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# COORDINATION & PUBLIC NOTICE

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## Goals

### COORDINATION WITH NON-STATE LANDOWNERS

Coordinate the use of state land with that of private and other public landowners to provide for the optimal use, development, and protection of the resources of Prince of Wales Island.

### PUBLIC PARTICIPATION

Provide local governments, state and federal agencies, adjacent landowners, and the general public with meaningful opportunities to participate in the process of making significant land-use decisions.

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## Management Guidelines

### A. UPLAND OWNER PARTICIPATION

This guideline provides a degree of deference to adjacent upland owners preferences without delegating control over state land use decisions. It also places the burden of responsibility for evaluating alternative sites on the applicant.

An application for tideland facilities (including floathomes) adjacent to private or federal land may be approved if the application meets the other guidelines of this plan, *and* the department receives no objection from the upland owner.

If the upland owner objects, the applicant must demonstrate to the satisfaction of the department that there is no feasible and prudent alternative site. A feasible and prudent alternative site is one that the department, in consultation with the applicant, finds physically suitable; meets the guidelines of this plan and other permit requirements; and, has no objection from the upland owner. If no feasible and prudent alternative site has been identified, the department will adjudicate the permit or lease application considering at least the following:

1. the effectiveness of site design and operating stipulations to minimize or eliminate the objection.
2. the presence or absence of feasible alternative sites with less conflict between upland management and tideland facilities; and
3. the magnitude of the impacts, including but not limited to dollar cost, changes to present or expected land management, and trespass. Conviction for trespass or unauthorized use of adjacent land related to the authorized activity may be cause for revocation of the permit or lease.

## **B. PERMISSION OF UPLAND OWNER**

Permits and leases will not be approved for activities that use the uplands, including shoreties, until the applicant has applied for the owner's permission. Copies of their application must be submitted to DNR. Alternatively, the applicant may show how all necessary housing, warehousing, processing, and other uses will be accommodated on the tidelands.

1. If upland support is required and DNR is ready to authorize the activity before the upland owner's permission is obtained, the department should hold the lease or permit pending that permission.
2. Where upland support is not essential to the project's success, the department may issue the lease or permit with the stipulation that activities requiring upland support will not begin until the upland owner's permission is obtained. For example, where a facility can use either anchors or shoreties, it may be authorized with the provision that shoreties will not be used without the upland owner's permission.

If the upland owner denies or cancels an authorization for upland support, DNR should be notified and may modify or cancel the lease or permit, based on an evaluation of the circumstances. DNR will notify the upland owner if DNR cancels the lease or permit.

## **C. COMMUNITY NOTICE FOR COMMERCIAL RECREATION FACILITIES, FLOATING RESIDENTIAL FACILITIES, & ACTIVITIES REQUIRING NOTICE UNDER AS 38.05.945.**

Community notice will be given for commercial recreation facilities, floating residential facilities, and authorizations requiring notice under AS 38.05.945. Community notice will include the adjacent upland owner. Joint DNR notification with the DEC/DGC public notice is encouraged where practical. This guideline supplements but does not replace existing public notice procedures.

Except for commercial recreation and floating residential facilities, community notice is not required for authorizations that are revocable, such as a short-term permit for A-frame timber harvest. However, if an activity is expected to be controversial or is expected to eventually require notice, community notice should be given before the first authorization is issued.

## **D. OTHER GUIDELINES AFFECTING COORDINATION OR PUBLIC NOTICE**

Several other guidelines may affect coordination or public notice. See in particular the following sections of this chapter:

- Aquatic Farming
- Fish and Wildlife Habitat and Harvest Areas
- Floating Residential Facilities
- Public and Private Access
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines and Stream Corridors