

## Public Access

### Goals

**Public Access.** 1) Preserve, enhance, or provide adequate access to public and private lands and resources. Provide for future trail and access needs, and protect or establish trail corridors to ensure continued public access consistent with responsible wildlife and fish habitat conservation. 2) Ensure adequate opportunities for the public's use of public resources of local, regional, and statewide significance. 3) Provide access to and within developing areas within the region, including bridge crossings of major rivers, consistent with federal/state design and environmental requirements.

### Management Guidelines: General Public Access

**A. Reservation of Public Use Easements.** Before selling, leasing, or otherwise disposing of the land estate, DNR will reserve public use easements pursuant to the requirements of 11 AAC 51.015. This section of administrative code establishes when public access easements are to be reserved and the widths of these easements. Specific standards for section-line easements are identified in 11 AAC 51.025 and for easements required under AS 38.05.127, to and along navigable and public waters, in 11 AAC 51.045. These sections of Administrative Code shall be used as the basis for the reservation of public access easements in authorizations granted by DNR.

**B. Retain Access.** Improve or preserve public access to areas with significant public resource values by retaining access sites and corridors in public ownership; reserving rights of access when state land is sold or leased; or identifying, managing and legally validating RS 2477 (Revised Statute Section 2477) rights-of-way. RS 2477 rights-of-way within the planning area that are identified in AS 19.30.400(d) or otherwise determined by DNR to qualify as RS 2477 trails are to be retained in state ownership or made a stipulation of approval ('subject to') in the transfer of state land. Standards for the vacation of easements are contained in 11 AAC 51.065. Information regarding RS 2477 rights-of-way easements can be found at the DNR web site: <http://dnr.alaska.gov/mlw/trails/index.cfm> .

**C. Access to Non-State Lands.** Reasonable access will be provided across state lands to other public and private lands. If a proposed access route is located in close proximity to a village or Alaska Native owned lands, DNR should coordinate with the relevant Alaska Native entity holding title to surface estate. Existing legal access will not be precluded unless equivalent access is available.

**D. Management of ANCSA 17(b) Easements.** The state will identify any new 17(b) easements as required and ensure that public access is maintained to existing 17(b) easements. These easements are intended to provide access through private Native lands to public lands and waters. They are reserved and managed by the federal government. Information regarding ANCSA 17(b) easements can be found at the DNR web site: <http://dnr.alaska.gov/mlw/trails/index.cfm>.

**E. Access for Development.** When an access route is constructed for resource development over state land, public access to mineralized or oil, gas or geothermal areas, recreation, fish, wildlife, or other public resources should generally be retained. If the new resource facility is likely to be of limited duration and provides superior access to the current means of access, the state should retain the new facility for public access. If the new route or facility will not or should not provide public access due to concerns for public safety or the long-term detrimental impact on natural resources, or OHA identified cultural resource sites, the current means of public access should be retained. Consultation with OHA is necessary to determine identified cultural resources. Additional access routes in some areas may lead to negative impacts on valuable resources, particularly certain renewable resources. Consultation with ADF&G is necessary to determine whether or not the access road will cause detriment to fish and wildlife habitat and populations. The development of new trails should not displace current methods of access without providing alternative routes.

**F. Limiting Access.** Access to state lands may be curtailed at certain times to protect public safety, provide for the remediation of public use areas, allow special uses, and prevent harm to the environment, fish and wildlife. Public access may be limited because of the presence of fire management operations, timber harvest, high soil moisture content when vehicular traffic may cause damage to the base or sub-base, or sensitive populations of fish or wildlife.

**G. Consultation with NRO, DMLW.** Proposed trails, easements, and RS 2477 routes shall be reviewed by NRO prior to authorization. NRO determines if the routes or trails are required, consistent with applicable sections of statute and administrative code.

**H. Siting and Constructing Temporary and Permanent Roads or Causeways.** Temporary and permanent roads or causeways will, to the extent feasible and prudent, be routed to avoid sensitive wetlands, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on fish and wildlife, water quantity or water quality. If a temporary road is routed through sensitive wetlands, clean fill will be required and construction methods, which facilitate removal of the fill, will be required. Temporary roads should be obliterated when no longer needed for their original purpose.

**I. Protection of the Environment.** In the siting of public access facilities, consideration is to be given to the effect of the proposed project or improvement on the natural environment, fish and wildlife species, and habitats identified in this plan as significant. ADF&G should be consulted prior to the issuance of an authorization to determine whether or not significant impacts to fish or wildlife resources or their associated habitats are anticipated and can be mitigated.

**J. Joint Use and Consolidation of Surface Access.** Joint use and consolidation of surface access routes and facilities should be encouraged wherever it is feasible and prudent to do so<sup>8</sup>. Surface access also should be sited and designed to accommodate future development and avoid unnecessary duplication.

**K. Preservation of Access Opportunities.** The Department shall preserve potential access routes to developing areas. Unless there is a Final Decision to vacate approved through the DMLW vacation process, section line easements are to be preserved. It is likely that any road corridor that is developed to resource areas will utilize section line easements as important components of this corridor. ADOT/PF is to be consulted prior to any action involving requests for the vacation of section line easements. Vacation requests should not be granted unless there will not be a need for the foreseeable future (25 years) or if an alternative route is available of equal or better access.

Because of their linear alignment, it is recognized that roads and trails may traverse a number of different land use designations. Land use designations are not intended to affect or preclude access development, and such facilities may be constructed on all land use designations, including Habitat, Public Recreation, and Water Resources, although stipulations may be required to mitigate adverse impacts to the resources associated with these designations.

## **Management Guidelines: Access<sup>9</sup> Within and Between Developing Areas**

**A. General.** The following guidelines pertain to the siting and development of access within developed or developing areas and between these areas. This is a more specific application of the general public use easement. These types of facilities provide movement areas for people and, if appropriate, wildlife. The width and siting of access corridors depends upon their function and location. General precautions should be taken when developing new access to avoid critical wildlife concentration areas. Easements are used to create an access corridor, similar to the more general public use easements described previously.

**B. Requirement for Access.** The Department shall assess the need for public access before selling, leasing, or otherwise disposing of the land estate. If local access needs are identified through the adjudication and agency or public review process, access trails may be reserved. This will occur through the retention of state land in public ownership or through the creation of a public use easement. Under either approach, the public is to have the right of access within the area of state land or the public use easement.

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<sup>8</sup> Note: There are instances where access routes should not be consolidated; their purposes may be at odds with one another or one consolidated route cannot effectively provide access to resources required by the public.

<sup>9</sup> This term includes the general concept of access and is inclusive of roads and trails.

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

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

**D. Width of Access Corridors.** The width of the access corridor<sup>10</sup> should be determined according to its function and location:

1. Within developed or developing areas, access corridors should not be less than 25 feet in width for pedestrian movement and not less than 40 feet if motorized movement (other than car or truck) can be expected in addition to pedestrian travel. In areas where topographic conditions restrict development, widths less than 40 feet may be considered.<sup>11</sup>
2. In all other areas, the width shall vary with terrain, function, and the need for separation from other uses, but should not be less than 50 feet.
3. Trails or other access facilities of statewide or regional significance should not be less than 100 feet in width.

**E. Trail Rerouting.** Standards for the vacation and modification of trails are identified in 11 AAC 51.065. Rerouting of trails may be permitted to minimize land use conflicts, reduce duplication in trail routings, or minimize habitat destruction. If trails are rerouted, provision should be made for construction of new trail segments if warranted by type and intensity of use. Rerouting trails shall be done in consultation with affected private users and public agencies. Rerouted trails should allow the same uses and activities as the original trail. Reroutes should not interrupt access, and reroutes should be established, open and usable for the intended uses before the original route is closed. Closed routes should be blocked off and restored. The development of new trails should not displace current methods of access without providing alternative routes.

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<sup>10</sup> An access corridor includes the tread of the trail and an area immediately adjacent to the tread.

<sup>11</sup> Note: These standards apply to motorized uses other than cars or trucks, or similar sized and types of vehicles. The standards of 11 AAC 51.015(d)(1)(D) apply when a 'neighborhood service road' is to be established or when a public use easement is to be used by cars or trucks. The width of this road or easement is not less than 60 feet.

**F. Alignment with Crossings.** When it is necessary for power lines, pipelines or roads to cross trails, crossings should be at a 90-degree angle where possible, with consideration for visibility and public safety. Vegetative screening should be preserved at trail crossings.

**G. Other Guidelines Affecting Public or Trail Access Management.** A number of other guidelines may affect public and trail access management. See other sections of this chapter.