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Chapter 4

Implementation and Recommendations

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1 Chapter 4

2 Implementation and Recommendations

3 Introduction

4
5 This chapter includes information and recommendations necessary to implement plan goals,
6 management intent, and guidelines. Information is included on the following:

- 7
- 8 • State Land Classification
- 9 • Relationship of Land Use Designations in the Plan to State Land Classifications
- 10 • Public Trust Doctrine
- 11 • Leasing of State Land
- 12 • Classification Order
- 13 • Applicability of Plan Designations/Classifications to State Lands not Identified in the
- 14 Plan Text or Plan Maps
- 15 • Survivor Designations and Classifications
- 16 • Municipal Entitlement
- 17 • State Land Selections
- 18 • Mineral Orders
- 19 • Legislatively Designated Areas
- 20 • Generally Allowed Uses
- 21 • Types of Plan Changes
- 22
- 23

24 State Land Classification

25
26 To implement the plan on state lands, DNR must “classify” state lands to reflect the intent of
27 “land use designations” made by this plan. State law requires that land classification precede
28 most conveyance or leasing of state uplands or tidelands. According to state statute
29 classification means, “. . . the designation of lands according to their apparent best use.”
30 It “. . . identifies the primary use for which the land will be managed . . .” but “. . . all other
31 uses are initially presumed as compatible with the primary use.” For this reason, all plan
32 classifications are intended for multiple uses. In this plan most management units are
33 assigned a single, principle designation.
34

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

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

15 **11 AAC 55.050. Agricultural Land.** Land classified agricultural is land that, by reason of
16 its climate, physical features, and location, is suitable for present or future agricultural
17 cultivation or development and that is intended for present or future agricultural use.
18

19 **11 AAC 55.055. Coal Land.** Land classified coal is land where coal resources exist and
20 where development is occurring or is reasonably likely to occur, or where the coal potential
21 has been determined to be high or moderate under 11 AAC 85.010.
22

23 **11 AAC 55.070. Forest Land.** Land classified forest is land that is or has been forested and
24 is suited for forest management because of its physical, climatic, and vegetative conditions.
25

26 **11 AAC 55.095. Heritage Resources Land.** Land classified heritage resources is land
27 where there is active preservation of, or research for, significant historical, prehistoric,
28 paleontological, or other cultural values or where there is reason to believe that these values
29 exist.
30

31 **11 AAC 55.120. Material Land.** Land classified material is land that is suitable for the
32 extraction of common varieties of sand, gravel, stone, peat, clay, and other similar materials.
33

34 **11 AAC 55.130. Mineral Land.** Land classified mineral is land where known mineral
35 resources exist and where development is occurring or is reasonably likely to occur, or where
36 there is reason to believe that commercial quantities of minerals exist.
37

38 **11 AAC 55.160. Public Recreation Land.** Land classified public recreation is land that is
39 suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or
40 boating access sites, trail corridors, or greenbelts along bodies of water or roadways.
41

42 **11 AAC 55.170. Reserved Land Use.** (a) Land classified reserved use is land that:
43

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

- 1 2) is reserved for transfer through land exchanges; or
- 2 3) has been designated for a public facility.

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

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

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14

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

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

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16
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18

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

19
20
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22

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

23
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26

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

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28
29
30
31
32

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

33
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35

36 **Relationship of Land Use Designations in the Plan to State** 37 **Land Classifications**

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

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

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

Symbol	Designation	Acreage
Ag	Agriculture	195,469
Co/Ha	Coal/Habitat	74,729
F	Forestry	263,704
F/Ha	Forestry/Habitat	94,889
Gu	General Use	2,442,939
Ha	Habitat	2,293,726
Ha/Rd	Habitat/Public Recreation-Dispersed	827,933
Ha/Wr	Habitat/Water Resources	627,463
Hr	Heritage Resources	124
Ma	Materials	2,425
Mi	Minerals	139,870
Mi/Ha	Minerals/Habitat	849,579
Pr	Public Facilities-Retain	1,081
Rd or Rp	Public Recreation	25,485
Rd/Pr	Public Facilities-Retain/Public Recreation	123
Ru/Ha	Reserved Use/Habitat	144,801
Se	Settlement	619,864
Wr	Water Resources	269,985
Total		9,178,354

9
10
11 NOTES: 1) Shoreland acreage is (mostly) combined with that of upland units. In three
12 instances shorelands are, with few exceptions, are segregated from that of the adjoining
13 uplands. The three shoreland units, which total 110,345 acres, include the Nenana, Tanana,
14 and Yukon Rivers. Each is designated Habitat and Public Recreation-Dispersed. 2) This
15 table includes the acreage associated with the LDAs that are assigned a plan designation (and
16 subsequently a land classification). The amount of land that is designated for particular uses
17 in LDAs follows: Minto Flats State Game Refuge, 495,628 acres designated Habitat; James
18 Dalton LDA, 78,432 acres designated General Use; and the Tanana Valley State Forest,
19 345,869 acres designated Forestry.

20

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

5

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

Symbol	Designation	Classification
Ag	Agricultural	Agricultural Land
Co	Coal	Coal Land
F	Forest	Forest Land
Gu	General Use	Resource Management Land
Ha	Habitat	Wildlife Habitat Land
Hr	Heritage Resources	Heritage Resources
Ma	Materials	Material Land
Mi	Minerals	Mineral Land
Pr	Public Facilities-Retain	Reserved Use Land
Rd	Public Recreation-Dispersed	Public Recreation Land
Rp	Public Recreation-Public Use Site	Public Recreation Land
Ru	Reserved Use	Reserved Use Land
Se	Settlement	Settlement Land
Wr	Water Resources	Water Resources Land

7

8

9 **Public Trust Doctrine**

10

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

12

13

14 **Leasing of State Land**

15

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

19

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

23

24

25

Classification Order

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

Land Classification Order NC-10-005 classifies all state land within the plan area. See Appendix B. This Land Classification Order supersedes and replaces all previous classifications and classification orders affecting the planning area of the Yukon Tanana Area Plan.

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

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

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

Classification	Upland Acreage	Shoreland Acreage¹
Agricultural land	195,469	
Coal/Wildlife Habitat land	74,729	
Forest land	263,704	
Forest/Wildlife Habitat land	94,889	
Resource Management land	2,442,939	
Wildlife Habitat land	2,293,726	
Wildlife Habitat/Public Recreation land	717,588	110,345
Wildlife Habitat/Water Resources land	627,463	
Heritage Resources	124	
Material land	2,425	
Mineral land	139,870	
Mineral/Wildlife Habitat land	1,153,742	
Public Recreation land	25,485	
Public Facilities – Retained	1,204	
Reserved Use land	145,882	
Settlement land	619,864	
Water Resources land	269,985	
Totals	9,068,010	110,345

¹ This estimate is for the Nenana, Tanana and Yukon Rivers. Shoreland acreage is combined with the adjacent upland management units for all other units.

1 **Applicability of Plan Designations/Classifications to State** 2 **Lands not Identified in the Plan Text or Plan Maps**

3
4 This section deals with those lands that are not designated in the YTAP or classified in the
5 Land Classification Order. Such lands include those state lands inadvertently omitted in the
6 YTAP and those lands that may be acquired by the state in the future but not designated or
7 classified in the Area Plan. The state has acquired and will continue to acquire isolated
8 parcels of land through foreclosure, escheat, and other methods. The purpose of this section
9 is to give direction to the designation of these lands by the Department when future issues of
10 parcel classification and management arise. If state land is identified subsequent to the
11 adoption of this plan (and is not state selected land identified herein) and the requirements of
12 this section are followed, a formal plan amendment or revision of the Land Classification
13 Order is not required.

14
15 The following guidelines of plan designation/classification and potential disposal out of state
16 ownership are to apply:

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

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

Survivor Designations and Classifications

This revision of the YTAP replaces and supersedes all previous plan designations and land classifications (termed ‘survivor’) that affected the YTAP planning area. It does not replace or supersede Special Use Designations predating the approval of this revision.

Municipal Entitlement

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

There are two boroughs which have land located within this planning area. The Denali Borough is entitled to 49,789 acres of state land under the Municipal Entitlement program. Recent entitlement decisions (2006) have approved the conveyance of state land to the Denali Borough that will fulfill most of the Borough’s entitlement acreage, but a small amount of acreage remains (about 9,000 acres). The Fairbanks North Star Borough is entitled to 112,000 acres of state land under the Municipal Entitlement program, and their entitlement has been fulfilled. Accordingly, this plan does not designate areas for selection under the Municipal Entitlement program for the Fairbanks North Star Borough, but does include recommendations for the remaining Denali Borough entitlement. The recommended plan designations and management intent for units that are part of the remaining entitlement are to be followed in subsequent adjudicatory decisions.

State Land Selections

State Land Selections

Under the Statehood Act, Alaska is entitled to approximately 103 million acres of federal land. The selections made by the state in the planning area occurred under the “General Grant” and Community Grant programs, and much of the original state selections of federal

1 land have been either conveyed to the state through patent or are in TA (Tentative Approval)
2 status, which gives management authority to the state. However, there remains a large
3 number of state selections that must be adjudicated by the U.S. Bureau of Land Management,
4 with an expected adjudication completion date of 2013. Many of these selections are within
5 areas also selected by the native corporations and until BLM adjudication has been
6 completed land ownership patterns in this planning area will remain uncertain. The areas
7 noted as state-selected land on the plan maps depict those areas of federal land selected for
8 eventual conveyance to the state. Areas of state selections on the plan maps include, in
9 addition to state selections proper, ANILCA topfiled selections and areas subject to Public
10 Land Orders.

11
12 There may be areas of state selections that this plan has not identified. In these instances,
13 land conveyed to the state is to be considered classified under this plan and land
14 classification order. In those instances where a plan designation has not been assigned to a
15 state selection, classifications are to be assigned according to the standards described in the
16 section, “Applicability of Plan Designations/Classifications to State Lands not Identified in
17 the Plan Text or Plan Maps.” Land designated or classified according to these requirements
18 does not require a formal plan amendment or change to the LCO.

19
20 Because the YTAP plan maps indicate the status of state land and state land selections to a
21 specific date (2012), DNR adjudicators must review the status of state land at the time of an
22 adjudicatory decision. It would be imprudent to rely upon the land status information
23 contained in this plan given the changing character of state land selections. Consult DNR
24 Alaska Mapper for the most recent state selection information.

25 26 27 **ANILCA Topfiled Lands**

28
29 There are certain areas that are topfiled by the state under the provisions of Sec. 906 of the
30 Alaska National Interest Lands Conservation Act (ANILCA). These are selections made by
31 the state that become valid when Native regional or village ANCSA (Alaska Native Claims
32 Settlement Act) selections are relinquished. It is uncertain how many of these state
33 selections will become valid during the planning period because the amount of Native
34 selections, in terms of acreage, greatly exceeds that allowed under the corporation’s selection
35 entitlement. The Bureau of Land Management is currently adjudicating all prioritized Native
36 village and regional corporation selections so the corporations and state can receive their
37 land. The category of “State-Selected Land” on region plan maps includes areas of ANILCA
38 topfiled selections in addition to areas of state-selected land.

39
40 The same caution in the use of plan maps for ANILCA topfiled lands as for state land
41 selections exists (see above).

Mineral and Leasehold Location Orders

Alaska Statute 38.05.185 requires the Commissioner of DNR to determine that mineral entry and location is incompatible with significant surface uses in order to close state-owned lands to mineral entry. This plan retains all existing mineral closing orders. However, additional mineral closing orders are not recommended. A leasehold location order, which would affect newly designated settlement areas as well as existing settlement areas that are not now closed (2012) to mineral entry, is recommended, since there are areas where conflicts may exist between mining and sensitive surface uses given the location of the mineral deposits and settlement areas. Although most of the settlement areas are not located within or adjacent to the areas of principal mineral deposits in the Kantishna and the Parks Highway and West Alaska Range regions, there are settlement areas located in close proximity to active mining areas in the Lower Tanana Region. The need for increased settlement land in that region is associated with the population expansion of those communities, which is due in part to the expansion of the mining industry in the region, particularly Livengood.

Legislatively Designated Areas

Existing Legislatively Designated Areas

There are three Legislatively Designated Areas within the planning area. These special purpose areas encompass the principal recreational, forestry, and habitat resources that require special management within the planning area and in most cases specific management plans exist that pertain to these areas. Generally, the purpose of this plan is to provide a land classification for such areas in the event that, in the management of the resources of these areas by DNR, some type of disposal action must occur. (Before a disposal of state land or an interest in state land can occur, land must first be classified.) This plan provides classifications for the Minto Flats Game Refuge and the James Dalton LDA, but not for the Tanana Valley State Forest. A previous land classification order affects this area (LCO NC-82-065) and this plan retains this LCO.

Additions to and New Legislatively Designated Areas

This plan recommends additions to the TVSF as well as consideration to the creation of a State Recreation River for portions of the Nenana River south of McKinley Village and a Critical Habitat Area in the area known as Toklat Springs on the Toklat River. Recommended additions to the TVSF are identified for specific management units in Chapter 3; Map 2-1 depicts these additions. These areas are similar in characteristics to adjacent areas of the Tanana Valley State Forest, and their management can be better provided by inclusion within the TVSF. Management unit P-98 in the Parks Highway and West Alaska Range region includes recommendations for the establishment of a state recreation river. The Nenana River corridor is one of the most important recreation areas in the state. The river is

1 heavily used by the public for rafting, canoeing, kayaking, and transportation to hunting
2 areas. Management unit K-68, consisting of 2,195 acres on the Toklat River in the Kantishna
3 region, has been identified by the ADF&G as appropriate for legislative designation as a
4 Critical Habitat Area. Situated near the confluence of the Sushana and Toklat Rivers, this
5 areas provides spawning habitat for one of the major fall-spawning chum salmon populations
6 in interior Alaska. These fish contribute significantly to downstream commercial and
7 subsistence fisheries in the Tanana and Yukon River drainages. DOF should further evaluate
8 the use of this management vehicle and if found to be appropriate, advance it for legislative
9 consideration.

12 **Transportation Corridors**

13
14 The development of an efficient regional transportation system is key to resource
15 development and can be a major determinant of land use patterns. In this plan no attempt is
16 made to identify actual routes. Actual routes will be determined through siting analyses
17 conducted through design analyses and environmental impact statements.

18
19 There is one transportation corridor that may be developed within portions of the Parks
20 Highway and West Alaska Range region. This corridor is identified here to indicate that the
21 provision of this access is considered appropriate and to prevent foreclosure of transportation
22 and utility siting options.

23
24 Northern Rail Extension. The Alaska Railroad Corporation proposes to construct and
25 operate a new rail line in the area between North Pole and Delta Junction. The project would
26 involve approximately 80 miles of new rail line connecting the existing Eielson Branch rail
27 line at the Chena River Overflow Structure to a point near Delta Junction. The proposed rail
28 one would provide freight and potentially passenger rail services serving commercial
29 interests and communities in or near the project corridor. Details on this corridor as well as
30 its proposed route are available on the ARR website: <http://northernrailextension.com/>

31
32 In the event that funding becomes available for the remainder of this facility, it is
33 recommended that a more detailed land use analysis occur within the area of the corridor in
34 both the YTAP and ETAP area plans.

37 **Generally Allowed Uses**

38
39 Under 11 AAC 96.020 there are a variety of uses and activities that are allowed on state land
40 that usually do not require a permit from DNR. These uses are listed in [11 AAC 96.020](#) and
41 are explained further in a [DNR Factsheet](#) on Generally Allowed Uses (GAUs) that may be
42 obtained from a DNR Public Information Center. In some instances it may become
43 necessary to limit or preclude certain uses on state land that would otherwise be permitted as
44 a Generally Allowed Use on state land under 11 AAC 96.020. Uses may be limited under

1 the authority of 11 AAC 96.014 when land use or natural resource management requires it,
2 but limits to such uses must be codified in all cases on general domain land in state
3 administrative code. However, no such limits to GAUs are recommended to be imposed on
4 state owned land in this plan. Uses are restricted on some borough and federally owned land,
5 particularly the Denali National Park.
6
7

8 **Types of Plan Changes**

9

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

11
12 “A revision to a land use plan is subject to the planning process requirements of
13 AS 38.04.065. For the purposes of this section and AS 38.04.065, a ‘revision’ is an
14 amendment or special exception to a land use plan as follows:
15

16 An ‘amendment’ permanently changes the land use plan by adding to or modifying the basic
17 management intent for one or more of the plan’s subunits or by changing its allowed or
18 prohibited uses, policies, or guidelines. For example, an amendment might close to new
19 mineral entry an area that the plan designated to be open, allow a land use in an area where
20 the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan
21 designated for retention in public ownership.
22

23 A ‘special exception’ does not permanently change the provisions of a land use plan and
24 cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time,
25 limited-purpose variance of the plan’s provisions, without changing the plan’s general
26 management intent or guidelines. For example, a special exception might be used to grant an
27 eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit
28 designated for retention in public ownership. A special exception might be made if
29 complying with the plan would be excessively burdensome or impractical or if compliance
30 would be inequitable to a third party, and if the purposes and spirit of the plan can be
31 achieved despite the exception.
32

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