

## Settlement

### Background

Some state lands within the planning area are designated Settlement (Se) or Settlement-Commercial (Sc).<sup>32</sup> Settlement areas are primarily found in the northern part of the planning area within Regions 6, 7, 8, and 9. Fewer settlement areas occur on the Alaska Peninsula, due to that area's more remote location, limited accessibility, and suitable areas for settlement. The Settlement designation of a particular management unit is based on whether it has reasonable access by road, water, or air, includes topography that would be suitable for development, and poses minimal conflict with recreation, scenic values, important fish and wildlife resources, or resource development. A summary of the plan's settlement evaluation follows.

**Region 5 – Dillingham Area.** Past state land sales in the Dillingham area have shown a demand for more private land in proximity to this, the largest community in the Bristol Bay region. State lands in the area of Lake Nunavaugaluk (Snake Lake) and along the road corridor leading north from Dillingham remain in their prior Settlement classification with minor expansion to add some equally suitable land and to allow more flexibility in land disposal design.

**Region 6 – Nushagak Drainage.** Much of the land in the lower drainage is privately owned. There are some lands on the upper Nuyakuk River with suitable terrain and access to be designated Settlement. There are extensive state lands in the remainder of this region, but they are further removed from any population centers, and have higher value for habitat, harvest and recreation.

**Region 7 – Upper Mulchatna and Chulitna.** A former Settlement area at Half Cabin Lakes was maintained in the Mulchatna River drainage. A new block of Settlement land was designated in the Tutna Lake area because of its suitable terrain and the access provided via the lake and other waterbodies. In the Chulitna drainage, a block of state land around the Nikabuna Lakes is designated Settlement because of its suitable terrain and the access provided via the lakes and other waterbodies.

**Region 8 – Newhalen River.** A former block of Settlement land on the west side of the Newhalen River has been expanded into equally suitable adjacent lands. This land is close to the communities of Nondalton, Iliamna and Newhalen and is along a proposed overland

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<sup>32</sup> There is only one area within this area plan that is designated Settlement-Commercial. This designation is used where state land is to be used for a variety of purposes, including commercial, industrial, or residential development, and few areas exactly fit this need. Once state land is conveyed out of state ownership local zoning, if applicable, controls its use. Use restrictions in state patent are rare.

transportation corridor. Most of the lands are state-selected and cannot be used for Settlement until conveyed from the federal government. Three sections of land near Nondalton are state-owned lands suitable for Settlement.

**Region 9 – Eastern Iliamna Lake.** A former block of Settlement land around Chekok Lake has been expanded into suitable adjacent lands. A block of land along the Pile River is designated Settlement due to its suitable terrain and access. Both of these blocks are close to the community of Pedro Bay and are located along a proposed overland transportation corridor. Another former block of Settlement land around Kakhonak Lake has been expanded into equally suitable adjacent land.

**Region 11 – Naknek River.** An area of state-owned and state-selected land along King Salmon Creek is designated Settlement due to its gentle terrain and suitable access. This land is close to the communities of King Salmon and Naknek.

**Region 12 – Egegik.** A small block of land north of the mouth of the Egegik River is designated Settlement due to its suitable terrain and access. This land is close to the community of Egegik and can be utilized for community expansion. There is also a small block of land around the Jensen Airstrip, west of Becharof Lake, that is designated Settlement.

**Region 14 – Ugashik Bay.** A small block land north of Ugashik Bay is designated Settlement due to its suitable terrain and access. This land is close to the community of Pilot Point.

**Region 16 – Port Heiden.** A block of land around Barbara Creek is designated Settlement. This land has suitable terrain, nearby access, and is located close to the community of Port Heiden.

**Region 18 – Cape Seniavin/Port Moller.** A small block of land, formerly classified Settlement along the coast north of Port Moller will remain so designated. Another block of land around the north shore of Bear Lake is designated Settlement. Though remote from any existing community, this land has suitable terrain and good air access.

**Region 19 – Herendeen Bay.** A block of land at the head of Herendeen Bay has suitable terrain, marine access, and is designated Settlement.

**Region 21 – Pavlof Bay, Salt Water Lagoon, and David River.** A small parcel of land at the head of Pavlof Bay is designated Settlement. Though remote from any community, terrain and access are suitable, and this area may be appropriate for a marine related transportation facility. Other areas designated Settlement include a small tract near Salt Water Lagoon on the Bristol Bay coast and a fairly large area near the David River containing many lakes and streams.

**Other Regions.** Because of other values, such as habitat and harvest, and low suitability for settlement due to terrain and access issues, there are no other major blocks of state land designated for Settlement. However, there are large areas of state land, especially in the Nushagak drainage and on the north side of the Alaska Peninsula, that are designated General Use, a multiple use designation which allows settlement if indicated in the management intent of a management unit. Areas designated General Use are usually even more inaccessible and remote and are generally unsuitable for settlement because of adverse topography, poor drainage, and the presence of extensive wetlands. Thus areas designated General Use in the planning area may be less likely to be used for settlement purposes. It is not intended that these areas will be developed for settlement during the planning period.

## Goals

**Private Land Ownership.** Provide suitable public land for transfer to private ownership for settlement purposes. Significant portions of the state land suitable for settlement have been or will be selected by the present or future boroughs within the planning area; however, some of the land suitable for settlement will remain in state ownership. With these remaining lands, DNR will attempt to satisfy three settlement categories in the planning area:

- 1. Seasonal residences for recreation (remote recreation).** DNR will offer land suitable for seasonal recreation use. This land will be provided as demand warrants, subject to the availability of funding. This category of land disposal is intended to provide land, often in remote locations, for recreational needs. No public facilities or services are intended to be provided. Most of the areas designated Settlement are intended to provide residential uses of this type.
- 2. Year-round residences for community expansion (subdivisions).** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and work is, or will be, in the area of the disposal. It also includes land disposals of commercial and industrial land to accommodate the expansion needs of communities. This land will be provided as demand warrants, subject to the availability of funding.
- 3. Industrial or commercial development.** DNR will sell, lease, or protect for future use suitable land for private commercial and industrial uses. If DNR sells the land, the timing of this disposal will depend on market demand and adequate funding.

**Community, Social, and Aesthetic Values.** In designing future disposals, DNR will maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and minimize undesirable impacts on those values while considering the needs and demands of all state residents.

**Fiscal Impacts.** Land disposals should be sited and planned to minimize the costs of infrastructure and other services resulting from settlement. Disposals should be focused on areas of existing settlement, areas along the road system or areas that can be easily accessed by water or air transport, and/or areas where service requirements may be provided by local government or community organizations.

**Coordination with Local Governments and Landowners.** Coordinate state land offering programs with similar programs of local governments, Native corporations and other major landowners to best achieve common objectives.

## Management Guidelines

### A. Planning and Coordination

- 1. Competition.** The state may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.
- 2. Local Plans.** DNR will comply with provisions of local comprehensive plans and zoning ordinances regarding the location and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.
- 3. Coordination with Local Governments and Native Corporations.** Where DNR and either a municipality or Native corporation both have land, state land offering programs should be coordinated with similar programs of local government or Native corporations to best achieve common objectives. To this end, DNR would consider developing a joint disposal plan for state and municipal or Native lands with any entity that is interested. This plan would consider the fiscal planning for road extension priorities and plans for levels of services in different areas. If a municipality has a comprehensive land use plan, that plan will provide direction for settlement areas.
- 4. Pacing.** Settlement offerings may be phased over the life of this plan. The timing and extent of disposals will depend upon anticipated demand, availability of funding, the rate of community expansion, and the particular land requirements of such expansion. Another factor may be whether the disposal will generate a demand for services that cannot be reasonably expected to be met by local government or community organizations. The pacing of land disposals should also consider the effect on subsistence activities, including fish and wildlife resources.
- 5. Areas Designated General Use.** The areas of state land designated General Use allow for settlement if this use is indicated as appropriate in a management unit's management intent statement. Most general use areas are inaccessible and remote and generally unsuitable for development because of adverse topography, drainage,

and the presence of extensive areas of wetlands. Settlement during the planning period in areas designated General Use is considered generally inappropriate except in those areas that adjoin management units designated Settlement and/or that are necessary to the development of a residential land disposal.

6. **Areas Affected by Municipal Selections.** Areas designated Settlement or Settlement-Commercial and selected by the Bristol Bay, Lake and Peninsula, or Aleutians East Borough are considered appropriate for conveyance, subject to a separate and subsequent state Best Interest Finding. Such areas are likely to be conveyed out of state ownership and will be subject to local zoning requirements, if applicable, once conveyed.

**B. Types of Settlement Land and Land Offerings.** The nature of state land available for private ownership is influenced by both the characteristics of land designated for settlement and the type of land sales program that makes it available. The Bristol Bay Area Plan designates certain lands for settlement and provides guidelines for land sales, but does not develop or require a specific land sales program.

1. **Settlement Land.** Various types of state lands are identified for settlement in order to accommodate a broad range of options for Alaskans to acquire land. In determining the location and extent of lands to be designated for settlement, the state must balance settlement needs with other resource values and land uses. Once an area has been identified for settlement, the size and location of the area may make it more suitable for a certain type of sales program, but that does not necessarily preclude other types of sales.

Two types of settlement areas are identified and designated in this plan:

- a. **Community Settlement Areas.** These areas are relatively small, usually closer to communities or existing settlements, and are accessible from the road system or by water. They are generally suitable in meeting potential needs for community expansion, public facilities, or other purposes that do not require a large amount of acreage. Areas of this type are designated Settlement and concentrate in the vicinity of Dillingham.

- b. **Remote Settlement Areas.** These settlement areas are further away from communities and the road system, are accessed by water or air, and can be small or large in size. Generally, they are more challenging to access and develop than other types of management units, and are most suitable for residential or recreational use. Areas of this type are designated Settlement and include management units R05-14 in the lower Nushagak drainage, R06-03 along the Nuyakuk River, R07-01 near Half Cabin Lakes, R07-02 near Tutna Lake, R07-03 around the Nikabuna Lakes, R 07-04 along the Chulitna River, R09-05 near Chekok Lake, R09-06 along the Pile River, R09-07 in the vicinity of Meadow and Moose Lakes, R10-08 near Big Mountain, R12-03 around the Jensen airstrip southwest of Becharof Lake, R16-03 around Barbara Creek near Port Heiden, R18-03 around Bear Lake near Port Moller, R19-01 in Herendeen Bay, and R21-05 in the area of the David River.

**2. Land Offerings.** Specific types of state land offerings are established by the legislature, and are subject to change. Since statehood, there have been many different land sales programs, and it is possible that new programs will be developed in the future. Generally, land offerings can be categorized by the way that the parcels are established. Both types of land offerings should be made available as follows:

**a. Presurveyed Parcels.** In this type of land offering, the state identifies an area of suitable land, surveys and plats parcels, and then offers them for sale. These are also referred to as “subdivision” sales. They can include a large number of parcels or just a few, and the size of the parcels, sometimes called “lots,” can vary. This type of land offering is usually more suitable for smaller, Community Settlement Areas, but may also occur in large Remote Settlement Areas where appropriate. The decision on which type of parcel to create, large or small, is to be made at the time of subdivision design and development.

**b. Staked Parcels.** In this type of land offering, eligible applicants are allowed to identify a parcel of land within a specified area by staking it, and the parcel is surveyed prior to actual sale. Staking is usually subject to certain restrictions such as parcel size limits and setbacks from sensitive areas in order to protect other resources within the staking area. Staking areas generally coincide with the areas designated as ‘Remote Community Areas.’

**C. Isolated Parcels of State Land.** The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The following guidelines apply to management and possible disposal of these parcels. See also the section on Applicability of Plan Designations/Classifications to State Lands not Identified in the Plan Text or Plan Maps in Chapter 4.

- 1. In or Near Existing Communities.** If the parcel is in or immediately adjacent to an existing community or past state land offering, the parcel can be offered for settlement unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other public facilities.
- 2. Parcels Near Other State Land.** If the parcel adjoins or is surrounded by other state land, it should be managed according to the management intent and guidelines applicable to the adjacent lands.
- 3. Parcels Not Near Other State Land.** Parcels, such as mining claims acquired by foreclosure in the middle of a federal conservation system unit, may be considered for exchange or sale to the adjacent property owner.

**D. Protection, Management, and Enhancement of Other Resources.**

- 1. Protect Life and Property.** DNR will retain public lands and coordinate with local governments to discourage development in areas of flooding, unstable ground, or other hazards. Public lands within a 100-year floodplain should remain in public ownership. The 100-year floodplain area is that area designated “100 Year

Floodplain” in FEMA floodway/floodplain management mapping, or the area designated as a 100 year floodplain in detailed hydrologic studies prepared by other government agencies or prepared by a hydrologist or other competent professional.

2. **Protect and Manage Valuable Environmental Areas.** In land disposals, the state will provide a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands. These areas should be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be protected to provide adequate terrestrial habitat.
3. **Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important recreation value will be designed to protect riparian habitat and protect access to and along the stream for fishing, hiking, camping, and other recreational activities. Disposals near streams that have important fish or wildlife habitat or wildlife value will be designated to insure the protection of the habitat or wildlife. A minimum distance of 100 feet measured each along each side of an anadromous fish stream or a stream with high value resident fish is to be protected. See also the standards governing the retention of state land adjacent to waterbodies (Management Guideline D in the Shorelines, Stream Corridors, and Coastal Areas section of this Chapter).

In certain limited cases, it may be appropriate to provide land for private use, but such an action must be in the overall best interests of the state. Before lands are disposed of in stream corridors, DNR will assess existing and projected public use needs associated with the stream corridor in consultation with other affected agencies and the public.

4. **Protect and Enhance Scenic Features.** The state generally will retain in public ownership unique natural features such as cliffs, bluffs and waterfalls, and foreground open space for panoramic vistas. Public access to such amenities will be preserved. Such lands include islands in bays unless land disposals can be designed to prevent negative effects on the scenic and recreational values of the area.
5. **Mineral Closing Orders.** Generally, state upland management units designated Settlement do not coincide with patterns of historical or potential mining activity in the planning area. Since little potential conflict can be expected to exist, this plan does *not* propose any new Mineral Closing Orders or Leasehold Location Orders. However, Mineral Closing Orders are recommended for use at the time that an area is being considered for disposal for purposes of settlement or other forms of development that would be inconsistent with mining activity. The timing of the closure is at the discretion of the Department, but should be early enough in the process to avoid the inadvertent staking of mining claims. The current Mineral Closing Orders affecting existing areas of settlement or proposed settlement will be retained. See discussion on mineral closing orders in the Mineral Resources section of this Chapter for more detail.

6. **Timber Harvest.** Timber harvests are considered appropriate in areas designated Settlement if intended to support the costs of subdivision development, provide access to the subdivision, or support ancillary facilities subject to the other requirements of the Forestry standards in this Chapter. Selective harvesting of timber before construction of the subdivision is considered appropriate, if authorized by the Regional Manager, DMLW. Land conveyed out of state ownership for the purpose of settlement, or another form of active land use, shall not be used for commercial timber harvest and sale. Subdivisions or disposals of state land by DNR shall preclude the sale of merchantable timber harvested on lots or parcels conveyed out of state ownership. The format used to impose this restriction is at the discretion of the Regional Manager, DMLW. This guideline is not intended to preclude the cutting of trees or other vegetation as part of the process of site development.
7. **Protect and Enhance Recreational, Educational, and Cultural Opportunities.** DNR should determine the need for and retain appropriate areas for outdoor recreation, hunting, fishing, trails, campsites, boat launches, cultural sites, and scientific study. Areas for both intensive and dispersed use will be preserved.

#### E. Design.

1. **Provide State Land for Important Environmental and Resource Development Purposes.** DNR, as a general policy, will retain appropriate green belts, public-use corridors, water supply areas, riparian and coastal buffer areas, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas.
2. **Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-round settlement to areas where services exist or can be provided with reasonable efficiency. State land that is located beyond the range of existing schools and other necessary public services or that is located where development of sources of employment is improbable will be sited and designed to encourage seasonal use with sufficient separation between residences so that public services will not be necessary or expected. Wildfire management costs that result from settlement will be considered and minimized to the extent feasible.
3. **Ensure Access.** DNR shall ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved within land offerings. However, the state is not legally obligated to construct roads. The location of access points onto the road system should be coordinated with ADOT/PF. DNR will ensure actual physical access is available or can be developed (road, air, or water) to each new state land offering. Section line or other easements should not be relied on for access without field inspection of the practicality of such routes, where topography or other conditions might make the practicability of the section line location suspect. Identified access routes should be described in the land-offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.

- 4. Subdivision Design.** Subdivisions will be designed to preserve and enhance the quality of the natural setting and the recreational opportunities that make an area attractive to potential buyers. State subdivision design will take account of site limitations and opportunities such as slope, drainage, soils, erosion, riparian zone and coastal buffer, and other features to ensure that sites offered are buildable and can be developed without the need for extensive public infrastructure. DNR should review any applicable subdivision requirements of local government prior to the initiation of subdivision design.
- 5. Easements.** Easements will be used as one means to retain public use rights needed on privately owned lands. Easements generally will not be used to retain a public interest in lands within a subdivision. Instead, DNR will generally retain such lands in public ownership. Exceptions to this policy may be made where the interest protected is very limited, such as for local pedestrian access that is not part of an integrated neighborhood or community trail system.

**F. Other Guidelines Affecting Settlement.** Other guidelines will affect management practices for Settlement. See other sections of this chapter.