Chapter 4
Implementation and Recommendations

Introduction **1**
State Land Classification **1**
Relationship of Land Use Designations in the Plan to State Land Classifications **3**
Table 4-1(A): Acreages Associated with Upland Designations 4
Table 4-1(B): Acreages Associated with Tideland and Submerged Land Designations 4
Table 4-2: Land Designations – Conversion to Classifications 5
Public Trust Doctrine **5**
Leasing of State Land **5**
Classification Order **6**
Table 4-3: Acres of State Lands Classified 6
Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps **7**
Survivor Designations and Classifications **8**
Alaska Coastal Management Program **8**
Municipal Entitlement **8**
State Land Selections **9**
State Land Selections 9
ANILCA Topfiled Lands 9
Mineral Orders **9**
Legislatively Designated Areas **10**
Types of Plan Changes **10**

CHAPTER 4
IMPLEMENTATION AND RECOMMENDATIONS

Introduction

This chapter includes information and recommendations necessary to implement plan goals, management intent, and guidelines. Information is included on the following:

- State Land Classification
- Relationship of Land Use Designations in the Plan to State Land Classifications
- Public Trust Doctrine
- Leasing of State Land
- Classification Order
- Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps
- Survivor Designations and Classifications
- Alaska Coastal Management Program
- Municipal Entitlement
- State Land Selections
- Mineral and Leasehold Location Orders
- Legislatively Designated Areas
- Types of Plan Changes

State Land Classification

To implement the plan on state lands, DNR must "classify" state lands to reflect the intent of "land use designations" made by this plan. State law requires that classification precede most conveyance or leasing of state uplands or tidelands. According to state statute classification means, " . . . the designation of lands according to their apparent best use." It " . . . identifies the primary use for which the land will be managed . . . " but " . . . all other uses are initially presumed as compatible with the primary use." For this reason, all plan

classifications are intended for multiple uses. In this plan most management units are assigned a single, principle designation.

In some instances more than one designation is identified; these are termed "co-designations" and indicate that two (or more) uses are considered to be compatible within a specific management unit of state land. The General Use (Gu) designation is used occasionally in this plan, typically applying to the large management units where two or more uses are judged to be compatible within specific portions of the management unit. Compatibility of uses should be able to be achieved through distance separation, or siting and design techniques that should reduce or preclude the undesirable effects of a particular use.

Following is a list of land classifications, and their associated definitions in Alaska regulations (the Alaska Administrative Code – AAC), which will apply to state lands in the planning area as a result of plan adoption. DNR will manage state lands and resources consistent with these classifications and with the management directions given in Chapter 3 for specific management units of state land.

11 AAC 55.070. Forest Land. Land classified forest is land that is or has been forested and is suited for forest management because of its physical, climatic, and vegetative conditions.

11 AAC 55.120. Material Land. Land classified material is land that is suitable for the extraction of common varieties of sand, gravel, stone, peat, clay, and other similar materials.

11 AAC 55.160. Public Recreation Land. Land classified public recreation is land that is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

11 AAC 55.170. Reserved Land Use. (a) Land classified reserved use is land that:

1) is reserved for transfer to another governmental or non-governmental agency that is performing a public service;

2) is reserved for transfer through land exchanges; or

3) has been designated for a public facility.

(b) Nothing in this section requires classification of land identified for a future land exchange under AS 38.50.

11 AAC 55.200. Resource Management Land. Land classified resource management is either:

1) land that might have a number of important resources, but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information; or for which a decision is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or

2) land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

11 AAC 55.202. Settlement Land. An upland area classified settlement is land that is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development.

11 AAC 55.215. Waterfront Development Land. Land classified waterfront development is tideland, submerged land, or shoreland that is suitable to be used for commercial or industrial activities such as fish processing, aquatic farming, mineral and log transfer facilities, or commercial recreation.

11 AAC 55.222. Water Resources Land. Land classified water resources is land encompassing watersheds or portions of watersheds and is suitable for such uses as water supply, watershed protection, or hydropower sites.

11 AAC 55.230. Wildlife Habitat Land. Land classified wildlife habitat is land which is primarily valuable for:

1) fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or

2) a unique or rare assemblage of a single or multiple species of regional, state, or national significance.

Relationship of Land Use Designations in the Plan to State Land Classifications

The classifications contain no specific land management directives; those directives are expressed through the use of land use designations in the plan, described in detail for individual Regions and management units included in Chapter 3. However, the designations used in the area plan must be converted into land classifications outlined in state regulation (11 AAC 55) that reflect the intent of the plan.

Since plan designations are central to the management of state land in this area plan, knowledge of the amount of area associated with particular designations is important, allowing a comparison between the designated uses. Table 4-1 identifies the acreage associated with the designations recommended in this plan, specified for upland and tideland management units. Descriptions of each of the following designations are also provided at the beginning of Chapter 3. Note: Acreages associated with plan classifications are given in Table 4.3.

Table 4-1(A): Acreages Associated with Upland Designations

Symbol	Designation	Acreage
F	Forestry	72,960
Wr/Ha	Water Resources/Habitat	44,308
Se	Settlement (includes 790 ac. Ag/Se)	33,862
Wr	Water Resources	17,381
Wr/Rd	Water Resources/Public Recreation	12,453
Ha	Habitat	10,772
Rd and Rp	Public Recreation –Dispersed and Public Use Site	8,967
Gu	General Use	7,514
Pr	Public Facilities-Retain	2,692
Ma	Materials	546
Ag	Agriculture	337
Total		**211,792**

Table 4-1(B): Acreages Associated with Tideland and Submerged Land Designations

Symbol	Designation	Acreage
Ha	Habitat	42,489
Total		**42,489**

NOTE: An undetermined amount of shoreland acreage has been designated in this plan. The 386,000 acres within the LDAs is not included in the table (343,000 acres are designated Habitat and 43,000 acres Public Recreation-Dispersed).

The conversion of land use designations used by this plan into state land classifications is indicated in the table below. These are intended to identify the allowable uses of a state upland or tideland area, consistent with the definitions described previously and with any management intent given in Chapter 3.

Table 4-2: Land Designations – Conversion to Classifications

Symbol	Designation	Classification
Ag	Agricultural	Agricultural Land
F	Forest	Forest Land
Gu	General Use	Resource Management Land
Ha	Habitat	Wildlife Habitat Land
Ma	Materials	Material Land
Pr	Public Facilities - Retain	Reserved Use Land
Rd	Public Rec. -Dispersed Use	Public Recreation Land
Rp	Public Rec. & -Public Use Site	Public Recreation Land
Se	Settlement	Settlement Land
Wr	Water Resources	Water Resources Land

Public Trust Doctrine

See the Management Intent for Navigable Rivers section at the end of Chapter 3.

Leasing of State Land

Under the authority of AS 38.05 and 11 AAC 58.300-.340, state land within the planning area is available for surface leasing, provided that the leasing is allowed under the classification and is consistent with the management intent set forth in this area plan.

Applications for uses of state land within the planning area will be considered by the Regional Manager, Department of Natural Resources, Division of Mining, Land and Water, Southcentral Region, Anchorage, Alaska.

Classification Order

State land is classified under the authority of AS 38.04.005, AS 38.05.300, and 11 AAC 55.010 -.280 according to the management intent set forth in this area plan.

Land Classification Order SC-08-001 classifies all state land within the plan area. See Appendix B. This Land Classification Order supersedes and replaces all previous classifications and classification orders affecting the planning area of the Southeast Susitna Area Plan.

See also the section 'Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps', following. This section describes how lands inadvertently omitted in the Area Plan or acquired by the state subsequent to this revision are to be treated in terms of plan designation and classification.

Table 4-3 provides estimates of the acreage by classification for uplands and tidelands.

Table 4-3: Acres of State Lands Classified

Classification	Upland Acreage	Tideland and Submerged Land Acreage
Agricultural Land	337	
Forest Land	72,960	
Materials Land	546	
Public Recreation Land	8,967	
Reserved Use Land	2,692	
Resource Management Land	7,514	
Settlement Land (includes Ag/Se)	33,862	
Water Resources Land	17,381	
Water Resources/Public Recreation	12,453	
Water Resources/Wildlife Habitat	44,308	
Wildlife Habitat Land	10,772	42,489
Totals	**211,792**	**42,489**

Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps

This section deals with those lands that are not designated in the SSAP or classified in the Land Classification Order. Such lands include those state lands inadvertently omitted in the SSAP and those lands that may be acquired by the state in the future but not designated or classified in the Area Plan. The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The purpose of this section is to give direction to the designation of these lands by the Department when future issues of parcel classification and management arise.

The following guidelines of plan designation/classification and potential disposal out of state ownership are to apply:

- Parcels in or near Existing Communities. If the parcel is in or is immediately adjacent to an existing community or past state land offering, the designation of Settlement and classification of Settlement Land apply. Such land can be considered for disposal use unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. Unsold lots identified for disposal in existing subdivisions and lots that return to state ownership will be available for lease, sale, or conveyance. Tracts identified for community purposes in existing subdivisions will not be sold but may be conveyed to municipalities or homeowner associations if they are not needed for state purposes and community purposes will be protected.

- Parcels near other State Land. If the parcel adjoins or is surrounded by other state land, the designation of that area(s) applies. It is to be managed according to the management intent and guidelines applicable to the adjacent lands. Such lands can be considered appropriate for disposal if they are designated Settlement unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. They may also be conveyed to a municipality even if it is suitable for these public uses as long as the proposed uses are for comparable municipal (public) use.

- Parcels not near Other State Land. Parcels not near other state land or that occur within areas designated General Use are to be designated General Use and classified as Resource Management Land. These lands are to be managed according to the management intent and guidelines applicable to the adjacent lands. Disposal of these lands to the adjacent landowner may be appropriate but will require reclassification to Settlement Land.

- Newly Acquired State Lands. Lands that were acquired proactively through exchange, purchase, or other methods will be managed and classified consistent with the purposes for which they were acquired.

- Other Lands. If the designation/classification of a parcel of acquired or omitted state land cannot be adequately determined, the parcel is to be designated General Use and classified Resource Management Land.

Survivor Designations and Classifications

This revision of the SSAP replaces and supercedes all previous plan designation and land classifications (termed 'survivor') that affect the SSAP planning area. It does not replace or supercede Special Use Designations predating the approval of this revision.

Alaska Coastal Management Program

The Alaska Coastal Management Program will be implemented through the coastal consistency review process described in Title 46 of the Alaska Statutes and associated regulations at 11 AAC. Activities, federal activities, and activities that require a state or federal authorization within the coastal zone of the planning area must be conducted in a manner consistent with the standards of the Alaska Coastal Management Program and the enforceable policies of the four coastal district plans. Consult the Alaska Coastal Management Program web site at www.alaskacoast.state.ak.us for the coastal zone boundaries and enforceable policies of the Borough Coastal District Plan.

Municipal Entitlement

The Municipal Entitlement Act (AS 29.65) determines a municipal general grant land entitlement and identifies what lands are available for transfer to a qualifying municipality. The term "municipality" includes both incorporated cities and organized boroughs. The size of a municipality's entitlement is generally 10 percent of the vacant, unappropriated, unreserved (VUU) state general grant land within the municipal boundaries. State general grant lands that meet the criteria of VUU land as defined in AS 29.65.130 (ie. classified as Agricultural, Grazing, Material, Public Recreation, Settlement, Resource Management, or unclassified land) may be appropriate for conveyance to municipalities with a remaining general grant land entitlement under AS 29.65.

The Borough is entitled to 355,210 acres of state land under the Municipal Entitlement program. Recent entitlement decisions (2006) have approved the conveyance of state land to the Borough that will fulfill the Borough's entitlement acreage. Accordingly, this plan does not designate areas for selection under the Municipal Entitlement program.

State Land Selections

State Land Selections

Under the Statehood Act, Alaska is entitled to approximately 130 million acres of federal land. The selections made by the state in the planning area occurred under the 'General Grant' program, and nearly all have been either conveyed to the state through patent or are in TA (Tentative Approval) status, which gives management authority to the state. The areas noted as 'state-selected' land on the Plan Maps depict those areas of federal land selected for eventual conveyance to the state. Areas of state selections on the plan maps include, in addition to state selections proper, ANILCA topfiled selections and areas subject to Public Land Orders.

There may be areas of state selections that this plan has not identified. In these instances, land conveyed to the state is to be considered classified under this plan and land classification order. In those instances where a plan designation has not been assigned to a state selection, classifications are to be assigned according to the standards described in the section, "Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps".

ANILCA Topfiled Lands

There are certain areas that are 'topfiled' by the state under the provisions of ANILCA legislation. These are selections made by the state that apply or 'attach' when Native regional or village selections are adjudicated by the Bureau of Land Management, but it is uncertain how many of these selections will attach during the planning period. The amount of Native selections, in terms of acreage, greatly exceeds that allowed under their selection entitlement, and BLM does not require that these selections be prioritized, which would otherwise make it possible to adjudicate the lower ranked Native selections. The category of 'State-Selected Land' on Region Plan Maps includes areas of ANILCA topfiled selections in addition to areas of state-selected land.

Mineral Orders

Alaska Statute 38.05.185 requires the Commissioner of DNR to determine that mineral entry and location is incompatible with significant surface uses in order to close state-owned lands to mineral entry. This plan retains all existing mineral closing orders. However, additional mineral closing orders or leasehold location orders are not recommended since few conflicts should exist between mining and sensitive surface uses given the location of the mineral deposits and settlement areas. Settlement areas are not located within or adjacent to the areas of principal mineral deposits.

Legislatively Designated Areas

There are numerous existing Legislatively Designated Areas within and adjoining the planning area. These include state game refuges, state recreation areas, state recreation sites, public use areas, and a state recreational river. These special purpose areas encompass the principal recreational and habitat resources that require special management and additional LDAs are not recommended.

Types of Plan Changes

The various kinds of changes allowed in 11 AAC 55.030 are:

"A revision to a land use plan is subject to the planning process requirements of AS 38.04.065. For the purposes of this section and AS 38.04.065, a 'revision' is an amendment or special exception to a land use plan as follows:

An 'amendment' permanently changes the land use plan by adding to or modifying the basic management intent for one or more of the plan's subunits or by changing its allowed or prohibited uses, policies, or guidelines. For example, an amendment might close to new mineral entry an area that the plan designated to be open, allow a land use in an area where the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan designated for retention in public ownership.

A 'special exception' does not permanently change the provisions of a land use plan and cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited-purpose variance of the plan's provisions, without changing the plan's general management intent or guidelines. For example, a special exception might be used to grant an eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit designated for retention in public ownership. A special exception might be made if complying with the plan would be excessively burdensome or impractical or if compliance would be inequitable to a third party, and if the purposes and spirit of the plan can be achieved despite the exception.

A minor change to a land use plan is not considered a revision under AS 38.04.065. A 'minor change' is a change that does not modify or add to the plan's basic intent, and that serves only to clarify the plan, make it consistent, facilitate its implementation, or make technical corrections."