

# ISSUE RESPONSE SUMMARY

for the Revisions to the

## **Bristol Bay Area Plan and the Nushagak and Mulchatna Rivers Recreation Management Plan**

December 2004



# Issue Response Summary

## BBAP & NMRRMP

December 2004

This Issue Response Summary has been prepared by the Department of Natural Resources in response to comments on the Public Review Draft of the Bristol Bay Area Plan and the Nushagak and Mulchatna Rivers Recreation Management Plan. Comments and responses are sorted alphabetically by topic for each of the plans. Some topics occupy several pages. Revisions to the PRD noted in this document are partially listed in the "Recommended Revisions" document.

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**Topic: Access****Plan:** BBAP**Commenter:** *DNR Division of Mining, Land & Water***Location:** Region 11 near border with Katmai N.P.**Unit:** R11-01, R11-02**Reference:** p 3-193**Comment or Issue:****Comment No.** W22-01

Lands crossed by the Pike Ridge Trail have been proposed for a land exchange between the state and federal governments with the goal of establishing state ownership of lands containing the trail. Currently the trail crosses back and forth between lands managed by the DNR and the National Park Service.

**Response:**

The DNR supports the process of a land exchange with the goal of state ownership of land containing the Pikes Ridge Trail

**Decision:**

Insert language into the management intent of management units R11-01 and R11-02 supporting the land exchange.

**Revision:**

Insert the following phrase into the management intent language for management units R11-01 and R11-02: "Lands crossed by the Pike Ridge Trail have been proposed for a land exchange. This trail, currently used by off-road vehicles (ORVs), follows a prominent ridge line. The stair-step boundary of Katmai National Park crosses the ridgeline back and forth, thus alternating management of the trail between DNR and the National Park Service. The park boundary is difficult to identify in the field and differences between the two agencies' ORV regulations creates management problems and uncertainty for trail users. The intent of the exchange is to re-configure the park boundary and land ownership through a land exchange that would generally place the park boundary along the ridgeline, excluding the trail, so the trail would no longer cross lands managed by the National Park Service. Those lands that come into state ownership will be managed consistent with intent for Unit 11-01. Lands that are within this unit can be traded to the Park Service without amending the plan."

**Topic:** Access**Plan:** BBAP**Commenter:** Iliamna Public Meeting (Chip Embretson)**Location:** Region 9**Unit:** None**Reference:****Comment or Issue:****Comment No.** PN-01

The State of Alaska owns land on the north side of Lake Iliamna that is separated from the Lake by Native land. It is important that access to these State-owned uplands be established or protected.

**Response:**

In general access to these state lands is possible through several different venues. Much of the shore lands around Lake Iliamna are privately held. Access to state lands is possible primarily along navigable waterways and trail easements. For instance, Chekok Creek. And Pile River are navigable waterways. Interested parties should consult the Bristol Bay Easement Atlas (1990) for maps that depict access routes. A website showing 17b easements can be found at: <http://www.dnr.state.ak.us/mlw/trails/17b/> Many trails (and mining claims information) can be found at: <http://akmining.info>.

**Decision:**

No change

**Revision:**

None

**Topic:** *Advisory Panel***Plan:** BBAP**Commenter:** *Koliganek Natives***Location:** Area-Wide**Unit:** None**Reference:****Comment or Issue:**

Koliganek Natives recommends setting up an advisory panel consisting of Native corporations and municipalities and boroughs to advise the DNR on implementation issues of the plan as well as plan amendments. This will greatly aid in a cooperative spirit between the existing land owners, as well as make the affected communities in the region feel that the state is including them in the land issues affecting them.

**Response:**

The DNR is always amenable to receiving public input on its land management decisions and policies. Virtually all land decisions and authorizations are part of a public process that all Alaskan's are asked to participate in. Because of staffing, resource limitations, and management considerations, DNR does not create advisory panels to oversee its management decisions.

**Decision:**

No change

**Revision:**

None

**Topic:** *Cape Seniavin***Plan:** BBAP**Commenter:** *Aleutians East  
Borough***Location:** Cape Seniavin**Unit:** R18-02**Reference:****Comment or Issue:****Comment No.** W04-02

The Aleutians East Borough opposes the Special Use Designation for the Cape Seniavin Walrus Haulout.

**Response:**

DNR has agreed to work with the ADF&amp;G in the development of a SUA for the protection of this area. It is indeterminate at this time as to whether a SUA can be developed and whether it can be implemented.

A critical factor in the decision to implement (put into effect) a SUA is public support for or opposition to it. DNR will carefully review all of the comments that are provided as part of the public review process for the SUA and will make a decision that is in the overall best interest of the state.

Whether such a SUA will be implemented is outside the purview of an area plan. The plan only notes the development of a SUA is being considered by the another unit of DNR. The decision on whether to proceed with and to implement the SUA is not made within this area plan.

**Decision:**

No change

**Revision:**

None

**Topic:** *Cape Seniavin***Plan:** BBAP**Commenter:** *The Nature Conservancy***Location:** Cape Seniavin**Unit:** R18-02 & T18T-02**Reference:** p 3-273**Comment or Issue:****Comment No.** W14-01

TNC encourages the State of Alaska to protect Cape Seniavin and the adjacent tidelands further with the development of a Special Use Designation, especially a Special Use Area designation, to ensure that incompatible uses are not allowed to disturb these important walrus haulouts and seabird colonies.

**Response:**

The DNR is supportive of establishing a Special Use Area to protect the marine mammals and seabirds while allowing compatible uses. This is mentioned in the management intent statements of both the adjacent tideland and upland parcels. However, it should be noted that the establishment of a SUA for this area is a separate process and is not executed as part of this plan.

**Decision:**

No change

**Revision:**

None

**Topic:** *Cape Seniavin***Plan:** BBAP**Commenter:** ADF&G**Location:** Cape Seniavin**Unit:** R18-02 & R18T-02**Reference:** Map O-3**Comment or Issue:**

The ADF&G is in discussion with the DNR over the need to create a Special Use Area (SUA) at Cape Seniavin. The purpose of the SUA is to minimize human disturbance of Pacific walruses and nesting seabirds and to protect habitats important for walruses, seabirds, and other wildlife. The proposed boundaries of the SUA extend inland 1.5 miles from the coast, 3 miles north and south of the Cape, and all tide and submerged lands within a 3 mi. radius of the Cape's nautical light. ADF&G recommends that the boundaries of units R18-02 and R18T-02 be revised to reflect these boundaries.

**Response:**

The boundaries of units R18-02 and R18T-02 include the area of the walrus haul-out as well as areas of seabird colonies. They also extend inland for a considerable distance. Until there is additional information that would indicate the need to revise these boundaries, any such boundary change would be premature. Specifically, it would be inappropriate to amend these management unit boundaries to conform to the boundaries of a SUA that may or may not be enacted by DNR. SUAs require enactment through regulation, which is a difficult and complex process.

**Decision:**

No change to the boundaries of the two management units is warranted at this time.

**Revision:**

None

**Topic:** *Cape Seniavin***Plan:** BBAP**Commenter:** ADF&G**Location:** Cape Seniavin**Unit:** R18-02 & R18T-02**Reference:** p 3-273**Comment or Issue:****Comment No.** W08-03

The ADF&G recommends that occupancy for oil and gas development be prohibited within a potential Cape Seniavin SUA and that any land use permits be limited to a 5-year term and no leases or permanent structures be allowed. Additionally, no mining activity should be allowed.

**Response:**

The management intent for units R18-02 and R18T-02 does not allow any authorizations within one mile of the walrus haulout. Furthermore, no authorizations inconsistent with protection of the fish and wildlife resources and associated habitat and specifically for marine mammals and seabirds are allowed.

**Decision:**

The existing language in the plan is sufficiently strong to protect wildlife and habitat in units R18-02 and R18T-02. The development of a SUA can later adopt more restrictive language if necessary. Since no permanent structures are allowed within one mile of the walrus haulout, there should be no concern over occupancy for oil and gas development.

**Revision:**

None

**Topic:** *Cape Seniavin*

**Plan:** BBAP

**Commenter:** *DNR -- Division of Mining, Land & Water*

**Location:** Cape Seniavin

**Unit:** R18-02, R18T-02

**Reference:** p 3-274, 3-276

**Comment or Issue:**

**Comment No.** W09-01

The boundaries of unit R18-02 should be delineated in a manner where the boundaries of the unit along the coast are an equal distance from the current haul-out location. Leases and permits for commercial recreation facilities should not be issued within the Cape Seniavin management unit. Lease and permits for other activities should be considered on a case-by-case basis. The Special Use Area designation should encompass uplands as well as adjacent tide and submerged lands.

**Response:**

The Management Intent for unit R18-02 specifies that this unit is to be managed for the protection of habitat important for marine mammals and seabirds. The DNR agrees that authorizations should be allowed that may be compatible with the wildlife resources -- such as navigation lights, communication towers, etc. Leases and permits for commercial recreation facilities should not be issued in units R18-02 and R18T-02.

**Decision:**

Language is to be changed to restrict authorizations related to commercial recreation but allowing those that are found compatible with the fish and wildlife resources.

The boundaries of R18-02 are to be reconfigured to contain both the walrus haulout and an adjacent buffer area.

The spatial boundaries of the Special Use Area are more appropriately determined during the preparation of the SUA. In the event that a larger area than encompassed by unit R18-02 is required to effectively manage habitat, the limitations of the SUA can be written to reflect this.

**Revision:**

The sentence "Leases will not be issued within the unit" is to be stricken and the following language is to be added: "Leases and permits for commercial recreation facilities will not be issued within the unit. Leases and permits for other activities, compatible with the fish and wildlife resources, will be considered on a case by case basis."

The southern boundary of the unit is to be revised to follow the course of a stream that flows west through sections 9 and 10 and conforming to the upland boundary as shown in ADL 228674.

**Topic:** *Classifications*

**Plan:** BBAP

**Commenter:** *DNR Division of Mining, Land & Water*

**Location:** Wood-Tikchik State Park

**Unit:** Region 4

**Reference:** Map O-5

**Comment or Issue:**

**Comment No.** DMLW-04

Map O-5 shows land use designations on streams within Wood-Tikchik State Park. Since the plan does not cover the Park there should not be any designations in Region 4.

**Response:**

None

**Decision:**

Remove land use designations from Wood Tikchik State Park on Map O-5.

**Revision:**

Remove land use designations from the streams in Wood Tikchik State Park on Map O-5.

**Topic:** *Development***Plan:** BBAP**Commenter:** *Lake and Peninsula  
Borough***Location:** Nondalton**Unit:** R08-01**Reference:** p 3-154**Comment or Issue:****Comment No.** W15-08

The management intent for management unit R08-01 states that intensive development is not expected within this unit. The L&P Borough believes however that just the opposite may prove true due to the proposed road corridor and proximity of the potential Pebble Copper gold and copper mine.

**Response:**

Intensive development is not expected in this management unit because the terrain is too steep. Adjacent land parcels that are on more favorable terrain were designated as Settlement since they are situated on more favorable terrain.

**Decision:**

No change

**Revision:**

None

**Topic:** *Easements***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:****Reference:** p 2-67, p 2-69 Table 2.3**Comment or Issue:****Comment No.** W08-12

There is a conflict between Table 2.3 and the text when describing building set back distances and how they are measured. For both #5 and #6, Building Setback, the table states that the setback is measured from ordinary high or mean high water. In the text (line 7, page 2-67) setbacks are described as being measured in addition to buffers or easements. The sentence on line 2, page 2-66 also implies that the setbacks are in addition to or in combination with buffers or easements. These should be made consistent.

**Response:**

The DNR concurs that there is a conflict between different parts of the text dealing with the measurement of building setbacks and the text language needs revision.

**Decision:**

Revise the Management Guideline G(2)(e) under the Shorelines, Stream corridors, and Coastal Areas section in Chapter 2. Delete the current reference and reference the requirements for building setbacks in Table 2.3

**Revision:**

Revise Management Guideline G(2)(e). Delete the current language. Substitute with requirements for building setbacks in Table 2.3.

Guideline G(2)e on page 2-67 is to read "Building setbacks: please refer to Table 2.3".

Topic: *Easements*

Plan: BBAP

Commenter: *ADF&G*

Location: Area-Wide

Unit:

Reference: p 2-70 Table 2.3

**Comment or Issue:**

**Comment No.** W08-11

The ADF&G recommends that the guidelines for Public Access Easements include a minimum required interval of one mile between easements. We also recommend that the wording of the primary purpose for Building Setback (#6) be changed to: "Protect riparian habitat, water quality ..... " and the wording in the third bullet under guidelines should be changed to ' Existing vegetation shall not be disturbed. The setback shall remain vegetated to maintain habitat values and stream stability."

**Response:**

The DNR concurs with the changes recommended by ADF&G that relate to the wording of the primary purpose of the Building Setback and the wording related to the protection of existing vegetation. These changes will improve the clarity to the Public Access section and are appropriate.

However, the recommendation to establish a minimum interval of one mile between public easements ('to and along easements') is inappropriate. The spacing requirements for such easements are described in 11 AAC 51.045 and DNR maintains that it is best to stick with those standards (which are mandatory in character).

**Decision:**

Revise the Public Access section of Chapter 2 to incorporate the recommendations of the ADF&G as they relate to building setbacks and the protection of existing vegetation. It is inappropriate to mandate a minimum spacing interval between public use easements, however. The requirements under 11 AAC 51.045 apply.

**Revision:**

Revise Chapter 2 to incorporate the recommendations of the ADF&G as they relate to building setbacks and the protection of existing vegetation.

The wording of the Primary Purpose for Building Setback (#6, Table 2.3) is to read: "Protect riparian habitat, water quality, and recreation values along anadromous and high value resident fish waters."

The wording in the third bullet under Guidelines (#6, Table 2.3) is to read: "Existing vegetation shall not be disturbed. The setback shall remain vegetated to maintain habitat values and stream stability."

**Topic:** *Economy***Plan:** BBAP**Commenter:** *Igiugig Natives  
(Organization)***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W03-05

The commenter believes that the Area Plan should emphasize that the long term economic viability of the Bristol Bay area depends on maintaining healthy fish and game stocks and habitat for both the commercial and commercial recreation industries.

**Response:**

The DNR believe that it has adequately addressed the importance of fish and game stocks to the economy of the region. Page 2-8 of the plan provides four goals for fish and wildlife habitat areas; the third goal states "Contribute to Economic Diversity. Contribute to Alaska's economy by protecting the fish and wildlife resources that contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport and non-consumptive uses." The plan addresses this in many ways, not the least of which is through Habitat designations on all anadromous water bodies and the greater river corridors of the Nushagak and Mulchatna river systems. It should however be noted that the recently completed Economic Development Strategy 2003-2008 by the Southwest Alaska Municipal Conference (July, 2003) indicates that communities and organizations are supportive of a diversified economic base that would reduce the overall dependence on fisheries (p. 150, Vision, Goals, Objectives & Strategies). The State is supportive of such multiple use resource development on its lands, provided they are compatible and development is responsible.

**Decision:**

No change

**Revision:**

None

**Topic:** *Fish and Wildlife***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:** Region 18**Reference:** p 3-269**Comment or Issue:****Comment No.** W08-02

Walrus should be added to the description of fish and wildlife values on page 3-269 of the PRD.

**Response:**

The description of fish and wildlife resources is too brief. It should be expanded to include walrus, other marine mammals, and birds.

**Decision:**

Revise the description of Fish and Wildlife resources in Region 18 to include reference to marine resources.

**Revision:**

Revise the 'Fish and Wildlife' section under 'Resources and Uses' to include a more complete description of marine resources, noting the presence of waterfowl, marine mammals, and Pacific herring spawning areas. . The following language is to be appended to the end of the paragraph:

“The Cape Seniavin area has developed into a Walrus haulout of growing importance, has important nesting colonies of seabirds, and concentrations of waterfowl. A Special Use Designation for sensitive areas at Cape Seniavin is under consideration by the DNR but will be developed in a separate process. Seabird colonies are also located in the Seal Islands and at Entrance Point and Left Triangle at Port Moller. Sea otters inhabit coastal areas, especially between Cape Seniavin and the Sandy River. Seals are also known to inhabit areas between Bear River and King Salmon River. Forage fish, especially rainbow smelt and herring concentrate in coastal areas, especially northwest of the mouth of the Muddy River to Port Heiden and beyond.”

**Topic:** *Fish and Wildlife*

**Plan:** BBAP

**Commenter:** ADF&G

**Location:** Area-Wide

**Unit:**

**Reference:** p 2-67 footnote 29

**Comment or Issue:**

**Comment No.** W08-10

The ADF&G requests that the definition of "habitat" (footnote 29) include areas of spawning, rearing and migration in order to be consistent with 11 AAC 195.010.

**Response:**

Review of 11 AAC 195 indicates that the protection to be afforded anadromous streams includes that of migration, in addition to spawning and rearing areas, which are now mentioned in the footnote.

**Decision:**

DNR concurs that the addition of the word 'migration' to the footnote is appropriate.

**Revision:**

Revise footnote #29 on page 2-67 to include 'migration' in addition to spawning and rearing areas.

Topic: *Fish and Wildlife*

Plan: BBAP

Commenter: ADF&G

**Comment or Issue:**

**Comment No.** W08-09

The ADF&G requests that the Forest Practices Act be removed from the description of the Riparian Protection Standard on page 2-67. They suggest that the Riparian Protection Standard be revised to: "Only activities that are or can be made compatible with the objectives of protecting, maintaining or enhancing anadromous or high value resident fish habitat will be authorized in the zone occurring between 100 and 300 feet landward from ordinary high water. Riparian protection shall be provided in this 200-foot zone of each side of the stream or water body. The purpose of this zone is the maintenance and protection of fish and wildlife habitat. Only activities that are consistent with this policy are to be authorized by DNR in its issuance of permits, leases, or other types of authorizations."

Location: Area-Wide

**Response:**

DNR will agree to the deletion of the reference to the Forest Practices Act standards, even though many of the provisions of the protection methods are derived from this Act.

The proposed rewording of the Riparian Protection Standard will not be adequate to provide for adequate protection along anadromous streams. The ADF&G revision would limit the area of application of this standard to a 200 foot wide corridor beginning 100 feet from ordinary high water (OHW) and extending to 300 feet from OHW. It is likely that ADF&G assumed that the setback standards under Public Access in Chapter 2, which provide for a building setback distance of 100 feet from the edge of ordinary high water, apply to all DNR actions. They do not; they primarily apply to disposal actions. Thus, the current wording, which provides for the protection of up to 300 feet from the edge of ordinary high water, must be retained in order to ensure that the full range of DNR authorizations take the 300 foot area into consideration in decision making.

Unit:

**Decision:**

Deletion of the reference to the Forest Practices Act will probably improve clarity and understanding, and is therefore appropriate. DNR will delete this reference.

Reference: p 2-67

No other change to the wording of the Riparian Protection Standard, except for the deletion of the reference to the Forest Practices Act.

**Revision:**

Delete the reference to the Forest Protection Act from the description of the Riparian Protection Standard.

**Topic:** *Fish and Wildlife***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:****Reference:** p 2-13 footnote 5**Comment or Issue:****Comment No.** W08-08

The ADF&G requests that in footnote 5 on page 2-13 that "state protected tideland areas" should be changed to 'legislatively designated areas' and include state parks.

**Response:**

The term 'state protected areas' is meant to be a generic term which encompasses a variety of state protection units. The footnote explains what this term means specifically. State protection areas are defined to include state game refuges, state game sanctuaries, and critical habitat areas. These are all legislatively designated areas. Rather than use the term 'legislatively designated areas', which is somewhat generic, the Plan specifies what various types of state protection areas exist -- since different levels of protection are provided for under Alaska Statute for each type.

**Decision:**

No change

**Revision:**

None

**Topic:** *Fish and Wildlife*

**Plan:** BBAP

**Commenter:** ADF&G

**Location:** Area-Wide

**Unit:**

**Reference:** p 2-11 ln 38

**Comment or Issue:**

**Comment No.** W08-06

The ADF&G requests that the phrase "and have a significant adverse impact on important riverine habitat" be deleted from line 38 on page 2-11 of the PRD.

**Response:**

The existing language regarding the alteration of the riverine hydrologic system is crafted so that significant adverse impacts to stream hydrology and the riverine environment will be avoided. Decisions involving diversion, damming, or channelization that are made by DNR typically take into consideration impacts to both the hydrology and the riverine environment. Deletion of the reference to the riverine environment is inappropriate.

**Decision:**

No change

**Revision:**

None

**Topic:** *Fish and Wildlife***Plan:** BBAP**Commenter:** ADF&G**Location:** Southern AK Peninsula**Unit:** Regions 15, 16, & 18**Reference:****Comment or Issue:****Comment No.** W08-04

The ADF&G requests that all areas mapped as caribou calving areas in Regions 15, 16, and 18 be designated as Fish and Wildlife Habitat. [Editor's Note: This would total approximately 1.3 million acres.] The ADF&G believes this is necessary due to the declining population of the Northern Alaska Peninsula Caribou Herd.

**Response:**

The area in question has for twenty years had a primary classification of Fish and Wildlife Habitat and Harvest, and it is unlikely that continued use of this designation will affect the population of the caribou herd. The decline in the caribou herd is more likely related to other variables such as predation, illegal hunting, over-hunting, natural population swings, or other fish and game management issues.

The issue raised by ADF&G -- the protection of the caribou herd -- is legitimate and the revised Plan provides for such protection. Where resource information indicates the presence of a calving or rutting area in a management unit, this is noted in the 'Resources' column. Management intent language for that parcel specifies that DNR, prior to granting authorizations, is to work with ADF&G and that specific mitigation and siting requirements are to be followed, which are outlined under Management Guideline K in the 'Fish and Wildlife' section of Chapter 2. Thus, while the method of protection is different in the revised Plan, the intent to protect sensitive caribou calving areas remains intact.

**Decision:**

The DNR maintains that the method of protection for the caribou herd specified in the revised Plan will be more effective than the blanket use of the 'Fish and Wildlife Habitat' designation applied in the 1984 plan. The inclusion of the Fish and Wildlife Habitat designation for such a large area is unwarranted. No change to the Plan is warranted.

**Revision:**

None

**Topic:** *Fish and Wildlife***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:****Reference:** p 2-73**Comment or Issue:****Comment No.** W08-16

The following sentence should be added to the end of management guideline F., Protection of Fish and Wildlife Resources (page 2-73) – 'OHMP should be consulted for any projects that may affect anadromous or resident fish habitat.'

**Response:**

The DNR concurs that this addition to Management Guideline F, 'Protection of Fish and Wildlife Resources', is appropriate. With the realignment of management functions between ADF&G and DNR that has occurred in the past year, DNR has acquired the responsibility for the permitting of activities in anadromous and high value resident fish streams. Inclusion of this statement will clarify responsibilities between the two departments.

**Decision:**

Make the language changes as recommended by ADF&G.

**Revision:**

Revise Management Guideline F, 'Protection of Fish and Wildlife Resources' (page 2-73) to include the following: 'OHMP should be consulted for any projects that may affect anadromous or resident fish habitat.'

**Topic:** Goals**Plan:** BBAP**Commenter:** *Bristol Bay CRSA***Comment or Issue:****Comment No.** W05-01

Area Plan. Under Goals for Settlement land in chapter 2, page 57 (2-57), line 32, is the stated goal of maintaining compatibility with cultural lifestyle and aesthetic values while satisfying the needs of the state. And under Recreation, Tourism and Scenic Resources, 2-48, E.1, Siting, Construction and Operation, the plan says these should be done so they produce the "least conflict with existing uses."

At the same time and elsewhere in the area plan, and in the Nushagak Mulchatna Rivers Recreation Management Plan (RRMP), are three threads that counter these notions – lifting the prohibition on permanent facilities in some units designated "Primitive" in the RRMP, an interest in the area plan in promoting commercial concessions for recreation, and increasing opportunities for human settlement proposed in the area plan.

**Response:****Location:** Area-Wide

Area Plan. The first two comments are taken out of context. The first, pertaining to Settlement, refers to the design of subdivisions, not to whether additional settlement is preferred or advocated. The second refers to the siting requirements of private commercial facilities, again, not to whether these facilities are or are not appropriate. The last comment in the second paragraph deals, however, with what the commenter is generally concerned about -- the amount of settlement and general commercial development in the area plan. In the preparation of an area plan, including the BBAP, DNR attempts to balance competing needs and values. While it is true that additional settlement is recommended in the revision of the area plan, DNR maintains that, on a whole, this additional development should not adversely affect the rural or subsistence lifestyles of the residents of the planning area. In those instances where other commenters have recommended the deletion of specific settlement designations, where such impacts are likely to occur, DNR has dropped its Settlement designations.

NMRRMP. The change in the NNRMP to allow on a case-by-case basis 'Permanent Facilities' in 'Semi-Primitive' management units is of limited impact. This change only affects four of the 13 Semi-Primitive management units. Additionally, new Permanent Facilities are not allowed as a matter of right, but must be approved by DNR. Several of the standards that DNR will use in any approval action should mitigate any impacts to these corridors. Permanent Facilities are to be sited out of sight of river corridors (Siting Criteria 15.1) and in the area plan, Permanent Facilities must be consistent with the management intent of nearby riverine corridors. Additionally, relatively few such facilities are expected to occur in upland areas, based upon our management experience. The change from a 'Temporary Facility', now allowed by the NMRMP, to 'Permanent' will improve DNR's management authority over such uses because DNR will be able to use leases rather than permits.

However, DNR will revise Siting Criterion 15.2 to indicate that this criteria affects both Primitive and Semi-Primitive management environments.

**Unit:****Decision:****Reference:** p 2-57 ln 32

Revise Siting Criterion 15.2 to ensure that both Semi-Primitive and Primitive management units are affected by this standard. Also, revise this criterion to indicate that Permanent Facilities in upland management units not within riverine corridors are to avoid adverse impacts to riverine areas.

**Revision:**

Revise Siting Criterion 15.2 to: "Long-term uses .... That are allowed in either Primitive or Semi-Primitive management units should be sited out of view of the main river channel. Such uses should minimize or avoid impacts to the main river channel and adjacent riverine corridors."

**Topic:** *Habitat*

**Plan:** BBAP

**Commenter:** *DNR -- Division of Mining, Land and Water*

**Location:** Izembek Lagoon

**Unit:** R22T-01

**Reference:** Map O-4

**Comment or Issue:**

**Comment No.** DMLW-01

Izembek Lagoon should have a designation of Fish and Wildlife Habitat

**Response:**

DNR agrees with the comment

**Decision:**

Change the boundary of management unit R22T-01 to include all of Izembek Lagoon

**Revision:**

Management Unit R22T-01 will be modified to include all of Izembek Lagoon.

**Topic:** *Habitat*

**Plan:** BBAP

**Commenter:** *Bristol Bay CRSA*

**Comment or Issue:**

**Comment No.** W05-07

The fine-tuning of the proposed area plan to include Habitat and Harvest areas and specific protections for them is a welcome addition. Nevertheless, there is troubling language in the management guidelines regarding their potential ultimate fate. Chapter 2-8, line 24 offers this language: “Costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.” A mitigation sequence follows, beginning with “avoiding anticipated, significant adverse effects on fish, wildlife or their habitats through siting, timing or other management options,” and ending with, “If there is significant loss of fish or wildlife habitat, the loss will be rectified.” This allows for requiring replacement or enhancement of fish and wildlife habitat when steps 1-3 can’t avoid irreversible loss of habitat. We recommend drawing the line before that point. Recommendation: Development that would result in “irreversible loss of habitat” should be prohibited in areas designated Habitat. Inasmuch as most of the Habitat area is along anadromous fish streams, this does not seem unreasonable.

**Location:** Area-Wide

**Response:**

The mitigation standards that are described under 'Management Guidelines: Habitat Areas - Mitigation' (pp. 2-8 and 2-9) are the standard management approach used by DNR. This language is used throughout DNR area plans and represents a basic decision by the Department on how deal with impacts to habitat areas. It has worked effectively over the years and DNR wants to maintain this approach to its management of habitats and their resources.

**Unit:**

**Decision:**

No change

**Reference:** p 2-8 ln 24

**Revision:**

None

**Topic:** *Heritage Resources*

**Plan:** BBAP

**Commenter:** *New Stuyahok Meeting*

**Location:** Old Stuyahok Village

**Unit:** R06-27 and Map O-2

**Reference:** p 3-3

**Comment or Issue:**

**Comment No.** PNS-01

Attendees of the public meeting in New Stuyahok requested the use of the Heritage Resource designation to help protect the old village site of Stuyahok

**Response:**

The DNR agrees with the request.

**Decision:**

Create a new unit with a Heritage Resource designation

**Revision:**

Management Unit R06-27 will be amended and a unit (R06-19) with a Heritage Resource designation will be created at the site of the old village.

The Heritage Resource designation needs to be defined in the plan's text. Insert the following language on page 3-3, line 43: "Hr-- Heritage Resources. Land designated Heritage Resources is land where there is active preservation of, or research for, significant historical, prehistoric, paleontological, or other cultural values or where there is reason to believe that these values exist."

The definition of the Heritage resource classification needs to be added to Chapter 4 page 4-2. Insert the following language: " 11 AAC 55.095. Heritage Resource Land. Land classified heritage resources is land where there is active preservation of, or research for, significant historical, prehistoric, paleontological, or other cultural values or where there is reason to believe that these values exist."

Add Heritage Resources and acreage to Table 4-1(A) and 4-2(B).

Add the new unit (R06-19) to the Resource Allocation Table for Region 6 page 3-112; this is a new unit estimated at forty acres with a designation of Hr-Heritage Resources on Map O-2 located in section 16, S4S43W.

The Management Intent is to read: "The unit is designated Hr-Heritage Resources and is to be managed for the protection of the heritage resources present. Development authorizations are inappropriate except for those facilities related to the scientific examination or preservation of the site. No surface disturbance is authorized unless related to scientific inquiry. The site is to be retained in state ownership."

The Resources, Uses, and Additional Information is to read: "This unit is located at the former Eskimo village of Old Stuyahok (Stuyahok) near the confluence of the Stuyahok River with the Mulchatna River. The site is approximately 985 feet by 250 feet in a semicircular clearing. The foundations of ten to fifteen cabins are present. These cabins were probably dismantled when the village was abandoned in 1939-1940 due to persistent flooding. Two dilapidated cabins are also present."

**Topic:** *Heritage Resources***Plan:** BBAP**Commenter:** *John Branson***Location:** Region 7**Unit:** Region 7**Reference:** p 3-128 ln 35-36**Comment or Issue:****Comment No.** W21-01

The commenter is concerned that the plan states that there are no recorded heritage resource sites in Region 7 since he has worked on a number of them.

**Response:**

There were no sites in Region 7 in the master catalog that was furnished to the planners by the Office of History and Archeology. We have however, secured the site information for this region and the plan now reflects the correct number of sites identified. This added 14 sites to Region 7 (3 historic, 4 prehistoric, and 7 mixed) and 34 new sites to Region 6 ( 6 historic, 17 prehistoric, and 11 mixed).

**Decision:**

Correctly state the number of sites in Region 7 and amend those in Region 6

**Revision:**

Revise page 3-128 line 35 to read: "Fourteen historic and archeological site have been cataloged in Region 7 -- three historic, four prehistoric, and seven of mixed origin."

Revise page 3-93 line 13 to read: "The state Office of History and Archeology lists 71 sites in Region 6 -- 33 historic, 24 prehistoric, and 14 of mixed origin."

**Topic:** *Heritage Resources***Plan:** BBAP**Commenter:** *Lake and Peninsula Borough***Location:** Region 7**Unit:** Region 7 and 6**Reference:** p 3-128 ln 35-36**Comment or Issue:****Comment No.** W15-04

The plans states that there have not been any archeological sites cataloged in Region 7. This appears to be incorrect.

**Response:**

There were no sites in Region 7 in the master catalog that was furnished to the planners by the Office of History and Archeology. We have however, secured the site information for this region and the plan now reflects the correct number of sites identified. This added 14 sites to Region 7 (3 historic, 4 prehistoric, and 7 mixed) and 34 new sites to Region 6 ( 6 historic, 17 prehistoric, and 11 mixed).

**Decision:**

Correctly state the number of sites in Region 7 and amend those in Region 6

**Revision:**

Revise page 3-128 line 35 to read: "Fourteen historic and archeological site have been cataloged in Region 7 -- three historic, four prehistoric, and seven of mixed origin."

Revise page 3-93 line 13 to read: "The state Office of History and Archeology lists 71 sites in Region 6 -- 33 historic, 24 prehistoric, and 14 of mixed origin."

**Topic:** *Heritage Resources***Plan:** BBAP**Commenter:** ADPOR**Location:** Region 7**Unit:** Region 7**Reference:** p 3-238**Comment or Issue:****Comment No.** W18-01

The Plan incorrectly states that no archeological sites have been cataloged in Region 7.

**Response:**

There were no sites in Region 7 in the master catalog that was furnished to the planners by the Office of History and Archeology. We have however, secured the site information for this region and the plan now reflects the correct number of sites identified. This added 14 sites to Region 7 (3 historic, 4 prehistoric, and 7 mixed) and 34 new sites to Region 6 ( 6 historic, 17 prehistoric, and 11 mixed).

**Decision:**

Correctly state the number of sites in Region 7 and amend those in Region 6

**Revision:**

Revise page 3-128 line 35 to read: "Fourteen historic and archeological site have been cataloged in Region 7 -- three historic, four prehistoric, and seven of mixed origin."

Revise page 3-93 line 13 to read: "The state Office of History and Archeology lists 71 sites in Region 6 -- 33 historic, 24 prehistoric, and 14 of mixed origin."

**Topic:** *Lake and Peninsula Borough*

**Plan:** BBAP

**Comment or Issue:**

**Comment No.** W20-02

**Commenter:** *Alaska State  
Legislature  
(Hoffman and  
Moses)*

Some components of the plans would seem to usurp the planning powers of the Lake and Peninsula Borough

**Response:**

**Location:** Lake and Peninsula  
Borough

The area plan does not usurp the planning authorities of the LPB. The plan only applies to state owned lands and waters; it does not affect private, Native, or borough owned lands. The Borough continues to exercise its authority over these types of land regardless of the area plan.

**Unit:**

**Decision:**

No change

**Reference:**

**Revision:**

None

**Topic:** *Land Classifications***Plan:** BBAP**Commenter:** *Lake and Peninsula  
Borough***Location:** Area-Wide**Unit:****Reference:** p 1-10 ln 33-34**Comment or Issue:****Comment No.** W15-02

The L&amp;P Borough believes that the language "this plan serves as the final finding for land classifications" is too restrictive.

**Response:**

Under the section 'Summary of Plan Implementation and Modification' in Chapter 1 there is the statement that this plan serves as the "final finding for land classifications". This phrase has been used in other DNR plans over time to indicate that the plan serves as the (and only) basis for the classification of state land. While this is correct, this statement is confusing and somewhat misleading. The allusion here is to the usual DNR practice of making a 'final finding' for an administrative act, like a final finding to dispose of an interest in state land. There is no such equivalent for a Land Classification Order (such as the one contained in this plan); hence the use of this phrase. The Land Classification Order (Appendix B) actually enacts, or implements, the land use classifications.

**Decision:**

Revise this section of Chapter 1, deleting the phrase "serves as the final finding for land classifications". Add this phrase to the discussion of the Classification Order in Chapter 4 (p. 4-6)

**Revision:**

Revise the 'Summary of Plan Implementation and Modification' section of Chapter 1, deleting the phrase "serves as the final finding for land classifications". Add this phrase to the discussion of the Classification Order in Chapter 4 (p. 4-6).

**Topic:** *Land Exchange*

**Plan:** BBAP

**Commenter:** *Bristol Bay Borough*

**Location:** Region 11

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W13-01

The BBB would like to see negotiations reopened between the state of Alaska, the Nat'l Park Service, and the Naknek/Kvichak fish and game Advisory Committee. In 1985, at the request of the Park Service, the state agreed to close part of GMU 9A in return for a land exchange involving the west end of Naknek Lake for land in the GMU. Since that closure there has been no action by the Park Service. We are under a Tier II hunting program limiting the caribou harvest. Ideally, we would like a dialogue opened up as soon as possible to address this problem.

**Response:**

The area plan by definition does not address the allocation of fish and wildlife. This is the function of the Department of Fish and Game and the Alaska State Board of Fish and Game. DNR will however investigate the circumstances of the land exchange and forward the comment letter to the Department of Fish and Game and the National Park Service.

**Decision:**

None

**Revision:**

None

**Topic:** *Land Ownership*

**Plan:** BBAP

**Commenter:** *Lake and Peninsula  
Borough*

**Location:** Region 7

**Unit:** Region 7

**Reference:** p 3-127 ln 21

**Comment or Issue:**

**Comment No.** W15-03

The L&P Borough requests language inserted to indicate the amount of Borough conveyances in year 2000 in Region 7.

**Response:**

The DNR agrees to provide the acreage. This section is really meant, as the title indicates, to discuss the acreage of State land. Other ownership is sometimes stated to provide a general picture of the relative ownership.

**Decision:**

Note the total acreage of conveyances to the Borough.

**Revision:**

An addition to the section on State Lands: Ownership and Acreage, line 21, is to be inserted prior to the last sentence and read: "Conveyances to the Lake and Peninsula Borough total approximately 14,575 acres."

**Topic:** *Management Units***Plan:** BBAP**Commenter:** *Lake and Peninsula  
Borough***Location:** Upper Mulchatna River**Unit:****Reference:** p 3-138**Comment or Issue:**

The L&P Borough disagrees with "the management responsibility being up to 4 miles in width in areas of the Mulchatna River".

**Response:**

Review of this management unit (p. 3-139) indicates that the allusion to four miles occurs in the 'Resources and Uses' part of the unit analysis. This part is used to describe the resources and other attributes of a unit; it does not contain management intent or management guideline language. The latter, which forms the basis for the management of the unit, is contained in the 'Management Intent' section.

Actually, the statement in the plan reads: "The width of the corridor, adjacent to the streams, varies, and may be up to four miles in width, measured from each side of the river system." This is simply a geometric description of the management unit. The management unit is meant to have a geometry that is similar to the management unit for this part of the Mulchatna River in the NMRRMP.

**Decision:**

No change.

**Revision:**

None

**Topic:** *Marine Mammals***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:****Reference:** p 2-13 ln 14**Comment or Issue:****Comment No.** W08-07

The second paragraph on page 2-13 describes exceptions to the standard guidelines for sea lion and walrus haulouts and rookeries and seabird colonies. The reference to 'state protected tideland areas' on line 14 should be changed to 'legislatively designated areas and Special Use Area designations'. This will allow appropriate restrictions for generally allowed uses to be crafted for a Cape Seniavin SUA without being limited to the more general guidelines in this chapter. In footnote 5 'state protected tideland areas' should be changed to 'legislatively designated areas' and include state parks.

**Response:**

This recommendation by ADF&G does not properly interpret the intent of the second paragraph. The first paragraph describes the protections that are to be applied for sea lion, walrus, and seal haul-outs and rookeries and for specific types of seabird colonies when they are identified within a specific tideland management unit.

The second paragraph extends this protection to those haul-outs and rookeries, and sea bird colonies that are not included within specific tideland management units. There are many such sites, and they require the same level of protection as those that are identified within the tideland management units. Because of the scale of mapping used in this Plan not all such sites can be identified.

**Decision:**

No change.

**Revision:**

None

**Topic:** *Mineral Closing Orders***Plan:** BBAP**Commenter:** *Northern Dynasty Mines Inc.***Location:** Northern Bristol Bay Area**Unit:****Reference:****Comment or Issue:****Comment No.** W11-01

A representative for Northern Dynasty Mines (NDM) notes that the PRD retains all current Mineral Closing Orders. Renewed mineral activity could lead to requests for surface use in some areas covered by the MCOs. NDM requests the DNR to include language in the area plan stating that neither mineral closure restrictions nor the BBAP itself restricts surface uses; rather, any restrictions on surface use derive from applicable statutes and regulation.

**Response:**

The DNR, through the area plan, may impose conditions on uses that are authorized by DNR. These conditions may derive from requirements in Chapter 2 or from management guidelines for particular management units in Chapter 3. Note also that adherence to the requirements of a Mineral Closing or Leasehold Location Order may also create certain conditions of approval for a proposed use.

**Decision:**

No change.

**Revision:**

None

**Topic:** *Minerals*

**Plan:** BBAP

**Commenter:** *Alaska Miners Assoc.*

**Location:** Area-Wide

**Unit:**

**Reference:** Maps

**Comment or Issue:**

**Comment No.** W-02-11

A careful and specific review of all maps should be undertaken by persons having a minerals background to ensure that the text and the maps are in agreement and that nothing is included that will adversely impact mineral exploration or development.

**Response:**

The annotations on the final map will be more extensive than on the public review draft.

**Decision:**

Maps will be reviewed by an exploration geologist with over 30 years of industry experience.

**Revision:**

Final maps will have more annotations and these will be reviewed by the mining section of DNR.

**Topic:** *Minerals Designation***Plan:** BBAP**Commenter:** *Alaska Miners Assoc.***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W02-01

AMA understands that the minerals designation is not necessary to conduct minerals exploration and development and the absence of such designation will not hamper or exclude minerals exploration and development unless the area designation has specifically excluded mineral entry. A specific statement stating this should be included in the text of the Plan.

**Response:**

Such language can be found at p 2-34 C and p 3-5 ln 30-39. These sections clearly indicate that location of minerals can occur in all designations, except where specifically not allowed, and that mining is a co-designated use for all designations except where mineral closing orders are in effect.

**Decision:**

No Change

**Revision:**

None

**Topic:** *Minerals Economy***Plan:** BBAP**Commenter:** *Alaska Miners Assoc.***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W-02-12

Public recreation and tourism are listed as a growing sector of the economy in the area. Mineral exploration and mining should also be listed in this category. The Pebble project has shown what tremendous benefits can be created by a mineral project.

**Response:**

Mineral development may someday play a significant role in the Bristol Bay Region. To date a number of projects have failed to materialize (such as Shotgun) whereas recreation and tourism have shown a steady growth over the past two decades. The DNR is hopeful that producing mines may be in the future of the region. The economic impacts of mining to date have been sporadic.

**Decision:**

No change

**Revision:**

None

**Topic:** *Minerals Exploration***Plan:** BBAP**Commenter:** *Alaska Miners Assoc.***Location:** Area-Wide**Unit:****Reference:** p 2-32 to 2-37**Comment or Issue:****Comment No.** W02-03

The mineral exploration and development process should be described in more detail in Chapter 2, pages 2-32 through 2-37, so the public will understand the exploration and development process and realize that land restrictions will discourage or eliminate exploration. Many hundreds or even thousands of prospects are investigated before a single mine is ever developed. Mining can only occur where the minerals are found in economic quantities. And, when a mine is developed, it impacts a very small area. Furthermore, the Plan needs to more fully describe the huge economic benefits that will accrue to the local communities if a major mineral resource is discovered and a mine is developed.

**Response:**

The area plan addresses resource and uses in the area. It is not an appropriate vehicle to explain the mineral exploration and development process. Also, it is not a vehicle for bolstering one particular industry at the expense of another. If the plan were to consider language noting the positive impacts of mining, it would be necessary for DNR to point out the negative aspects of acid mine drainage, spills of toxic substances, social costs, and the effects of downturns in metal prices on the fabric of communities and individuals.

**Decision:**

Insert language in the introduction of the Mineral Resources section of Chapter 2 concerning land selections and the exploration process.

**Revision:**

Insert language in the introduction of the Mineral Resources section of Chapter 2 (p. 2-32, line 7): "Almost all state land within the planning area is managed for multiple use and is open to mining. The state selected much of the land in the planning area because of its mineral potential, as well as its potential for oil and gas, agriculture, and its recreation and wildlife values. Exploration and development of mineral resources involves considerable investment of time and monetary resources. A small fraction of prospects that are investigated actually result in identification of a site that is economical to develop. If a deposit proves economical for development, state and federal regulations and additional stipulations determined through the permitting process will ensure that other resource values are protected."

**Topic:** *Minerals Exploration*

**Plan:** BBAP

**Commenter:** *Alaska Miners Assoc.*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W02-02

The Plan language may not fully explain that mineral exploration is allowed and, in fact, the tone of the language seems to imply that the development is not desired. For example, several places in the plan use the following or similar language: "Little development will occur in these areas during the planning period and is not intended as a matter of policy that intensive forms of development occur in these areas other than occasional and specific sites." This language should be changed to read that development may not occur but that the planning area is effectively un-explored and that as new prospects and deposits are found mineral development is expected.

**Response:**

The DNR strongly disagrees that the plan does not fully explain that mineral development is allowed and that plan language implies that mineral development is not desired. All areas are open to mineral exploration and development. No additional mineral closing or leasehold location orders are recommended. Management intent language is included in areas designated General Use which explicitly recognizes mineral exploration and development as appropriate. Areas with significant mineral potential are designated 'Minerals'. In fact, the area plan has taken a great amount of care to ensure that undue restrictions would not be placed on mineral exploration and development.

The language referred to by the AMA is used in the Management Intent statements for those large areas of state land that are designated General Use. This statement is intended to imply that not a lot of development is expected within these areas except at specific locations. This clearly would be the case for minerals development, which usually occupies development at a specific site and it not a unit-wide phenomena. Moreover, in many cases mineral exploration and development is identified as such a specific use in the Management Intent statements; see the management intent statement for R06-01.

**Decision:**

No Change

**Revision:**

None

**Topic:** *Mining***Plan:** BBAP**Commenter:** *Brian Kraft***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W10-10

The commenter is concerned that the plan revision calls for allowing more than one use that do not mix well for a certain area. The commenter does not think that the state is being responsible in allowing mineral development in the same region that there are salmon spawning streams. By allowing large mining project that affect rivers and habitat into the area, the state will be eliminating a way of life. Mining as opposed to oil drilling, has an exponentially larger footprint that will affect the land and rivers for years to come. Mines also expose toxics, radioactive material, and utilize chemicals such as cyanide.

**Response:**

All mining projects are subject to an Environmental Assessment or Environmental Impact Statement that assesses the environmental risks. A separate permitting process is required for construction and operation of the mine and infrastructure that attempts to minimize and mitigate adverse impacts. The permits are issued (or not issued as the case may be) by a myriad of state, federal, and local governments. The Bristol Bay Area Plan neither approves or disapproves any mining project. The designation of Mineral Lands only recognizes the obvious -- that the management unit overlies a mineral resource and that advanced exploration or development is anticipated during the life of the plan.

**Decision:**

No change

**Revision:**

None

**Topic:** *Mining*

**Plan:** BBAP

**Commenter:** *Igiugig Natives*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W03-04

Any large scale mining projects should be extensively debated and examined before construction begins.

**Response:**

No large-scale mining project can be implemented without obtaining a large number of state, federal, and local permits -- all of which entail a large number of public meetings that allow significant public dialogue, input, and discourse.

**Decision:**

None

**Revision:**

None

**Topic:** *Mining Access***Plan:** BBAP**Commenter:** *Alaska Miners Assoc.***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W02-04

Access using and crossing rivers in the planning area will be important and necessary to complete mineral exploration and development and to minimize impacts to the environment. The Plan should include a discussion of the movement of supplies and equipment on rivers in the Plan area. Also, the Plan should include a generic discussion on potential dock and landing sites, river crossings for roads and pipelines. AMA recognizes that various permits will be required but the State needs to address and protect the ability to obtain access and the necessary permits. Potential roads and river crossings to access minerals should also be addressed in the Plan.

**Response:**

Since no viable mineral deposits have been discovered in the area, it is outside the scope of the plan to discuss all potential access routes for every deposit and prospect in the area. The DOT has produced a Southwest Alaska Transportation Plan that addresses transportation needs. This plan relied on information from the DOT including the latest transportation study for Pebble Copper. The plan only aims to ensure that state land disposals do not occur along important transportation corridors. In the preparation of the plan all trails, including RS2477s were mapped.

**Decision:**

No Change

**Revision:**

None

**Topic:** *Municipal Entitlement*

**Plan:** BBAP

**Commenter:** *Igiugig Natives*

**Location:** Lake and Peninsula  
Borough

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W03-01

The commenter encourages the DNR to make land conveyances to the Lake and Peninsula Borough

**Response:**

The DNR is aware of the importance of making land conveyances to the LPB under the Municipal Entitlement Act. This is one of the reasons for the current revision of the area plan.

It is intended that the BBAP will be adopted following the review of the revisions that are recommended as part of this Issue Response Summary. Once that occurs, possibly in early 2005, DNR will initiate Best Interest Findings which will specifically authorize the conveyance of state land to the Borough. The land conveyances to the Lake and Peninsula Borough cannot take place until the revision to the Bristol Bay Area Plan has been completed, however.

**Decision:**

No change.

**Revision:**

None

**Topic:** *Municipal Entitlement*

**Plan:** BBAP

**Commenter:** *Igiugig Natives*

**Location:** Eagle Bluff-Dennis  
Creek

**Unit:** R09-07, R09-13, R10-08, R1

**Reference:**

**Comment or Issue:**

**Comment No.** W03-02

Igiugig Natives opposes conveyance of the Borough's selection at Eagle Bluff-Dennis since it is a subsistence hunting area, used for trapping, and a source of dry wood for home heating.

**Response:**

The conveyance is subject to a separate Best Interest Finding that involves public participation. The DNR expects that a portion of the municipal selection will be conveyed to the Borough and a portion will be retained by the state. Public participation can assist the DNR in this process.

**Decision:**

The DNR will endeavor to involve Igiugig Natives in discussions involving this municipal selection

**Revision:**

None

**Topic:** *Municipal Selections***Plan:** BBAP**Commenter:** ADF&G**Location:** Lake and Peninsula  
Borough**Unit:****Reference:****Comment or Issue:**

ADF&G understands the Lake and Peninsula Borough (LPB) has reprioritized their municipal selections and will relinquish lower priority selections. However, we received these changes just last Friday and have not had time to fully analyze them. But we do believe that some of the relinquished selections have high fish and wildlife values and should be designated Habitat (Ha) in the BBAP. The designations of some parcels were to facilitate conveyance as part of a municipal entitlement. For example, the upper Mulchatna River and the Tutna Lake area was designated Rd (Public recreation and tourism – dispersed) when they should have been more appropriately designated Habitat for consistency with the designation of the lower river; the fish, wildlife and habitat values are the same. ADF&G would like the opportunity to review the LPB reprioritizations and work with DNR to ensure that the designations of any relinquished parcels are appropriate.

**Response:**

DNR will afford ADF&G the opportunity to review the revised selections of the LPB. It should be, noted, that most changes to the LPB selections focused on changes to priorities. ADF&G has already reviewed nearly all the lands within this group of changes.

**Decision:**

DNR has forwarded information on the LPB municipal selections to the ADF&G. Revise the selection priorities of the Lake and Peninsula Borough in the table within Appendix C.

**Revision:**

Appendix C is to be changed to reflect the latest priorities of the Lake and Peninsula Borough.

**Topic:** *Native Lands*

**Plan:** BBAP

**Commenter:** *Koliganek Natives*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W12-03

Koliganek Natives recommends that any activities in the planning area that are either adjacent to Native lands or close to them be coordinated with the Village Corporation and agreements with the villages should be a priority goal.

**Response:**

As a matter of standard practice and procedure, DNR notifies potentially affected entities, including native corporations, of any action to be authorized by DNR that involves a project requiring a Best Interest Finding or that involves the disposal of an interest in state land. DNR will continue that practice in the future.

**Decision:**

No change

**Revision:**

None

**Topic:** *Navigability*

**Plan:** BBAP

**Commenter:** *Alaska Miners Assoc.*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W02-10

All waters meeting the Gulkana decision test for navigability should be so designated in the Plan, even if the stream segments are not yet adjudicated. These are State-owned lands and must be defined as such. If the State does not recognize navigable and potentially navigable waters as State property in the Area Plan, the State could potentially have a harder time in asserting their navigability, and therefore ownership by the state, in the future.

**Response:**

Navigable waters within the planning area are described in Chapter 3, 'Navigability' (pp.3-323 through 3-330). There, the state asserts the ownership of water bodies that meet the tests for navigability that are identified in DNR Department Order 125, which deals with Navigability.

In the area plan, under the section on 'Management Intent: Specific Rivers and Lakes' (3-324), the state asserts navigability authority on all rivers and lakes within the planning area that meet the tests of navigability given in DO 125. It is specifically asserted that the state owns navigable water bodies in Federal Conservation Units. These assertions are standard within DNR area plans and are intended to state our ownership of water bodies considered by the state to be navigable. To aid the public and other agencies in the identification of navigable water bodies, a partial list of these waters is included in Table 3.1(pp. 3-326 through 3-330). Because of the inherent limitations in depicting smaller bodies of navigable waters in this area plan, many navigable water bodies are not depicted that nonetheless exist.

It should be noted that the determination of navigability by the state is outside the purview of area plans and is undertaken through Recordable Disclaimers of Interest, which are currently being prepared by DNR under a separate state-federal planning process.

**Decision:**

No change

**Revision:**

None

**Topic:** *Oil and Gas***Plan:** BBAP**Commenter:** *Lake and Peninsula  
Borough***Location:** Region 8**Unit:** Region 8**Reference:** p 3-147**Comment or Issue:****Comment No.** W15-06

The Lake and Peninsula Borough questions the determination that there is no significant potential for oil and gas in Region 8.

**Response:**

The potential for the existence of oil and gas resources depends on favorable geology. In general sedimentary rocks need to be present and these rocks must have the correct thermal maturity -- that is they need to have been heated just enough for the formation of hydrocarbons but not heated to the extent that any hydrocarbons present have been driven off or destroyed. The bedrock in Region 7 consists primarily of igneous rocks -- primarily granitic plutonic rocks and volcanics rocks. Rock units favorable for the formation and accumulation or entrapment of hydrocarbons are either not present in Region 8 or have a thermal maturity that is too high. All determinations as to oil and gas potential were prepared by geologists at DNR and reviewed by the Division of Oil and Gas.

**Decision:**

No Change

**Revision:**

None

**Topic:** *Plan Boundary*

**Plan:** BBAP

**Commenter:** *Lake and Peninsula Borough*

**Location:** Region 13

**Unit:** Region 13

**Reference:** p 4-7 and p 4-8

**Comment or Issue:**

**Comment No.** W15-09

A reference to the ACZMP of the Kodiak Island Borough should be added since portions of Region 13, on the eastern side of the peninsula are within the Kodiak Island Borough.

**Response:**

No lands of the Kodiak Island Borough are within the Bristol Bay Planning Area. The eastern boundary of the planning area and Region 13 are coincident with the boundary of the Kodiak Island Borough.

**Decision:**

No change

**Revision:**

None

**Topic:** *Plan Boundary*

**Plan:** BBAP

**Commenter:** *Lake and Peninsula Borough*

**Location:** NW Region 7

**Unit:** Region 7

**Reference:** p 3-135

**Comment or Issue:**

**Comment No.** W15-04

The Lake and Peninsula Borough supports amendment of the BBAP boundary to include a portion of the Kuskokwim Area Plan for the purpose of including all of the Lake and Peninsula Borough.

**Response:**

None

**Decision:**

No change

**Revision:**

None

**Topic:** *Plan Boundary*

**Plan:** BBAP

**Commenter:** *Kuskokwim Guide Service*

**Location:** NW Region 7

**Unit:** R07-01

**Reference:** p 3-135

**Comment or Issue:**

**Comment No.** W17-01

The commenter opposes inclusion of the South Fork Hoholitna River into the Bristol Bay Area Plan

**Response:**

While it is correct that the bulk of the Hoholitna River drainage occurs within a drainage basin within the Kuskokwim Area Plan, the South Fork occurs within the boundary of the Lake and Peninsula Borough. Area plans attempt to follow borough boundaries whenever possible; this has been especially important in the Bristol Bay Area Plan since the plan forms the basis for subsequent decisions on the conveyance of state land to the LPB under the Municipal Entitlement Act. For this reason, as well as others, DNR determined that the South Fork would be appropriate for inclusion in the BBAP.

**Decision:**

No change

**Revision:**

None

**Topic:** *Plan Designations*

**Plan:** BBAP

**Commenter:** *Nushagak-Mulchatna Wood-Tikchik Land Trust*

**Comment or Issue:**

**Comment No.** W16-01

The 1984 Plan gave deference to the protection of fish and wildlife habitat while the 2004 Plan places more emphasis on multiple use with the majority of land now falling within the General Use category. While the protection of fish and wildlife remains the primary use designation for many sub-units within the Draft 2004 Plan, the change is, nevertheless, significant. The 2004 Plan, by downgrading the priority of habitat protection, seems to accept the premise that the changes to the local salmon based economy are permanent and that the Bristol Bay Area plan should be more accommodating to uses that may damage habitat. No other conclusion can follow from the changes proposed, in particular the emergent dominance of the General Use category in the Draft 2004 Plan

**Response:**

The observation that the 1984 plan gave more explicit deference to the protection of fish and wildlife while the 2004 Plan places more emphasis on multiple uses with the protection of sensitive resources and habitats covered under the management intent section (for particular management units) is correct. This is not to say, however, that the 2004 Plan de-emphasizes the protection of fish and wildlife resources. It simply treats the protection of those resources in a different manner. Neither does it mean that since the management method is different under the 2004 plan. The DNR accepts the premise that shifts in the area's economy are permanent and have caused this change to come about. In fact, this change has been in response to a deliberate shift in management approach by this agency over the last 10 years. Increasingly, DNR has used the General Use designation coupled with management intent language to protect sensitive resources. This, we believe, provides needed flexibility while maintaining proper resource protections.

**Location:** Area-Wide

**Decision:**

No change

**Unit:**

**Revision:**

None

**Reference:**

**Topic:** *Plan Life*

**Plan:** BBAP

**Commenter:** *Lake and Peninsula  
Borough*

**Location:** Lake and Peninsula  
Borough

**Unit:**

**Reference:** p 1-9 ln 30

**Comment or Issue:**

**Comment No.** W15-01

The L&P Borough requests that because many changes are taking place in the area that the plan should be re-evaluated in ten years.

**Response:**

Chapter 4 of the Plan outlines procedures for amending or revising the plan should this be required in order to reflect changing conditions during the life of the plan. The complete revision of an area plan, however, is usually only undertaken every 15-20 years, unless there have been very significant shifts in technology, land use, or policy, which mandate its revision. Given staffing and other considerations, DNR only manages to revise its management and area plans on a (generally) 20-year cycle.

**Decision:**

No change

**Revision:**

None

**Topic:** *Public Land Orders***Plan:** BBAP**Commenter:** *Alaska Miners Assoc.***Location:** Area-Wide**Unit:****Reference:** p 4-12**Comment or Issue:****Comment No.** W02-06

All lands now encumbered by federal Public Land Orders must be identified in the plan text and on all plan maps. The plan needs to assume that at some time in the future, these PLOs will be removed and the lands will either become Native private lands, State-owned or will become available for mineral entry under the federal mining law. These lands must be assumed to be open to mineral entry and development.

**Response:**

The area plan pertains to State land and state-selected land. It is not appropriate for the area plan to identify Public Land Orders affecting federal land that has not been selected for possible conveyance by the state. The scale of the plan maps is too great to depict PLOs that impact state selections. Nonetheless, PLOs affecting state selected land can be easily accessed on-line by DNR through review of the joint BLM/DNR Land Records website, so determining their area of impact is not of such great concern currently as it has been in the past.

Chapter 4 includes a section termed 'State Land Selections, ANILCA Top filed Lands, and Public Land Orders'. A table will be added to this sections that lists significant PLOs affecting state-selected lands.

Finally, the plan already states that all state lands, including those eventually conveyed by BLM to the state and previously affected by a PLO, are open to mineral entry. See the Mineral Resources section of Chapter 2 and other responses in this IRS for details.

**Decision:**

Add a table to the section dealing with Public Land Orders.

**Revision:**

Insert a table listing significant PLO's affecting state-selected lands.

**Topic:** *Public Trust Doctrine***Plan:** BBAP**Commenter:** *Northern Dynasty Mines Inc.***Location:** Area-Wide**Unit:****Reference:** p 3-323**Comment or Issue:**

Notwithstanding the plan's reference to and discussion of the Public Trust Doctrine as it relates to navigable water bodies, NDM suggests that the DNR clarify that the Plan imposes no duties nor creates any rights, other than those existing under applicable law.

**Response:**

The purpose of the discussion of the Public Trust Doctrine was to describe the unique requirements placed by that doctrine in its administration of navigable water bodies. This discussion is meant to be descriptive in nature.

DNR is unclear about the meaning of the NDM comment, but will assume that the argument is that the navigable rivers portion of the plan "imposes no duties nor creates any rights, other than those existing under applicable law."

The BBAP is not regulation or law but the document is used by the DNR adjudicators in authorizations (land use permits, leases, conveyances, etc.). As such, restrictions on land use as specified in the area plan are used by the DNR to attach conditions to permits or outright deny permits. In this sense the plan does create certain additional limitations or restrictions other than those identified in Administrative Code or Statute. With respect to mineral closing orders, these, by their very nature, affect only the subsurface mineral estate. Surface uses in an area encompassed by a mineral closure is dictated by the land use classification and management intent.

**Decision:**

No change

**Revision:**

None

**Topic:** *Set Backs***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:****Reference:** p 2-72**Comment or Issue:****Comment No.** W08-14

In management guideline C.3. 'revegetated' in line 40 (page 2-72) should be replaced with 'restored and revegetated employing bio-engineering techniques' and the words 'should be' in the same line should be deleted.

**Response:**

DNR concurs that the proposed revision is appropriate. The proposed language describes more precisely what is required when disturbed stream banks are to be rehabilitated.

**Decision:**

Revise Management Guideline C.3.

**Revision:**

Revise Management Guideline C.3. (p. 2-73) to read: "Disturbed stream banks should be recontoured, restored and revegetated employing bio-engineering techniques, or other protective measures taken to prevent soil erosion into adjacent waters."

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Bristol Bay CRSA*

**Location:** Nuyakuk River

**Unit:** R06-19

**Reference:** p 3-112

**Comment or Issue:**

**Comment No.** W05-02

The BBCRSA recommends that the Nuyakuk Settlement unit (R06-19) be reclassified to General Use.

**Response:**

The DNR agrees with the comment.

**Decision:**

Remove the Settlement Designation for management unit R06-19

**Revision:**

Unit R06-19 designation changed from Settlement to General Use (Gu) and merged into the adjacent Gu management units. (The management intent of the parcel will then become that of the adjacent General Use units.)

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *New Stuyahok Meeting*

**Location:** Nuyakuk River

**Unit:** R06-19

**Reference:** p 3-112

**Comment or Issue:**

**Comment No.** PNS-02

Attendees of the public meeting in New Stuyahok oppose the Settlement designation to lands on the Nuyakuk River

**Response:**

The DNR agrees with the comment.

**Decision:**

Remove the Settlement Designation for management unit R06-19

**Revision:**

Unit R06-19 designation changed from Settlement to General Use (Gu) and merged into the adjacent Gu management units. (The management intent of the parcel will then become that of the adjacent General Use units.)

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Nushagak-  
Mulchatna Wood-  
Tikchik Land Trust*

**Location:** Region 5

**Comment or Issue:**

**Comment No.** W16-02

The NMWT Land Trust is concerned over the amount of lands designated Settlement being proposed in Region 5 (59,979 acres) particularly unit R05-21. Given the remoteness this is likely to be of interest to people from outside the region and invites a transient population that has demand for fish and wildlife resources and does not contribute to the local economy. At a minimum conversion from State to private ownership should not occur in unit R06-19 without prior consultation and careful coordination with all of the ANCSA village and regional corporations who own land along the Nushagak River.

**Response:**

Past land disposals in the Snake River and Weary River parcels have demonstrated that the vast majority (83%) of disposals have been to local residents -- predominantly from Dillingham, Portage Creek, and Naknek. The outsiders tend to consist of people such as commercial fisherman that work the Bristol Bay waters but reside outside of the area.

Land disposals initiated by DNR entail a fairly lengthy public review process; as a matter of practice, DNR includes the ANSCA village and regional corporations as entities to contact prior to a land disposal.

The DNR is sensitive to the concern that the amount of land within the area plan, including the area within Region 6, is 'excessive'. Our response to the same issue raised by another corporation is pertinent and follows:

"DNR, in its preparation of area plans, attempts to balance out the competing needs for the use of land and its resources. Admittedly, this is a subjective process, but we attempt to weight the interests of all Alaskans. Both the Legislature and the state Administration have placed a high priority on the conveyance of state land to individuals and boroughs. The Department is required to implement this mandate, and this area plan attempts to identify certain areas that may be suitable for development.

DNR does not believe that the amount of settlement designated in the area plan is excessive. Settlement land constitutes about 600,000 acres, or less than 5 per cent of the overall total of land within the planning area. Nor do we believe that the act of designation will create numerous land disposals. Area plans identify where land is anticipated to be needed and where state land can best be developed for this purpose. Not all areas that are designated settlement and even for those areas that are designated Settlement and for which land disposals occur, only a portion of the land is actually used for that purpose. Most of the land designated Settlement in this plan is classified as 'Remote Settlement Areas'. Settlement development in these areas consists of remote staking of large lot parcels that are situated some distance from each other, typically, and much of the land area designated Settlement is not used. Areas designated Remote Settlement include large land areas in order to minimize the costs of surveying."

**Unit:** R05-21

**Reference:** p 3-80

**Decision:**

No change

**Revision:**

None

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Nushagak-  
Mulchatna Wood-  
Tikchik Land Trust*

**Location:** Region 6

**Unit:** R06-19

**Reference:** p 3-112

**Comment or Issue:**

**Comment No.** W16-02

The NMWT Land Trust is concerned over the amount of lands designated Settlement being proposed in Region 6 (18, 917) particularly unit R06-19. Given the remoteness this is likely to be of interest to people from outside the region and invites a transient population that has demand for fish and wildlife resources and does not contribute to the local economy. At a minimum conversion from State to private ownership should not occur in unit R06-19 without prior consultation and careful coordination with all of the ANCSA village and regional corporations who own land along the Nushagak River.

**Response:**

Past land disposals in the Snake River and Weary River parcels have demonstrated that the vast majority (83%) of disposals have been to local residents -- predominantly from Dillingham, Portage Creek, and Naknek. The outsiders tend to consist of people such as commercial fisherman that work the Bristol Bay waters but reside outside of the area.

Land disposals initiated by DNR entail a fairly lengthy public review process; as a matter of practice, DNR includes the ANSCA village and regional corporations as entities to contact prior to a land disposal.

The DNR is sensitive to the concern that the amount of land within the area plan, including the area within Region 6, is 'excessive'. Our response to the same issue raised by another corporation is pertinent and follows:

"DNR, in its preparation of area plans, attempts to balance out the competing needs for the use of land and its resources. Admittedly, this is a subjective process, but we attempt to weight the interests of all Alaskans. Both the Legislature and the state Administration have placed a high priority on the conveyance of state land to individuals and boroughs. The Department is required to implement this mandate, and this area plan attempts to identify certain areas that may be suitable for development.

DNR does not believe that the amount of settlement designated in the area plan is excessive. Settlement land constitutes about 600,000 acres, or less than 5 per cent of the overall total of land within the planning area. Nor do we believe that the act of designation will create numerous land disposals. Area plans identify where land is anticipated to be needed and where state land can best be developed for this purpose. Not all areas that are designated settlement and even for those areas that are designated Settlement and for which land disposals occur, only a portion of the land is actually used for that purpose. Most of the land designated Settlement in this plan is classified as 'Remote Settlement Areas'. Settlement development in these areas consists of remote staking of large lot parcels that are situated some distance from each other, typically, and much of the land area designated Settlement is not used. Areas designated Remote Settlement include large land areas in order to minimize the costs of surveying."

**Decision:**

No Change

**Revision:**

None

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Bristol Bay CRSA*

**Location:** Lake Aleknagik

**Unit:** R05-05

**Reference:** p 3-74

**Comment or Issue:**

**Comment No.** W05-04

The BBCRSA recommends that the Settlement unit near Bear Bay on Lake Aleknagik (R05-21) be reclassified to Habitat.

**Response:**

The DNR maintains that the Settlement designation is appropriate for these relatively small land parcels. All the adjacent land is in private ownership and almost certainly contains residential structures. This designation simply condenses this pattern. Moreover, the application of a Habitat designation is unwarranted because of parcel size and the absence of a known sensitive wildlife habitat.

**Decision:**

No change

**Revision:**

None

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Aleknagik Natives Ltd*

**Location:** Lake Aleknagik

**Unit:** R05-05

**Reference:** p 3-74

**Comment or Issue:**

**Comment No.** W19-01

ANL opposes the Settlement designation of unit R05-05 as it will interfere with subsistence activities and will compete for land sales with ANL

**Response:**

The DNR maintains that the Settlement designation is appropriate for these relatively small land parcels. All the adjacent land is in private ownership and almost certainly contains residential structures. This designation simply condenses this pattern. Moreover, the application of a Habitat designation is unwarranted because of parcel size and the absence of a known sensitive wildlife habitat.

**Decision:**

No change

**Revision:**

None

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Bristol Bay CRSA*

**Location:** Scandinavian Slough

**Unit:** R05-21

**Reference:** p 3-80

**Comment or Issue:**

**Comment No.** W05-03

The BBCRSA recommends that the Scandinavian Slough Settlement unit (R05-21) be reclassified to General Use. [Editor's note: the commenter provides no specific reasons.]

**Response:**

The DNR maintains that the Settlement designation is appropriate for these lands because they meet certain criteria -- they can be utilized to support community expansion should future needs arise and the terrain is favorable. In addition an RS2477 access route is nearby. There is no certainty that any land parcel identified as Settlement will ever be offered for sale or disposal. Usually evidence of demand is required. Such land sales involve a separate public process that encourages public notice, participation, and comment. The plan tries to identify lands for community expansion should growth take place; if there is no demand for subdivisions or remote recreation sites, the land will not be offered for sale.

**Decision:**

No Change

**Revision:**

None

**Topic:** *Settlement***Plan:** BBAP**Commenter:** *Koliganek Natives***Location:** Nuyakuk Rover**Unit:** R06-19**Reference:** Map O-1**Comment or Issue:**

Koliganek Natives opposes the Settlement designation for unit R06-19. The area is heavily used by the people for subsistence. Land disposals in this area would inevitable set up land use conflicts between villagers, park users, and recreationists.

**Response:**

The DNR agrees with the comment.

**Decision:**

Remove the Settlement Designation for management unit R06-19

**Revision:**

Unit R06-19 designation changed from Settlement to General Use (Gu) and merged into the adjacent Gu management units. (The management intent of the parcel will then become that of the adjacent Gu units.)

**Topic:** *Settlement*

**Plan:** BBAP

**Commenter:** *Koliganek Natives*

**Location:** Area-Wide

**Comment or Issue:**

**Comment No.** W12-01

Koliganek Natives believes the amount of Settlement land is too excessive; this could adversely affect fish and wildlife habitat and subsistence uses.

**Response:**

The DNR, in its preparation of area plans, attempts to balance out the competing needs for the use of land and its resources. Admittedly, this is a subjective process, but we attempt to weigh the interests of all Alaskans. Both the Legislature and the state Administration have placed a high priority on the conveyance of state land to individuals and boroughs. The Department is required to implement this mandate, and this area plan attempts to identify certain areas that may be suitable for development.

DNR does not believe that the amount of settlement designated in the area plan is excessive. Settlement land constitutes about 600,000 acres, or less than 5 per cent of the overall total of land within the planning area. Nor do we believe that the act of designation will create numerous land disposals. Area plans identify where land is anticipated to be needed and where state land can best be developed for this purpose. Not all areas that are designated settlement and even for those areas that are designated Settlement and for which land disposals occur, only a portion of the land is actually used for that purpose. Most of the land designated Settlement in this plan is classified as 'Remote Settlement Areas'. Settlement development in these areas consists of remote staking of large lot parcels that are situated some distance from each other, typically, and most of the land area is not used. Areas designated Remote Settlement include large land areas in order to minimize the costs of surveying.

This all being said, DNR agrees with Koligank Natives that settlement could adversely affect fish and wildlife resources and subsistence uses, if not carefully located and designed. Revision of the Management Guidelines on Settlement is appropriate, to address this concern.

**Unit:**

**Reference:** p 2-58 ln-21-26

**Decision:**

Revise Management Guideline 4, 'Pacing' to include consideration of the effect of land disposals on fish and wildlife resources and subsistence uses. This is to be a consideration as to whether a land disposal should occur and on the pacing of state land disposals.

**Revision:**

Revise Management Guideline 4, 'Pacing' under Settlement in Chapter 2 by appending the following language the paragraph: "The pacing of land disposals should also consider the effect on subsistence activities including fish and wildlife resources."

**Topic:** *Settlement***Plan:** BBAP**Commenter:** *Bristol Bay CRSA***Location:** Area-Wide**Unit:****Reference:** p 2-58**Comment or Issue:****Comment No.** W05-06

The area plan argues for competition with private land owners: the "state may compete with private sector or local governments if necessary to satisfy demand, provide market choice or moderate unreasonably high prices." It is recommended that, rather than establishing a policy of competition, the state should replace section 2-58 (A)(1) with wording that would establish a mechanism for determining fair market value.

**Response:**

The planning goal 'Competition' under Planning and Coordination in the Settlement section of Chapter 2 focuses on an intervention by the state when there is a public need -- inadequate land supply or to provide market choice. In practice, DNR tries to mesh its land disposal programs with local government and other entities; however, the pace of the land disposal program is generally established by the Legislature.

The determination of fair market value for a wide variety of properties, both private and public, would have limited use in helping DNR make its basic decisions on the amount and location of our land disposals. Accordingly, inclusion of this proposed language is unwarranted.

**Decision:**

No change

**Revision:**

None

**Topic:** *State Land Selections*

**Plan:** BBAP

**Commenter:** *Alaska Miners Assoc.*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W02-05

The Plan does not recognize and explain that many of the lands selected in this area were selected because of their mineral potential. This fact should be clearly stated in the Plan and extreme care should be exercised before any restrictions are placed on the lands that were selected because of their mineral potential. The Plan should list Minerals as the primary land use co-designation on the vast majority of state-owned lands on the Alaska Peninsula—Regions 12 through 21. This discussion could be placed in Chapter 1, Minerals, Page 1-8; Chapter 2, Page 2-2; and Chapter 3, Page 3-37.

**Response:**

While it is true that some of the federal land in the planning area was selected for its mineral potential, it was selected for other reasons as well, including oil and gas, agriculture, transportation, settlement, and for fish and wildlife resources. Oftentimes, mineral selected lands were combined with other state selection priorities (access routes, oil and gas, etc.) so that it is improper to state that it was selected for its mineral potential alone. It is also somewhat uncommon to identify the basis for the selection of federal land in particular areas in area plans. The basis for the selection of federal lands used during the state selection process in the early 1990s is specified in a number of DNR publications, the most important being 'Evaluation Units for Final State Land Selections'. This, more properly, identifies state selection priorities and the basis for selection.

DNR, in its preparation of this area plan, exercised care in order to avoid putting undue restrictions on lands with mineral development potential. It designates the principal mineral resource areas as 'Minerals' and it specifically provides for mineral exploration and development, listing it as a possible use in the large areas designated General Use in the plan. Moreover, this plan does not create any Leasehold Location Orders or Mineral Closing Orders. It only retains those orders established in prior actions and the 1984 plan.

Most of the areas on the Alaska Peninsula are designated General Use and the Management Intent statements for the units on the peninsula explicitly mention oil and gas development as well as mineral development as an appropriate uses. Since the General Use designation is a multiple use designation, use of a Minerals co-designation would be inappropriate.

**Decision:**

No Change

**Revision:**

None

**Topic:** *State Land Selections*

**Plan:** BBAP

**Commenter:** *Alaska Miners Assoc.*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W02-07

All state-selected lands should be identified as such in the Plan and on all maps. Such selections should be shown until such time as all land transfers to the State are complete.

**Response:**

All state selected lands are shown on maps O-1 thru O-4. Please see the legend on each map. Each legend shows a cross-hatch symbol captioned "State Selected".

**Decision:**

No Change

**Revision:**

None

**Topic:** *Stream Banks*

**Plan:** BBAP

**Commenter:** ADF&G

**Location:** Area-Wide

**Unit:**

**Reference:** p 2-72

**Comment or Issue:**

**Comment No.** W08-15

Management guideline D., Rehabilitating Disturbed Stream Banks, is almost identical to C.3. 'Revegetated' in line 43 should be replaced with 'restored and revegetated employing bio-engineering techniques'

**Response:**

The DNR concurs with the ADF&G recommendation.

**Decision:**

Revise Management Guideline D

**Revision:**

Revise Management Guideline D, replacing the word "vegetated" in line 43 with "restored and revegetated employing bio-engineering techniques".

**Topic:** *Stream Crossings***Plan:** BBAP**Commenter:** ADF&G**Location:** Area-Wide**Unit:****Reference:** p 2-72**Comment or Issue:**

Management guideline C.1. (lines 28 – 32, page 2-72) should be replaced with the following language: Minimize Stream Crossings. Stream crossings should be minimized. Crossings in specified anadromous fish streams or construction of a structure crossing a specified anadromous stream require permits from the Office of Habitat Management and Permitting. Where stream crossings are planned, they should be located along a straight reach of the stream. All crossings should be located so that they intersect the stream channel at a right angle and be sited to avoid adverse grades on either approach to prevent runoff from entering the stream. Bridges are the preferred alternative to culverts and should be designed and constructed so that abutments, fill, or other materials are not located below the ordinary high water line (OHW) of the stream and do not constrict the floodplain of the stream.

**Response:**

DNR generally concurs with the recommended revisions proposed by ADF&G, although aspects of the revised language require revision.

**Decision:**

Revise Management guideline C.1 to generally conform with the recommendation of the ADF&G.

**Revision:**

Revise Management guideline C.1. (lines 28 – 32, page 2-72), replacing it with the following language: "Minimize Stream Crossings. Stream crossings should be minimized. Crossings in specified anadromous fish streams or construction of a structure crossing a specified anadromous stream require permits from the Office of Habitat Management and Permitting. Where stream crossings are planned, they should be located within a stable reach of the stream. All crossings should be located so that they intersect the stream channel at a right angle and be sited to avoid adverse grades on either approach to prevent runoff from entering the stream. Bridges are the preferred alternative to culverts and should be designed and constructed so that abutments, fill, or other materials are not located below the ordinary high water line (OHW) of the stream and do not constrict the floodplain of the stream."

**Topic:** *Subdivision of Private Land***Plan:** BBAP**Commenter:** *Koliganek Natives***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W12-04

Koliganek Natives recommends that there should be regulations governing the subdivision of private land parcels.

**Response:**

Within unorganized boroughs, DNR acts as the platting authority. As such, there are certain standards that must be followed in the subdivision of private land parcels. These are described in 11 AAC 53.600. These standards affect this part of the planning area.

Within organized boroughs, a different set of standards usually apply to the subdivision of private land parcels. These may be quite detailed, as in the Land Use Codes for the municipalities of Anchorage and Juneau. These detailed standards may only be applied when a borough has been formed and detailed platting regulations have been developed and approved.

**Decision:**

No change

**Revision:**

None

**Topic:** *Tide and Submerged Land Ownership***Plan:** BBAP**Commenter:** *DNR Division of  
Mining, Land &  
Water***Location:** Area-Wide**Unit:** None**Reference:** Map O-1 through O-4**Comment or Issue:****Comment No.** DMLW-02

The maps do not accurately depict the ownership of State tide and submerged lands within bays and islets.

**Response:**

The maps generally depict off-shore state ownership to three miles. The rules for describing state-owned tide and submerged lands are however more complex than a simple line 3 miles seaward of the shore.

**Decision:**

Revise state tideland ownership designation on Maps O-1 through O-4

**Revision:**

The 3-mile buffer will be modified to indicate state ownership beyond 3-miles within certain bays and inlets. A note will be added to each map with the following wording: "land ownership is only generally depicted; this map does not constitute a legal description of land ownership."

**Topic:** *Transportation*

**Plan:** BBAP

**Commenter:** *Alaska Miners Assoc.*

**Location:** Area-Wide

**Comment or Issue:**

**Comment No.** W02-09

New routes need to be included to ensure future access alternatives. These routes should not be defined by specific centerlines but rather by alternative general approaches to access specific areas that today do not have road access or specific RS-2477 rights of way. These routes must be included to ensure a “place-holder” for future access.

**Response:**

It is not the function of an area plan to determine if additional access routes of a regional nature are required, and it is certainly not a plan's responsibility to indicate specific routes. The state agency charged with the responsibility of identifying such routes is ADOT/PF.

This being said, DNR maintains that the major regional transportation routes have been identified in this plan. DNR consulted ADOT/PF in the identification of regional access corridors, and included those routes identified by ADOT/PF as appropriate in their Southwest Alaska Transportation Plan. All RS2477 routes that have been identified in state statute were considered in preparation of the plan but the scale of the maps is inappropriate to show these. The commenter may wish to review additional information included on the map "State of Alaska, Proposed Access Corridors, With Significant subsurface Mineral Resource Areas (1:2,500,000). The map can be found at the website: [http://www.dnr.state.ak.us/kodiak/gis/raster/map\\_library/y2002/Iris/corr\\_lode\\_2r.pdf](http://www.dnr.state.ak.us/kodiak/gis/raster/map_library/y2002/Iris/corr_lode_2r.pdf)

While the plan does not designate all potential routes (since other routes may exist than those now identified), neither does it prohibit them. In fact, the general designation of “general use” for much of the area, and the fact that it remains open to mining, oil and gas exploration, etc. is consistent with development of roads for those purposes.

**Unit:**

**Decision:**  
No change

**Reference:**

**Revision:**  
None

**Topic:** *Transportation***Plan:** BBAP**Commenter:** *Alaska Miners Assoc.***Location:** Area-Wide**Unit:****Reference:****Comment or Issue:****Comment No.** W02-08

A complete review of all possible RS-2477s should be undertaken and incorporated into the Plan and shown on all maps. A review of all historic maps, USGS reports of the area, current aerial photographs, etc, should be made to identify all routes that have ever been used. All of these routes should be shown on the Plan maps and their status defined as "uncertain" if they have not been formally asserted as RS-2477s. All historic routes must be identified to ensure that, if and when they can be justified, they are already defined and shown. An Appendix needs to be included which lists a complete bibliography for all rights of way in the Plan area. This will enable future researchers to have the most accurate database possible as a starting point.

**Response:**

DNR, in the preparation of the area plan, identified those RS2477 routes specified in AS 19.20.400.

It is outside the purview of an area plan to identify and record each potential RS 2477 route that may exist in a planning area.

The identification of such routes has, in the past, been a result of a specific project focused solely on this issue and funded by the legislature. The routes that are identified in this plan are those identified through this previous project. There is no funding for the identification and assertion of RS 2477 routes at this time and therefore no additional RS 2477 routes were identified in this plan.

**Decision:**

No change

**Revision:**

None

**Topic:** *Transportation***Plan:** BBAP**Commenter:** *DNR Division of  
Mining, Land &  
Water***Location:** Area-Wide**Unit:** None**Reference:** p 2-71**Comment or Issue:****Comment No.** DMLW-03

Language should be inserted into the Transportation section of Chapter 2 to indicate that although the plan shows certain transportation corridors it does not intend to limit or preclude other corridors that may be developed.

**Response:**

None

**Decision:**

Insert language into the Transportation section of Chapter 2.

**Revision:**

Insert the following new paragraph on page 2-71 line 32: "The transportation corridors depicted in the plan are primarily those currently identified by the state Department of Transportation and Public Facilities' Southwest Alaska Transportation Plan. Other transportation corridors are possible and may become necessary as need arises. This plan in no way intends to limit such corridors; it seeks to ensure that land disposals do not take place on or adjacent to the transportation corridors without consultation with the DOT."

**Topic:** *Transportation***Plan:** BBAP**Commenter:** *ADCCED***Location:** Region 10**Unit:** Region 10**Reference:** Map O-2**Comment or Issue:****Comment No.** W07-01

The transportation corridor between Dillingham and Iliamna is not whole; there is a gap in the vicinity of T10S R42W and continuity is lacking in the vicinity of T13S R41W and T14S R42W.

**Response:**

Neither state-owned nor state-selected land exists at the locations noted; accordingly, this plan cannot reserve a transportation corridor within the areas noted. All land selections by the state were completed in 1994 and no new land selections can be made to remedy the situation. However, the state can obtain rights-of-way from the BLM and private entities for road construction, should such roads ever be built.

**Decision:**

No change

**Revision:**

None

**Topic:** *Transportation*

**Plan:** BBAP

**Commenter:** *Koliganek Natives*

**Location:** Northern Bristol Bay Area

**Unit:** Region 6

**Reference:** Map O-1, O-2

**Comment or Issue:**

**Comment No.** W12-05

Koliganek Natives is opposed to the expansion of roads that would connect to their lands. They believe the influx of people would bring added pressure to subsistence uses and fish and wildlife habitat. Economic gains associated with a road would be more than offset by losses to subsistence activities and threats to culture.

**Response:**

The area plan neither approves nor disapproves of any transportation project. These are usually the result of regional, community, or specific project needs. Rather, the area plan recognizes likely transportation corridors that have been developed by the ADOT&PF. The area plan identifies these primarily so its adjudicators do no land disposals along these corridors nor issue authorizations that conflict with transportation uses.

Decisions on the construction of roads are made by ADOT/PF following a detailed environmental planning and review process. It is probable the balancing process that outlined in the comment will be followed in these planning and review processes. Until these studies occur and funding is provided for a road project, it is unlikely that any roads will be constructed in your area.

**Decision:**

No change

**Revision:**

None

**Topic:** *Transportation*

**Plan:** BBAP

**Commenter:** *Lake and Peninsula  
Borough*

**Location:** Region 8

**Unit:** R08-05, R08-02

**Reference:** p 3-149

**Comment or Issue:**

**Comment No.** W15-07

The question is asked: Does the state have any plans for access to the land designated Settlement west of the Newhalen River?

**Response:**

The DOT has long term plans for a bridge to cross the Newhalen River; if such a structure is built then these Settlement lands could be accesses from a spur road

**Decision:**

No Change

**Revision:**

None

**Topic:** *Transportation***Plan:** BBAP**Commenter:** *Igiugig Natives***Location:** Igiugig**Unit:** Regions 8, 9, & 10**Reference:****Comment or Issue:****Comment No.** W03-03

Igiugig Natives oppose extensive road construction near the village and connecting to Cook Inlet.

**Response:**

The area plan's main function is to identify possible transportation corridors so that DNR does not grant authorizations without taking possible right-of-way needs into consideration. The plan does not make any decisions on whether a road should be constructed nor does it make any decisions on the alignment of such facilities. This is the responsibility of the ADOT/PF. That agency is responsible for the preparation of an environmental impact statement (or negative declaration), which is intended to analyze a wide variety of issues, including concerns of local government and communities.

Whether roads are constructed is determined by the outcome of the EIS planning process and the allocation of funds under the statewide Transportation Improvement Program. The area plan provides information on potential transportation corridors as they have been identified by the ADOT. The sole purpose in identifying the corridors is so that the DNR does not dispose of land along the corridors.

**Decision:**

None

**Revision:**

None

**Topic:** *Walrus Islands Game Sanctuary*

**Plan:** BBAP

**Commenter:** ADF&G

**Location:** Walrus Islands

**Unit:**

**Reference:** p 3-53 ln 13-19

**Comment or Issue:**

**Comment No.** W08-17

The discussion regarding the Walrus Islands State Game Sanctuary on page 3-53 (lines 13 – 19), page 3-55 (lines 1 –5), 3-58 and 3-60 should clarify that the concurrence of ADF&G, not just a consultation, is needed prior to any authorizations in the Walrus Islands State Game Sanctuary for the following reasons: AS 16.20.096 implies that oil and mineral exploration and development will be jointly determined by the commissioner of natural resources and the commissioner of fish and game; and a Special Area Permit from ADF&G is required for activities within the sanctuary.

**Response:**

Review of AS 16.20.096 indicates that oil and mineral exploration and development is permitted on the Walrus Islands State Game Sanctuary subject to AS 16.20.098. Mineral or oil and gas leasing shall be authorized in regulations of the Department of Natural Resources. DNR issues these types of leases and the concurrence of the ADF&G is not required for such leases to be issued. Leases issued under AS 16.98.096 must be consistent with the limitations of AS 16.20.098 and with any additional limitations jointly determined by DNR and ADF&G in order to assure compatible multiple use practices.

The current wording in each of these sections requires DNR to consult with ADF&G prior to issuing leases and specifies that the requirements of AS 16.20.096 are to be met.

**Decision:**

No change.

**Revision:**

None

**Topic:** *Waterfront Development***Plan:** BBAP**Commenter:** *Sand Point Meeting***Location:** Lenard Harbor**Unit:** R22T-09**Reference:** p 3-322 & Map O-4**Comment or Issue:****Comment No.** PSP-01

The AEB requests that management unit R22T-09 (Lenard Harbor) be altered to include a new management unit at Lenard Harbor designated Waterfront Development.

**Response:**

The DNR agrees with the recommended change.

**Decision:**

Create a tideland management unit designated Waterfront Development for a portion of Lenard Harbor effectively revising the boundary of management unit R22T-09.

**Revision:**

Create a tideland management unit (R22T-10) designated Waterfront Development on the north side of Lenard Harbor. Revise the boundary of unit R22T-09 accordingly. Add the new unit, designated R22T-10, to the Resource Allocation Table for Region 22 on page 3-322. The unit, designated Wd-Waterfront Development, consists of 1,213 acres, is referenced on Map O-4, and located generally in S58S87W and S58S88W.

The Management Intent is to read: "Unit is to be managed to accommodate tideland commercial and industrial uses.

Note: It is unlikely that all of the area within this unit will be used for future commercial and industrial tideland uses. A fairly large area of tidelands is designated Waterfront Development given the uncertainty of the exact location of future facilities."

The Resources, Uses, Additional Information is to read: "The unit is situated on the southeast side of Cold Bay near the road to King Cove. The tide and submerged lands have a brown sandy substrate and moderate slope. Deep waters of Lenard Harbor are known to contain red king and tanner crab. Dungeness crab inhabit the sea grass fringes at the head of Lenard Harbor. Bivalves are abundant near the head and southeast side of Lenard Harbor but not particularly so in this management unit. Herring concentrate in the unit and waterfowl concentrate in the area during spring staging."

**Topic: *Waterfront Development*****Plan:** BBAP**Commenter:** *Aleutians East Borough***Location:** Hot Springs Bay**Unit:** R22T-09**Reference:** p 3-322 & Map O-4**Comment or Issue:****Comment No.** W04-01

The Aleutians East Borough requests a Waterfront Development designation on tidelands in front of Hot Springs Bay as a site has potential for geothermal development.

**Response:**

The DNR agrees with the recommendation.

**Decision:**

Create a tideland management unit designated Waterfront Development for the south end of Hot Springs Bay, effectively revising the boundary of management unit R22T-09.

**Revision:**

Add a new management unit (R22T-11) designated Waterfront Development on the south end of Hot Springs Bay. Revise the boundary of unit R22T-09 accordingly. Add the new unit to the Resource Allocation Table for Region 22 on page 322. The unit, designated Wd-Waterfront Development, consists of 625 acres, is referenced on Map O-4, and located generally in S69S112W.

The Management Intent is to read: "Unit is to be managed to accommodate tideland commercial and industrial uses.

Note: It is unlikely that all of the area within this unit will be used for future commercial and industrial tideland uses. A fairly large area of tidelands is designated Waterfront Development given the uncertainty of the exact location of future facilities."

The Resources, Uses, Additional Information is to read: "The unit is located at the head of Hot Springs Bay adjacent to an area of geothermal activity that is considered one of the most promising in the State. Thermal waters capable of electrical generation may also be suitable for space heating and industrial direct-use applications. Hot Springs Harbor is one of the few sheltered deep water harbors in the Aleutians." The beaches contain material from sand to boulders; and gravel beaches typically form an apron leading to dunes behind the beach. Boulder beaches consist of blocks derived from cliff located immediately behind the beach; these boulder beaches typically are small are exposed only at low tide. There are no large concentrations of seabirds in the bay. Although sealions haul out and have a rookery outside of Hot Springs Bay, none utilize the inner bay. The entire Krenitzin Islands, including Hot Springs Bay, has concentrations of waterfowl in the spring, fall, and winter"

**Topic:** *Wood-Tikchik Park Additions*

**Plan:** BBAP

**Commenter:** *The Nature Conservancy*

**Location:** Wood-Tikchik State Park

**Unit:** R02-03, R03-01, R05-01

**Reference:**

**Comment or Issue:**

The TNC supports the Plan's recommendation that units R02-03, R03-01, and R05-01 be added to Wood-Tikchik State Park and be managed similarly to the adjoining park area until the inclusion can take place.

**Response:**

The DNR has recommended such lands be added to the Park for a number of years. This plan contains management intent language that recommends the addition of several areas adjoining the Park. These recommendations were first contained in the recently revised Wood Tikchik State Park Management Plan; the area plan implements its recommendations.

**Decision:**

No change

**Revision:**

None

**Topic: Conflict Between Plans****Plan:** BBAP & NMRRMP**Commenter:** *Alaska State  
Legislature  
(Hoffman and  
Moses)***Location:** Nushagak &  
Mulchatna Rivers**Comment or Issue:****Comment No.** W20-01

There seems to be inconsistencies between the two plans, with a caveat in the NMRRMP saying, "In instances where there is conflict between the BBAP and the RRMP, the management guidelines of the BBAP will control." We trust these differences can be ironed out before the plans are finalized.

**Response:**

DNR is unaware of inconsistencies in basic management philosophy between the area plan and the NMRRMP. Rather, by revising the two plans concurrently, it has been possible to establish the range of authority of each plan and define which plan governs land use decisions involving minerals, settlement, and other forms of development that affects commercial and personal recreation.

The area plan essentially is the basis for decision making in all aspects except for commercial and personal recreation within the planning area of the NMRRMP. The NMRRMP explains this relationship in Chapter 1, pages 1-5 and 1-6. The area plan explains the nature of this relationship in Chapter 4, pages 4-13 through 4-14.

Because it is not possible to foresee all possible land uses and the types of land use decisions that may be made in the future, the statement that the 'area plan controls' has been included to ensure that it applies in those instances where there may be doubt in terms of authority or application between the two plans.

**Unit:****Decision:**  
No change**Reference:****Revision:**  
None

**Topic: Coastal Zone Management****Plan:** NMRRMP**Commenter:** *Lake and Peninsula Borough***Location:** Nushagak &  
Mulchatna Rivers**Unit:** Regions 6 and 7**Reference:** p 1-3 ln 31-33**Comment or Issue:****Comment No.** W06-01

On page 1-3 line 31 the plan states the BBCRSA has the authority to revise its district management plan or develop local standards for the Nushagak and Mulchatna River system. The Lake and Peninsula Borough requests that the language be made clear to indicate that the BBCRSA does not have authority over those portions of the river system that lie within the Lake and Peninsula Borough.

**Response:**

Although DNR believes that it should be clear that the BBCRSA has authority only within its jurisdictional boundaries -- which do not include anything within the Lake and Peninsula Borough boundary -- DNR will add clarifying language.

**Decision:**

Clarifying language will be added.

**Revision:**

Sentence is to read "This will not preclude the BBCRSA from revising its District Management Plan or developing, if appropriate, additional 'local' standards for the Nushagak and Mulchatna River systems that lie within their jurisdiction, which does not include areas within the corporate limits of the Lake and Peninsula Borough".

**Topic:** *Conservation Easement***Plan:** NMRRMP**Commenter:** *Lake and Peninsula  
Borough***Location:** Mulchatna River**Unit:** Region 6 and 7**Reference:****Comment or Issue:****Comment No.** W06-03

The Lake and Peninsula Borough disagrees with the concept of a 200-foot river corridor on the Mulchatna River. The Borough Assembly and Planning Commission have both stated that 100 feet is sufficient for the river corridor. They request that the set back be changed to 100 feet.

**Response:**

Conservation easements along the Mulchatna River are not addressed in the NMRRMP.

Easements are addressed in the area plan and are described, as they apply to areas adjacent to anadromous streams, in three sections. They generally call for an area of 100 feet to be protected adjacent to anadromous streams, although this amount may be greater if necessary to protect fisheries, wildlife, or habitats.. See 'Riparian Buffer' on pp. 2-66 and 2-69 and the section on 'Municipal Selections' on p. 2-50. Thus, the concern expressed by the Borough appears to be moot.

Note: The actual width of the easement will be established in the Best Interest Finding for municipal selections approved for conveyance to the LPB. These findings may determine that the width of 100 feet is appropriate, but may also determine that a somewhat wider width is appropriate, for the reasons given above.

**Decision:**

No change

**Revision:**

None

**Topic: Guidelines to Uses and Structures****Plan:** NMRRMP**Commenter:** *Lake and Peninsula  
Borough***Location:** Nushagak &  
Mulchatna Rivers**Unit:****Reference:** p 3-3 table 3.1**Comment or Issue:****Comment No.** W06-02

Table 3.1 is in conflict with the same table in the Bristol Bay Area Plan. Some uses and structures are allowed in the Rivers Plan but disallowed in the BBAP. The Borough recommends a line by line comparison to ensure both plans have the same uses and structures allowed or disallowed.

**Response:**

The area plan and the NMRRMP both contain a listing of allowed, permitted, and prohibited uses for each of the management units in the NNRMP. (This listing was included in the area plan for ease of reference.) There are differences between the two tables; in area plan table (Table 2-2, pp. 52-53) boat storage and airstrip development are prohibited in management units 1, 3, and 5 but are allowed on a case-by-case basis in the corresponding table in the NMRRMP. This confusion needs to be cleared up.

**Decision:**

Revise the table in the area plan to be consistent with the corresponding table in the NMRRMP.

**Revision:**

Revise Table 2-2 in the area plan to be consistent with Table 3-1 on page 3-3 in the NMRRMP.

**Topic:** *Heritage Resources***Plan:** NMRRMP**Commenter:** ADPOR**Location:** Nushagak &  
Mulchatna Rivers**Unit:** Regions 6 and 7**Reference:** p 2-6 ln 22-24**Comment or Issue:**

Many public use sites listed in the NMRRMP are coextensive with or near known archeological sites. The include PUS 9, 20, 21, 23, 27, 33, 34, and 35. This should be taken into account in the event that development or new land designation are planned

**Response:**

Permanent facilities (those having a potentially adverse impact upon archeological resources) are prohibited in Public Use Sites (see page 2-6). Thus, it is unlikely that problems of the type described in the comment by OHA will occur. Nonetheless, it is standard practice for DNR adjudicators to check with the Office of History and Archeology to determine the location of historic or archeological site prior to granting development related authorizations. No change is required to the text.

**Decision:**

No change

**Revision:**

None

**Topic:** *Limit Guide Operators*

**Plan:** NMRRMP

**Commenter:** *Alaska Prof.  
Hunters Assoc. Inc.*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W01-02

There are currently no regulatory mechanisms in place to stem the number of commercial operators affiliated with hunting, fishing and tourism industries on State owned lands within the NMRP. The APHA strongly recommends that you develop language in the NMRP to allow for implementation of an allocation process that would manage guides and transporters better than camp restrictions.

**Response:**

The DNR, as a general matter of practice and policy, does not attempt to establish numerical limits on the number of entities that may be involved in a commercial recreation activities within a particular area. The inclusion of plan language that would provide for an allocation process would therefore be inappropriate.

ADF&G, under separate authorities, may establish allocation standards for fish and wildlife; these are intended to deal with particular resource management issues, but indirectly affect the number of operators in areas. ADF&G allocation issues are inappropriate for inclusion in an area plan.

**Decision:**

No change

**Revision:**

None

**Topic:** *Permanent Structures***Plan:** NMRRMP**Commenter:** *Lake and Peninsula  
Borough***Location:** Mulchatna River**Unit:** Units 20 and 22**Reference:****Comment or Issue:****Comment No.** W06-04

The plan prohibits permanent recreation facilities within management units 20 and 22. The Lake and Peninsula Borough requests that permanent structures be allowed on a case-by-case basis.

**Response:**

The DNR has used the NMRRMP as the basis for the management of the Nushagak and Mulchatna drainages for the last 14 years. During this period of time this Management Plan has proven effective in managing recreational activity in these rivers, their tributaries, and adjacent uplands. For this reason, and because DNR believes that the NMRRMP reflects a proper balancing of affected interests throughout this region, DNR is reluctant to change the previous community and agency decisions that have worked well for so long. Accordingly, DNR continues to support the prohibition of permanent recreational structures along the river corridor in these management units.

**Decision:**

No change.

**Revision:**

None

**Topic:** *Permanent Structures*

**Plan:** NMRRMP

**Commenter:** *Bristol Bay CRSA*

**Location:** Nushagak &  
Mulchatna Rivers

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W05-05

Three of the primitive units in the RRMP that would allow Permanent Facilities contain mineral resources. This suggests that lifting the ban is to accommodate potential mineral development in these units, but neither the RRMP nor the area plan limits permanent facilities to mineral development. Understanding the state interest in mineral development, we recommend including language in the RRMP that permanent facilities in the RRMP planning area be confined to mineral developments.

**Response:**

The Permanent Facilities referred to in the plan are defined to be those related to recreation. DNR has revised the NMRRMP to provide for the opportunity of commercial recreation facilities in four upland management units. This decision was intended to provide for somewhat more flexibility in the NMRRMP and to specifically allow for the possibility of such facilities. This revision was never intended to relate to mineral development. Moreover, there was never any intent to deal with the permitting of mineral facilities in the NMRRMP.

Both the area plan and the NMRRMP contain language describing the relationship between the two plans. The area plan is the basis for decision making on all forms of land use/development except within the planning area of the NMRRMP. Within this area, the NMRRMP is the basis for decision making on recreation uses and facilities (only). Accordingly, inclusion of a statement on an aspect of mineral development would be inappropriate in the NMRRMP.

**Decision:**

No change

**Revision:**

None

**Topic:** *Primitive Designation***Plan:** NMRRMP**Commenter:** *Alaska Prof.  
Hunters Assoc. Inc.***Location:** Nushagak &  
Mulchatna Rivers**Unit:****Reference:****Comment or Issue:****Comment No.** W01-01

Under the NMRP, many of the prime guide area habitats are listed as "Primitive Use Areas" where there are no temporary, semi-permanent or permanent camps allowed. The good steward guide who desires longevity and sustainability of his services is thwarted by not being allowed to facilitate the quality of service that his clientele requires.

**Response:**

The resource management philosophy underlying the NMRMP derives from the original plan, adopted in 1989. The development of the NMRRMP entailed a lengthy, sometimes contentious process that involved all of the affected groups within the NMRRMP planning area, and it resulted in a consensus as to how the planning area and particular units within this area should be managed. It established the definition of 'Primitive' and identified allowed and prohibited uses for a 'Primitive' environment, which included both permanent and temporary facilities.

The NMRRMP has been used as DNR's management guide for decisions involving commercial recreation facilities/activities and has worked effectively over the period it has been in force. Most individuals and groups seem comfortable with its recommendations and with the decisions made by DNR in its implementation derived from the NMRRMP.

DNR has been reluctant to significantly revise the NMRRMP since it seems to enjoy continued support and has worked well.

**Decision:**

No change

**Revision:**

None

**Topic:** *Riverine Systems***Plan:** NMRRMP**Commenter:** *Bristol Bay CRSA***Location:** Area-Wide**Unit:****Reference:** p 2-11 Ins 37-39**Comment or Issue:**

Section 2-11 (G) refers to altering “riverine hydrologic systems.” The proposed plan says that altering rivers and streams will be avoided “to the extent feasible.” Given the prospect of major mineral development in our watershed, the possibility of altering streams exists. The BBCRSA recommends that section be reworded to prohibit alteration of anadromous streams.

**Response:**

Mineral exploration and development are likely to occur within the planning area over the next 20 years. These forms of development are subject to extensive permitting system reviews at the state and federal levels. The thrust of such systems is to balance the need for economic development with minimal adverse impacts to the natural environment. The management requirement, to minimize such impacts to anadromous streams, will be taken into consideration in the permitting process and, based upon previous experience in the permitting of large mine operations, all reasonable mitigation measures will be employed. The DNR maintains that the current wordings of the management guideline is appropriate.

**Decision:**

No change.

**Revision:**

None

**Comment No.** W05-08

**Topic:** *Siting Criteria*

**Plan:** NMRRMP

**Commenter:** *DNR Division of Mining, Land & Water*

**Location:** Area-Wide

**Unit:** None

**Reference:** p 2-8

**Comment or Issue:**

**Comment No.**

Section 15.1 of the Siting Criteria (page 2-8) should be revised to indicate that proposed authorizations involving permanent facilities should consider any adverse impacts to adjacent River Corridors.

**Response:**

None

**Decision:**

Revise the language in section 15.1 of Siting Criteria

**Revision:**

Section 15.1 is to read: "Permanent facilities, temporary facilities, trapping and personal cabins, boat storage, airstrip development, docks, and other long-term uses (uses that take place at one site on state land for longer than 14 consecutive days) will be sited consistent with management intent and applicable guidelines. Consideration is to be given to the potential impacts to adjacent River Corridors prior to granting an authorization for a permanent facility. Adverse impacts are to be avoided or, failing that, minimized."

**Topic:** *Upland Authorizations*

**Plan:** NMRRMP

**Commenter:** *Alaska Prof.  
Hunters Assoc. Inc.*

**Location:** Area-Wide

**Unit:**

**Reference:**

**Comment or Issue:**

**Comment No.** W01-03

In regard to the new allowances of longer-term facilities and leases in the upland area, the APHA requests that DNR incorporate recommendations from us as to what will and will not work in developing sideboards for lease provisions.

**Response:**

The DNR is required by statute to inform the public on the disposal of a state interest in land, which includes leases. At that time the APHA can provide comments or recommendations to the DNR,

**Decision:**

No Change

**Revision:**

None