

# Chapter 2

## AREAWIDE LAND MANAGEMENT POLICIES

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# Chapter 2

## AREAWIDE LAND MANAGEMENT POLICIES

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### Introduction

This chapter contains areawide land management policies for each of the major land use or policy categories affected by the plan. The policies apply to state land throughout the planning area, regardless of the land use designation.

The policies in this chapter consist 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 occur.

In some cases, the policies reference specific designations used in Chapter 3; for example, Ha for Crucial Habitat. Slightly different designations are used in the Prince of Wales Island Area Plan (POWIAP), and the Southwest Prince of Wales Island Area Plan (SWPOWI). For example, POWIAP uses a "Gu" designation for General Use where the SWPOWI tideland designation is "RM", Resource Management. To ensure that the policy applies to appropriate areas in each volume, the policies reference the appropriate designation for both plans. For example, a policy might reference both "Gu" and "RM".

All activities on tidelands, submerged lands and uplands within the coastal zone must be consistent with the Alaska Coastal Management Program. All state uplands are within the coastal zone.

This chapter also compiles policies that, until now, were scattered throughout various agency operating manuals, policy handbooks, statements of decision-making criteria, or similar internal documents. Compiling these policies in the plan makes them visible, and makes it clear before significant amounts of time and money are committed that will be required by the Department of Natural Resources of anyone planning to use state lands.

### Definitions

For definition of terms commonly used in this chapter, see the glossary, Appendix A.

## Aquatic Farming

### GOALS

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**Economic Opportunities and Community Development.** Provide opportunities to increase income and diversify the state's economy through the use of state tidelands and submerged lands for aquatic farming.

### MANAGEMENT GUIDELINES

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**Background.** Alaska Statute (AS 38.05.083) provides that state tidelands and submerged lands may be used, under lease, for aquatic farming or related hatchery operations. It also mandates regulations that specify the criteria for the approval or denial of leases and for limiting the number of sites for which leases may be used in an area in order to protect the environment and natural resources of a site.

The regulations (Aquatic Farmsite Leases, 11 AAC 63) state that the Department make a best interest finding before issuing a lease. The proposed operation must be in the overall best interest of the state before an authorization may be issued. Factors that are to be considered in this decision are identified in 11 AAC 63.050 (b). They include: whether the proposed aquatic farm will conflict with other uses; whether it is compatible with land management policies in adopted federal, state, and local plans, land classifications, or zoning; if public access will be assured, including the upland owner's right of reasonable access; whether the proposed use is consistent with the public trust doctrine; and other social, economic, and environmental effects of the proposed aquatic farming.

All proposed aquatic farms must undergo review under the Alaska Coastal Management Program, and must be consistent with the policies of this program. Proposed operations must also secure an Aquatic Farm Lease issued by the Department, which specifies operation, siting, environmental, and habitat criteria that must be satisfied for lease issuance. Authorizations (Aquatic Farm Operation Permit) must also be acquired from the Alaska Department of Fish and Game (ADF&G) to ensure the protection of habitat, and from the Alaska Department of Environmental Conservation for the protection of water quality. Water quality in the growing area must meet both the requirements of the National Shellfish Sanitation Program incorporated by reference in 18 AAC 34.170 and state water quality standards. In addition, all aquatic farm operations must be consistent with the General Permit (currently 91-7M) of the U.S. Corps of Engineers relating to aquatic farm structures. Extensive operational, siting, and maintenance requirements are specified in the General Permit. If the conditions of the General Permit are not satisfied, the Corps requires that an authorization under Section 10 of the River and Harbors Act of 1899 be obtained.

The combination of state and federal permitting and regulatory requirements provides a comprehensive basis for the approval of proposed aquatic farm operations, and a public review process of all proposed operations. Additional operational, siting, habitat, or environmental requirements are therefore generally unnecessary in this plan to effectively manage aquatic farming operations. The subsequent management guidelines designate areas considered inappropriate for aquatic farming operations within the planning area and coordinate the siting of aquatic farming facilities with the U.S. Forest Service where the state tideland or submerged lands adjoin the Tongass National Forest.

- A. All aquatic farming operations must meet the requirements of applicable local, state, and federal regulations and statutes before the Department will issue an Aquatic Farmsite Lease. The latter include the Aquatic Farm Operation Permit issued by ADF&G, a Coastal Zone Consistency Certification issued by the Division of Governmental Coordination and the General Permit relating to aquatic structures issued by the U.S. Corps of Engineers. Other permits may also be necessary.

- B. In managing State tidelands and submerged land adjacent to federal conservation units, specifically the Tongass National Forest, DNR will take into consideration the management intent for the uplands identified in the Tongass Land Management Plan. Activities, including aquatic farming operations, that are incompatible with the management intent will generally not be authorized unless the conditions of the other local, state, and federal permits or authorities are met and unless there is an overriding state interest and there is no feasible and prudent alternative. DNR will consult with the U.S. Forest Service when determining compatibility of activities.
- C. Aquatic farming will be allowed on state tidelands or submerged lands where there is no significant conflict and the objectives of statute and this management plan are met. The siting of aquatic farming facilities may be more difficult on tidelands designated for log transfer or storage, mineral transfer or access, crucial fish and wildlife habitat, intensive storage areas adjacent to proposed land sales or existing residential areas, anchorages or developed recreation. These areas will be available for aquatic farming if the Department determines in the "best interest" finding that: 1) it is practicable to operate an aquatic farming operation so that it is compatible with the other uses of the immediate area; and 2) the proposed activity is consistent with the management intent of the statute and this management plan. Specific stipulations related to siting, operations, and maintenance may be imposed by the Department in addition to those otherwise required in order to achieve site and use compatibility. In no case will aquatic farming be allowed to foreclose access to mineral, timber, important fish and wildlife resources, or recreation use areas.
- D. Where practical the Department will consolidate aquatic farming operations at specific sites with sufficient area rather than allowing their proliferation in many bays.
- E. **Other Guidelines Affecting Aquatic Farming.** Other guidelines will affect aquatic farming management practices. See in particular the following sections of this chapter.
- Coordination and Public Notice
  - Fish and Wildlife Habitat and Harvest Areas
  - Recreation, Tourism, and Scenic Resources
  - Shorelines and Stream Corridors

## Coordination and Public Notice

### GOALS

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**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 the resources of Prince of Wales Island.

**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

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- 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 Land 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. **Avoiding Conflicts with Adjacent Upland Owners.** Before DNR issues a land use authorization on tidelands, submerged lands, or shorelands, DNR will require applicants to use areas that will reduce the likelihood of possible land use disagreements with upland owners (such as unvegetated gravel bars and tidal areas). DNR will carefully 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.

**C. Other Guidelines Affecting Coordination or Public Notice.** Several other guidelines may affect coordination or public notice. See in particular the following sections of this chapter:

- Aquatic Farming
- Fish and Wildlife Habitat and Harvest Areas
- Floating Facilities
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines and Stream Corridors

## Cultural Resources

### GOAL

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**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.

### MANAGEMENT GUIDELINES

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- A. Cultural Resources Identification.** Identify and determine the significance of all cultural resources on state land through the following actions:
1. Cultural resources surveys conducted by the Department of Natural Resources personnel.
  2. Research about cultural resources on state land by qualified individuals and organizations.
  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. Reviewing construction projects or land uses for potential conflict with cultural resources.
  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 Surveys Prior to Land Offerings.** Cultural surveys or inventories should be conducted prior to the design of land offerings in areas the state The Division of Parks and Outdoor Recreation Office of History and Archaeology (OHA) determines have high potential to contain important cultural sites and that information available is inadequate to identify and protect these sites.
- D. Cultural Resources in Timber Management Areas.** The Office of History and Archaeology (OHA) will review proposals for timber management activities through the interagency review processes for the five-year Schedule of Timber Sales and Forest Land Use Plans for individual sales. Areas of known historic, archaeological, or paleontological sites should not be disturbed. Timber operations shall not occur within 300 feet from the boundaries of known sites unless the OHA determines, in consultation with the Division of Forestry, that certain activities can occur without significantly impacting the cultural resource. The OHA shall, within the limits of staffing and funding, assess the extent and significance of the cultural resource and work with Division of Forestry to develop site-specific mitigation measures to protect the cultural sites while allowing timber management.
- E. Cultural Resources Adjacent to Recreation Facilities.** Recreation facilities that might subject cultural sites to vandalism because of the increased public use should not be placed adjacent to the cultural sites.
- F. Heritage sites should be reported when found.** The Alaska Heritage Resources Survey (AHRS) is an inventory of all reported historic and prehistoric sites within the State of Alaska and is maintained by the Office of History and Archaeology (OHA). The AHRS is used to protect cul-

tural resource sites from unwanted destruction. By knowing of possible cultural remains prior to construction, efforts can be made to avoid project delays and prevent unnecessary destruction of cultural sites. While over 22,000 sites have been reported within Alaska, this is probably only a very small percentage of the sites which may actually exist but are as yet unreported. The AHRS is not complete or static, so heritage sites, when found, should be reported to the OHA.

**G. Other Guidelines Affecting Cultural Resources.** Other guidelines will affect cultural resources. See in particular the following sections of this chapter:

- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Recreation, Tourism, and Scenic Resources
- Shorelines and Stream Corridors
- Trail and Public Access Management

## **Fish and Wildlife Habitat and Harvest Areas**

### **GOALS**

**Maintain Publicly Owned Habitat Base.** Maintain in state ownership sufficient suitable land and water to provide for the habitat needs of important fish and wildlife resources.

**Ensure Access to Public Lands and Waters.** Ensure access to public land 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.

### **I. MANAGEMENT GUIDELINES FOR HABITAT AREAS**

**A. Mitigation.** When issuing permits and leases or otherwise authorizing the use or development of state lands, the Departments of Natural Resources, Environmental Conservation and Fish and Game will recognize the requirements of the activity or development and the benefits it may have 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.

The departments will enforce stipulations and measures, and will require the responsible party to remedy 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.

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

1. Avoid anticipated, significant adverse effects on fish, wildlife, or their habitats through siting, timing, or other management options.
2. When significant adverse effects cannot be avoided by design, siting, timing, or other management options, the adverse effect of the use or development will be minimized.
3. If significant loss of fish or wildlife habitat occurs, the loss will be rectified, to the extent feasible and prudent, by repairing, rehabilitating, or restoring the affected area to a useful state.

4. DNR will consider requiring replacement with or enhancement of fish and wildlife habitat when steps 1 through 3 cannot avoid substantial and irreversible loss of habitat. ADF&G will clearly identify the species affected, the need for replacement or enhancement, and the suggested method for addressing the impact. Replacement with or enhancement of similar habitats of the affected species in the same region is preferable. DNR will consider only those replacement and enhancement techniques that have either been proven to be, or are likely to be effective and that will result in a benefit to the species impacted by the development. Replacement or enhancement will only be required by DNR if it is determined to be in the best interest of the state either through the AS 38.05.035(e) or permit review process. Replacement may include structural solutions, such as creating spawning or rearing ponds for salmon, creating wetlands for waterfowl; or non-structural measures, such as research or management of the species affected, or legislative or administrative allocation of lands to a long-term level of habitat protection that is sufficiently greater than that which they would otherwise receive.

**B. Allowing Uses in Crucial Fish and Wildlife Habitats.** The crucial areas shown in the plan were defined using the best information available at the time the plan was written. When better information becomes available through additional studies, site inspections, or other means, that information should be used to correct the habitat information in the plan.

**1. Allowing Uses Not Designated in Chapter 3.** Within crucial fish and wildlife habitat areas, uses that are not designated as primary or secondary uses in Chapter 3; such as those resulting in habitat alteration through dredging, filling, significant compaction of vegetation and sediment, alteration of flow patterns, discharge of toxic substances, disturbance during sensitive periods; or those which significantly decrease the value and productivity of the habitat area are incompatible with the primary uses and values in crucial fish or wildlife habitat areas (Ha). These uses are initially assumed to be nonconforming uses under section 6 AAC 80.130(d) of the ACMP habitat standards.

Uses not designated that cause an adverse impact to a crucial habitat type as described above may be allowed if ADF&G determines that the area does not contain the habitat type in question, if ADF&G determines through new information or more detailed analysis that the area is not crucial as defined in the plan, or if the use receives a positive conclusive consistency determination under the and impacts are mitigated in accordance with Guideline A.

**2. Allowing Uses Designated in Chapter 3.** If, within crucial habitats, a use other than fish and wildlife habitat and harvest is given a primary or secondary designation or the area is open to mineral entry, the Department policy is: a) that with appropriate design, siting, and operating stipulations, the designated use can be made compatible and significant impacts to the habitat avoided; or b) that the use is of sufficient importance or lacks such feasible alternative that it should be allowed within the habitat consistent with the state's mitigation and ACMP policies.

**Mining in Crucial Habitats.** Before DNR will approve permits or plans of operation for mining in crucial fish or wildlife habitat, the miner must provide information adequate for the agencies to determine that activities will not have a significant adverse effect on the fish or wildlife resources of the area or the long-term productivity of the habitat, that a reasonable expectation of the mineral values outweighs the long-term value of the crucial fish and wildlife habitats that are put in jeopardy in affected areas, and that the proposed mining activity is in the overall best interest of the state. Activities may be restricted or prohibited when the species depending on the crucial habitat are present.

**C. Allowing Uses Outside of Crucial Fish and Wildlife Habitat Areas.** Outside of crucial fish or wildlife habitats, habitat-altering uses will be sited consistent with the ACMP's 6 AAC 80.130 (a-d), the management guidelines in this chapter, and the management intent and guidelines in Chapter 3.

**D. Habitat Manipulation.** Habitat manipulation through water control, timber management practices, or other measures may be used to improve habitat for certain fish and wildlife species

where ADF&G determines that it is beneficial to the species or habitat and DNR determines that it is compatible with other primary uses.

**E. Hatchery and Aquatic Farm Source Waters.** To preserve the quality of a hatchery's water supply, uses will not be located on state land where they would risk reducing water quality below that needed by the hatchery or aquatic farm.

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

Water intake structures should be screened, and intake velocities will be limited to prevent entrapment, entrainment, or injury to fish. The structures supporting intakes should be designed to prevent fish from being led into the intake. Other effective techniques may also be used to achieve the intent of this guideline. Screen size, water velocity, and intake design will be determined in consultation with ADF&G and are regulated by ADF&G (5 AAC 94.250).

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

**H. Threatened and Endangered Species.** All land use activities will be conducted consistent with state and federal Endangered Species Acts to avoid jeopardizing the continued existence of threatened or endangered species of animals or plants; or to provide for their continued use of an area and to avoid modification or destruction of their habitat. Specific mitigation recommendations should be identified through interagency consultation for any land use activity that potentially affects threatened or endangered species. In Alaska, eight species are under the jurisdiction of the U.S. National Marine Fisheries Service, U.S. Fish and Wildlife Service, or Alaska Department of Fish and Game as threatened (T) or endangered (E) in accordance with the state and federal Endangered Species Acts, as amended. However, only two of the eight species, the arctic peregrine falcon and the humpback whale, are found within the Prince of Wales Island planning area. The U.S. Fish and Wildlife Service (FWS) reviewed petitions to list the Queen Charlotte goshawk as endangered and the Alexander Archipelago wolf as threatened under the Endangered Species Act. Neither listing was found to be warranted at the time of the review, but both remain FWS species of concern.

Species	Status
Arctic peregrine falcon ( <i>Falco peregrinus tundrius</i> )	T
American peregrine falcon ( <i>Falco peregrinus anatum</i> )	E
Aleutian Canada goose ( <i>Branta canadensis leucopareia</i> )	E
Eskimo curlew ( <i>Numenius borealis</i> )	E
Short-tailed albatross ( <i>Diomedea alabatrus</i> )	E
Humpback whale ( <i>Megaptera novaeangliae</i> )	E
Finback whale ( <i>Balaenoptera physalus</i> )	E
Gray whale ( <i>Eschrichtius robustus</i> )	E

The Fish and Wildlife Enhancement Office of the U.S. Fish and Wildlife Service or National Marine Fisheries Service should be consulted on questions that involve endangered species.

**I. Eagles.** Activities that potentially affect bald eagles will be consistent with the state and federal Endangered Species Acts and the Bald Eagle Protection Act of 1940 as amended. The following DNR standards are drawn from a cooperative agreement signed by the U.S. Forest Service and the U.S. Fish and Wildlife Service (USFWS), or such subsequent standards that may be promul-

gated. The USFWS may not determine them to be adequate in all circumstances. Also, meeting the guidelines does not absolve the party from the penalty provisions of the Bald Eagle Protection Act, therefore, the USFWS should be consulted when activities may affect bald or golden eagles.

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

Permits for blasts of a magnitude documented to be disruptive to nesting eagles will, to the extent feasible and prudent, be prohibited within one-half mile of active eagle nests between March 15 and August 31.

- J. Soil Erosion.** Soil erosion will be minimized by restricting the removal of vegetation adjacent to water bodies and by stabilizing disturbed soil as soon as possible.
- K. Fish and Wildlife Enhancement on State Lands.** Fish and wildlife enhancement activities on state lands, whether by ADF&G or other parties, will be consistent with the management intent for those lands. Enhancement activities likely to attract significant public use, including sport fishing use, will be designed and located to minimize the impact of additional public use on the existing recreation resources, including anchorages, campsites, and existing and intended wilderness values.
- L. Grounding of Floating Facilities.** Floating tideland facilities will not ground at any tide stage unless ADF&G determines there will be no significant impact to the habitat values, or the applicant demonstrates to the satisfaction of DNR that there is no feasible and prudent alternative and DNR determines it is in the state's best interest.
- M. Protection of Fish and Wildlife Resources - Transportation Facilities.** Important fish and wildlife habitats such as those mapped as crucial, riparian areas, wildlife movement corridors, important wintering areas, and threatened or endangered species habitat should be avoided in siting transportation routes unless no other feasible and prudent alternatives exist. Location of routes and timing of construction should be determined in consultation with the Department of Fish and Game (ADF&G).
- N. Cumulative Impacts.** ADF&G will periodically assess the cumulative effects of changes in the use and development of Prince of Wales Island on the various fish and game species in the area. In doing so, ADF&G may solicit the advice of other appropriate fish and wildlife agencies. In the case of declining health or population of a species or significant changes to use patterns, ADF&G should advise DNR of the land and waters critical to the species and recommend permit and lease stipulations necessary for its protection.
- O. Black Bear, Marten, Deer, Wolf and Waterfowl Habitat.** Through the Forest Land Use Management Plan process, DNR will make allowances for important bear, marten, wolf, Sitka black-tailed deer, and waterfowl habitat identified by ADF&G. DNR, in cooperation with ADF&G, may apply more detailed habitat protection through the Forest Land Use Plan process. Concentration areas and seasonal use patterns for these species are to be supplied by ADF&G as part of the preparation of the Forest Land Use Plan.

## II. MANAGEMENT GUIDELINES FOR HARVEST AREAS

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### P. Allowing Uses Within Designated Harvest Areas (Cy, Cl, and Sf).

1. **Allowing Uses Not Designated in Chapter 3.** Non-designated uses are initially considered to be compatible in designated harvest areas if, through guidelines and stipulations, the non-designated uses can be made to have minimal adverse impact on the harvest activity for which the area was designated. A non-designated use is considered incompatible if guidelines and stipulations could not be expected to prevent a significant adverse impact on the designated harvest activity. Refer to the community harvest map in Chapter 1 for areas of general community harvest.
2. **Allowing Uses Designated in Chapter 3.** If within areas designated for Important Community Harvest, Intensive Commercial Harvest, or Intensive Sportfishing, another use is given a primary or secondary designation, or the area is open to mineral entry, the Department policy is: a) that with appropriate design, siting, and operating stipulations, the designated use can be made compatible and significant impacts to the harvest use avoided; or b) that the use is of sufficient importance or lacks a feasible alternative that it should be allowed within the harvest area consistent with the guidelines of the plan and ACMP policies.

### Q. Allowing Uses in Other than Mapped Intensive or Important Harvest Areas.

Outside of mapped intensive or important harvest areas, uses that would alter existing harvest activities will be sited consistent with 6 AAC 80.120(a), the management guidelines in this chapter, and the management intent and guidelines in Chapter 3.

Consideration will be given to impacts other activities will have on community harvest in areas that do not meet the criteria for designation for important community harvest due to their dispersed nature. Refer to the community harvest map in Chapter 1 for areas of general community harvest.

### R. Activities Adjacent to Important or Intensive Harvest Areas.

Activities adjacent to intensively used commercial, recreation, community, or subsistence harvest areas will not foreclose access during the harvest or use season. These harvest areas include:

- Purse Seine Hookoff Points
- Gill Net Areas
- Subsistence Harvest Areas
- Sportfish Areas
- Community Harvest Areas

### S. Activities in Intensive Purse Seine and Gill Net Areas.

If there are feasible and prudent alternatives, tideland facilities will not be located where they would obstruct drift and seine use of the shoreline in intensive purse seine and gill net areas.

### T. Activities in Traditional Use Commercial Herring Areas.

Activities should be conditioned to minimize disruption of the harvest within traditional herring fishery areas including the sac roe and wild kelp harvest fishery areas.

### U. Anchorages.

See Management Guidelines for Floating Facilities.

### V. Other Guidelines Affecting Fish and Wildlife Habitat.

Other guidelines may affect the protection and management of fish and wildlife habitat. See the following sections of this chapter:

- Aquatic Farming
- Coordination and Public Notice
- Floating Facilities
- Forestry
- Instream Flow
- Material Sites
- Recreation, Tourism, and Scenic Resources

- Settlement
- Subsurface Resources
- Shorelines and Stream Corridors

In addition, the Alaska Coastal Management Plan habitat standards 6 AAC 80.130(a-d) provide guidance for uses in coastal habitats.

## Floating Facilities

### GOALS

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**Economic Development Opportunities.** Provide opportunities to increase personal income and diversify the state's economy by accommodating residential uses needed to support commercial and industrial developments, including opportunities for commercial and industrial development to support tourism, development, upland resource extraction, and provide services for community needs.

**Settlement Opportunities.** Provide a range of options for using state land for floathome purposes.

### DEFINITIONS

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**Floating Facilities (General):** A general phrase used to encompass the types of floating facilities further described below. These facility types do not include commercial fishing vessels engaged in commercial fishing activities. Residential floating facilities require an authorization if moored or anchored within a bay or cove in one location for a period of 14 days or more. Moving the floating facility at least two miles starts a new 14-day period. Commercial floating facilities require authorization before occupying state tidelands.

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Facility Types	Definition
Floathomes	Floathouses, house boats, barges, and boats, powered or not, that are intended for non-commercial residential use. A floathome is generally for single family use and not associated with economic development activities.
Floatlodge	A floating residential facility providing overnight accommodations for commercial recreation services to the public.
Floating Caretaker, Floatcamp, or Floating Camp	Single or multi-family floating residential facilities used as housing or that are necessary to contain equipment or processing to support facilities for economic development activities such as commercial timber harvest, mineral exploration or aquatic farming operations, or associated with public activities. (Note: This definition also applies to floatcamps or floating camps.)

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### MANAGEMENT GUIDELINES

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**A. Siting, Development, and Operational Standards: General.** Floating facilities will be sited, designed and operated consistent with the requirements of the U.S. Corps of Engineers General Permit for floathomes (currently 89-4) and all successor general permits or an individual permit; federal and state water quality standards; coastal zone standards under ACMP 6 AAC 80.130; and ADF&G habitat protection regulations. If necessary, DNR may impose additional stipulations to ensure environmental or habitat protection, use compatibility, or to meet the objectives of this plan.

**B. Siting: Floating Facilities Inside Municipalities.** Within the corporate boundaries of municipalities, DNR will regulate floating facilities siting consistent with the Alaska Coastal Management Plan, including the district coastal zone management plan if applicable, and the local comprehensive plan or zoning. If there is no local comprehensive plan or zoning, DNR will work with the local government and facility owner(s) to locate areas suitable for floathome use.

- C. Siting: Floathomes Adjacent to Residential Areas.** Floathomes will not be authorized adjacent to upland residential uses unless the area is designated for floathomes as a primary or secondary use. However, a short-term authorization, not to exceed two years, may be given on an individual basis to the upland owner if the floathome is to be occupied while the upland owner is constructing a residence on his/her upland parcel.
- D. Siting: Floathomes within or near Sensitive Uses, Habitats, or Resources.** To protect existing habitats, resources and uses, unless an area is designated for floathomes as a primary or secondary use, floathomes should not be authorized in areas: designated crucial (Ha) or prime habitat or harvest (Hb), anchorages, recreation (r, Ra, Rc, Rd, Ru), near an authorized aquatic farming operation (except for associated caretaker residences), near known cultural or historic sites, or where the use of floathomes is not allowed in the management intent statement for a particular subunit in this plan.
- E. Area Occupied by Floating Facility.** All floathomes and related floating structures shall occupy the smallest area of tideland or submerged land practicable consistent with the requirements of the proposed use.
- F. Authorization of Floating Structures.** DNR should not authorize floating structures within areas of sensitive uses, habitats, or habitats, described more specifically in management guideline D. Floating structures may be authorized by DNR in other tideland areas if the proposed facility meets the standards of this section, conforms to applicable regulations and statutes stated in management guideline A, and the use is found consistent with the state Coastal Zone Management program. This standard applies to both residential and non-residential floating structures.
- G. Form of Authorization of Floating Structures.** Residential and non-residential structures should be authorized through the use of a permit. Permits issued to residential and non-residential structures shall be of five year duration and may be renewed. Renewal may be authorized by DNR for another five years if the floating structure meets the requirements of the initial permit and any other stipulations that DNR may impose to conform the use to the then current standards or regulations. Commercial structures may be allowed by or be converted to a lease when the use, in the opinion of the Department, is of a permanent nature. Floating facilities of a non-permanent character shall only be authorized by permit.
- H. Authorization of Temporary Floating Commercial Facilities.** Floating camps and related facilities should be temporary, with full occupancy restricted to the time when resource development is occurring. To the extent practicable, camps and associated facilities should be consolidated to minimize impacts and limit their proliferation. Temporary floating commercial facilities shall not be sited in sensitive habitat, resource, or use areas, described more specifically in management guideline D and may not be sited in other areas unless they are a designated use or support a designated use in the plan. Authorizations for floating facility should terminate when the upland use which created the need for the floating structure has ended or when the need for the supporting floating facility ends. Authorization for this type of use shall be through a permit, which is not intended to be renewable.
- I. Public Notice.** The adjacent upland owners shall be notified by DNR during permit review, as part of and in addition to the general public noticing required of agency actions under AS.38.05.945. Floating facilities authorized by a DNR permit shall affix on the facility a posting. The posting, which verifies their permit, shall be displayed on the facility in a location which is visible from the most common access route.
- J. Anchoring of Floating Facilities.** In order to protect public access to and along public tidelands, shoreties that would conflict with public access should not be authorized if floating facilities can be safely moored through the use of anchors or rock bolts. In addition, shoreties will not be used where there is no authorization from the upland owner.
- K. Other Guidelines Affecting Floating Facilities.** Other guidelines will affect floating facilities. See in particular the following sections of this chapter:
- Coordination and Public Notice
  - Fish and Wildlife Habitat and Harvest Areas

- Material Sites
- Recreation, Tourism, and Scenic Resources

## Forestry

### GOALS

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**General.** The state's forest management goal for Southeast Alaska is to provide raw material for a viable timber industry in a way that is compatible with the conservation and sustained yield of all renewable resources that are important to present needs, consistent with the need to preserve future options. The strategy is to use the limited supply of state timber to support small to mid-size, local businesses that provide steady jobs for Southeast residents by producing value-added products.

**Economic Opportunities.** Provide for economic opportunities and stability in the forest products industry by allowing the use of state uplands for timber harvest and state tidelands and submerged lands for log storage and transfer sites, and beach log salvage.

**Community Development and Expansion.** Support communities by providing timber to help establish a small to medium scale value added timber industry in the existing and prospective communities on Prince of Wales Island as well as other Southeastern communities.

### MANAGEMENT GUIDELINES

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The timing, location, harvest amounts and methods of timber harvests are controlled by state statutes and regulations. The Alaska Land Act (AS 38.05.110-.123) and Regulations (11 AAC 71) provide policy and guidance for management of state forest resources. The Forest Resources and Practices Act (AS 41.17) and Regulations (11 AAC 95) provide additional policy and guidance for managing forest related activities.

Area plans adopted under AS 38.04.065 determine whether forest harvest is an appropriate use of state lands. Area plans, such as this plan, designate the main uses for state lands, set guidelines to ensure that multiple uses occur compatibly, and classify the land according to its main uses. Land must be classified before it and any interests in land can be sold (11 AAC 55.040(i)).

Proposed timber sales throughout the state must be included in two consecutive annual Five-Year Schedule of Timber Sales published by the DNR Division of Forestry (DOF), with certain exceptions. These annual sale schedules identify the location, timing, and volumes of proposed timber harvest; transportation schedules; and reforestation schedules on state forest land managed by DNR. Small sales of 10-160 acres are, as a matter of DNR policy, also listed in the five-year sale schedule at least once.

Site-specific guidelines for forest management activities are addressed through a Forest Land Use Plan (FLUP) prior to offering timber for harvest (AS 38.05.112). A Forest Land Use Plan is required for all sales greater than 10 acres. All timber sales must be in the overall best interest of the state. When a written Best Interest Finding is required under AS 38.05.035, it is made part of the FLUP.

**A. Multiple Use Management.** Unless particular uses are specifically prohibited, all lands primarily designated Forestry are intended to be managed for multiple use consistent with AS 41.17.060 and the primary Forestry designation. The relative importance of other beneficial uses will be specified in the management statements and controlled by the management intent guidelines for each management unit in this area plan.

In many cases, the management intent for a subunit indicates that timber harvest may be appropriate within areas designated Settlement or General Use. When used with the Settlement designation, this implies that timber harvest may occur concurrent with the subdivision process or prior to actual settlement, since the Settlement designation is sometimes used where development is not expected to occur for a least 10-15 years into the future. In the latter

instance, it is intended that timber harvest will support eventual subdivision development, especially in the design and location of roads.

The General Use designation is used in this area plan where development patterns are not immediately evident, development is expected to occur far into the future, or when a variety of uses could occur within an area. Typically, the General Use designation applies to large parcels where the expected uses are generally compatible, or could be made compatible with management guidelines. The relative importance of each beneficial use will be specified in the management intent statements and controlled by the management guidelines for each management unit.

## B. Timber Harvest.

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.
2. **Timber Harvest Stipulations.** 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.
3. **Forest Land Use Plans (FLUP).** Although this area plan establishes areas of potential timber harvest, it does not make specific timber harvest decisions. Before timber harvest decisions are made for specific locations in the Prince of Wales Island area, DOF will prepare a Forest Land Use Plan (FLUP), required under AS 38.05.112, and a Best Interest Finding, required under AS 38.05.035. FLUPs will contain site-specific guidelines for timber harvest. Negotiated timber sales will occur in the future on Prince of Wales Island that are less than 10 acres in size or less than 500 MBF. These sales do not require a Best Interest Finding but may require a FLUP if they are greater than 10 acres in size. In either case they must still adhere to the area plan's standards, guidelines and management intent statements.
4. **Size and Shape of Timber Harvest Units.** In determining the size, shape, and spacing of timber harvest units DOF will take into consideration: reforestation; water body types; effects of soil erosion and mass wasting on water quality and fish habitat; terrain; marketing conditions and other economic constraints; harvest equipment capabilities; efficiency; wind firmness of areas that are not cut, and will make allowances for important fish and wildlife habitat and scenic quality.

Harvest units may not exceed 160 acres in size unless approved in a FLUP after consultation with DEC and ADF&G, and public review. The 160 acre limit applies to all harvesting systems except single-tree selection. In some subunits, management intent indicates a smaller acreage.

5. **Leave Area Design Criteria.** After consultation with ADF&G, leave areas shall be left to make allowances for important wildlife habitat. The cumulative benefits of the forestwide protections provided by the TLMP should be considered in making determinations of the need for leave areas. Leave areas provide interconnected habitat for travel, feeding, resting, and escape or avoidance of predators. Where evidence of their use by wildlife is found to occur, natural travel corridors such as ridge points, the forested edge of wetlands, the coastal fringe, and riparian corridors should be considered for inclusion within designated leave areas. To achieve this intent, special management areas are designated along anadromous and high value resident fish streams, and coastal shorelines to facilitate wildlife movement, and provide important riparian habitat for fish and wildlife. Buffers not less than 330 feet will be left around each bald eagle nesting tree unless, upon consultation with USFWS, a site specific activity may be conducted within 330 feet of the nesting tree. Wind firmness of residual trees will be taken into consideration when designing leave areas between designated cutting units. Bridge timbers may be taken from leave areas if there is a feasible or prudent alternative.

- 6. Harvest Unit Layout.** A patch cutting system of interspersed cutting units and leave areas will be used where feasible and prudent. DNR will lay out units following DOF's Engineering Guide for Southeast Region.
- 7. Timing of Harvest Activity.** Among those management units with areas designated Settlement or General Use and identified as suitable for timber harvest in Chapter 3, DOF will rotate the location of harvest activities between management units over time. Rotating the location of timber harvest will reduce the level of impacts to any particular management unit at any one time. In general, within a management unit there should be no more than one timber sale in an area designated Settlement every two years, unless the community supports a more active timber harvest program. This policy applies only to timber sales greater than 10 acres.
- 8. Slopes Greater Than or Equal to 67 Percent.** Forest management activities may not be conducted on slopes consistently greater than 67 percent, on an unstable slope, or in a slide-prone area unless approved in a FLUP after consultation with DEC and ADF&G. Harvest operations will be designed to prevent mass wasting and to maintain soil productivity, tree regeneration, and fish habitat.
- 9. Recreation and scenic values.** In determining the size and shape of cutting units, DOF shall make allowance for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry. In these areas cutting units will reflect local topography and, to the extent practical, blend in with the topography and minimize linear borders. The relative importance of scenic quality will be specified in the management statements and controlled by the management intent guidelines for each management unit.
- C. Log Transfer Facilities and Sort Yards.** Sort yards and log transfer facilities (LTF) will be constructed, sited, operated, and monitored in order to avoid or 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 ADF&G.
- D. Beach Log Salvage.** Although beach log salvage may be categorically consistent with the Alaska Coastal Management Program, a license is required from the Department before salvage commences. Beach log salvage administered under the provisions of AS 45.50 and 11 AAC 71 shall be consistent with standards developed by the DOF, GP-10, and the Cooperative Agreement with the US Forest Service.
- E. Timber Salvage From Rights-of-Way.** All timber having high value should be salvaged on rights-of-way to be cleared for construction or other purposes.
- F. Sustained Yield of Forest Resources.** Forest land will be managed to guarantee perpetual supplies of renewable resources to serve the needs of all Alaskans for the many products, benefits, and services obtained from them. Annual allowable timber harvest for the Prince of Wales Island area shall be based on the acreage with designations identified as suitable for timber harvest in this plan, the POWIAP, SWPOWIAP and the Central Southeast Area Plan (under preparation, 1998) within the Division of Forestry's Ketchikan Area, taking into consideration the standards and guidelines of this plan and relevant statutes and regulations. The acreage may change over time as lands are converted to other uses. The number of acres of land suitable for timber harvest will be reviewed and revised periodically, and a new annual allowable harvest calculated. The annual allowable harvest will be calculated using the area control method.

The amount of timber harvested annually from the Prince of Wales Island area will vary, and may be more or less than the annually allowable harvest figure for the area covered by the Southwest and Prince of Wales Island Area plans. However, at no time shall the acreage harvested on a decadal basis from the area covered by these plans, and from other state land identified as suitable for harvest on Revillagegido and Gravina Islands, and the Cleveland Peninsula in the Central Southeast Area Plan, exceed the annual allowable harvest for that period.

**G. Protection of Fish and Wildlife Habitat.** Land designated Forestry, or land where timber harvest is an appropriate use, will be managed for multiple use of all resources and to ensure the sustained yield of renewable resources. Prior to harvest, DNR shall consult with and give due deference to ADF&G on the effects of the proposed harvest on fish and wildlife habitat, and make allowance for important fish and wildlife habitat, as provided under AS 41.16.060 and 41.17.098(d). The relative importance of wildlife habitat will be specified in the management intent statements and controlled by the management guidelines for each management unit. Important fish habitat is defined as a waterbody supporting anadromous or high quality resident fish, as defined in AS 41.17.118(a)(2)(A) and consistent with the meaning of AS 41.17.060. Timber harvests of less than 10 acres in size are considered consistent with this guideline without consultation unless activities are proposed for which ADF&G has due deference as noted here, or in guidelines H or I.

Riparian areas shall be managed in accordance with AS 41.17.118 and 11 AAC 95.185. No harvest activities will be undertaken within 100 feet of a anadromous or high value resident fish stream except as provided by 11 AAC 95.275 & .355. Within 100-300 feet from the stream harvest may occur but must be consistent with the maintenance of important fish and wildlife habitat required under AS 41.17.118(a), with due deference to ADF&G. Riparian areas will be protected from significant adverse effects of timber harvest activities on fish and wildlife habitat, taking into account the economic feasibility of timber operations.

**H. Special Management Zones within 100 to 300 feet of Fish Streams.** Timber harvest next to anadromous or high-value resident fish streams must be consistent with the requirements of the Forest Resources and Practices Act. Forest management activities between 100 and 300 feet of anadromous or high-value resident fish streams may occur upon approval in a FLUP after consulting and giving due deference to ADF&G. Forest management activities in the special management area shall be conducted consistent with the maintenance of important fish and wildlife habitat.

**I. Heritage Sites.** Areas of known historic, archaeological, or paleontological sites should not be disturbed. Timber operations should not occur within 300 feet from the boundaries of known sites unless the State Office of History and Archaeology determines, in consultation with DOF, that certain activities can occur without significantly impacting the cultural resource. On unique sites, a larger buffer may be needed. The Office of History and Archaeology shall, within the limits of staffing and funding, assess the extent and significance of the cultural resource and work with DOF to develop site-specific mitigation measures to protect the cultural site while allowing timber management to occur.

**J. Road Standards for Forestry Management Activities.** DNR will locate, design, and maintain timber mainline and secondary roads for forestry management activities consistent with DOF's Engineering Guide for Southeast Region, and the standards contained in Article 3 of the FPA regulations. Roads will be located, designed, and managed to maximize resource access while minimizing significant impacts to the environment. To the maximum extent possible, roads shall be located outside of important fish and wildlife habitat and plans for road closures and obliteration should be part of an overall conservation strategy, consistent with other needs and interests.

**K. Salvage of Damaged Trees.** Trees damaged due to windthrow, insect, or disease conditions may be salvaged on all land use designations in accordance with management intent statements for each specific management unit in Chapter 3. A Forest Land Use Plan, if required, will provide the rationale for conducting the salvage harvest and describe how the management intent statements for each management unit will be achieved.

**L. Other Guidelines Affecting Forestry.** Other guidelines will affect management practices for timber development support facilities and forestry. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Floating Facilities
- Material Sites
- Recreation, Tourism, and Scenic Resources

## Instream Flow

### GOAL

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

### MANAGEMENT GUIDELINES

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**A. Stream Uses to Consider for In-stream Flow Reservation (General).** Streams and other water bodies may be considered for in-stream 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.** Competition for the use of surface water resources is becoming a significant issue within the planning area and increased demand for water is thought to be occurring. No in-stream reservations are recommended, but the need for such reservations should be evaluated for Klawock River and Lake and for other water bodies with high fisheries values. Further study or major new developments requiring substantial water use may result in the need to evaluate the need for an instream water reservation.

**C. Process for Determining Reservations.** Requests for instream water reservations will be adjudicated by the Department following the procedures identified in 11 AAC 93.141-147. In general, these procedures require establishing the management objectives of the water body, estimating the quantity of water seasonally available, determining the amount of water already appropriated, and projecting the instream flow requirements for the uses and resources to be protected.

**D. Other Guidelines Affecting In-stream Flow.** Several other guidelines will affect instream flow. See in particular the following sections of this chapter.

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources

## Material Sites

### GOAL

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

### MANAGEMENT GUIDELINES

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**A. Preferred Material Sites.** When responding to a request for a material sale or identifying a source for materials on public lands, 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.

- B. Maintaining Other Uses and Resources When Siting and Operating Material Sites.** Before materials are extracted, the manager 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.
- 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 public ownership for future use.
- D. Screening and Rehabilitation.** Material sites should 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. Rehabilitation of the site shall follow the requirements of AS 27.19.020 and 11 AAC 97.250.
- E. Other Guidelines Affecting Materials.** Other guidelines will affect the use of material resources. See in particular the following sections of this chapter:
- Fish and Wildlife Habitat and Harvest Areas
  - Coordination and Public Notice
  - Recreation, Tourism, and Scenic Resources
  - Subsurface Resources

## Recreation, Tourism, and Scenic Resources

### GOALS

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**Recreation Opportunities.** Alaska's residents and increasing numbers of out-of-state visitors desire and expect a variety of outdoor recreational opportunities with different levels of accessibility. Areas with unmodified natural landscapes, conveniently located public recreation areas; well designed, maintained, and safe recreation facilities; and opportunities to appreciate Alaska's history and diverse cultures should be provided to:

- Develop, through cooperation with other agencies, nonprofit groups and landowners, and the management of other state lands and tidelands, a system of parks, recreation areas, trails, historic parks, rivers, and areas of unchanged scenic landscape, that provide a wide range of year-round outdoor recreation opportunities for all ages, abilities, and use preferences near population centers and major travel routes.
- Provide recreation opportunities on land and water areas that serve multiple purposes such as habitat protection, timber management, and mineral resource extraction.
- Assist communities through cooperative planning, conveyance of state lands, and grants-in-aid for parks and trails within population centers.
- Encourage commercial development of recreational facilities and services through concession contracts, land sales, leases, loans and technical assistance where public recreation needs can most effectively be provided by private enterprise while minimizing environmental impacts.

**Recreation Resource Protection.** Alaska's natural and cultural resources are the foundation of Alaska outdoor recreation and they must be protected. Soil, forests, prehistoric and historic sites and objects, fish and wildlife habitat and populations, scenic areas and access to open space must be preserved if Alaska's scenic and recreation values are to be maintained for future generations. Long-term public appreciation of Alaska's natural and human history and perpetuation of Alaska's distinctive identity can be accomplished through the following actions:

- Protect the recreation resources that the public comes to see and use including public access, visual resources, and, where appropriate, the isolation and unique wilderness characteristics of Prince of Wales Island.
- Protect and portray natural features of regional or statewide significance and cultural features representative of major themes of Alaska history in historic sites, parks, and preserves of the State Park System.
- Assist other land management agencies and nonprofit groups to perpetuate natural and historic features on non-state lands, in community park systems, and on private property by providing technical assistance and grants-in-aid.

**Economic Development.** Tourism has grown dramatically since statehood and is now the state's third largest industry; its economic potential has just begun to be realized. Areas developed and managed primarily for outdoor recreation and the appreciation of scenic, fish and wildlife, and historic values fulfill expectations of tourists. The influx of tourism dollars creates many jobs and services for Alaska residents. Recreation and tourism employment can be increased by the following:

- Rehabilitate and maintain recreation resources that enable greater appreciation of Alaska's natural, scenic, and historic resources.
- Increase the number of attractions through additions to the Alaska State Park System and the management of other state lands to protect natural, scenic, recreation, and historic resources.
- Develop cooperative interagency information centers for visitors.
- Assure adequate opportunities for the full spectrum of developed and undeveloped recreation opportunities appropriate for Prince of Wales Island. This goal should be achieved considering the use and plans of all land owners; private, federal, and state.

## MANAGEMENT GUIDELINES

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**A. Coordination With Other Landowners.** Recreation management, including the location and management of recreation facilities, will take into account the current and likely management by the USFS and private landowners.

### **B. Public Recreation Facilities**

**1. Public Use Cabins.** A system of public use cabins should be established in state parks and other state lands. The locations of these facilities shall be consistent with the management intent for the subunits of this plan.

#### **2. Location of Recreation Facilities.**

##### **General:**

**a. Preferred Locations.** Recreation facilities, including public use cabins, minimum development campsites, mooring buoys and other low intensity facilities for the general public are appropriate where overuse is damaging the environment, to direct public use and activities away from inappropriate locations where needed to accommodate conflicting uses, and where consistent with the plan's management intent including those areas where the intent is to expand the campsites or anchorage capacity, or encourage additional public use.

**b. Inappropriate Locations.** Recreation facilities are not appropriate where the management intent of this plan is to maintain the natural condition of the area free from additional concentration of recreation users or significant evidence of human use. Unless the management intent indicates otherwise, tidelands adjacent to designated USFS Wilderness and LUD II areas are to be managed for recreational uses. In addition, recreation facilities should not be placed adjacent to cultural resource sites which might subject the sites to vandalism because of the increased public use.

**Specific:**

**Public Mooring Buoys.** Mooring buoys will not be located: a) in existing natural anchorages unless they would increase the capacity or reliability of the anchorage (for example, make it reliable in different wind or wave conditions); b) adjacent to frequently used campsites, unless intended as a part of the campsite development; c) where they may interfere with commercial fishermen including drift net, purse seine, or set net operations; d) in areas that will conflict with state or federal wilderness management objectives; or e) in or adjacent to sensitive habitats, such as eelgrass beds, unless they will help preserve the habitat by minimizing the use of anchors.

- C. Commercial Recreation Facilities on State Land.** Lodges (including floating lodges), tent camps, or other private facilities designed to be run as private recreation facilities may be authorized if the facility meets the management intent and guidelines outlined in Chapter 3, fulfills the conditions outlined in this section, is consistent with the requirements of AS 38.05.070 and .075 or AS 38.05.073, or a management plan is prepared in accordance with AS 41.21.302(c) authorizing the facility. Chapter 3 prohibits commercial recreation facilities in certain subunits.
- 1. Siting, Construction, and Operation.** The facility will be sited, constructed, and operated in a manner that creates the least conflict with natural values and existing uses of the area. The commercial facility and the use it generates will avoid significant adverse impacts on fish and wildlife habitat. To the extent practical, floatlodges should be visually and acoustically hidden from main travel routes, frequently used anchorages, regionally important campsites, and frequently used recreation areas. For facilities supporting recreational fish and wildlife harvest, ADF&G will be consulted on the possible effects of increased harvest on fish and wildlife resources, and on established commercial, recreation, and subsistence users.
  - 2. Upland Access to Floatlodges.** Where the need for upland access to the floatlodges is anticipated, the floatlodges should be tied where there is legal upland access to the site.
  - 3. Authorizations for Floatlodges.** Floatlodges shall also meet the requirements for these structures under *Floating Facilities*.
- D. Permits and Leases Adjacent to Recreation Facilities.** Tideland activities may be allowed adjacent to public recreation facilities, including public use cabins, lodges, or fuel stops if the land manager determines that the two uses can be made compatible by design, siting or operating guidelines; or if the land manager determines there is no feasible and prudent alternative for the activity. The land manager's determination will be made after consultation with the facility manager.
- E. Developed Recreation Facilities in Crucial Habitats.** Based on available information, developed recreation facilities have been initially determined incompatible within mapped crucial fish and wildlife areas. A specific proposal for a developed recreation facility might be considered for compatibility based on its design or if ADF&G determines that the area does not contain the habitat type in question, if ADF&G determines through new information or more detailed analysis that the area is not crucial as defined in the plan, or if the use receives a positive conclusive consistency determination under the ACMP and impacts are mitigated in accordance with Fish and Wildlife Habitat and Harvest Guideline A.
- F. Other Guidelines that Affect Recreation, Tourism, and Scenic Resources.** Other guidelines will affect recreation, tourism, and scenic resources. For details of these guidelines, see the following sections of this chapter:
- Coordination and Public Notice
  - Fish and Wildlife Habitat and Harvest Areas
  - Floating Facilities
  - Forestry
  - Material Sites
  - Settlement

- Shorelines and Stream Corridors
- Subsurface Resources
- Trail and Public Access Management

## Settlement

### GOALS

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**Private Land Use.** Provide suitable public land for private settlement purposes. DNR will attempt to satisfy two settlement categories within the planning area:

- 1. Year round residences or 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 usually 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 to funding.
- 2. Industrial or commercial development.** DNR will sell, lease, or protect for future use suitable land for private commercial and industrial uses. If DNR sells the land, the timing of this disposal will depend on market demand and adequate funding.

**Provide for a Variety of Uses.** DNR will provide for a variety of settlement uses on state uplands and tidelands.

**Community, Social, and Aesthetic Values.** In designing future disposals, DNR will maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and minimize undesired impacts on those values.

**Fiscal Impacts.** Land disposals should be sited and planned to minimize the costs of infrastructure and other services resulting from settlement. Disposals should be focused on areas where organized communities exist and where service requirements may be provided by local government or community organizations.

### MANAGEMENT GUIDELINES

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#### A. Planning and Coordination.

- 1. Competition.** The state may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.
- 2. Local Plans.** DNR will comply with provisions of local comprehensive plans regarding the location and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.
- 3. Coordination with Local Governments.** Where DNR and a municipality both have land, state land offering programs should be coordinated with similar programs of local government to best achieve common objectives. To this end, DNR would consider developing a joint disposal plan for state and municipal lands with any municipality that is interested. This plan would consider the municipality's fiscal planning for road extension priorities and its plans for levels of services in different areas. If a municipality has a comprehensive land use plan, that plan will provide direction for settlement areas. The disposal plan should demonstrate what community objectives would be met and how the requested capital improvement funds would support municipality-wide priorities for roads and service extensions to benefit current and future residents.
- 4. Pacing.** Settlement offerings should be phased over 20 years, the life of this plan. The timing and extent of disposals will depend upon market demand, availability of funding, the rate of community expansion, and the particular land requirements of such expansion. Another important factor will be whether the disposal will generate a demand for services that cannot be reasonably expected to be met by local government or community organizations.

- B. Isolated Parcels of State Land.** The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The following guidelines apply to management and possible disposal of these parcels.
- 1. In or Near Existing Communities.** If the parcel is in or immediately adjacent to an existing community or past state land offering, the parcel can be offered for settlement unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other public facilities.
  - 2. Parcels Near Other State Land.** If the parcel adjoins or is surrounded by other state land, it should be managed according to the management intent and guidelines applicable to the adjacent lands.
  - 3. Parcels Not Near Other State Land.** Parcels, such as mining claims acquired by foreclosure in the middle of a federal conservation system unit, may be considered for exchange to the adjacent property owner.
- C. Protection, Management, and Enhancement of Other Resources.**
- 1. Protect Life and Property.** DNR will retain public lands and coordinate with local governments to discourage development in areas of flooding, unstable ground, significant snow avalanche risk, or other hazards. Public lands within a surveyed 100-year floodplain should remain in public ownership except where a regulatory floodway and floodplain have been identified through detailed hydrologic studies.
  - 2. Protect and Manage Valuable Environmental Areas.** The state will provide, in land disposals, a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands.  
  
These areas should be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be protected to provide adequate terrestrial habitat.
  - 3. Priority of Public Uses in Stream Corridors.** Within stream corridors DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important recreation value will be designed to protect habitat and protect access to and along the stream for fishing, hiking, camping, and other recreational activities.  
  
In certain limited cases it may be appropriate to provide land for private use, but such an action must be in the overall best interests of the state. Before lands are disposed of in stream corridors, DNR will assess existing and projected public use needs associated with the stream corridor, in consultation with other affected agencies and the public.
  - 4. Protect and Enhance Scenic Features.** The state generally will retain in public ownership unique natural features such as cliffs, bluffs and waterfalls, and foreground open space for panoramic vistas. Public access to such amenities will be preserved. Such lands include islands in bays unless land disposals can be designed to prevent negative effects on the scenic and recreational values of the area.
  - 5. Protect and Enhance Recreational, Educational, and Cultural Opportunities.** Project the need for and retain appropriate areas for outdoor recreation, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.
- D. Design.**
- 1. Provide Public Land for Communities.** DNR, as a general policy, will retain appropriate green-belts, public-use corridors, water supply areas, buffer areas, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas.

2. **Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-round settlement to areas where services exist or can be provided with reasonable efficiency.
3. **Ensure Access.** DNR shall ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved within land offerings. Field assessment should be used, and where appropriate, road grade profiles prepared, to ensure that access routes are feasible. DNR will ensure actual physical access is available or can be developed (road, air, or water) to each new state subdivision project.

Section line or other easements will not be relied on for access without field inspection of the practicality of such routes. Identified access routes will be described in the land offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.

4. **Subdivision Design.** Subdivisions will be designed to preserve and enhance the quality of the natural setting and the recreational opportunities that make an area attractive to potential buyers. State subdivision design will take account of site limitations such as slope, drainage, soils, erosion, riparian zone, and other features to ensure that sites offered are buildable in an economic and environmentally acceptable manner. Timber harvest is considered appropriate in areas designated Settlement or Settlement-Commercial if intended to support the costs or design of subdivision activity, subject to the other requirements of the Forestry standards in this Chapter.

**E. Other Guidelines Affecting Settlement.** For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Cultural Resources
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Shorelines and Stream Corridors
- Trail and Public Access Management

## Shorelines and Stream Corridors

### GOALS

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**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 riparian fish and wildlife habitats and harvest.

**Water Quality.** Protect water quality to support domestic uses, fish and wildlife production, and recreational activities.

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

### MANAGEMENT GUIDELINES

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- A. **Priority of Public Uses in Stream Corridors.** In general, 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. Disposals near streams with important recreation value will be designed to protect habitat and access to and along the stream for fishing, 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.

**B. Public Access Adjacent to Water Bodies.** 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 water bodies if their activities are consistent with the management intent for the area and if they can maintain tideland and stream bank access and protect important fish and wildlife habitat, public water supplies, and public recreation. Trail and other forms of non-motorized public access are generally considered to be appropriate within these areas.

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

**C. Retention of State Owned Buffers Adjacent to Waterbodies.**

1. When the management intent for state land adjacent to waterbodies (including tidelands, streams, or lakes) is to permit recreation uses such as fishing, picnicking, hunting, camping, or other similar uses, the state should retain ownership of the adjacent uplands. This approach would also apply if the protection of important habitat or wildlife use area is intended. For anadromous and high value resident fish streams, a minimum of 100 feet on each side of the stream should be retained.
2. In state subdivisions, buffers for anadromous streams and streams with important resident fish, should either be retained in state ownership or dedicated to a local government, and managed to maintain important fish and wildlife habitat, public access, and recreation values.
3. Publicly owned buffers or tracts adjacent to waterbodies may be retained along the full length of the waterbody or on segments of the waterbody determined to have high current or future use, public use or to require habitat protection.

**D. Retention of Access Easements Adjacent to Waterbodies.** For non-fish streams, an easement should be used if the primary management intent is to protect the public's right to travel or provide access for utilities. The public rights retained in an easement shall be identified and noted in the DNR decision document and on the subdivision plat. In areas that may be sensitive to vehicular travel, the easement will be reserved for pedestrian access only. Access easements may be used in combination with state land that is to be retained for public use or the protection of environmental resources. In these situations, easements may be used to provide access to the areas of state retained, sensitive land, or provide access corridors between lots or tracts within the subdivision.

**E. Protection Easements and Setbacks to Non-Fish Waterbodies.** Easements or building setbacks should be used in those instances where public recreation use is judged to be moderate or where sensitive habitat or other environmental resources exist but are not of the same importance as described under C. The purpose of the easement should be noted in the Department decision document, if the information is available at that stage on the project, and on the subdivision plat. Where a protection easement is to be applied, vehicular use within the area of the easement is inappropriate and should not be authorized. Building setbacks may be used in lieu of a protection easement in those instances where it is not appropriate or necessary for the state to retain any easement rights. Building setbacks may also be used in combination with buffers, access easements, and protection easements. Building setbacks used in this fashion provide an added level of protection, while allowing private ownership of the land within the area of the setback.

**F. Buffer, Easement, and Building Setback Widths.**

1. The width of state retained land, access and protection easements, and building setbacks adjacent to waterbodies (tidelands, lakes, streams) will vary according to management intent, whether the area is a retained tract or an imposed easement, and the specifics of the tract under consideration. In addition, this width may vary along the area of the tideland, stream, or lake that is to be protected. Establishing widths, especially for publicly retained lands, will be based on the following considerations: recreational activities to be accommodated, habitat protection and management objectives, visual quality, use compatibility, prevention of erosion, or retention of a significant hydraulic resource (such as a wetland).

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

In nearly all instances involving retained state land, it will be preferable to retain a larger width, usually 300 feet on each side. Widths greater than 300 feet may also be warranted, depending on the specific site characteristics and the importance of the habitat or resources to be protected.

- a. Buffers on retained public land along anadromous and high value resident fish streams and waters: 100 feet on each side of the anadromous stream or water. (Widths greater than this amount, up to 300 feet, should be authorized if necessary to protect fisheries, wildlife, or habitat).
- b. Buffers on other freshwater waterbodies on retained public land: 50 feet on each side of the stream or 50 feet on the edge of lakes.
- c. Protection easements used in areas of important environmental features: 50 feet on each side of important environmental features such as high value wetlands. In instances where a protection easement is included as part of a disposal to local unit of government under their Municipal Entitlement, this width is 50 feet.
- d. Public access or utility easements adjacent to tidelands, lakes, and streams: 50 feet.
- e. Building setbacks: 25 feet outside of buffers or easements.

#### **G. Management of Areas Adjacent to Anadromous Fish Streams and Water Bodies.**

1. **Management Standard.** Only activities which are or can be made compatible with the objectives of protecting, maintaining, or enhancing anadromous habitat are to be authorized in the zone occurring from 100 feet away from ordinary high water. There shall also be a special management zone extending another 200 feet on each side of the anadromous stream or water body whose purpose is the maintenance of fish and wildlife protection — similar to the requirements for a special management area adjacent to such water bodies under the Forest Practices Act. Only activities that are consistent with this policy are to be authorized by DNR in its issuance of permits, leases, or other types of development authorizations.

**H. Filling Tidelands for Residential Purposes.** Filling state tidelands and submerged lands for residential purposes will not be allowed.

**I. Other Guidelines for Shorelines and Stream Corridors.** For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Cultural Resources
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources
- Trail and Public Access Management

## Subsurface Resources

### GOALS

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**Opportunities for Mineral Exploration and Development.** Provide opportunities through state land management for exploration and development of both private and public mineral resources to help ensure a stable national minerals supply and minerals development opportunities.

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

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

### MINERAL DEVELOPMENT GUIDELINES

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**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 operation. Regulation 11 AAC 97 (Mining Reclamation) details the specific requirements that must be followed.

In crucial habitat areas, annual reclamation will be required concurrent with mining. Reclamation will be required to restore degraded fish and wildlife habitat and prevent hazards to navigation.

**D. Mining in Fish Habitat.** When DNR issues a permit for mining in or adjacent to designated fish habitat, conditions of the permit will require any necessary measures, such as levees, berms, seasonal restrictions, and settling ponds, that will allow the operation to meet water quality standards, and statutes and regulations governing the protection of fish. Mining in fish habitat requires permits from DEC and ADF&G. ADF&G permits are not required in marine waters or estuarine areas outside of the intertidal channel exposed at mean low water of specified anadromous fish streams.

**E. Offshore Prospecting Permits (OPP).** Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through authorizations issued by DNR. DNR determines what areas will be offered for offshore prospecting. No areas in the planning area are currently open for permits. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. Units designated fish and wildlife habitat because of high fish habitat values are areas of significant surface use by fish. The Alaska Department of Fish and Game has stated that it has initially determined mining in “Ha” estuarine areas to be nonconforming use under the ACMP. ACMP procedures will be used to determine whether mining can be made a conforming use and, if mitigation is possible, the appropriate mitigating measures needed to protect fish and wildlife resource values.

## F. Mineral Closures

**1. Background.** The decision to apply mineral location closures will be made by the commissioner within the parameters set by the Alaska Statutes. AS 38.05.185(a) which requires that the commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statute requires that the Commissioner determine that a potential use conflict exists before requiring that development of locatable minerals be conducted under lease. The fact that an area is closed to new mineral location will not be cause for denying access across state land. Mineral closures do not affect valid existing mineral locations.

**2. Land Closed to Mineral Entry.** State mining law stipulates that mining must be determined to be in conflict with significant surface uses before an area(s) can be closed to mineral entry. In the planning area, mining was determined to be in conflict with the following significant surface uses. (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.)

**a. Areas proposed for disposal.** Approximately 15,000 acres proposed for land disposal within the next 20 years were closed.

**b. Land to be transferred to another agency.** Approximately 105 acres are closed for developed recreation facilities proposed to be managed by the DOPOR.

**c. State Parks.** Approximately 1,350 acres are closed to mineral entry because of conflicts with intensive recreation uses. These lands were retained in public ownership and were proposed as legislative additions to the State Park System.

**d. Anadromous Fish Streams.** Approximately 2,360 acres are closed to new mineral entry in areas of high mineral potential where mineral development would constitute a significant conflict with the existing salmon spawning or rearing habitat. These include a 40 acre site of tidelands and submerged lands at the mouths of 61 important anadromous fish streams, 2.0 miles of the streambed of the Harris River, 1.0 miles of the streambed of the Maybeso Creek, and .6 miles in two unnamed creeks that flow into Saltery Cove.

**3. Leasehold Location Order.** Alaska Statutes 38.05.185(a) requires that the DNR Commissioner determine that a potential use conflict exists before requiring that development of locatable minerals be conducted only under a lease. Leasehold location orders do not affect valid existing rights or closures. The areas subject to leasehold location requirements (362 acres) are uplands within 200 feet of the ordinary high water mark on either side of the portions of the four streams closed to mineral entry and 40-acre sites at the mouths of three anadromous fish streams flowing into Niblack Anchorage.

**a. Harris River.** Uplands within 200 feet of the closed portion of the Harris River will be managed to avoid conflicts with anadromous fish, waterfowl, deer, and black bear habitat and harvest, and recreation use by visitors and local residents, including public access, camping, fishing and hunting.

**b. Maybeso Creek.** Uplands within 200 feet of the closed portion of the Maybeso Creek will be managed to avoid conflicts with anadromous fish, waterfowl, deer, black bear habitat and harvest, and community recreation.

**c. SalteryCove - two unnamed streams.** Uplands within 200 feet of the closed portion of these two streams will be managed to avoid conflicts with community recreation, fish and wildlife harvest, and crucial habitat for anadromous fish.

### **d. NiblackAnchorage-mouthsofCampCreek, MyrtleCreek, andLookoutCreek.**

1) The activities will have no adverse impacts upon the stream, the estuarine or marine habitats, upon the anadromous fish these habitats support;

2) there will be no surface disturbance within the crucial habitats; and

3) the project plan will be reviewed by ADF&G with due deference given to that agency for any work within crucial habitats.

## **MINERAL APPLICATION PROGRAM - PROPOSED**

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- A. Mineral Opening and Closing Orders, and Leasehold Location Order.** This revision continues the approach used in the previous version (1989) except for areas previously closed to mineral entry and location in certain areas proposed for settlement. Specifically, the recommended program continues the Leasehold Location Order, the Mineral Opening Order, and Mineral Closing Orders related to Port Protection, Point Baker, Grindall Islands, Menefee Anchorage, Hollis, and the Fisheries. These total 18,410 acres. In addition, this revision includes a recommended closure of 1,941 acres in Salmon Bay, Sea Otter, Exchange Cove, Thorne Bay and Whale Pass, to protect recreation and settlement acres. However portions of the areas designated "General Use" in Thorne Bay, Edna Bay, Naukati, Whale Pass, Hollis, and Coffman Cove are to be reopened to mineral entry and location. Review of expected development patterns within these communities determined that settlement in these areas was not probable during the period of this plan. The Commissioner must find that there is an inconsistency between a significant surface use and potential mining operations before a mineral closing order can be created. Most potential uses within areas designated "General Use" are not inconsistent with mining operations. Appendix B includes the Mineral Opening Order. The Mineral Closing Order is contained in Appendix C.
- B. Other Guidelines Affecting Subsurface Resources.** It is important to note that guidelines in the Forestry section of this chapter which have RTF or RTS in the title apply to mineral transfer facilities and sites. Other relevant guidelines in the following sections of this chapter will also apply to the management of subsurface resources.
- C. Other Guidelines Affecting Subsurface Resources.** For details of these guidelines, see the following sections of this chapter:
- Coordination and Public Notice
  - Cultural Resources
  - Fish and Wildlife Habitat and Harvest Areas
  - Forestry
  - Material Sites
  - Recreation, Tourism, and Scenic Resources
  - Settlement
  - Shorelines and Stream Corridors
  - Trail and Public Access Management

## **Trail and Public Access Management**

### **GOAL**

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**Public Access.** Maintain, enhance, or provide adequate access to public and private lands and resources.

### **MANAGEMENT GUIDELINES: TRAILS**

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**A. General.** The following guidelines pertain to the access corridors provided by trails within developed or developing areas and between these areas. Access corridors provide movement areas for people and wildlife. They include the area of movement and, as appropriate, a buffer area adjacent to the corridor to provide separation from other uses. The width and siting of trail corridors depends upon their function and location.

**B. Requirement for Access Corridors.** The need for public access shall be assessed as part of lease or permit issuance or prior to disposal of the land estate by the Department. If local access needs are identified through the adjudication and agency review process, access corridors shall be reserved. This will occur through retention in public ownership or through the creation of a public use easement. Under either, the public is to have the right of access within the

area of state land, or if an easement, on private land for the purposes identified in the permit, lease, or disposal action.

**C. Ownership Considerations.** The following factors shall be considered by the Department in making the decision to retain the access corridor under state ownership or to provide for public access through an easement:

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

**D. Width of Trail Corridors.** The width of the access shall be determined according to its function, location, and whether the access is provided under the authority of AS 38.05.127:

1. Within developed or developing areas, trails shall not be less than 20 feet in width for pedestrian movement and not less than 40 feet if motorized movement (other than car or truck) can be expected in addition to pedestrian travel. These dimensions apply to access other than those mandated under AS 38.05.127. Where access is provided under the latter, the minimum width shall be 50 feet.
2. In all other areas, the width shall vary with terrain, function, need for separation from other uses, and other factors, but shall not be less than 50 feet except as noted below.
3. Trails or other access facilities of statewide or regional significance shall not be less than 50 feet in width.

**E. Buffers.** The widths of an access easement may be increased to include an area for a buffer. This area is in addition to the minimum access widths described above. Buffers may be necessary to minimize land use and ownership conflicts, to allow future siting of public facilities, to allow flexibility in routing, to allow adequate area for wildlife movement, or to adapt a trail to specific public uses or aesthetic or environmental concerns. Where buffers are authorized, they will be maintained in their natural condition.

The width of the buffer will depend upon the function of the access corridor and consideration of the above factors. However, there shall be a minimum of an additional 15 feet on either side of the access corridor when buffers are required by the Department.

**F. Application of AS 38.05.127 Requirements (“To and Along”).** In the administration of the “to and along” requirements under AS 38.05.127 by the Department, the “to” corridor shall be provided at a distance of approximately one-half mile. The “along” easement will be provided on state uplands along the coast, navigable river, or lake (if greater than 50 acres in size), measured landward from the line of mean high water in coastal areas or ordinary high water in fresh water. These access corridors shall be reserved in all upland lease, disposal, or permitting actions. Exceptions to this policy are intended to be small in number, and only provided when it is not feasible or prudent to impose the statutory requirement.

**G. Trail Rerouting.** Rerouting of trails may be permitted to minimize land use conflicts or to facilitate the use of a trail if alternate routes provide opportunities similar to the original. If trails are rerouted, provision should be made for construction of new trail segments if warranted by type and intensity of use. Rerouting trails shall be done in consultation with affected private users and public agencies.

**H. Alignment with Crossings.** When it is necessary for powerlines, pipelines or roads to cross trail buffers, crossings should be at a 90 degree angle to the buffer. Vegetative screening should be preserved at trail crossings.

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

#### **MANAGEMENT GUIDELINES: PUBLIC ACCESS**

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- A. 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. Surveyed section line easements should not be vacated unless alternative, physically usable access can be established.
- B. 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.
- C. Management of 17(b)2 Easements.** DNR will identify and assert 17(b) easements in order to provide access to federal and state land. Generally, DNR will not accept management of 17(b) easements unless the state already actively manages a portion of the trail or easement, or state management will best protect public access to state lands.
- D. Access for Development.** When an access route is constructed for resource development over state land, public access to mineralized areas, recreation, fish, wildlife, or other public resources should be retained. If the new resource facility is likely to be of limited duration and provides superior access to the current means of access, the new facility should be retained for access by the public. If the new facility will or should not provide public access, the current means of public access should be retained.
- E. Limiting Access.** Access to state lands may be curtailed at certain times to protect public safety, allow special uses, and prevent harm to the environment and fish and wildlife. Public access may be limited because of the presence of fire management operations, timber harvest, high soil moisture content when vehicular traffic may cause damage to the base or sub-base, and sensitive populations of fish or wildlife.
- F. Temporary Access.** Temporary access across tidelands (such as on-loading or off-loading of materials from ships or barges) should occur during a high tide period to minimize disturbance.
- G. Siting and Constructing Temporary and Permanent Roads or Causeways.** Temporary and permanent roads or causeways will, to the extent feasible and prudent, be routed to avoid vegetated tideflats, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on water quantity or water quality. If a temporary road is routed through vegetated tidelands, clean fill will be required and construction methods which facilitate removal of the fill will be required.
- H. Joint Use and Consolidation of Surface Access.** Joint use and consolidation of surface access routes and facilities will be encouraged wherever it is feasible and prudent to do so. Surface access also should be sited and designed to accommodate future development and avoid unnecessary duplication.
- I. Anchorages.** Activities are allowed in anchorages shown on the land use designation maps in Chapter 3 if they will not significantly diminish the use or capacity of the anchorage.
- J. Other Guidelines Affecting Public or Trail Management.** A number of other guidelines may affect public and trail access management. See in particular the following sections of this chapter.
- Cultural Resources
  - Fish and Wildlife Habitat and Harvest Areas
  - Forestry
  - Material Sites
  - Recreation, Tourism, and Scenic Resources
  - Settlement
  - Subsurface Resources