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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.