Wetland Management

Goal

Protect Wetland Values. Maintain the hydrologic, habitat, and recreational functions of public wetlands. Land management practices will be directed to avoid or minimize adverse impacts on the following important functions of wetlands:

- Wetlands filter nutrients, pollutants, and sediment from surface run-off.
- Wetlands stabilize water supplies by storing excessive water during flooding and by recharging and discharging groundwater, regulating flow, and controlling erosion.
- Wetlands provide important feeding, rearing, nesting, and breeding grounds for many species. Related recreational use and aesthetic values also are important.

Management Guidelines

A. Definition of Wetlands. For purposes of inventory and regulation of wetlands, DNR will use the definition adopted by the State of Alaska under the regulation of the Coastal Management Program (6 AAC 80.900(19):

Freshwater wetlands means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth.

For purposes of these management guidelines, wetlands are divided into three classes:

- Class I, wetlands larger than 100 acres and all wetlands with a locatable stream outlet (the stream shall be considered part of the wetland);
- Class II, wetlands between 40 and 100 acres with no outlet; and
- Class III, wetlands less than 40 acres with no outlet.

National Wetland Inventory maps, when available, should be used to determine the presence of wetlands and for the classification of wetlands, described. Deviation from the boundaries of these maps can occur if more precise field observations are available and if the definition of wetlands in 6 AAC 80.900(19) is applied.

B. Retention of Wetlands in Public Ownership. In areas designated ‘General Use,’ ‘Resource Management – High Value,’ or ‘Habitat,’ Class I and II wetlands will be retained in public ownership unless DNR determines, after evaluation and consultation with affected agencies, that they do not have sufficiently important water quality, water supply, habitat,

and/or recreation values to merit public ownership. Class III wetlands will be evaluated on a case-by-case basis to determine if public retention or other measures are necessary to protect their values. Generally, Class III wetlands of less than 5 acres will not be retained.

Within areas designated Settlement, Settlement-Commercial, or Public Facilities – Retain in this plan, consideration shall be given in land disposals to the protection of high value wetlands that perform critical hydrologic, water quality, or habitat functions. In general, such areas should not be developed and the state should retain these lands. Wetlands identified in the National Wetlands Inventory as Lacustrine or Riverine should, specifically, be retained in state ownership. Development related to settlement or public facilities should avoid wetlands but may occur where less critical functions exist. Hydrologically isolated, forested palustrine wetlands are often associated with less critical functions.

C. Retention of Land Adjacent to Wetlands – Standard Buffers. The following standards apply to those wetlands that are to be retained by the state, as described in B above:

1. **Class I Wetlands.** Class I wetlands that remain in public ownership will include, at minimum, a 100-foot strip adjacent to the wetland.

   Restrictive use covenants and public access easements rather than public ownership may be used to protect Class I wetlands and associated buffers under conditions specified in D below.

2. **Class II Wetlands.** Class II wetlands that remain in public ownership will include, at minimum, a 60-foot strip adjacent to the wetland. Restrictive use covenants and public access easements, rather than public ownership may be used to protect Class II wetlands and associated buffers under conditions specified in D below.

3. **Class III Wetlands.** Class III wetlands will be evaluated on a case-by-case basis through the public land disposal process or applicable public land management plans.

4. **Criteria for Changing Buffer Size.** Wetland buffers may be increased from the previous standards if necessary to avoid adverse impacts on wetlands from development on adjacent lands. If, for instance, surrounding lands are steep and have high erosion potential or the proposed use poses a high risk to water quality or other values, buffer widths will be increased accordingly.

   When steep conditions exist, general guidelines should be used for increasing buffer width: if a 10 to 40 percent slope exists, the buffer width should increase 25 percent; if the slope exceeds 40 percent, the buffer width should increase 50 percent.

   Wetland buffers may be decreased if land adjacent to the wetland is stable and the proposed development or use does not pose a risk to water quality or other values. A minimum buffer width of 100 feet will apply to agricultural land disposals.

D. Restrictive Use Covenants and Public Access Easements. Restrictive use covenants for public access easements may be used rather than public ownership on wetlands retained by the state:

1. **Where Surveying a Meandering Boundary Would be Excessively Expensive.** Where the configuration of the wetland is such that surveying the meandering boundary of the wetland would be excessively expensive, an aliquot-part (rectangular) survey rather than a meander survey may be used along the edges of wetlands. This may result in small portions of the wetland being conveyed to private ownership. Where justified by the value of the wetland, restrictive use covenants, public access easements, or staking setbacks will be applied to ensure that those portions of wetlands and associated buffers conveyed to private ownership remain in a natural condition and that public access and use are maintained.

2. **Where An Entire Wetland Is Included with a Parcel of Land to be Sold for Private Use.** In this case, the wetland and associated buffer may be conveyed to private ownership. Where justified by the value of the wetland, restrictive use covenants should be used to ensure that the wetland and associated buffer remain in a natural state. If there is a stream outlet from the wetland, public access easements shall be reserved adjacent to both the outlet and the wetland.

E. Dredge and Fill Permits in Wetlands. Permits[9] for dredging and filling in wetlands, including permits for gravel extraction and the construction of roads and pads, should not be granted when significant adverse impacts to important, fish and wildlife habitat or ecological processes can be expected and permit stipulations will be inadequate in maintaining wetland functions or values. Exceptions to this standard may be granted if no feasible and prudent alternative exists. Where it is not feasible and prudent to avoid such activities, mitigation or other appropriate measures should be applied to meet the intent of this guideline.

F. Operation of Heavy Equipment in Wetlands. Permits issued for activities that require heavy equipment in wetlands that have important hydrologic, recreation, or habitat values will, to the extent feasible and prudent, avoid damage to wetlands and wetland vegetation. Only winter access should be used in or to access wetlands whenever feasible. DNR will consult with other affected agencies prior to issuing such permits.

G. Defining Wetlands and Wetland Buffer Boundaries. The National Wetland Inventory maps should be used in ascertaining the boundary of wetlands. If more precise boundary locations are required, they should be defined through field inspection, interpretation of aerial photographs, or both. Field inspection is preferred but will not always be possible because of cost. Where wetlands are particularly valuable and field inspection is not possible, boundaries should be sufficiently generous to allow for errors in interpretation. This will often be the case where aliquot parts are used to define wetlands.

Where a covenant is used to protect wetlands conveyed to private ownership, aliquot parts may define boundaries where the covenant applies, or otherwise described so the landowner can clearly define where the covenant applies.

[9] Permits from other agencies, including U.S. Army Corps of Engineers 404 and Department of Environmental Conservation 401 permits, are necessary for most dredging and filling activities in wetlands.

H. Approval of Other Activities in State-owned Wetlands and Buffers. Activities such as establishing trails or issuing leases for commercial or noncommercial uses shall be considered on an individual basis. Such activities will be allowed if they can occur without sufficient damage to the water, habitat, or recreation values of the wetland. These activities often require other permits, including a U.S. Army Corps of Engineers 404 permit.

I. Other Landscape Features Providing Similar Wetland Functions. Some types of landscape features are similar in many respects to the functions of wetlands, but do not specifically meet the ACMP definition of (emergent) wetlands. Areas of scrub-shrub and forest vegetation with hydric soils and hydrophytic plants can provide water flow regulation, erosion control, sediment and nutrient retention, contaminant removal, nutrient cycling, and fish and wildlife habitat. If such features exist and can be identified spatially, the effects of proposed activities on the equivalent wetland functions shall be considered during permit review. Activities will be allowed if they can occur, individually and cumulatively, without significant reductions to the identified functional values.

J. Other Guidelines Affecting Wetland Management. Other guidelines may affect wetland management. Sections in this chapter that should also be referred to include but are not limited to:

Fish and Wildlife Habitat and Harvest
Forestry
Materials
Settlement
Stream Corridors, Shorelands and Instream Flow
Trails and Public Access
Transportation