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Chapter 2

Areawide Land Management Policies

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CHAPTER 2

AREAWIDE LAND MANAGEMENT POLICIES

Introduction

This chapter presents land management policies for each of the major resources affected by the plan: fish and wildlife, forestry, materials, mineral resources, recreation and tourism, and water. It also presents management policies for several specific land management concerns: protection of fish and wildlife habitat, public and private access, timber harvest, settlement, shoreline and stream corridor management, and public access. These policies apply to state land throughout the planning area regardless of the land use designation.

This chapter consists of goals and management guidelines. Goals are the general condition the department is trying to achieve, and guidelines are specific directives that will be applied to land and water management decisions as resource use and development occurs.

Definitions

For definitions of terms commonly used in this chapter, see Appendix A, Glossary.

Goals

The following goals are for state lands in the planning area. Goals are general conditions that DNR attempts to achieve through management actions. The goals are listed alphabetically. No single goal has a priority over the others.

Economic Development. Provide opportunities for jobs and income by managing state land and resources to support a vital, self-sustaining local economy.

Fiscal Costs. Minimize the needs for, and the fiscal cost of, providing government services and facilities such as schools and roads.

Public Health and Safety. Maintain or enhance public health and safety for users of state land and resources.

Public Use. Provide and enhance diverse opportunities for public use of state lands, including uses such as hunting, fishing, boating and other types of recreation.

1 **Quality of Life.** Maintain or enhance the quality of the natural environment including air,
2 land and water, and fish and wildlife habitat and harvest opportunities; and protect heritage
3 resources and the character and lifestyle of the community.
4

5 **Settlement.** Provide opportunities for private ownership and leasing of land currently owned
6 by the state.
7

8 **Sustained Yield.** Maintain the long-term productivity and quality of renewable resources
9 including fish and wildlife, and timber.
10

11 **Management Intent**

12 Management intent for state land is expressed through statements of management emphasis
13 identified on a unit specific basis. These statements are based on resource and use
14 inventories, the review of existing and potential economic trends, state authorizations,
15 existing plans and similar resource management documents, agency review and comment,
16 and public participation.
17
18
19
20

21 **General Framework of the Plan**

22
23 **A.** State land within the planning area will be managed to allow for multiple use unless
24 legislatively designated or a parcel of state land is less than 640 acres and managed under a
25 management agreement by another state agency.
26

27 **B.** State land will also be managed to protect access and public resources. Types of
28 resources to be protected include, but are not limited to habitat, recreation, water quality,
29 anchorages, watersheds, scenery and trails.
30

31 **C.** State land will remain open to mineral entry unless specifically closed. This plan does
32 not recommend any areas to be closed to mineral entry nor to be managed under a leasehold
33 location order. Consequently, all land within the planning area is open to entry, except for
34 those scattered areas closed in previous mineral closing orders by DNR.
35

36 **D.** In management units where a primary use has been designated, activities and
37 authorizations pertaining to that primary designated use may take precedence over other uses.
38 Although there may be a priority for use in certain parcels, other uses may also be allowed if
39 they do not preclude the primary use assigned to a management unit. This plan emphasizes
40 minimizing land use conflicts through plan guidelines and intent rather than through
41 prohibitions. All other uses are initially presumed compatible with the primary use.
42 However, if DNR determines that a use conflict exists and that the proposed use is
43 incompatible with the primary use, the proposed use shall not be authorized or it shall be
44 modified so that the incompatibility no longer exists (11 AAC 55.040 (c)).
45

1 **E.** This plan designates state lands in categories that are generally consistent with current
2 use patterns and reflect the significant resources in the planning area.

3
4 **F.** This plan honors the intent of existing settlement agreements with the Mental Health
5 Trust Authority and the University of Alaska. These settlement agreements shall prevail over
6 the area plan, if inconsistencies exist.

7 8 9 **Management Guidelines by Activity or Resource Value**

10
11 The remainder of this chapter specifies guidelines that are specific directives to apply to
12 management decisions. DNR will use these guidelines when considering issuing
13 authorizations and conveyances or making management decisions on state lands. These
14 guidelines will also apply to lands that are currently state-selected and ANILCA-filed when
15 they are tentatively approved or patented into state ownership.

16
17 Chapter 2 guidelines apply to all state land covered by the SSAP unless the plan explicitly
18 exempts some parcels or designations from a guideline or the resource or use for which a
19 guideline is intended does not exist in the parcel in question. There are few such exemptions.

20 21 22 **General Guidelines**

23
24 **A.** All authorizations for use of state land within the planning area will be consistent with
25 the management intent in this plan.

26
27 **B.** In considering authorizations for use of state land, DNR will adjudicate applications to:

- 28
29 1) minimize damages to streambeds, fish and wildlife habitat, vegetation, trails,
30 anchorages, and other resources;
31
32 2) minimize conflicts between resources and uses; and
33
34 3) protect the long-term value of the resource, public safety, and the environment.

35
36 **C.** If authorizations from other agencies are required, DNR will consider issuing a permit or
37 lease contingent upon issuance of these other authorizations.

38 39 40 **Other State Land**

41
42 Parcels that are donated or acquired after the plan is adopted will be designated for the uses
43 for which they were acquired or donated without an amendment to the plan. Lands that come
44 into state ownership through other means will be designated and classified consistent with
45 the designation identified in the applicable management unit or, if not so identified,
46 according to the standards of the section, 'Applicability of Plan Designations and
47 Classifications', in Chapter 4 without an amendment to the plan.

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Coordination and Public Notice

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 area resources.

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.

Management Guidelines

A. Notice for Decisions Requiring Public Notice (Under AS 38.05.945). As required by statute, public notice will be given for decisions involving the sale, lease, or disposal of (or interests in) land, property, or resources. Actions not involving a disposal of interest will require public notice in accordance with Division of Mining, Land and Water (DMLW) procedures. Notice will be given to parties known or likely to be affected by an action proposed by the state or an applicant to the state, including upland property owners of adjoining state tidelands or submerged lands.

B. Coordination with Local Comprehensive Plan and Zoning Ordinance. The comprehensive plan and zoning map/ordinance of the Matanuska-Susitna Borough are to be reviewed by DNR prior to issuing permits, leases, or other forms of use authorizations.

C. Avoiding Conflicts with Adjacent Upland Owners. Before DNR issues a land use authorization on shorelands, DNR will require applicants to use areas that will reduce the likelihood of possible land use disagreements with upland owners. DNR will consider comments from private landowners and others before making a decision. DNR will retain the right to issue a land use authorization over the objection of adjacent landowners.

D. Other Guidelines Affecting Coordination or Public Notice. Several other guidelines may affect coordination or public notice. See other sections of this chapter.

Cultural Resources

Goal

Cultural Resources. The Alaska Historic Preservation Act establishes the state's basic goal: to preserve, protect, and interpret the historic, prehistoric, and archaeological resources of Alaska so that the scientific, historic, and cultural heritage values embodied in these resources may pass undiminished to future generations.

Management Guidelines

A. Cultural Resources Identification. Identify and determine the significance of cultural resources on state land through the following actions:

- 1) Cultural resources surveys conducted by qualified personnel;
- 2) Research about cultural resources on state land by qualified individuals and organizations; and
- 3) Cooperative efforts for planned surveys and inventories between state, federal, and local or Native groups.

B. Cultural Resources Protection. Protect significant cultural resources through the following actions:

- 1) The Office of History and Archeology (OHA) within DPOR reviews authorizations, construction projects or land uses for potential conflict with cultural resources. The office determines if there may be an adverse effect on heritage resources and makes recommendations to mitigate these effects.
- 2) Cooperating with concerned government agencies, Native corporations, statewide or local groups, and individuals to develop guidelines and recommendations on how to avoid or mitigate identified or potential conflict.

C. Cultural Resource Surveys Prior to Land Offerings. If determined by OHA during an agency review of a proposed land disposal that a cultural survey may be required, further coordination between OHA and DMLW prior to the land disposal is warranted. Cultural surveys should be considered where OHA reported sites exist or where there is a high potential for such sites to exist. The extent and type of the cultural survey within the area of the proposed land disposal shall be determined by OHA in consultation with DMLW. Detailed procedures exist governing when a survey is required and extent of the cultural resource survey and are to be consulted by DNR adjudicators.

1 **D. Cultural Resources in Timber Management Areas.** The Office of History and
2 Archaeology (OHA) will review proposals for timber management activities through the
3 interagency review process for the Five-Year Schedule of Timber Sales and Forest Land Use
4 Plans for individual sales and provide comments and information about areas of concern
5 within the review deadline. OHA will recommend archaeological surveys in timber sale
6 areas with a high potential for cultural resources. Areas of reported historic, archaeological,
7 or paleontological sites that retain historic integrity should not be disturbed. Timber
8 operations shall not occur within 300 feet of the boundaries of known sites unless the OHA
9 determines, in consultation with the Division of Forestry, that certain activities can occur
10 without significant adverse impacts to the cultural resource. The OHA shall assess the extent
11 and significance of the cultural resource and work with Division of Forestry to develop site-
12 specific mitigation measures to protect the cultural sites while allowing timber management.
13

14 **E. Cultural Resources Adjacent to Recreation Facilities.** Recreation facilities that might
15 subject cultural sites to vandalism because of the increased public use should not be placed
16 adjacent to the cultural sites.
17

18 **F. Heritage sites should be reported when found.** The Alaska Heritage Resources Survey
19 (AHRs) is an inventory of all reported historic and prehistoric sites within the State of
20 Alaska and is maintained by the Office of History and Archaeology (OHA). The AHRs is
21 used to protect cultural resource sites from unwanted destruction. By knowing of possible
22 cultural remains prior to construction, efforts can be made to avoid project delays and
23 prevent unnecessary destruction of cultural sites. While over 22,000 sites have been reported
24 within Alaska, this is probably only a very small percentage of the sites which may actually
25 exist but are as yet unreported. The AHRs is not complete or static, so heritage sites, when
26 found, should be reported to the OHA.
27

28 **G. Other Guidelines Affecting Cultural Resources.** Other guidelines will affect cultural
29 resources. See other sections of this chapter.

Fish and Wildlife Habitat and Harvest Areas

Goals

Ensure Access to Public Lands and Waters. Ensure access to public lands and waters to promote or enhance the responsible public use and enjoyment of fish and wildlife resources.

Mitigate Habitat Loss. When resource development projects occur, avoid or minimize reduction in the quality and quantity of fish and wildlife habitat.

Contribute to Economic Diversity. Contribute to Alaska's economy by protecting the fish and wildlife resources which contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport and non-consumptive uses.

Maintain and Protect Publicly Owned Habitat Base. Maintain in public ownership and protect habitat for fish and wildlife resource protection to supply sufficient numbers or a diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or protect a unique or rare assemblage of a single or multiple species of regional, state, or national significance.

Avoid the Introduction of and Reduce the Spread of Invasive Plant and Animal Species. State lands are to be managed to avoid or reduce the spread of non-native invasive animals and plants. This management shall be consistent with the applicable requirements of 11 AAC 34.

Management Guidelines

A. Mitigation. When issuing permits and leases or otherwise authorizing the use or development of state lands, DNR will recognize the requirements of the activity or development and the effects to habitat when determining stipulations or measures needed to protect fish, wildlife, or their habitats. The costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.

All land use activities will be conducted with appropriate planning and implementation to avoid or minimize adverse effects on fish, wildlife, or their habitats.

DNR and ADFG will enforce stipulations and measures appropriate to their agency, and may require the mitigation of any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party's failure to comply with applicable law, regulations, or the conditions of the permit or lease.

1 When determining appropriate stipulations and measures, the departments will apply, in
2 order of priority, the following steps. Mitigation requirements listed in other guidelines in
3 this plan will also follow these steps:
4

- 5 1) Avoid anticipated, significant adverse effects on fish, wildlife, or their habitats
6 through siting, timing, or other management options.
7
- 8 2) When significant adverse effects cannot be avoided by design, siting, timing, or other
9 management options, the adverse effect of the use or development will be minimized.
10
- 11 3) If significant loss of fish or wildlife habitat occurs, the loss will be rectified by
12 repairing, rehabilitating, or restoring the affected area to a useful state.
13
- 14 4) DNR may consider requiring replacement with, or enhancement of, fish and wildlife
15 habitat when steps 1 through 3 cannot avoid substantial and irreversible loss of
16 habitat. The ADFG or the Office of Habitat Management and Permitting, DNR, as
17 appropriate, will identify the species affected, the need for replacement or
18 enhancement, and the suggested method for addressing the impact. Replacement
19 with or enhancement of similar habitats of the affected species in the same region is
20 preferable. DNR will consider only those replacement and enhancement techniques
21 that have either been proven to be, or are likely to be, effective and that will result in
22 a benefit to the species impacted by the development. Replacement or enhancement
23 will only be required by DNR if it is determined to be in the best interest of the state
24 either through the AS 38.05.035(e) or permit review process.
25

26 **B. Allowing Uses in Fish and Wildlife Habitats (Ha).** The areas designated Habitat (Ha)
27 in Chapter 3 of the plan were defined using the best available information when the plan was
28 written. These data sources were of a generalized nature. Because of this and in order to be
29 conservative in the delineation of habitat areas, Habitat designations encompassed the largest
30 probable area. Thus, the wildlife and fishery information identified for specific management
31 units in Chapter 3 may occupy either part or all of the area of a unit, and it is possible that
32 part of a management unit designated Habitat may not contain the resource or habitat that
33 identified as requiring protection. In the granting of authorizations within areas designated
34 Habitat, DNR adjudicators should attempt to acquire more detailed and more recent
35 information pertaining to habitat values if there is some question as to the appropriateness of
36 the use that is under consideration for authorization.
37

38 The resource that was used to make the determination that an area should be designated “Ha”
39 is identified in the parcel descriptions contained in Resource Allocation Tables in Chapter 3
40 under the column, “Resources and Uses”. In some cases, there is only a single resource but
41 in other instances, several resources exist, with these resources sometimes occupying
42 differing portions of the parcel. The spatial distribution of habitat resources is described in
43 the management intent language, if known. Units are to be managed to protect the
44 resource(s) identified in these tables. The fish and wildlife associated with the Habitat
45 designation are listed in the Glossary under the term ‘Habitat’.
46

1 Since there is a distinct seasonality associated with the critical life periods of certain species,
2 seasonality shall be taken into consideration during project review and approval. Seasonality
3 and critical life cycle stages are identified in ADFG publications.¹ Thus, it may be possible
4 that uses and facilities may be appropriate within areas designated Habitat if the seasonality
5 criteria are satisfied by including mitigating measures in project design.

6
7 Upland uses that are not consistent with the types of uses associated with the approved
8 designation or are not authorized in the management intent statement for a specific unit and
9 that, if permitted, would result in the degradation of the resource(s) associated with areas
10 designated “Ha”, are to be considered incompatible with the plan's management intent and,
11 specifically, with the “Ha” designation. Degradation of the resource might result from
12 actions involving one or more of the following factors: dredging, filling, significant
13 compaction of vegetation and sediment, alteration of flow patterns, discharge of toxic
14 substances, or disturbance during sensitive periods. If there is a question as to whether a use
15 would be appropriate or whether it would degrade a listed resource, DNR shall consult with
16 ADFG and the Office of Habitat Management and Permitting, DNR, in making the
17 determination of initial incompatibility.

18
19 Non-designated uses that cause significant adverse impacts to the resources identified within
20 a given “Ha” parcel can be allowed if:

- 21
- 22 • DNR determines through new information or a more detailed analysis that the
23 management unit in question does not possess those attributes characteristic of a
24 Habitat designation as defined in the plan; or
 - 25
26 • If DNR in consultation with ADFG determines that the non-designated use can be
27 made compatible and significant adverse impacts to the "Ha" area avoided with
28 appropriate design, siting, and operating stipulations; or
 - 29
30 • The use (project) is found consistent under the ACMP and significant adverse impacts
31 are mitigated under Management Guideline A.
- 32

33 **C. Allowing Uses Outside of Designated Fish and Wildlife Habitat Areas.** Outside of
34 areas designated Habitat, habitat-altering uses will be sited consistent with the management
35 guidelines in this chapter, and the management intent and guidelines in Chapter 3.

36
37 **D. Habitat Manipulation: General Requirements.** Habitat restoration through water
38 control, timber management practices, removal of pollution sources, or other measures may
39 be used to improve habitat for certain fish and wildlife species where ADFG or the Office of
40 Habitat Management and Permitting, DNR, as appropriate, determines that it is beneficial to
41 the species or habitat and DNR determines that it is compatible with other primary uses.

¹ These publications include, but are not limited to the following: ADFG Regional Habitat Guides and NOAA's Oil Spill Response Atlas. Note to DNR adjudicators: In the event that information is not contained in these publications, consult pertinent publications and coordinate with ADFG and federal agencies with jurisdiction over species in question to determine seasonal windows and use patterns.

1 **E. Habitat Manipulation: Management of Invasive Plant and Animal Species.** The
2 management of invasive plant and animal species is a significant concern within the planning
3 area. The state is to manage its lands and waters to avoid the introduction of and reduce the
4 spread of invasive non-native plants and animals, consistent with the requirements of 11
5 AAC 34. Although the strategic management plan for noxious and invasive plant species
6 recognizes this as a statewide issue, in most instances this problem is best handled at the
7 local level. The local Soil and Water Conservation District has a program in place that
8 currently concentrates on surveying areas of infection and providing landowners with
9 treatment options and Best Management Practices in an effort to manage these species.
10 Contact them for more information.

11
12 **F. Hatchery and Aquatic Farm Source Waters.** To preserve the quality of an existing
13 hatchery's water supply, uses should not be located on state land where they would risk
14 reducing water quality or quantity below that needed by the hatchery.

15
16 **G. Water Intake Structures.** When issuing water rights for waters providing fish habitat,
17 DNR will require that practical water intake structures be installed that do not result in
18 entrainment or impingement of fish and will maintain instream flows needed to sustain
19 existing fish populations. The simplest and most cost-effective technology may be used to
20 implement this guideline.

21
22 Water intake structures should be screened, and intake velocities will be limited to prevent
23 entrapment, entrainment, or injury to fish. The structures supporting intakes should be
24 designed to prevent fish from being led into the intake. Other effective techniques may also
25 be used to achieve the intent of this guideline. DNR, DMLW and Office of Habitat
26 Management and Permitting should be consulted to determine screen size, water velocity,
27 and intake design if the intake structure is in fish habitat.

28
29 **H. Alteration of the Riverine Hydrologic System.** To the extent feasible, channelization,
30 diversion, or damming that will alter the natural hydrological conditions and have a
31 significant adverse impact on important riverine habitat will be avoided.

32
33 **I. Threatened and Endangered Species.** Although there are no threatened or endangered
34 species within the planning area presently, it is possible that species may be added to the
35 Threatened and Endangered Lists in the future². Should species be included in future US
36 FWS listings, land use activities and DNR authorizations will be conducted or issued
37 consistent with both the state and federal Endangered Species Acts to avoid jeopardizing the
38 continued existence of threatened or endangered species of animals or plants, or to provide
39 for their continued use of an area and to avoid modification or destruction of their habitat.
40 Specific mitigation recommendations should be identified through inter-agency consultation
41 for any land use activity that potentially affects threatened or endangered species.

² The status of the Cook Inlet beluga whale stocks is uncertain at this time (2007). A final determination regarding the listing of the beluga whale stocks is due by April 20, 2008. Adjudicators should consult NMFS prior to issuing any tideland authorizations in the Knik Arm of Cook Inlet that would have the potential of affecting this species.

1 The U.S. Fish and Wildlife Service, Division of Ecological Services or the National Marine
2 Fisheries Service will be consulted on questions that involve endangered species.

3
4 **J. Eagles.** Authorizations or disposals that potentially affect bald eagles will be consistent
5 with the state and federal Endangered Species acts and the Bald Eagle Protection Act of 1940
6 as amended. Applicable standards are drawn from a cooperative agreement signed by the
7 U.S. Forest Service and the U.S. Fish and Wildlife Service (USFWS), or such subsequent
8 standards that may be promulgated. These standards, however, may not be adequate in all
9 circumstances, and the USFWS may determine that additional measures are necessary. In
10 addition, meeting the guidelines does not absolve the party from the penalty provisions of the
11 Bald Eagle Protection Act; therefore, the USFWS should be consulted when activities may
12 affect bald or golden eagles.

- 13
14 **1) Siting Facilities to Avoid Eagle Nests.** Facilities determined by the U.S. Fish and
15 Wildlife Service to cause significant disturbance to nesting eagles will not be allowed
16 within 330 feet of any bald eagle nest site, whether the nest is currently active or not.
17
18 **2) Activities Disturbing Nesting Eagles.** Activities the U.S. Fish and Wildlife Service
19 determines likely to cause significant disturbance to nesting eagles will be prohibited
20 within 330 feet of active bald eagle nests between March 15 and August 31.
21 Temporary activities and facilities that do not alter eagle nesting habitat or disturb
22 nesting eagles, as determined by the USFWS, may be allowed at other times.

23
24 **K. Moose Winter Concentration and Calving Areas.** Portions of the planning area are
25 important for moose calving and rutting, or are used as winter concentration areas. Calving
26 typically occurs from May through June, depending upon location. Uses that are likely to
27 produce levels of acoustical or visual disturbance sufficient to disturb calving, rutting, or
28 post-calving aggregations that cannot be seasonally restricted should not be authorized in
29 these areas. Uses may be authorized in these areas at other times of the year. DNR
30 authorizations should include seasonal restrictions on activities that would produce
31 significant acoustical or visual disturbance during sensitive periods.

32
33 Moose calving and rutting areas change over time. ADFG should be consulted prior to
34 issuing an authorization in an area suspected to contain such concentrations in order to better
35 determine: 1) the location of calving and rutting areas; 2) when activities within these areas
36 should be avoided; and 3) identify appropriate mitigation measures if no feasible or prudent
37 alternative site exists. Refer to a management unit's 'Uses and Resources' section in the
38 Resource Allocation Tables to determine whether the presence of a rutting or calving area is
39 likely or if it is a winter concentration area.

40
41 **L. Tundra Swan Nesting Areas.** In tundra swan nesting areas, uses that would disturb
42 nesting swans or detrimentally alter the nesting habitat should be avoided. The siting of
43 permanent facilities, including roads, material sites, storage areas, and other forms of
44 permanent structures should be avoided within one-quarter mile of known nesting sites.
45 Surface entry should also be avoided within one-quarter mile of nesting sites between April 1
46 and August 31. Leases or permits may require seasonal restrictions on activities to avoid

1 disturbance to swans. Consult with ADFG and USFWS to identify current or potential
2 nesting habitat and to determine guidelines to follow and activities to avoid. The standards
3 of Guideline M, 'Activities in Important Waterfowl Habitat', also apply. Refer to an upland
4 management unit's 'Resources and Uses' section in the Resource Allocation Tables to
5 determine if the presence of a nesting area is likely.
6

7 **M. Activities in Important Waterfowl Habitat.** In important waterfowl habitat, activities
8 requiring a lease, permit, or development plan, and producing habitat disturbance or high
9 levels of acoustical or visual disturbance from sources such as boat traffic, vegetation
10 clearing, construction, blasting, dredging, and seismic operations, will be avoided during
11 sensitive periods such as nesting, staging, or brood-rearing periods. Where it is not feasible
12 and prudent to avoid such activities, other mitigation measures may be required to avoid
13 significant adverse impacts. Consult with ADFG to identify areas of important waterfowl in
14 addition to those identified in the tidelands management units in this plan and to determine
15 appropriate mitigation or avoidance measures.
16

17 **N. Fish and Wildlife Enhancement on State Lands.** Fish and wildlife enhancement
18 activities on state lands, whether by ADFG or other parties, will be consistent with the
19 management intent for those lands. Enhancement activities likely to attract significant public
20 use, including sport fishing use, will be designed and located to minimize the impact of
21 additional public use on the existing recreation resources, including anchorages, campsites,
22 and existing and intended wilderness values.
23

24 **O. Protection of Fish and Wildlife Resources - Transportation Facilities.** Important fish
25 and wildlife habitats such as those described as riparian areas, fish and wildlife movement
26 corridors, important wintering areas, and threatened or endangered species habitat should be
27 avoided in siting transportation routes unless no other feasible and prudent alternatives exist.
28 Location of routes and timing of construction should be determined in consultation with the
29 ADFG and OHMP.
30

31 **P. Anadromous Stream Mouths within Tidelands.** Anadromous stream mouths³ shall be
32 protected by a management zone. Only activities compatible with the protection or
33 maintenance of anadromous habitats are to be authorized in a zone occurring within a 300'
34 radius measured seaward from MHW at the mouth of these streams. Leases, disposals, and
35 other authorizations should not be approved within this zone unless consultation with ADFG
36 and OHMP determines that the proposal is compatible with the intent of protecting
37 anadromous fish resources.
38

39 **Q. Other Guidelines Affecting Fish and Wildlife Habitat.** Other guidelines may affect
40 the protection and management of fish and wildlife habitat. See other sections of this
41 chapter.

³ As identified in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes and its associated Atlas.

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Forestry

The forest resources of the Southeast Susitna planning area are a mixture of White spruce and Paper birch in the upland areas with cottonwood and Balsam poplar in the lowland areas. Paper birch is the dominant species in this boreal forest type. White spruce has commercial value for sawlogs and woodchips. The commercial value of the Paper birch is for wood chips with some sawlog value in birch which contains little or no defect. Most of the birch within the Southeast Susitna is over 70 years old and contains a high percentage of rot or defect. There are some specialty markets for the cottonwood and Balsam poplar but for the most part these species have little commercial value at the present time in this area.

Goals

Personal Use Timber. Provide timber to meet the needs of Alaskans. This program will be provided on a demand basis when the operational costs of administering this program are satisfactory.

Economic Opportunities. Provide for economic opportunities and stability in the forest products industry by allowing the use of state uplands in areas designated Forestry.

Support Timber Industry. Continue to perform reviews of private timber harvests for adherence to the Forest Practices Act and provide information and technical expertise in the management of forest resources to this industry.

Wildland Fire Suppression. DOF shall continue to provide wildland fire suppression within the planning area consistent with the requirements of the Alaska Interagency Fire Management Plan.

Management Guidelines

A systematic program of scheduled timber harvests is appropriate within the planning area. Timber management activities are subject to the following management guidelines in addition to the requirements of the state Forest Practices Act, the Susitna Forestry Guidelines, and any Forest Land Use Plan for a specific area.

Another important component of the state forestry program within the planning area is fire management. A management guideline is included that describes the broad aspects of this program. The implementation of the state fire management program is identified and controlled in detail by the Alaska Interagency Fire Management Plan.

A. Timber Harvest Guidelines

1) All timber harvest activities must be compatible with the general management guidelines of this section and with the management intent statements and land use designations identified in specific management units of this plan found in Chapter 3. Systematic timber harvest programs are to be conducted in areas designated Forestry within the planning area. Forest harvest operations conducted on a parcel of state land intended for subdivision development by DNR can precede actual construction. However, these operations must be consistent with the subdivision plan for the parcel; consultation with DMLW is required before commencing operations.

2) All timber harvest operations will be conducted in accordance with the stipulations in the Forest Land Use Plan, the Alaska Forest Resources and Practices Act (AS 41.17 & 11 AAC 95), the Alaska Land Act (AS 38.05 & 11 AAC 71), and other pertinent state guidelines and laws. The Forest Practices Act provides statewide guidance and policy for managing forestry related activities. The specific layout and other site-specific requirements of a timber sale is addressed through a Forest Land Use Plan (FLUPs), which is prepared prior to any commercial timber harvest or sale (AS 38.05.112).

FLUPs developed for timber sale or harvests in the planning area are to be consistent with the Forestry Management Guidelines of this Chapter and the Management Guidelines specified for particular parcels in Chapter 3. FLUPs shall consider, in their preparation, the sensitive resources and wildlife, or any other significant factors, identified in the Management Guidelines for a parcel.

3) Land conveyed out of state ownership for the purpose of settlement, or another form of active land use, shall not be used for commercial timber harvest and sale. Subdivisions or disposals of state land by DNR shall preclude the sale of merchantable timber harvested on lots or parcels conveyed out of state ownership. The format used to impose this restriction is at the discretion of the DMLW Regional Manager. This guideline is not intended to preclude the cutting of trees or other vegetation as part of the process of land clearing or site development.

B. Sort Yards. Sort yards will be constructed, sited, operated, and monitored in order to minimize the impact on state land and resources. The design, development, and use of these facilities shall be consistent with the Log Transfer Facility Siting, Construction, Operation, and Monitoring/Reporting Guidelines (October 1985), or successors to these standards that may be approved by DNR and ADFG.

C. Timber Salvage From Rights-of-Way. Timber with commercial or personal use value should be salvaged from lands that are to be cleared for other uses such as roads, transmission lines, material sites, mining, and habitat enhancement projects (AS 41.17.083). The DMLW Regional Manager shall determine the amount and kind of material that is to be salvaged.

1 **D. Personal Use Wood Harvest.** When forested lands are available near communities and
2 where personal use harvest is consistent with other purposes for which the land is being
3 managed, DOF will provide wood products for personal use. This program will only be
4 undertaken, however, if it can be effectively and efficiently administered by DOF.

5
6 **E. Sustained Yield of Forest Resources.** Forestland will be managed to guarantee
7 perpetual supplies of renewable resources to serve the needs of all Alaskans for the many
8 products, benefits, and services obtained from them. The annual allowable harvest will be
9 calculated using the area control method and will be based on the guidelines in Susitna
10 Forestry Guidelines. Only areas designated 'Forestry' in this plan are to be included in the
11 sustained yield calculation for stands within the SSAP planning area.

12
13 **F. Salvage of Damaged Trees.** Trees damaged due to wind throw, insect, or disease
14 conditions may be salvaged on all land use designations unless management intent statements
15 for specific management units in Chapter 3 specifically prohibit salvage harvest. A Forest
16 Land Use Plan, if required, will provide the rationale for conducting the salvage harvest and
17 describe how the action will not conflict with the management intent for each management
18 unit.

19
20 **G. Fire Disturbance.** The intent of fire management is to identify where wildland fire can
21 be allowed or management ignited fires can be used to reduce costs of fire suppression,
22 reduce the risk of damaging fires, and maintain the natural diversity and productivity of
23 forest stands. Fire suppression will be a priority near residential areas or other forms of
24 active land use, high value recreation use areas, and areas with infrastructure development.
25 Consistent with AS 41.15.010 and AS 41.15.020, DOF will protect forest resources from
26 destructive agents commensurate with the values needing protection. However, where
27 feasible, wildland fires will be allowed to burn and suppression will be limited to decreasing
28 the long-term risk of damaging fires and to maintaining the natural diversity of forest stands,
29 stand ages, and habitat types. Where allowing wildland fire is not feasible, timber harvest,
30 management ignited fires, and habitat enhancement techniques will be used to disturb the
31 forest and maintain a natural range of forest types and stand ages. Specific fire suppression
32 levels are identified in the Alaska Interagency Fire Management Plan.

33
34 **H. Other Guidelines Affecting Forestry.** Other guidelines will affect management
35 practices for timber development support facilities and forestry. See other sections of this
36 chapter.

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Instream Flow

Goal

Instream Flow. Maintain water quantity and quality sufficient to protect the human, fish, and wildlife resources and uses of the region.

Management Guidelines

A. Stream Uses to Consider for Instream Flow Reservation (General). Streams, lakes, and other waterbodies may be considered for instream flow reservations under AS 46.15.145. Such reservations are intended to maintain a specified instream flow or level of water at a specified point on a stream or body of water, or a specified part of a stream, throughout the year or for specified times. The purposes of the reservation, defined in statute, include: 1) protection of fish and wildlife habitat, migration, and propagation; 2) recreation and park purposes; 3) sanitary and water quality purposes; and 4) navigation and transportation purposes.

B. Priorities. Instream flow reservations have been established on Cottonwood Creek, Deception Creek, Little Susitna River and Willow Creek. Applications are pending adjudication for Fish and Meadow creeks. Instream flow reservations should be established over the planning period for Little Willow, Lily, Fish, Meadow, Wasilla, Spring, Threemile, Lucille, and Goose creeks, as well as the inlet stream of Nancy Lake. Other high value resource streams and lakes should be evaluated, where funding is available, and instream flow reservation applications should be prepared. Proposals for major new developments requiring substantial water use or uses of water that will negatively impact instream flows needed to produce fish, sustain water quality, provide for navigation, and/or recreation should include an evaluation of the need for an instream water reservation or other forms of instream flow protection.

C. Process for Determining Reservations. Requests for instream flow reservations are submitted to the Department for adjudication following the procedures identified in 11 AAC 93.141-147. In general, these procedures estimate the quantity of water seasonally available and review the amount of water already appropriated in consideration of the requested instream flows for the uses and resources to be protected.

D. Other Guidelines Affecting Instream Flow. Several other guidelines will affect instream flow. See other sections of this chapter.

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Material Sites

Goal

Land for State-Owned Materials Sites. Maintain in state ownership and make available to public and private users sufficient, suitably located materials sites to meet long-term economic needs of the area for material resources.

Management Guidelines

A. Preferred Material Sites. When responding to a request for a material sale or identifying a source for materials, the highest priority should be given to using existing upland material sources. Using materials from wetlands, lakes, tidelands, and active or inactive floodplain rivers or streams should be avoided unless no feasible public upland alternative exists. As a general policy, sales or permits for gravel extraction will not be permitted in known fish spawning areas. Material sites shall be maintained in public ownership unless the management intent language for a specific management unit indicates that it may be appropriate for alternative uses.

B. Maintaining Other Uses and Resources When Siting, Operating or Closing Material Sites. Before materials are extracted, the adjudicator will ensure that the requirements of the permit or lease adequately protect other important resources and uses. The disposal of materials should be consistent with the applicable management intent statement and management guidelines of the plan. In some instances areas occupied by a material site may be appropriate for reuse for settlement or another form of development. When this occurs, this is noted in the ‘management intent’ of the affected unit and reuse of the parcel for the intended use is appropriate. If this occurs, the reclamation plan shall take this into consideration and account for the probable reuse.

C. Land Sales in Areas of High Material Potential. Generally, if a settlement area contains sand and gravel deposits, rock sources or other similar, high value material resources, a pit area should be identified during subdivision design and retained in state ownership for future use.

D. Screening and Rehabilitation. Material sites shall be screened from roads, residential areas, recreational areas, and other areas of significant human use. Sufficient land should be allocated to the material site to allow for such screening. Material extraction sites adjacent to the Parks Highway shall provide a vegetation buffer of 75’ or more. Rehabilitation of the site shall follow the requirements of AS 27.19.020 and 11 AAC 97.250.

E. Protection Area Adjacent to Anadromous Waterbodies. A riparian buffer of at least 100’ shall be provided adjacent to anadromous waterbodies. The adjudicator is to consult with ADFG and OHMP on the width of the protection area prior to issuing an authorization.

- 1 **E. Coordination with Matanuska-Susitna Borough.** Prior to granting authorizations for
- 2 material sales, the DNR should coordinate with the Matanuska Suisitna Borough to
- 3 determine applicable local land use requirements.
- 4
- 5 **F. Other Guidelines Affecting Materials.** Other guidelines will affect the use of material
- 6 resources. See other sections of this chapter.

Recreation, Tourism, and Scenic Resources

Goal

Recreation Opportunities. Lands will be provided for accessible outdoor recreational opportunities with well-designed and conveniently located recreational facilities. In addition, undeveloped lands should be provided for recreation pursuits that do not require developed facilities. These opportunities shall be realized by:

- providing recreation opportunities on less developed land and water areas that serve multiple purposes such as habitat protection, timber management, and mineral resource extraction;
- assisting communities through cooperative planning, conveyance of state lands, and grants-in-aid for parks and trails within population centers;
- encouraging commercial development of recreational facilities and services through concession contracts, land sales, leases, and permits where public recreation needs can most effectively be provided by private enterprise, while minimizing environmental impacts and conflicts with the existing users of an area;
- protecting recreation resources including public access, visual resources, fish and wildlife important for recreation, and, where appropriate, the isolation and unique wilderness characteristics of the planning area.

Management Guidelines

A. Coordination with Other Landowners and Users of an Area. Recreation management, including the location and management of recreation facilities, will take into account the current and projected future uses of lands owned by local governments and private landowners, and should strive for compatibility with adjacent current and projected uses.

B. Roles of Different Public Land Owners in Providing Public Recreational Opportunities. Generally, the state's role is to retain and manage land supporting recreational opportunities of regional or statewide significance. The state and federal governments are most capable of providing recreational opportunities that require large land areas, while local government is generally best suited for providing and managing community recreation opportunities. To recognize local government's role in providing community recreation needs, the state may transfer state land designated Public Recreation - Dispersed (Rd) or state recreation sites within or near existing communities, if the

1 municipality has parks and recreation powers and if this action is in the overall best interest
2 of the state (AS 38.05.810). The selection of these sites shall be agreed to by local
3 government and the state, and shall be contingent on the local government’s commitment to
4 develop and maintain the recreation uses, facilities, and values of these areas.
5

6 **C. Public Use Sites.** Uses that adversely affect public use sites or areas should not be
7 authorized. Uses that are made available to the public, recreational or other sites (such as
8 airstrip development or docks) may be authorized if consistent with the management intent
9 for the public use site or area and if there is a demonstrated public need.
10

11 **D. Private Commercial Recreation Facilities and Operations on State Land.** Lodges or
12 other private commercial facilities and operations designed to be run as or to support private
13 commercial recreation facilities may be authorized if the facility or operation fulfills the
14 conditions outlined in this section, conforms to the requirements of AS 38.05.850,
15 AS 38.05.070 and .075 or AS 38.05.073, or a management plan is prepared in accordance
16 with AS 41.21.302(c) authorizing the facility.
17

18 If so authorized, the facility or operation should be sited, constructed, and operated in a
19 manner that creates the least conflict with natural values and existing uses of the area. The
20 commercial facility and the use it generates should avoid significant adverse impacts on fish
21 and wildlife habitat and existing uses of an area. For facilities supporting recreational fish
22 and wildlife harvest, ADFG should be consulted on the possible effects of increased harvest
23 on fish and wildlife resources, and on established commercial, recreation, and subsistence
24 users.
25

26 **E. Commercial Recreation Leasing Processes.** There are two processes for leasing state
27 land for commercial recreational facilities – one process is described by AS 38.05.073, the
28 other by AS 38.05.070 and .075. Unless Chapter 3 specifically requires the .073 commercial
29 leasing process for a management unit, applications may be adjudicated under either process.
30 DNR will determine the appropriate process on a case-by-case basis. ADOT/PF has its own
31 leasing process that applies to land it manages in rights-of-way, airports, materials sites, and
32 other lands and facilities it manages.
33

34 1) **The .070 / .075 Process.** The .070 / .075 process is simpler and faster, but it offers
35 the state less flexibility in choosing the lessee and in structuring lease payments. It is
36 generally suited to small projects with few anticipated impacts. The management
37 intent for the parcel need not specifically state that this type of leasing is an allowed
38 use for it to be authorized under this process.
39

40 2) **The .073 Process.** The .073 process is longer, but it allows submission of alternative
41 proposals for a particular lease, requires more public involvement in reviewing a
42 proposed lease, and offers the state more choices for structuring payments on the
43 lease. The .073 process is generally suited to large projects that are likely to have
44 significant impacts on surrounding areas. Under the .073 process, DNR will give
45 public notice that it intends to solicit proposals for a lease. DNR will then prepare a
46 “request for proposals” that must include specific information on the lease and must

1 be advertised in state and local newspapers. Once a prospective lessee has been
2 chosen, DNR must give public notice and hold public meetings on the preliminary
3 decision to issue the lease.
4

5 For a .073 lease to be considered in a parcel, the plan must specifically allow for this
6 type of leasing in a management unit before it can be authorized. Since no parcels are
7 identified in this area plan specifically for commercial recreation leasing under the
8 .073 process, a plan amendment will be required to accommodate this use.
9

10 DNR may impose eligibility standards, including proof of the developer's financial
11 backing and capability, experience in this type of development, ability to meet
12 bonding or insurance requirements, and ability to comply with resource and
13 environmental analysis requirements.
14

15 The .073 process requires that potential economic, social, and environmental impacts
16 of the proposed project must be evaluated. DNR may require the prospective
17 developer to fund additional studies; the studies must involve the appropriate state
18 agencies, and ADFG must approve any studies involving fish and game.
19

20 **F. Permits and Leases Adjacent to Recreation Facilities.** Upland uses may be allowed
21 adjacent to public recreation facilities if the land manager determines that the two uses can be
22 made compatible by design, siting or operating guidelines; or if the land manager determines
23 there is no feasible and prudent alternative for the activity. This guideline also applies to
24 sites reserved for future recreation facilities. The land manager's determination will be made
25 after consultation with the facility manager.
26

27 **G. Other Guidelines that Affect Recreation, Tourism, and Scenic Resources.** Other
28 guidelines will affect recreation, tourism, and scenic resources. See other sections of this
29 chapter.

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Settlement

Background

The development of the Susitna Valley over the past 25 years has been characterized by extensive residential development. Most such development has occurred near or adjacent to the Parks Highway or in areas where the Matanuska-Susitna Borough or a private party, through the Borough platting process, has provided road access. It is likely that the next 25 years will see the further development of residential uses in the Susitna Valley, with the location and density of such uses the result of road access, favorable soils and terrain, and Borough platting requirements.

The Settlement designations in this revision of the Southeast Susitna Area Plan total approximately 33,900 acres or about 16% of the total state land inventory. Settlement areas primarily occur in the more accessible and better drained uplands in the Houston, Willow, Kashwitna, and Kashwitna Uplands regions. Reflecting the limited remaining state land there, there are relatively few settlement areas within the Palmer-Wasilla region, which also includes the Knik - Point MacKenzie subregion.

The application of the Settlement designation to a specific parcel resulted from the consideration of a number of factors. It was primarily based on whether it had reasonable access by road, water, or air, consisted of topography that would be suitable for development, and posed minimal conflict with recreation, scenic values, important fish and wildlife resources, or resource development. Compatibility with adjacent land uses and the plan designations used herein were also considered.

Goals

Private Land Ownership. Provide suitable public land for transfer to private ownership for settlement purposes. DNR will attempt to satisfy three settlement categories within the planning area:

- 1) **Seasonal residences for recreation.** DNR will offer land suitable for seasonal recreation use. This land will be provided as demand warrants, subject to the availability of funding. This category of land disposal is intended to provide land, often in remote locations, for recreational needs. No public facilities and services are intended to be provided.
- 2) **Year-round residences for community expansion.** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and work is, or will be, in the area of the disposal. It also includes land disposals of commercial and industrial land to accommodate the expansion needs of communities. This land will be provided as demand warrants, subject to the availability of funding.

1 **3) Industrial or commercial development.** DNR will sell, lease, or protect for future
2 use suitable land for private commercial and industrial uses. Within the SSAP
3 planning area most land designated Settlement is intended for residential use.
4 Relatively few parcels are suitable for possible commercial or industrial development
5 and these are indicated in the Resource Allocation Table. If DNR sells the land, the
6 timing of this disposal will depend on market demand and adequate funding.

7
8 **Community, Social, and Aesthetic Values.** In designing future disposals, DNR will
9 maintain compatibility with the cultural lifestyle and aesthetic values of residents and users,
10 and minimize undesired impacts on those values while considering the needs and demands of
11 all state residents.

12
13 **Protection of Critical Recreational Areas and Environmental Resources.** Sensitive
14 environmental features, habitat resource areas, and areas (or corridors) used by local
15 residents for recreation will be taken into consideration in subdivision design and
16 subdivisions should be developed to protect or maintain these features.

17
18 **Fiscal Impacts.** Land disposals should be sited and planned to minimize the costs of
19 infrastructure and other services resulting from settlement. Disposals should be focused on
20 areas of existing settlement; areas along the road system or a waterway that can be easily
21 accessed by water transport; or areas where service requirements may be provided by local
22 government or community organizations.

23
24 **Coordination with Local Governments and Landowners.** Where state land adjoins
25 Borough land and where both areas are designated for Settlement, consideration should be
26 given to the coordination of land disposal programs in order to achieve economies of scale
27 and reduce infrastructure costs. Coordinate state land offering programs with similar
28 programs of local governments and major landowners to best achieve common objectives.

29 30 31 **Management Guidelines**

32 33 **A. Planning and Coordination**

- 34
35 **1) Competition.** The state may compete with the private sector or local governments if
36 necessary to satisfy demand, provide market choice, or moderate unreasonably high
37 prices.
38
39 **2) Local Plans.** DNR will comply with provisions of the Borough comprehensive plan
40 and zoning ordinance (if applicable) regarding the location and density of land
41 development except to the extent that local requirements are inconsistent with a major
42 overriding state interest.
43

1 **3) Coordination with Local Governments.** Where state land adjoins Borough land
2 and where both areas are designated for Settlement, consideration should be given to
3 the coordination of land disposal programs in order to achieve economies of scale and
4 reduce infrastructure costs.
5

6 **4) Pacing.** Settlement offerings may be phased over 20 years, the life of this plan. The
7 timing and extent of disposals will depend upon anticipated demand, availability of
8 funding, the rate of community expansion, the availability of or costs to provide
9 necessary infrastructure, and the particular land requirements of such expansion.
10 Another factor may be whether the disposal will generate a demand for services that
11 cannot be reasonably expected to be met by local government or community
12 organizations.
13

14 **5) Areas Designated General Use.** The large areas of state land within the Southeast
15 Susitna that are designated General Use (about 7,000 acres) are generally not suitable
16 for development during the planning period. Most General Use areas are inaccessible
17 and remote and generally unsuitable for development because of the presence of
18 adverse topography, drainage, and extensive areas of wetlands that adjoin these areas.
19 This makes the uplands within the General Use areas difficult to develop because of
20 the costs and difficulty of road construction in the adjacent wetlands. For these
21 reasons, residential development during the planning period in areas designated
22 General Use is considered generally inappropriate except in those areas that adjoin
23 parcels designated Settlement, where road access has been provided to adjoining
24 properties, or for remote land disposals that are not dependent upon access.
25

26 **B. Types of Settlement Land and Land Offerings.** The nature of state land available for
27 private ownership is influenced by both the characteristics of land designated for settlement,
28 and the type of land sales program that makes it available. The Southeast Susitna Area Plan
29 designates certain lands for settlement and provides guidelines for land sales, but does not
30 develop or require a specific land sales program.
31

32 Unlike other recent area plans, this plan does not designate a particular type of settlement
33 pattern. In other area plans, a distinction is made between remote settlement and subdivision
34 type settlement offerings. This approach is appropriate in large geographic areas where there
35 is a mix of state land adjacent to communities and remote from such areas. The Bristol Bay
36 Area Plan provides an example of this situation. This is not the case in the Southeast Susitna
37 where most development will be fairly close to population centers and a developed road
38 system, and it is expected that most state land will be offered as presurveyed lots. However,
39 it is also possible that the remote eastern areas of the Kashwitna-Willow Uplands region may
40 be suitable for remote staking. The decision as to which type of settlement pattern
41 (presurveyed lots or remote staking) is appropriate is to be made on a case-by-case basis by
42 DMLW.
43

1 **C. Protection, Management, and Enhancement of Other Resources**

2
3 **1) Protect Life and Property.** DNR should design and develop subdivisions to protect
4 life and property. Sensitive areas such as wetlands or potentially dangerous areas
5 such as areas with unstable soil, riverbanks subject to active stream erosion, or within
6 floodways or floodplains, should be avoided in subdivision design or protected by
7 retaining these areas in state ownership or restricting their use through developmental
8 reservations or restrictions. Easements or plat notes can be used for this purpose in
9 lieu of retaining land in state ownership.

10
11 **2) Protect and Manage Valuable Environmental Areas.** The state will provide, in its
12 design of land disposals, an open-space system to preserve important fish and wildlife
13 habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands.
14 Where appropriate other design and management approaches may be used; these may
15 complement an open space system or substitute for it, although preference should be
16 given to the provision of an open space system.

17
18 These areas should be designed to provide the necessary linkage and continuity to
19 protect or increase values for human uses and wildlife movements. In some places,
20 large areas may be protected to provide adequate terrestrial habitat.

21
22 **3) Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will
23 set a higher priority on protecting public use values than on providing opportunities
24 for private ownership of land. Disposals near streams with important recreation value
25 will be designed to protect riparian habitat and protect access to and along the stream
26 for fishing, hiking, camping, and other recreational activities. Disposals near streams
27 that have important fish or wildlife habitat or wildlife value will be designed to insure
28 the protection of the habitat or wildlife.

29
30 In certain limited cases, it may be appropriate to provide land for private use, but such
31 an action must be in the overall best interests of the state. Before lands are disposed
32 of in stream corridors, DNR will assess existing and projected public use needs
33 associated with the stream corridor, in consultation with other affected agencies and
34 the public. Depending on the context, DNR may either protect these areas through
35 retaining land in state or public ownership or through the imposition of a reservation
36 of an interest in land for the maintenance of riparian values and access.

37
38 **4) Protect and Enhance Scenic Features.** DNR will design and develop subdivisions
39 to protect or maintain unique geologic and scenic features such as cliffs, bluffs, or
40 waterfalls. These areas should be avoided altogether or protected in subdivision
41 design and development through the use of reservations or plat restrictions. Where
42 scenic views exist, lots should be oriented to this feature.

43
44 **5) Mineral Closing Orders.** Generally, state upland parcels designated Settlement do
45 not coincide with patterns of historical or potential mining activity in the planning
46 area. Since little potential conflict is expected to exist, this plan does not create any
47 new Mineral Closing Orders or Leasehold Location Orders. However, Mineral
48 Closing Orders are recommended for use at the time that an area is being considered

1 for disposal for purposes of settlement or other forms of development that would be
2 inconsistent with mining activity. The timing of the closure is at the discretion of the
3 Department, but should be early enough in the process to avoid the inadvertent
4 staking of mining claims. The current Mineral Closing Orders affecting existing
5 areas of settlement or proposed settlement will be retained.
6

- 7 **6) Timber Harvest.** Timber harvests are considered appropriate in areas designated
8 Settlement if intended to support the costs of subdivision development, provide
9 access to the subdivision, or provide ancillary facilities subject to the other
10 requirements of the Forestry standards in this Chapter. Selective harvesting of timber
11 before construction of the subdivision is considered appropriate, if authorized by the
12 Regional Manager, DMLW. Land conveyed out of state ownership for the purpose of
13 settlement, or another form of active land use, shall not be used for commercial
14 timber harvest and sale. Subdivisions or disposals of state land by DNR shall
15 preclude the sale of merchantable timber harvested on lots or parcels conveyed out of
16 state ownership. The format used to impose this restriction is at the discretion of the
17 Regional Manager, DMLW. This guideline is not intended to preclude the cutting of
18 trees or other vegetation as part of the process of land clearing or site development.
19
- 20 **7) Protect and Enhance Recreational, Educational, and Cultural Opportunities.**
21 DNR should determine the need for and retain appropriate areas for outdoor
22 recreation, hunting, fishing, trails, campsites, boat launches, historic sites, and areas
23 for scientific study. Areas for intensive and dispersed use will be preserved.
24

25 **D. Design.**

- 26
- 27 **1) Provide State Land for Important Environmental and Resource Development**
28 **Purposes.** DNR, as a general policy, should retain appropriate green belts, public-use
29 corridors, water supply areas, riparian and coastal buffer areas, material sites, roads
30 and other public facilities, as well as other open space to create a desirable land use
31 pattern in developing areas. Where appropriate other design and management
32 approaches may be used; these may complement retained areas or substitute for them.
33

34 Generally, however, subdivision design should provide for the creation of an open
35 space system designed to protect or maintain important uses and values. Depending
36 on the context, DNR may either protect these areas through retaining land in state or
37 public ownership or through the imposition of a reservation of an interest in land for
38 the maintenance of riparian values and access.
39

- 40 **2) Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-
41 round settlement to areas where services exist or can be provided with reasonable
42 efficiency. State land that is located beyond the range of existing schools and other
43 necessary public services or that is located where development of sources of

1 employment is improbable will be sited and designed to encourage seasonal use with
2 sufficient separation between residences so that public services will not be necessary
3 or expected. Wildfire management costs that result from settlement will be
4 considered and minimized to the extent feasible.
5

6 **3) Ensure Access.** DNR should ensure that legal, practical public access (roads, trails,
7 or other options most appropriate to the particular situation) is identified and reserved
8 to and within land offerings. However, the state is not legally obligated to construct
9 roads. In instances where a subdivision or other development is to abut a major
10 arterial, the location of driveway and main road access is to be coordinated with
11 ADOT/PF and other approving agencies. Section line or other easements should not
12 be relied on for access without field inspection of the practicality of such routes,
13 where topography or other conditions might make the practicability of the section line
14 location suspect. Identified access routes should be described in the land-offering
15 brochure. Where needed to reduce the likelihood of conflicts with existing private
16 owners, DNR may brush or flag public access routes to land offering projects.
17

18 **4) Subdivision Design.** Subdivisions will be designed to preserve and enhance the
19 quality of the natural setting and the recreational opportunities that make an area
20 attractive to potential buyers. State subdivision design will take account of site
21 limitations and opportunities such as slope, drainage, soils, erosion, riparian zone and
22 coastal buffer, and other features to ensure that sites offered are buildable and can be
23 developed without the need for extensive public infrastructure. DNR should review
24 Borough subdivision requirements prior to the initiation of subdivision design. See
25 also design requirements described in C(1) and D(1), described previously.
26

27 **E. Other Guidelines Affecting Settlement.** Other guidelines will affect settlement. See
28 other sections of this chapter.

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Shorelands and Stream Corridors

Goals

Recreation. Provide opportunities for a variety of recreational activities within publicly owned stream and tideland corridors, including both wilderness and developed recreational activities.

Habitat. Protect fish and wildlife habitats along tidelands, lakeshores, stream corridors and wetlands.

Water Quality. Protect water quality to support domestic uses, fish and wildlife production, and recreational activities. Protect watersheds that supply community drinking water.

Water Dependent and Water Related Uses. Provide for needed water dependent and water related uses.

Management Guidelines

A. Alaska Clean Water Act (ACWA). In accordance with the ACWA program, DNR will work with the departments of Fish and Game and Environmental Conservation to protect and improve water quality, water quantity and fish habitat. Any development that impacts anadromous fish bearing waters or resident fish streams under AS 41.14.870 and .880 may require a permit from OHMP.

B. Priority of Public Uses in Stream Corridors. DNR will place a higher priority on protecting public use values in stream corridors than on providing opportunities for private ownership or development of land. However, the department recognizes the demand for property along streams and will provide land for private purchase in some stream corridors. Prior to the disposal of stream corridor lands, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with the stream corridor. State land sales programs near streams having important recreation value will be designed to protect access to and along the stream for fishing, hiking, camping, and other recreational activities. Similarly, disposals near streams that have important fish or wildlife habitat or wildlife value will be designed to ensure the protection of the habitat or wildlife.

C. Public Access Adjacent to Waterbodies. Pursuant to AS 38.05.127, legal public access will be reserved in order to protect the public's right to travel to and along the shore of a waterbody without encouraging trespass. Permits, leases, and plans of operation for commercial and industrial uses, transportation facilities, pipelines and other water dependent uses may be authorized on state uplands adjacent to waterbodies if their activities are

1 consistent with the management intent for the area and if they maintain tideland and stream
2 bank access, and protect important fish and wildlife habitat, public water supplies, and public
3 recreation. Trails and other forms of non-motorized public access are generally considered to
4 be appropriate within these areas, if they meet the conditions listed in 11 AAC 96.025.

5
6 Where feasible and prudent, there should be setbacks between these activities and adjacent
7 waterbodies. The width of this setback may vary depending upon the type and size of the
8 use, but must be adequate to maintain public access to and along riparian areas.

9
10 **D. Protection of Land Adjacent to High Value Waterbodies.** When the management
11 intent for state land adjacent to waterbodies (including tidelands, streams, or lakes) is to
12 protect wildlife habitat, anadromous or high value resident fish streams, or provide for
13 intensive recreation uses associated with fishing, picnicking, hunting, camping, or other
14 similar uses, the state should retain ownership of the adjacent uplands. Alternatively, to
15 minimize on-going management responsibilities or for some other public purpose, a riparian
16 buffer should be imposed. See Table 2-1 for requirements related to ‘riparian buffers’. In
17 instances involving a land disposal, the area of a riparian buffer may be reserved as public
18 open space to be maintained by a common interest association. Whichever method is chosen,
19 they should be designed to minimize negative impacts on visual character, habitat value,
20 water quality, and ensure public access.

21
22 State owned buffers or riparian buffers may be retained along the full length of the
23 waterbody or on segments of the waterbody determined to have high current or future use,
24 public use, or to require habitat protection. If the intent is to provide forested wildlife
25 habitat, the width and configuration of this buffer shall be determined prior to or during
26 preliminary subdivision design or in the Forest Land Use Plan by DNR in consultation with
27 ADFG.

28
29 **E. Retention of Access Easements Adjacent to Waterbodies.** For waterbodies that are
30 not anadromous and where the primary management intent is to protect the public’s right to
31 travel or provide access for utilities, a public use easement under AS 38.05.127 (‘to and
32 along’) should be imposed. The public rights retained in an easement shall be identified and
33 noted in the DNR decision document and on the subdivision plat. In areas that may be
34 sensitive to vehicular travel, the easement should be reserved for pedestrian access only.
35 Access easements may be used in combination with state land that is to be retained for public
36 use or for the protection of environmental resources. In these situations, easements may be
37 used to provide access to areas of state retained sensitive land, or provide access corridors
38 between lots or parcels within the subdivision.

39

1 **F. Protection Easements and Setbacks to Non-Anadromous Waterbodies.** Easements⁴
2 or building setbacks⁵ may be used in those instances where public recreation use is moderate
3 or where sensitive habitat or other environmental resources exist but are not of the same
4 importance as described under Management Guideline D. See the requirements for
5 ‘Sensitive Environmental Areas’ in Table 2-1 when an easement is to be applied. The
6 purpose of the easement or setback should be noted in the Department decision document,
7 and on the subdivision plat. Where a protection easement or setback is to be applied,
8 vehicular use within the area of the easement is inappropriate and should not be authorized.
9 Building setbacks may be used in lieu of a protection easement in those instances where it is
10 not appropriate or necessary for the state to retain any easement rights *or* they may be used in
11 combination with buffers, access easements, and protection easements. Building setbacks
12 used in this fashion provide an added level of protection. See the requirements for ‘Building
13 Setbacks’ in Table 2-1.
14

15 **G. Lakeshore Public Access.** A portion of the lakefront on lakes greater than 10 acres that
16 have or may be expected to have public recreation and all inlets and outlets of lakes of this
17 size and capable of sustaining year-round natural or stocked game fish species shall remain in
18 public ownership for habitat protection and public recreation. Adequate public access to
19 these lakes shall also remain in public ownership or is to be provided through section line or
20 ‘to and along’ easements. The amount of public ownership may vary on a site specific basis,
21 but, at a minimum, some portion of these lakes shall remain public. The size of the public
22 reservation shall be appropriate to its expected long range recreational use and relative to the
23 size of the lake. A width of 100’ or more measured from OHW is to be retained or protected
24 through an easement along inlet and outlet streams. Public use sites on lakes of 10-20 acres
25 shall have at least 4 contiguous acres reserved for public access. For lakes larger than 20
26 acres a public use site of at least 6 acres shall be provided. Units affected by this requirement
27 are identified in the Resource Allocation Tables of Chapter 3.
28

29 **H. Buffer, Easement, and Building Setback Widths**

30

- 31 1) The width of state retained land, access and protection easements, and building
32 setbacks adjacent to waterbodies (tidelands, lakes, streams) will vary, depending on
33 whether the area is a retained parcel or imposed easement, and according to
34 management intent and the specifics of the parcel under consideration. In addition,
35 this width may vary along the area of the tideland, stream, or lake that is to be
36 protected. Establishing widths, especially for publicly retained lands, will be based on
37 the following considerations: recreational activities to be accommodated, floodway
38 and floodplain widths, habitat protection and management objectives, visual quality,
39 use compatibility, prevention of erosion, or retention of a significant hydraulic
40 resource (like a wetland).
41

⁴ These areas are often referred to as ‘protection areas’ in the management units described in the Resource Allocation Tables on Chapter 3.

⁵ The Borough applies a setback of 75’. Setbacks applied to state land shall at least be this width.

1 **2)** Although these widths may vary, the following criteria are provided to establish the
2 minimum width that can be expected on various types of buffers, easements, and
3 setbacks. They are specified here in order to establish some consistency in
4 application and ensure a minimum level of resource and habitat protection or public
5 access. Distances are measured landward from ordinary high water along streams
6 and other inland waterbodies and from the line of mean high water adjacent to coastal
7 waters. Because of the linear nature of streams and certain other habitat or hydraulic
8 features, these minimum dimensions will apply to both sides of the feature that is to
9 be protected. For example, the total protected area along a stream with a 100 foot
10 setback would be 200 feet (100 feet each side).

11
12 If state land is to be retained, it may be preferable to retain a larger width, often 200
13 feet on each side. Widths greater than 200 feet may also be warranted, depending on
14 the specific site characteristics and the importance of the habitat or resources to be
15 protected.

- 16
17 **a)** Riparian buffers on retained⁶ public land along anadromous and high value
18 resident fish streams and waters: 100 feet along each side of the anadromous
19 stream or water. (Widths greater than this amount, up to 300 feet, may be
20 authorized if, after consultation with ADFG, it is determined that larger widths are
21 necessary to protect fisheries, wildlife, or habitat).
- 22
23 **b)** Buffers on other freshwater waterbodies on retained public land: 50 feet along
24 each side of the stream or 50 feet along the shoreline of lakes.
- 25
26 **c)** Protection easements⁷ used in areas of important environmental features: 50 feet
27 on each side of important environmental features, such as high value wetlands.
28 Distances greater than 50' (up to 100') may be appropriate if the feature being
29 protected is considered to be especially sensitive to disturbance and is considered
30 a particularly high value resource; such features might include lacustrine and
31 riverine wetlands, springs, salt licks, or geologic hazards requiring additional
32 distance separation for public safety. Consult ADFG if there is a question as to
33 whether a width greater than 50' should be considered.
- 34
35 **d)** Public access easements, including 'to and along' easements required under
36 AS 38.05.127, or utility easements adjacent to tidelands, lakes, and streams:
37 50 feet.⁸
- 38

⁶ In those instances where state land adjacent to an anadromous is not to be retained by the state, a non-development easement or buffer should be applied. Uses within these easements shall be as noted in the following table or as specified in regulation.

⁷ These areas are sometimes referred to as 'protection areas' in management unit descriptions in Chapter 3.

⁸ Other types of utility easements may be less than this width, depending on the purposes of the easement.

- 1 e) Building setbacks: 100 feet adjacent to anadromous waterbodies and 75 feet
2 adjacent to all other waterbodies. The use of a building setback is usually not
3 required if a ‘riparian buffer’ is being imposed in an authorization. Riparian
4 buffers preclude principal and most accessory structures within the riparian area;
5 only water dependent uses are authorized in these areas. For more detail see
6 ‘riparian buffer’ in Table 2-1.
7

8 **I. Application Requirements for Easements and Buffers Along Waterbodies and**
9 **Related Environmental Features.** Table 2-1 specifies widths and other requirements for
10 easements, buffers and public access in order to ensure consistency between authorizations
11 along waterbodies and related environmental features. On a case-by-case basis, widths may
12 be wider, in order to accommodate floodplain width, bank characteristics, size of the
13 waterbody, extent of present or expected future public use, the need to protect important
14 environmental features, or other relevant factors. Widths can be narrower on a case-by-case
15 basis if it is determined that the harm intended to be avoided by the requirement is not likely
16 to occur because of site-specific circumstances. However, the strip of land must be of
17 sufficient width to allow for public access as well as to screen the waterbody from
18 development, where possible, with an undisturbed strip of vegetation.
19

20 **J. Filling or Leasing of Tidelands for Residential Uses or Structures.** No filling or
21 leasing for residential uses or structures shall be allowed. Access improvements on state
22 tidelands and submerged lands for residential uses and structures, such as docks and boat
23 haul outs, shall also not involve the use of fill.
24

25 **K. Filling or Leasing of Tidelands for Non-Residential Uses and Structures.** If
26 consistent with the requirements of the Alaska Coastal Management Program or a Coastal
27 District Plan, authorizations may be granted for the filling of state tidelands and submerged
28 lands for those non-residential uses or structures that are water-related or water-dependent.
29

30 **L. Other Guidelines for Shorelines and Stream Corridors.** Other guidelines will affect
31 shorelines and stream corridors. See other sections of this chapter.

1 **Table 2-1: Application Requirements for Easements and Buffers Along Waterbodies and Related Environmental Features**
 2

Guideline/ Description	Minimum Width/Measured from	Where it Applies	Primary Purpose	Guidelines
1. Public Access (To and Along Easement) Adjacent to all navigable waters ⁹	50 feet * Landward from ordinary high water line ** Landward and seaward from mean high water line	Along: * Lakes * Streams ** Tidelands	Provide public access along navigable and other waterbodies.	<ul style="list-style-type: none"> Prohibited: Residential structures, fences, and other non-water-dependent structures that will obstruct passage. 'Along' portion of 'To and Along' easement is to be continuous unless topography or land status prevents a continuous easement. The 'To' portion of the 'To and Along' easement has a minimum width of 50 feet but may be increased to 60 feet or more if DNR determines that the need for increased public access to navigable and public waters may justify construction of a road along an easement. A section line easement under AS 19.10.010 can function as a 'To' easement to the extent that the section line easement runs on state land and if the section line easement provides a practical route to the shore or river.
2. Riparian Buffers (Sometimes referred to as 'protection areas' in Chapter 3 management unit requirements.)	100 feet * Landward from ordinary high water line ** Landward and seaward from mean high water line	Along: * Retained public land * Anadromous and high value resident fish streams and lakes.	Protect riparian areas adjacent to anadromous and high value resident fish streams and lakes.	<ul style="list-style-type: none"> Prohibited: Residential structures, fences, and other non-water-dependent structures that will obstruct passage or those uses that may be prohibited by state regulations. Widths up to 300 feet may be authorized if, after consultation with ADFG, it is determined that larger widths are necessary to protect fisheries, wildlife, or habitat.
3. Freshwater Waterbodies Buffer Adjacent to all 'public waters'	50 feet * Landward from ordinary high water line along streams and lakes that are not covered in item #2 but are considered to be 'public waters' or from the edge of the waterbodies, including wetlands, that are to be protected.	Along freshwater waterbodies that are determined to be 'public waters'.	Protect areas adjacent to freshwater waterbodies that are not important riparian areas but that may be important for other public purposes.	<ul style="list-style-type: none"> Prohibited: Residential structures, fences and other non-water dependent structures. Imposed as a public easement with the previous prohibitions. Can be imposed in instances where the To and Along Easement is not applicable if necessary to meet the 'Primary Purpose'. Areas greater than 50 feet may be imposed on a case-by-case basis.

3
4
5

⁹ See 11 AAC 51.035 for determination of Navigable and Public Water. See also 11 AAC 51.045 for easements 'To and Along Navigable and Public Water'. Other waters may be considered on a case-by-case basis.

Guideline/ Description	Minimum Width/Measured from	Where it Applies	Primary Purpose	Guidelines
4. Sensitive Environmental Features Buffer	50 feet *** Measured from edge of sensitive environmental feature.	Areas of important environmental features. These may include hydrologic features (wetlands, marshes), sensitive habitat areas, or areas subject to geotechnical constraints.	Protect sensitive environmental features not otherwise protected under Public Access, Riparian Buffers, or Freshwater Waterbodies.	<ul style="list-style-type: none"> • Sensitive environmental features may include wetlands, important upland habitat, prominent scenic features, and the like. • The imposition of this requirement is discretionary. • Prohibited: Residential (or other) structures and associated out buildings but not including utilities or minor accessory structures. • Imposed as a public easement with the previous prohibitions or those prohibitions that may be set by state regulation. • Where this easement is imposed as part of a municipal entitlement action, this width is also 50 feet. • Areas greater than 50 feet may be imposed on a case-by-case basis.
5. Building setback Adjacent to all waters <u>except</u> anadromous and high-value resident fish waters (see guideline 6 below)	75 feet * Landward from ordinary high water ** Landward from mean high water	Non-anadromous and non-high-value resident fish: * Lakes * Streams ** Tidelands	Protect public values, including access, recreation, and water quality along all waterbodies.	<ul style="list-style-type: none"> • This requirement is imposed where feasible and prudent, and necessary to protect public values along the stream. • Does not apply to exceptions listed at bottom of table. • The imposition of this requirement is discretionary. • Areas greater than 75 feet may be imposed on a case-by-case basis.
6. Building setback Adjacent to anadromous and high-value resident fish waters	100 feet * Landward from ordinary high water ** Landward from mean high water	Anadromous and high-value resident fish: * Lakes * Streams ** Tidelands	Protect riparian fish habitat, water quality, and recreation values along anadromous and high-value resident fish waters.	<ul style="list-style-type: none"> • This requirement is imposed where feasible and prudent and where necessary to achieve or protect the 'Primary Purpose'. The imposition of this requirement is discretionary. • Applies only to non-water-dependent uses. Does not apply to exceptions listed at bottom of table. • The setback shall remain vegetated to maintain habitat values and stream stability. • Incorporate measures to prevent adverse changes including erosion, turbidity, sedimentation, and temperature differences within the waterbody or adjacent wetlands.

1
 2 Where widths apply: * Freshwater areas ** Tidally-influenced areas *** Sensitive Environmental Features
 3

4 For the definition of *anadromous waters* and *high-value resident fish waters* (derived from AS 41.17.950) see the *Glossary* in Appendix A. Exceptions that apply to items 5 and 6
 5 above: a) Structures such as docks, bridges, and culverts whose purpose is access to or across the stream or lake; b) Uses that must be in or adjacent to the waterbody in order to
 6 function, such as placer mining activities, fish culturing, water supply intakes, and similar uses.

Subsurface Resources

Goals

Opportunities for Mineral Exploration and Development. Provide opportunities through state land management for the exploration and development of mineral resources.

Economic Opportunities. Provide economic opportunities and stability by managing state lands for the efficient and environmentally sound:

- transfer of minerals from uplands to transport vessels;
- disposal of tailings;
- development of state land and submerged land mining sites; and,
- siting of infrastructure to support development of mineral resources.

Management Guidelines

A. Mineral Exploration. By statute, exploration for locatable minerals is allowed on all state lands except those specifically closed to location. A land use permit is required under most circumstances. Hand prospecting and exploration activities generally do not require a permit. DNR may determine that some forms of access will not be allowed in specific areas to avoid resource damage.

B. Open to Mineral Location. By statute, all state lands are open to mineral location unless specifically closed. Where an area is open to mineral location, a miner has the right to stake a mining location regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws and regulations and borough ordinances and management intent and guidelines in this plan. Reclamation activities are directed by the Mining Reclamation Act (AS 27.19) and regulations (11 AAC 97). (Note: Mineral entry on Alaska Mental Health Trust Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

C. Reclamation of Mined Land. The reclamation of mining operations, including placer mining, must meet the reclamation standards given in AS 27.19. The reclamation law provides a standard that miners must meet during and after mining. The mining operation must be conducted in a manner that prevents unnecessary and undue degradation of land and water resources and requires that reclamation occur “contemporaneously” with the mining

1 operation. Regulation 11 AAC 97 (Mining Reclamation) details the specific requirements
2 that must be followed. In designated habitat areas, annual reclamation will be required
3 concurrent with mining. Reclamation will be required to restore degraded fish and wildlife
4 habitat and prevent hazards to navigation.
5

6 **D. Mining in Fish Habitat.** When DNR issues a permit for mining in or adjacent to
7 designated fish habitat, conditions of the permit will require any necessary measures, such as
8 levees, berms, seasonal restrictions, and settling ponds that will allow the operation to meet
9 water quality standards and statutes and regulations governing the protection of fish. Mining
10 in fish habitat requires permits from DEC and DNR, Office of Habitat Management and
11 Permitting. DNR, OHMP permits are not required in marine waters or estuarine areas
12 outside of the intertidal channel of specified anadromous fish streams. The intertidal channel
13 is that portion of the bed and banks below the mean high water level. However, a Special
14 Area Permit issued by ADFG is required if the project is located within a legislatively
15 designated area, including uplands, estuaries or tidelands.
16

17 **E. Offshore Prospecting Permits (OPP).** Under AS 38.05.250 an exclusive right to
18 prospect for deposits of minerals offshore may be granted through authorizations issued by
19 DNR. DNR determines what areas will be offered for offshore prospecting. If workable
20 mineral deposits are found offshore, the permittee must apply for a lease in order to develop
21 the mineral deposit. The Alaska Department of Fish and Game has stated that it has initially
22 determined mining in areas designated Habitat and estuarine areas to be a nonconforming use
23 under the ACMP. ACMP procedures will be used to determine whether mining can be made
24 a conforming use and, if mitigation is possible, determine the appropriate mitigating
25 measures needed to protect fish and wildlife resource values.
26

27 **F. Mineral Closures**

28
29 1) **Background.** The decision to apply mineral location closures will be made by the
30 Commissioner of DNR within the standards set by Alaska Statutes. AS 38.05.185(a)
31 requires that the Commissioner determine that mining is incompatible with a
32 significant surface use before an area can be closed to mining. The same section of
33 the statute requires that the Commissioner determine that a potential use conflict
34 exists before imposing leasing requirements for development of locatable minerals.
35 The fact that an area is closed to new mineral location will not be cause for denying
36 access across state land. Mineral closures do not affect valid existing mineral
37 locations.
38

39 2) **Land Closed to Mineral Entry.** State mining law stipulates that mining must be
40 determined to be in conflict with significant surface uses before an area can be closed
41 to mineral entry. There is little correspondence between the location of state upland
42 parcels designated Settlement and historical or potential mining activity in the
43 planning area. Since little potential conflict is expected to exist, this plan does not
44 create any new mineral closing orders or leasehold location orders. The current
45 Mineral Closing Orders will, however, be retained. These affect extensive areas
46 within the planning boundary, including most legislatively designated areas, many

1 areas of settlement, both current and proposed, forestry areas in the Kashwitna
2 Uplands region, anadromous streams¹⁰, and the previously proposed capital site south
3 of Deception Creek. To determine the location of areas closed to mineral entry in the
4 planning area consult the DNR Alaska Mapper, available on-line at:

5 <http://mapper.landrecords.info/>
6

7 Mineral Closing Orders are recommended for use at the time that an area is being
8 considered for disposal for purposes of settlement or other forms of development that
9 would be inconsistent with mining activity. The timing of the closure is at the
10 discretion of DNR but should be early enough in the process to avoid the inadvertent
11 staking of mining claims. (Note: Mineral entry on Alaska Mental Health Trust Land
12 is not authorized without the prior approval of the Trust Land Office of DNR in
13 accordance with 11 AAC 99. Similar requirements apply to land owned by the
14 University of Alaska.)
15

16 **G. Oil and Gas Resources.** It is probable that oil and gas resources are present within the
17 planning area. The planning and decision making processes for oil and gas development
18 occur under a separate section of Alaska Statutes (AS 38.05.180) and these processes are not
19 included as part of area plans. For this reason, the area plan does not make any development
20 decisions related to these resources, and defers all decisions regarding licensing or leasing of
21 oil and gas to DNR's existing licensing and leasing processes.
22

23 Oil and gas sales are not subject to the regional planning process; instead they follow the
24 planning process identified under AS 38.05.180. The land use designations of the plan are
25 multiple use in character and do not preclude oil and gas development.
26

27 **H. Other Guidelines Affecting Subsurface Resources.** Other guidelines will affect
28 subsurface resources. See other sections of this chapter.

¹⁰ The following streams are affected by mineral closing orders: Montana Creek, Sheep Creek, Kashwitna River, Deception Creek, and the Little Susitna River and certain of its tributaries. Consult Alaska Mapper to determine the precise location of the closure.

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Public Access

Goals

Trails. Maintain, enhance, or provide adequate access within areas of development and between areas of current or future development.

Public Access. 1) Maintain, enhance, or provide adequate access to public and private lands and resources. Provide for future trail and access needs. Protect or establish trail corridors to ensure continued public access. 2) Ensure adequate opportunities for the public's use of public resources of local, regional, and statewide significance.

Management Guidelines: General Public Access

A. Reservation of Public Use Easements. Before selling, leasing, or otherwise disposing of the land estate, DNR 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 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 DNR.

B. Retain Access. Improve or maintain 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 DNR 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. Standards for the vacation of easements are contained in 11 AAC 51.065. Information regarding RS 2477 rights-of-way easements can be found at the DNR web site: <http://www.dnr.state.ak.us/mlw/trails/index.htm> .

C. Access to Non-State Lands. Reasonable access will be provided across state lands to other public and private lands. Existing legal access will not be precluded unless equivalent access is available.

D. Management of ANCSA 17(b)2 Easements. The state will identify any new 17(b) easements as required and ensure that public access is maintained on existing 17(b) easements. 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, DNR will not accept management of 17(b) easements unless the state already

1 actively manages a portion of the trail or easement, or state management will best protect
2 public access to state lands. Information regarding ANCSA 17(b) easements can be found at
3 the DNR web site: <http://www.dnr.state.ak.us/mlw/trails/index.htm> .
4

5 **E. Access for Development.** When an access route is constructed for resource development
6 over state land, public access to mineralized areas, recreation, fish, wildlife, or other public
7 resources should be retained. If the new resource facility is likely to be of limited duration
8 and provides superior access to the current means of access, the state should retain the new
9 facility for public access. If the new facility will not or should not provide public access, the
10 current means of public access should be retained.

11
12 **F. Limiting Access.** Access to state lands may be curtailed at certain times to protect public
13 safety, provide for the remediation of public use areas, allow special uses, and prevent harm
14 to the environment, fish and wildlife. Public access may be limited because of the presence
15 of fire management operations, timber harvest, high soil moisture content when vehicular
16 traffic may cause damage to the base or sub-base, or sensitive populations of fish or wildlife.
17

18 **G. Siting and Constructing Temporary and Permanent Roads or Causeways.**

19 Temporary and permanent roads or causeways will, to the extent feasible and prudent, be
20 routed to avoid vegetated tideflats, avoid streams and minimize alteration of natural drainage
21 patterns, and avoid long-term adverse effects on water quantity or water quality. If a
22 temporary road is routed through vegetated tidelands, clean fill will be required and
23 construction methods, which facilitate removal of the fill, will be required.
24

25 **H. Joint Use and Consolidation of Surface Access.** Joint use and consolidation of surface
26 access routes and facilities should be encouraged wherever it is feasible and prudent to do
27 so¹¹. Surface access also should be sited and designed to accommodate future development
28 and avoid unnecessary duplication.
29
30

31 **Management Guidelines: Trails Within and Between Developing Areas**
32

33 **A. General.** The following guidelines pertain to the siting and development of trails within
34 developed or developing areas and between these areas. This is a more specific application
35 of the general public use easement. These types of facilities provide movement areas for
36 people and, if appropriate, wildlife. The width and siting of trail corridors depends upon
37 their function and location. Easements are used to create an access corridor, similar to the
38 more general public use easements described previously.
39

40 **B. Requirement for Trails.** The Department shall assess the need for public access before
41 selling, leasing, or otherwise disposing of the land estate. If local access needs are identified
42 through the adjudication and agency or public review process, access trails shall be reserved.

¹¹ Note: There are instances where access routes should not be consolidated; their purposes may be at odds with one another or one consolidated route cannot effectively provide access to resources required by the public.

1 This will occur through the retention of state land in public ownership or through the creation
2 of a public use easement. Under either approach, the public is to have the right of access
3 within the area of state land or the public use easement.
4

5 **C. Ownership.** The following factors shall be considered by DNR in making the decision
6 to retain the access corridor under state ownership or to provide for public access through a
7 public use easement:
8

- 9 1) If the access (usually a trail within a developed or developing area) is used as a
10 neighborhood collector trail that connects to a public open space system or a trail of
11 regional significance, access should be retained in public ownership.
12
- 13 2) If a trail is used as access by neighborhood residents, it should be dedicated to local
14 government or established as an easement to an entity willing to accept maintenance
15 and management responsibility. This would typically occur when the purpose is to
16 establish access between lots or to improve pedestrian circulation within subdivision.
17
- 18 3) If the access provides a connection to other areas and is considered of regional or
19 statewide significance, it should be retained in public ownership.
20

21 **D. Width of Trail Corridors.** The width of the access corridor¹² shall be determined
22 according to its function and location:
23

- 24 1) Within developed or developing areas, access corridors shall not be less than 25 feet
25 in width for pedestrian movement and not less than 40 feet if motorized movement
26 (other than car or truck) can be expected in addition to pedestrian travel. In areas
27 where topographic conditions restrict development, widths less than 40 feet may be
28 considered.¹³
29
- 30 2) In all other areas, the width shall vary with terrain, function, and the need for
31 separation from other uses, but shall not be less than 50 feet.
32
- 33 3) Trails or other access facilities of statewide or regional significance shall not be less
34 than 50 feet in width.
35

36 **E. Trail Rerouting.** Standards for the vacation and modification of trails are identified in
37 11 AAC 51.065. Rerouting of trails may be permitted to minimize land use conflicts, reduce
38 duplication in trail routings, or minimize habitat destruction. If trails are rerouted, provision
39 should be made for construction of new trail segments if warranted by type and intensity of
40 use. Rerouting trails shall be done in consultation with affected private users and public

¹² An access corridor includes the tread of the trail and an area immediately adjacent to the tread.

¹³ Note: These standards apply to motorized uses other than cars or trucks, or similar sized and types of vehicles. The standards of 11 AAC 51.015(d)(1)(D) apply when a 'neighborhood service road' is to be established or when a public use easement is to be used by cars or trucks. The width of this road or easement is not less than 60 feet.

1 agencies. Rerouted trails should allow the same uses and activities as the original trail.
2 Reroutes should not interrupt access, and reroutes should be established, open and usable
3 for the intended uses before the original route is closed. Closed routes should be blocked off
4 and restored.

5

6 **F. Alignment with Crossings.** When it is necessary for power lines, pipelines or roads to
7 cross trails, crossings should be at a 90-degree angle. Vegetative screening should be
8 preserved at trail crossings.

9

10 **G. Access to Trailheads.** Coastal access across state tidelands to designated trail corridors
11 that begin at the shoreline will be protected.

12

13 **H. Other Guidelines Affecting Public or Trail Management.** A number of other
14 guidelines may affect public and trail access management. See other sections of this chapter.