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Chapter 4

Implementation and Recommendations

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1 **Chapter 4**

2 **IMPLEMENTATION AND RECOMMENDATIONS**

3 **Introduction**

4

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

7

- 8 • State Land Classification
- 9 • Relationship of Land Use Designations in the Plan to State Land Classifications
- 10 • Public Trust Doctrine
- 11 • Leasing of State Land
- 12 • Classification Order
- 13 • Applicability of Plan Designations/Classifications to State Lands not Identified in the
- 14 Plan Text or Plan Maps
- 15 • Survivor Designations and Classifications
- 16 • Alaska Coastal Management Program
- 17 • Municipal Entitlement
- 18 • State Land Selections
- 19 • Mineral Orders
- 20 • Legislatively Designated Areas
- 21 • Generally Allowed Uses
- 22 • Types of Plan Changes

23

24

25 **State Land Classification**

26

27 To implement the plan on state lands, DNR must “classify” state lands to reflect the intent of
28 “land use designations” made by this plan. State law requires that land classification precede
29 most conveyance or leasing of state uplands or tidelands. According to state statute
30 classification means, “. . . the designation of lands according to their apparent best use.” It “.
31 . . . identifies the primary use for which the land will be managed . . .” but “. . . all other uses
32

1 are initially presumed as compatible with the primary use.” For this reason, all plan
2 classifications are intended for multiple uses. In this plan most management units are
3 assigned a single, principle designation.
4

5 In some instances more than one designation is identified; these are termed “co-designations”
6 and indicate that two (or more) uses are considered to be compatible within a specific
7 management unit of state land. The General Use (Gu) designation is used occasionally in
8 this plan, typically applying to the large management units where two or more uses are
9 judged to be compatible within specific portions of the management unit. Compatibility of
10 uses should be able to be achieved through distance separation, or siting and design
11 techniques that should reduce or preclude the undesirable effects of a particular use.
12

13 Following is a list of land classifications, and their associated definitions in Alaska regulations
14 (the Alaska Administrative Code – AAC), which will apply to state lands in the planning area
15 as a result of plan adoption. DNR will manage state lands and resources consistent with these
16 classifications and with the management directions given in Chapter 3 for specific management
17 units of state land.
18

19 **11 AAC 55.050. Agricultural Land.** Land classified agricultural is land that, by reason of its
20 climate, physical features, and location, is suitable for present or future agricultural cultivation
21 or development and that is intended for present or future agricultural use.
22

23 **11 AAC 55.055. Coal Land.** Land classified coal is land where coal resources exist and
24 where development is occurring or is reasonably likely to occur, or where the coal potential has
25 been determined to be high or moderate under 11 AAC 85.010.
26

27 **11 AAC 55.070. Forest Land.** Land classified forest is land that is or has been forested and is
28 suited for forest management because of its physical, climatic, and vegetative conditions.
29

30 **11 AAC 55.120. Material Land.** Land classified material is land that is suitable for the
31 extraction of common varieties of sand, gravel, stone, peat, clay, and other similar materials.
32

33 **11 AAC 55.130 Mineral Land.** Land classified mineral is land where known mineral
34 resources exist and where development is occurring or is reasonably likely to occur, or where
35 there is reason to believe that commercial quantities of minerals exist.
36

37 **11 AAC 55.160. Public Recreation Land.** Land classified public recreation is land that is
38 suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or
39 boating access sites, trail corridors, or greenbelts along bodies of water or roadways.
40

41 **11 AAC 55.170. Reserved Land Use.** (a) Land classified reserved use is land that:
42

- 43 1) is reserved for transfer to another governmental or non-governmental agency that is
44 performing a public service;
- 45 2) is reserved for transfer through land exchanges; or

1 3) has been designated for a public facility.

2
3 **(b)** Nothing in this section requires classification of land identified for a future land exchange
4 under AS 38.50.

5
6 **11 AAC 55.200. Resource Management Land.** Land classified resource management is
7 either:

- 8
9 1) land that might have a number of important resources, but for which a specific resource
10 allocation decision is not possible because of a lack of adequate resource, economic, or
11 other relevant information; or for which a decision is not necessary because the land is
12 presently inaccessible and remote and development is not likely to occur within the
13 next 10 years; or
14 2) land that contains one or more resource values, none of which is of sufficiently high
15 value to merit designation as a primary use.

16
17 **11 AAC 55.202. Settlement Land.** An upland area classified settlement is land that is, by
18 reason of its physical qualities and location, suitable for year-round or seasonal residential or
19 private recreational use or for commercial or industrial development.

20
21 **11 AAC 55.222. Water Resources Land.** Land classified water resources is land
22 encompassing watersheds or portions of watersheds and is suitable for such uses as water
23 supply, watershed protection, or hydropower sites.

24
25 **11 AAC 55.230. Wildlife Habitat Land.** Land classified wildlife habitat is land which is
26 primarily valuable for:

- 27
28 1) fish and wildlife resource production, whether existing or through habitat manipulation,
29 to supply sufficient numbers or diversity of species to support commercial, recreational,
30 or traditional uses on an optimum sustained yield basis; or
31 2) a unique or rare assemblage of a single or multiple species of regional, state, or
32 national significance.

33
34
35 **Relationship of Land Use Designations in the Plan to State**
36 **Land Classifications**

37
38 The classifications contain no specific land management directives; those directives are
39 expressed through the use of land use designations in the plan and described in detail for
40 individual Regions and management units included in Chapter 3. However, the designations
41 used in the area plan must be converted into land classifications outlined in state regulation
42 (11 AAC 55) that reflect the intent of the plan.

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

7
8 **Table 4-1: Acreages Associated with Land Designations and Co-designations**

Symbol	Designation	Acreage
Ag	Agriculture	67,998
Co/Ha	Coal/Habitat	121,671
F	Forestry	689,703
Gu	General Use	1,326,373
Ha	Habitat	2,467,327
Ha/Wr	Habitat/Water Resources	759,673
Ha/Rd	Habitat/Public Recreation-Dispersed	1,759,551
Ma	Materials	2,593
Mi	Minerals	757,220
Mi/Ha	Minerals/Habitat	59,895
Rd or Rp	Public Recreation	83,634
Pr	Public Facilities-Retain	2,306
Se	Settlement	709,545
Wr	Water Resources	62,889
Wr/Rd	Water Resources/Public Recreation-Dispersed	8,994
Total		8,879,372

9
10
11 NOTES: 1) Shoreland acreage is (mostly) combined with that of upland units. In three
12 instances shoreland upland segregated from that of the adjoining uplands. The three
13 shoreland units, which total 83,633 acres, include the Susitna River, Matanuska River, and
14 the Chulitna River. Each is designated Habitat and Public Recreation-Dispersed. 2) This
15 table includes the acreage associated with the LDAs that are assigned a plan designation (and
16 subsequently a land classification). The amount of land that is designated for particular uses
17 in LDAs follows: Susitna Recreation Rivers, 261,883 acres co-designated Habitat and Public
18 Recreation-Dispersed; Nelchina PUA, 2,334,713 acres designated Habitat; Matanuska Valley
19 Moose Range, 121,671 acres co-designated Habitat and Coal; and the Petersville and Caribou
20 Creek Recreation Mining Areas, 775 acres designated Minerals.

21
22

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

5
 6 **Table 4-2: Land Designations – Conversion to Classifications**

Symbol	Designation	Classification
Ag	Agricultural	Agricultural Land
Co	Coal	Coal 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

7
 8

9 **Public Trust Doctrine**

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

14 **Leasing of State Land**

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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 project is consistent with the land’s classification and with the management intent set forth in this area plan.

20
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 24

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

25 **Classification Order**

26
 27
 28
 29
 30

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.

1 Land Classification Order SC-09-002 classifies all state land within the plan area. See
2 Appendix B. This Land Classification Order supersedes and replaces all previous
3 classifications and classification orders affecting the planning area of the Susitna Matanuska
4 Area Plan.

5
6 Also refer to the following section, “Applicability of Plan Designations/Classifications to
7 State Lands not identified in the Plan Text or Plan Maps.” This section describes how lands
8 inadvertently omitted in the Area Plan or acquired by the state subsequent to this revision are
9 to be treated in terms of plan designation and classification.

10
11 Table 4-3 provides estimates of the acreage by classification and co-classification for upland
12 and shoreland units of state land.

13
14 **Table 4-3: Acreages Associated with Land Classifications and Co-classifications**

Classification	Upland Acreage	Shoreland Acreage¹
Agricultural land	67,998	
Coal/Wildlife Habitat land	121,671	
Forest land	689,703	
Resource Management land	1,326,373	
Wildlife Habitat land	2,467,327	
Wildlife Habitat/Water Resources land	759,673	
Wildlife Habitat/Public Recreation land	1,675,888	83,663
Material land	2,593	
Mineral land	757,220	
Mineral/Wildlife Habitat land	59,895	
Public Recreation land	83,634	
Reserved Use land	2,306	
Settlement land	709,545	
Water Resources land	62,889	
Water Resources/Public Recreation land	8,994	
Totals	8,795,709	83,663

15
16
17 **Applicability of Plan Designations/Classifications to State**
18 **Lands not Identified in the Plan Text or Plan Maps**

19
20 This section deals with those lands that are not designated in the SMAP or classified in the
21 Land Classification Order. Such lands include those state lands inadvertently omitted in the
22 SMAP and those lands that may be acquired by the state in the future but not designated or
23 classified in the Area Plan. The state has acquired and will continue to acquire isolated

¹ This estimate is for the Susitna, Matanuska, and Chulitna river management units. Shoreland acreage is combined with the adjacent upland management units for all other units.

1 parcels of land through foreclosure, escheat, and other methods. The purpose of this section
2 is to give direction to the designation of these lands by the Department when future issues of
3 parcel classification and management arise.

4
5 The following guidelines of plan designation/classification and potential disposal out of state
6 ownership are to apply:

- 7
8 • **Parcels in or near Existing Communities.** If the parcel is in or is immediately
9 adjacent to an existing community or past state land offering, the designation of
10 Settlement and classification of Settlement Land apply. Such land can be considered
11 for disposal use unless it is appropriate as a site(s) for schools, material sites, roads,
12 parks, or other similar public use. Unsold lots identified for disposal in existing
13 subdivisions and lots that return to state ownership will be available for lease, sale, or
14 conveyance. Tracts identified for community purposes in existing subdivisions will
15 not be sold but may be conveyed to municipalities or homeowner associations if they
16 are not needed for state purposes and community purposes will be protected.
- 17 • **Parcels near other State Land.** If the parcel adjoins or is surrounded by other state
18 land, the designation of that area(s) applies. It is to be managed according to the
19 management intent and guidelines applicable to the adjacent lands. Such lands can be
20 considered appropriate for disposal if they are designated Settlement unless it is
21 appropriate as a site(s) for schools, material sites, roads, parks, or other similar public
22 use. They may also be conveyed to a municipality even if it is suitable for these
23 public uses as long as the proposed uses are for comparable municipal (public) use.
- 24 • **Parcels not near Other State Land.** Parcels not near other state land or that occur
25 within areas designated General Use are to be designated General Use and classified
26 as Resource Management Land. These lands are to be managed according to the
27 management intent and guidelines applicable to the adjacent lands. Disposal of these
28 lands to the adjacent landowner may be appropriate but will require reclassification to
29 Settlement Land.
- 30 • **Newly Acquired State Lands.** Lands that were acquired proactively through
31 exchange, purchase, or other methods will be managed and classified consistent with
32 the purposes for which they were acquired.
- 33 • **Other Lands.** If the designation/classification of a parcel of acquired or omitted state
34 land cannot be adequately determined, the parcel is to be designated General Use and
35 classified Resource Management Land.

36
37
38 **Survivor Designations and Classifications**

39
40 This revision of the SMAP replaces and supersedes all previous plan designation and land
41 classifications (termed ‘survivor’) that affect the SMAP planning area. It does not replace or
42 supersede Special Use Designations predating the approval of this revision.

1 **Alaska Coastal Management Program**

2
3 The Alaska Coastal Management Program will be implemented through the coastal
4 consistency review process described in Title 46 of the Alaska Statutes and associated
5 regulations at 11 AAC. Activities, federal activities, and activities that require a state or
6 federal authorization within the coastal zone of the planning area must be conducted in a
7 manner consistent with the standards of the Alaska Coastal Management Program and the
8 enforceable policies of the four coastal district plans. Consult the Alaska Coastal
9 Management Program web site at www.alaskacoast.state.ak.us for the coastal zone
10 boundaries and enforceable policies of the Borough Coastal District Plan.
11
12

13 **Municipal Entitlement**

14
15 The Municipal Entitlement Act (AS 29.65) determines a municipal general grant land
16 entitlement and identifies what lands are available for transfer to a qualifying municipality.
17 The term “municipality” includes both incorporated cities and organized boroughs. The size
18 of a municipality’s entitlement is generally 10 percent of the vacant, unappropriated,
19 unreserved (VUU) state general grant land within the municipal boundaries. State general
20 grant lands that meet the criteria of VUU land as defined in AS 29.65.130 (i.e., classified as
21 Agricultural, Grazing, Material, Public Recreation, Settlement, Resource Management, or
22 unclassified land) may be appropriate for conveyance to municipalities with a remaining
23 general grant land entitlement under AS 29.65.
24

25 The Matanuska-Susitna Borough is entitled to 355,210 acres of state land under the
26 Municipal Entitlement program. Recent entitlement decisions (2006) have approved the
27 conveyance of state land to the Borough that will fulfill the Borough’s entitlement acreage.
28 Accordingly, this plan does not designate areas for selection under the Municipal Entitlement
29 program.
30
31

32 **State Land Selections**

34 **State Land Selections**

35
36 Under the Statehood Act, Alaska is entitled to approximately 130 million acres of federal
37 land. The selections made by the state in the planning area occurred under the “General
38 Grant” program, and nearly all have been either conveyed to the state through patent or are in
39 TA (Tentative Approval) status, which gives management authority to the state. The areas
40 noted as state-selected land on the plan maps depict those areas of federal land selected for
41 eventual conveyance to the state. Areas of state selections on the plan maps include, in
42 addition to state selections proper, ANILCA topfiled selections and areas subject to Public
43 Land Orders.
44

1 There may be areas of state selections that this plan has not identified. In these instances,
2 land conveyed to the state is to be considered classified under this plan and land
3 classification order. In those instances where a plan designation has not been assigned to a
4 state selection, classifications are to be assigned according to the standards described in the
5 section, “Applicability of Plan Designations/Classifications to State Lands not Identified in
6 the Plan Text or Plan Maps.”
7

8 Because the SMAP plan maps indicate the status of state land and state land selections to a
9 specific date (2009), DNR adjudicators must review the status of state land at the time of an
10 adjudicatory decision. It would be imprudent to rely upon the land status information
11 contained in this plan given the changing character of state land selections. Consult DNR
12 MapGuide or Alaska Mapper for the most recent state selection information.
13

14 **ANILCA Topfiled Lands**

15

16 There are certain areas that are topfiled by the state under the provisions of Sec. 906 of the
17 Alaska National Interest Lands Conservation Act (ANILCA). These are selections made by
18 the state that become valid when Native regional or village ANCSA (Alaska Native Claims
19 Settlement Act) selections are relinquished. It is uncertain how many of these state
20 selections will become valid during the planning period because the amount of Native
21 selections, in terms of acreage, greatly exceeds that allowed under the corporation’s selection
22 entitlement. The Bureau of Land Management is currently adjudicating all prioritized Native
23 village and regional corporation selections so the corporations and state can receive their
24 land. The category of “State-Selected Land” on region plan maps includes areas of ANILCA
25 topfiled selections in addition to areas of state-selected land.
26

27 The same caution in the use of plan maps for ANILCA topfiled lands as for state land
28 selections exists (see above).
29
30

31 **Mineral Orders**

32

33 Alaska Statute 38.05.185 requires the Commissioner of DNR to determine that mineral entry
34 and location is incompatible with significant surface uses in order to close state-owned lands
35 to mineral entry. This plan retains all existing mineral closing orders. However, additional
36 mineral closing orders or leasehold location orders are not recommended since few conflicts
37 should exist between mining and sensitive surface uses given the location of the mineral
38 deposits and settlement areas. Most of the settlement areas are not located within or adjacent
39 to the areas of principal mineral deposits.
40
41
42

1 **Legislatively Designated Areas**

2
3 There are numerous existing Legislatively Designated Areas within and adjoining the
4 planning area. These include state parks, public use areas, state recreational rivers, and state
5 recreational mining areas. These special purpose areas encompass the principal recreational,
6 mining, and habitat resources that require special management within the planning area and
7 additional LDAs are not recommended for the management of recreational or habitat
8 resources.

9
10 Areas designated Forestry may, however, be appropriate for legislative designation. The
11 1985 Susitna Area Plan proposed legislative establishment of high value forested lands as
12 state forests and as multiple use areas with forestry as a primary use. The creation of a State
13 Forest may be appropriate for those lands designated Forestry in the Susitna-Matanuska Area
14 Plan. DOF should further evaluate the use of this management vehicle and if found to be
15 appropriate, advance it for legislative consideration.

16 17 **Generally Allowed Uses**

18
19 Under 11 AAC 96.020 there are a variety of uses and activities that are allowed on state land
20 that usually do not require a permit from DNR. These uses are listed in [11 AAC 96.020](#) and
21 are explained further in a [DNR Factsheet](#) on Generally Allowed Uses (GAUs) that may be
22 obtained from a DNR Public Information Center. In some instances it may become
23 necessary to limit or preclude certain uses on state land that would otherwise be permitted as
24 a Generally Allowed Use on state land under 11 AAC 96.020. Uses may be limited under
25 the authority of 11 AAC 96.014 when land use or natural resource management requires it,
26 but limits to such uses must be codified in all cases on general domain land in state
27 administrative code. Although there are instances where uses are limited under this authority
28 in the Matanuska-Susitna Borough, they do not occur within the plan boundary of the SMAP
29 nor are any such limits to GAUs recommended to be imposed in this plan.

30 31 32 **Types of Plan Changes**

33
34 The various kinds of changes allowed in 11 AAC 55.030 are:

35
36 “A revision to a land use plan is subject to the planning process requirements of
37 AS 38.04.065. For the purposes of this section and AS 38.04.065, a ‘revision’ is an
38 amendment or special exception to a land use plan as follows:

39
40 An ‘amendment’ permanently changes the land use plan by adding to or modifying the basic
41 management intent for one or more of the plan’s subunits or by changing its allowed or
42 prohibited uses, policies, or guidelines. For example, an amendment might close to new
43
44

1 mineral entry an area that the plan designated to be open, allow a land use in an area where
2 the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan
3 designated for retention in public ownership.
4

5 A ‘special exception’ does not permanently change the provisions of a land use plan and
6 cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time,
7 limited-purpose variance of the plan’s provisions, without changing the plan’s general
8 management intent or guidelines. For example, a special exception might be used to grant an
9 eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit
10 designated for retention in public ownership. A special exception might be made if
11 complying with the plan would be excessively burdensome or impractical or if compliance
12 would be inequitable to a third party, and if the purposes and spirit of the plan can be
13 achieved despite the exception.
14

15 A minor change to a land use plan is not considered a revision under AS 38.04.065. A
16 ‘minor change’ is a change that does not modify or add to the plan’s basic intent, and that
17 serves only to clarify the plan, make it consistent, facilitate its implementation, or make
18 technical corrections.”
19