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# SETTLEMENT

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## Goals

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### **PROVIDE FOR A VARIETY OF USES**

Provide for a variety of settlement uses on state uplands and tidelands through leases or land use permits.

### **COMMUNITY, SOCIAL, & AESTHETIC VALUES**

While considering the needs and demands of all state residents, maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and avoid undesired impacts on those values.

### **PRIVATE LAND USE**

Make available to present and future Alaskans suitable public land for private settlement purposes. DNR can identify and offer lands that have characteristics suitable for year-round residence, seasonal residence, or self-sufficient remote residence, but once the land is sold the owner must decide how to use the land. DNR cannot guarantee that, for instance, land sold to satisfy the demand for seasonal residences will not be used for permanent residences. Nor can DNR assure that future land owners will not demand public services and improvements such as schools. DNR is trying to satisfy three settlement categories in the planning area.

- 1. Year-round residences or community expansion.** DNR will offer accessible land suitable to meet the needs of growing communities. This category serves people whose principal place of residence, and usually work, is or will be in the area of the disposal. The state owns little land in or near communities. Where the state does have land suitable for this purpose, disposal will be a high priority unless there are overriding public values.
- 2. Recreational use or seasonal residences.** DNR will, where feasible, avoid poor quality sites, such as north facing slopes, and offer quality sites with characteristics such as proximity to water, views, good hunting, or interesting topography. Because there is a limited supply of state land with characteristics that make it highly desirable, the state will have to offer some lands that do not have exceptional amenity values to meet the demand for recreational and seasonal use.
- 3. Industrial or commercial development.** To stimulate or facilitate economic development, DNR will sell, lease, or protect for future use suitable land for private, commercial, and industrial use. Requirements for these uses are highly site-specific, and disposal decisions will be made case by case as demands arise.

## **RESOURCE & ECONOMIC IMPACTS**

Contribute positively to other uses of natural resources and minimize the undesired impacts of land offerings on opportunities for resource use.

## **LAND ACQUISITION**

It is the state's goal to provide individuals a range of options for acquiring title to state land. Under the current homestead and homesite programs, state land may be acquired by various combinations of residency on the property, constructing a dwelling on the property, and purchasing the property. Other state lands offered for private ownership under the general land disposal program will be sold for current, fair market value, subject but not limited to the exceptions noted in AS 38.05.055 and 38.05.057.

## **FISCAL IMPACTS**

Minimize future fiscal costs to local or state government for services, wildfire management, and infrastructure requirements that result from settlement of state lands.

## **COORDINATION WITH LOCAL GOVERNMENTS**

Coordinate state land offering programs with similar programs of local governments to best achieve common objectives. Consider availability of land in private ownership when determining the amount, type, and location of state land offerings.

# **Management Guidelines**

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## **A. PLANNING & COORDINATION**

**1. Long-term Program.** The disposal program will be designed to make land available for at least 20 years to ensure that Alaskans have the opportunity to acquire public land in the future.

**2. Competition.** Although the state will coordinate its offerings with those of other landowners, it may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.

**3. Local Plans.** DNR will comply with provisions of local comprehensive plans regarding the pace, location, and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.

**4. Design Review Boards.** In addition to holding public meetings, a local design review board will be established when, in the opinion of the Director of the Division of Land and Water Management, it would be a constructive way to involve persons affected by a disposal project. A design review board will consist of a maximum of five citizens and local government officials appointed by an appropriate local government official. Where local government does not exist or is unwilling to appoint such a board, DNR will make the appointments if sufficient interest exists.

The design review board is advisory and will participate in and review all stages of design, including location, design of parcel size, transportation routes, and open space. The board will make recommendations to the Director of the Division of Land and Water Management at appropriate times during the design process.

**5. Coordination with Local Governments.** Where DNR and a municipality both have land, state land offering programs should be coordinated with similar programs of local government to best achieve common objectives. To this end, DNR would develop a joint disposal plan for state and municipal lands with any interested municipality. This plan would consider the municipality's fiscal planning for road extension priorities and its plans for levels of services in different areas. If a municipality has a comprehensive land use plan, that plan will provide direction for disposal priorities. The disposal plan should demonstrate what community objectives would be met and how the requested capital improvement funds would support municipality-wide priorities for roads and service extensions to benefit current and future residents. The disposal plan should demonstrate how increased access and development will promote use of other resources such as agriculture, mining, forestry, and recreation, and thus provide statewide as well as regional benefits.

**6. Pacing.** Settlement offerings should be phased over 20 years, the life of this plan. Land selection and other land status uncertainties make it impossible to develop a detailed schedule at this time.

## **B. TYPES OF OFFERINGS**

The types of offerings the department may make are established by the legislature and are subject to change. The following guidelines affect several types of offerings currently available to the department.

**1. Owner Staking.** DNR will offer homestead parcels only with predesignated boundaries. However, the department is unlikely to offer homesteads on Prince of Wales Island because there is so little suitable state land.

**2. Isolated Parcels of State Land.** The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The following guidelines apply to management and possible disposal of these parcels.

- *In or Near Existing Communities.* If the parcel is in or immediately adjacent to an existing community or past state land offering, the parcel can be offered for settlement unless it is appropriate as a site(s) for schools, gravel pits, roads, parks, sewer treatment plants, or other public facilities.
- *Parcels Near Other State Land.* If the parcel adjoins or is surrounded by other state land, it should be managed according to the management intent and guidelines applicable to the adjacent lands.
- *Parcels Not Near Other State Land.* Parcels, such as mining claims acquired by foreclosure in the middle of a federal conservation system unit, should be considered for sale or exchange to the adjacent land owner.

## **C. PROTECTION, MANAGEMENT, & ENHANCEMENT OF OTHER RESOURCES**

**1. Protection of Life and Property.** The state will, by retention of public lands and coordination with local governments, discourage development in areas of flooding, unstable ground, significant avalanche risk, and other hazards.

Public lands within the surveyed 100-year floodplain should remain in public ownership except where a regulatory floodway and flood fringe have been identified through detailed hydrologic studies. After such studies have been conducted, public lands within the flood fringe may be offered for sale. Land offerings within the flood fringe should be for low density development such as private recreation cabins rather than dense residential subdivisions. DNR will provide available information about flood zones in land disposal brochures when a disposal is in a potential flood hazard area.

In drainages where the 100-year floodplain has not been surveyed, the best available information will be used to determine the flood hazard zone that should remain in public ownership.

**2. Protection and Management of Valuable Environmental Processes.** The state will provide a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, riparian lands, bear concentration areas, watersheds, and surface and ground water recharge areas.

Systems of publicly owned land will be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be retained to provide adequate terrestrial habitat.

**3. Protection and Enhancement of Scenic Features.** The state generally will retain in public ownership unique natural features such as cliffs, bluffs, and waterfalls, and foreground open space for panoramic vistas. Public access to such amenities will also be preserved.

Land offerings along scenic routes will be located and designed to minimize their impacts on scenic vistas. Unusual land forms or scenic features will be retained in state ownership for enjoyment and use by the public. Such lands include islands in bays unless land disposals can be designed to prevent negative effects on the scenic and recreational values of the area.

**4. Protection & Enhancement of Recreational, Educational, & Cultural Opportunities.** Project the need for and retain appropriate areas for outdoor recreation, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

**5. Trespass.** Cooperate with adjacent landowners to develop procedures for dealing with trespass problems created by the use or disposal of state tidelands and uplands.

## D. Design

**1. Provision of Public Land for Communities.** Project the need for and retain appropriate greenbelts, public-use corridors, water supply areas, personal-use wood lots, buffer areas, commons, building setbacks, sites for schools, gravel pits, roads, airstrips, parks, and other public facilities such as sewer treatment plants, health clinics, and small boat mooring facilities, as well as other open spaces to help create a desirable land use pattern in developing areas. Sites for sewage treatment plants and solid waste disposal sites will not be located in public streamside tracts.

**2. Cost of Public Services.** In accordance with AS 38.04.010, DNR will attempt to guide year-round settlement to areas where services exist or can be provided with reasonable efficiency. State land that is located beyond the range of existing schools and other necessary public services or that is located where development of sources of employment is improbable may be made available for seasonal recreation or for low density settlement with sufficient separation between residences so that public services will not be necessary or expected.

**3. Provision of Access.** DNR should ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved within land offerings. Field assessment should be used, and where appropriate, road grade profiles prepared, to ensure that access routes are feasible.

Section line or other easements will not be relied on for access without field inspection of the practicality of such routes. Identified access routes will be described in the land offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.

DNR will comply with the applicable provisions of local government subdivision ordinances, including capital improvements. Where no subdivision ordinance is in effect, DNR will ensure actual physical access is available or can be developed (road, air, or water) to each new state subdivision project. The department will evaluate the need to construct new access to a subdivision on an individual basis.

**4. Personal Use of Nearby Resources.** One of the considerations in deciding the location, size, and design of land disposal projects will be the nearby supply of resources, such as firewood and houselogs, fish and wildlife, and the expected demand from people who will own the parcels. Where it is anticipated that land recipients will want to use timber resources, nearby wood lots may be retained instead of selling individual parcels large enough to meet the personal use demands of the owner. This would provide some nearby public land on which firewood and houselogs can be gathered while keeping open options for other uses of those lands when access develops or new demands are identified.

**5. Subdivision Design.** Subdivisions will be designed to preserve and enhance the quality of the natural setting and the recreational opportunities that make an area attractive to potential buyers.

State subdivision design will take account of site limitations such as slope, drainage, soils, erosion, and other features to ensure that sites offered are buildable in an economic and environmentally acceptable manner. All state subdivisions must be reviewed and approved as required by DEC regulations.

Other procedures and standards for subdivision design are given in "Design of Residential and Recreational Subdivisions," in the Division of Land and Water Management's Policy and Procedures Manual.

**6. Easements.** Easements will be used as one means to acquire rights through privately owned lands needed for public use.

Easements generally will not be used to retain a public interest in lands within a subdivision. Instead, DNR will generally retain such lands in public ownership. Exceptions to this policy may be made where the interest protected is very limited such as for local pedestrian access that is not part of an integrated neighborhood or community trail system. This policy will minimize confusion between public use and private ownership rights.

## **E. OTHER GUIDELINES AFFECTING SETTLEMENT**

Other guidelines will affect settlement management practices. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Cultural Resources
- Fish and Wildlife Habitat and Harvest Areas
- Materials
- Public and Private Access
- Recreation, Tourism, and Scenic Resources
- Shorelines and Stream Corridors
- Trail Management
- Transportation and Utilities