual route locations. Information gathered through the ASTAR project was reviewed as this plan was developed and is included as appropriate. For more information on ASTAR, a detailed story map for the project can be found at <https://www.arcgis.com/apps/Cascade/index.html?appid=ab8be9349a08477ebfb66d017e0aec8d>.

Goals

Public Access. Preserve, enhance, or provide adequate access to public lands for recreation, subsistence harvest, and resource development. Provide for future trail and access needs and protect or establish trail corridors to ensure continued public access consistent with responsible wildlife and fish habitat conservation. Ensure adequate opportunities for the public’s use of public resources of local, regional, and statewide significance.

Objectives and Management Guidelines

Objective A. To the maximum extent practicable, adequate opportunities for the use of public resources of local, regional, and statewide significance by the public will be ensured.

- **Guideline A-1. *Preservation of Access Opportunities.*** The Department shall preserve existing access routes, and may identify additional potential access to, through, and within the planning area. Unless there is an overriding state need, section-line easements are to be preserved. ADOT/PF is to be consulted prior to any action involving requests for the vacation of section-line easements. Vacation requests should not be granted unless it clearly be shown that there will not be a need for the foreseeable future (25 years) or if an alternative route is available of equal or better access.
- **Guideline A-2. *Access Across Land Use Designations.*** Due to their linear alignment, it is recognized that roads and trails may traverse several different land use designations. A particular land use designation is not intended to affect or preclude access. Access may be developed on all land use designations, including Habitat, Public Recreation, and Water Resources, although stipulations may be required to mitigate adverse impacts to the resources associated with these designations.
- **Guideline A-3. *Retain Access.*** Improve or preserve public access to areas with significant public resource values by retaining access sites and corridors in public ownership; reserving rights of access when state land is sold or leased; or identifying, managing and legally validating RS 2477 (Revised Statute Section 2477) rights-of-way. RS 2477 rights-of-way within the planning area that are identified in AS 19.30.400(d) or otherwise determined by ADNR to qualify as RS 2477 trails are to be retained in state ownership or made a stipulation of approval ('subject to') in the transfer of state land.
- **Guideline A-4. *Reservation of Public Use Easements.*** Before selling, leasing, or otherwise disposing of the land estate, ADNR will reserve public use easements pursuant to the requirements of 11 AAC 51.015. This section of administrative code establishes when public access easements are to be reserved and the widths of these easements. Specific standards for section-line easements are identified in 11 AAC 51.025 and for easements required under AS 38.05.127, to and along navigable and public waters, in 11 AAC 51.045. These sections of Administrative Code shall be used as the basis for the reservation of public access easements in authorizations granted by ADNR.
- **Guideline A-5. *Management of ANCSA 17(b) Easements.*** The state will identify 17(b) easements as required and ensure that public access is maintained to state lands. These easements are intended to provide access through private Native lands to public lands and waters. They are reserved and managed by the federal government. Generally, ADNR will not accept management of 17(b) easements unless the state already actively manages a portion of the trail or easement, or state management will best protect public access to state lands.

- **Guideline A-6. *Access to Non-State Lands.*** Reasonable access will be provided across state lands to other public and private lands. If a proposed access route is located in close proximity to a village or Alaska Native owned lands, ADNR should coordinate with the appropriate regional or village corporation holding title to the surface estate. Existing legal access will not be precluded unless equivalent access is available.
- **Guideline A-7. *Access for Exploration Activities.*** Access for exploration should be temporary and constructed of ice or snow unless ADNR approves of an alternative. Access will be encouraged to occur during winter months and may be approved in areas where snow and soil temperatures are sufficient to protect the ground surface. Summer off-road travel may be authorized subject to time periods and vehicle types and configurations approved by DMLW. Exceptions may be granted by the DMLW.
- **Guideline A-8. *Access for Development.*** When an access route is constructed for resource development over state land, public access to mineralized or oil, gas or geothermal areas, recreation, fish, wildlife, or other public resources should generally be retained. If the new resource facility is likely to be of limited duration and provides superior access to the current means of access, the state should retain the new facility for public access. If the new route or facility will not or should not provide public access due to concerns for public safety or the long-term detrimental impact on natural resources, the current means of public access should be retained. Additional access routes in some areas may lead to negative impacts on valuable resources, particularly certain renewable resources. The development of new trails should not displace current methods of access without providing alternative routes.
- **Guideline A-9. *Limiting Access.*** Access to state lands may be curtailed at certain times or locations to protect public safety, provide for the remediation of public use areas, allow special uses, and prevent harm to the environment, fish and wildlife.
- **Guideline A-10. *Joint Use and Consolidation of Surface Access.*** Multiple use and consolidation of access routes and facilities should be encouraged whenever it is feasible and prudent to do so. Surface access should be sited and designed to accommodate future development and avoid unnecessary duplication.
- **Guideline A-11. *Consultation between DMLW and DOG.*** Proposed access routes shall be reviewed by DMLW and DOG prior to authorization. DMLW determines if the routes or trails are required, consistent with applicable sections of statute and administrative code.

Objective B. To the maximum extent practicable, adequate opportunities for access to and within developing areas will be provided.

- **Objective B-1.** The Department shall consider the need for public access before selling, leasing, or otherwise disposing of the land estate. If local access needs are identified through the adjudication and agency or public review process, access trails should be reserved. This will occur through the retention of state land in public ownership or through the creation of a public use easement. Under either approach,

- the public should have the right of access within the area of state land or the public use easement.
- **Objective B-2. Ownership.** The following factors shall be considered by ADNR in making the decision to retain the access corridor under state ownership or to provide for public access through public easements.
 1. If the access (usually a trail within a developed or developing area) is used for subsistence purposes or is a trail route of regional significance, access should be retained in public ownership.
 2. If a route is used as access by North Slope residents, it should be dedicated to local government or established as an easement to an entity willing to accept maintenance and management responsibility. This would typically occur when the purpose is to establish access between communities or to traditional subsistence areas.
 3. If the access provides a connection to other areas and is considered of regional or statewide significance, it should be retained in public ownership.
 - **Objective B-3. Width of Access Corridors.** The width of the access corridor shall be determined according to its function and location:
 1. Access corridors shall not be less than 25 feet in width for pedestrian movement and not less than 40 feet if motorized movement can be expected in addition to pedestrian travel. In areas where topographic conditions restrict development, widths less than 40 feet may be considered.
 2. In all other areas, the width shall vary with terrain, function, and the need for separation from other uses, but shall not be less than 50 feet.
 3. Trails or other access facilities of statewide or regional significance shall not be less than 100 feet in width.
 - **Objective B-4. Trail Rerouting.** Standards for the vacation and modification of trails are identified in 11 AAC 51.065. Rerouting of trails may be permitted to minimize land use conflicts, reduce duplication in trail routings, or minimize habitat destruction. If trails are rerouted, provision should be made for construction of new trail segments if warranted by type and intensity of use. Rerouting trails shall be done in consultation with affected private users and public agencies. Rerouted trails should allow the same uses and activities as the original trail. Reroutes should not interrupt access, and reroutes should be established, open and useable for the intended uses before the original route is closed. Closed routes should be blocked off and restored. The development of new trails should not displace current methods of access without providing alternative routes.

Objective C. Whenever feasible, adequate public access opportunities should be preserved, enhanced, or provided without adversely impacting other resources, uses, or the natural environment.

- **Guideline C-1.** Existing roads should be used for access to material sites whenever feasible.
- **Guideline C-2. *Siting and Constructing Ice Roads, Bridges, and Causeways.*** Ice infrastructure will, to the extent feasible and prudent, be routed to avoid sensitive wetlands, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on fish and wildlife, water quantity or water quality. If a temporary road is routed through sensitive wetlands, clean fill will be required and construction methods, which facilitate removal of the fill, will be required. Temporary roads should be rehabilitated when no longer needed for their original purpose.
- **Guideline C-3. *Siting and Constructing Permanent Roads, Bridges, and Causeways.*** Permanent roads, bridges, and causeways will, to the extent feasible and prudent, be routed to avoid sensitive wetlands, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on fish and wildlife, water quantity or water quality, and permafrost.
- **Guideline C-4.** Access across tundra, wetlands, and other environmentally sensitive areas will be managed in a manner that minimizes damage and must be consistent with the requirements of applicable administrative regulations, including 11 AAC 96.010 and 11 AAC 96.025.
- **Guideline C-5. *Protection of the Environment.*** In the siting of regional and industrial access facilities, consideration is to be given to the effect of the proposed project or improvement on the natural environment, fish and wildlife species, and habitats identified in this plan as significant. Precautions should be taken when developing new trails or access roads to avoid critical wildlife concentration areas. ADF&G shall be consulted prior to the issuance of an authorization or development of an access route to determine whether or not significant impacts to fish or wildlife resources or their associated habitats are anticipated and can be mitigated.

Objective D. *Other Guidelines affecting Public Access or Trail Management.* A number of other guidelines may directly or indirectly affect access. See other sections of this chapter.