

# CHAPTER 2

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# CHAPTER 2

## AREAWIDE LAND MANAGEMENT POLICIES

### Introduction

This chapter presents land management policies for each of the major resources affected by the plan: fish and wildlife, forestry, materials, mineral resources, recreation and tourism, and water. The chapter also presents management policies for several specific land management concerns: protection of fish and wildlife habitat, public and private access, timber harvest, settlement, shoreline and stream corridors, and trail management. This chapter also addresses types of land uses including: aquatic farming, forestry, fish and wildlife harvest, floating facilities, settlement, transportation and trails management, shoreline use and waterfront development.

These policies apply to state land throughout the planning area regardless of the land use designation.

This chapter consists of goals and management guidelines. Goals are the general condition the department is trying to achieve, and guidelines are specific directives that will be applied to land and water management decisions as resource use and development occurs.

### Definitions

For definitions of terms commonly used in this chapter, see *Appendix A, Glossary*.

### Goals

The following goals are for state lands in the planning area. Goals are general conditions that DNR attempts to achieve through management actions. The goals are listed alphabetically. No single goal has a priority over the others.

**Economic Development.** Provide opportunities for jobs and income by managing state land and resources to support a vital, self-sustaining local economy.

**Fiscal Costs.** Minimize the needs for, and the fiscal cost of, providing government services and facilities such as schools and roads.

**Public Health and Safety.** Maintain or enhance public health and safety for users of state land and resources.

**Public Use.** Provide and enhance diverse opportunities for public use of state lands, including uses such as hunting, fishing, boating and other types of recreation.

**Quality of Life.** Maintain or enhance the quality of the natural environment including air, land and water, and fish and wildlife habitat and harvest opportunities; and protect heritage resources and the character and lifestyle of the community.

**Settlement.** Provide opportunities for private ownership and leasing of land currently owned by the state.

**Sustained Yield.** Maintain the long-term productivity and quality of renewable resources including fish and wildlife, and timber.

### **Management Intent**

Management intent for state land is expressed through statements of management emphasis identified on a unit specific basis. These statements are based on resource and use inventory, existing and potential trends, existing authorizations, existing plans and public participation.

### **General Framework of the Plan**

- A.** State land within the planning area will be managed to allow for multiple use unless legislatively designated or a unit of state land is less than 640 acres and managed under a management agreement by another state agency.
- B.** State land will also be managed to protect access and public resources. Types of resources to be protected include, but are not limited to habitat, recreation, water quality, anchorages, watersheds, scenery and trails.
- C.** State land will remain open to mineral entry unless specifically closed. This plan does not recommend any areas to be closed to mineral entry nor to be managed under a leasehold location order. Consequently, all land within the planning area is open to entry, except for those few, small, scattered areas closed in previous mineral closing orders by DNR.
- D.** Activities and authorizations in units with identified primary designated uses may take precedence over other uses. Although there may be a priority for use in certain units, other uses may also be allowed. Other uses may be allowed if they do not foreclose the area for its priority use. This plan emphasizes minimizing land use conflicts through plan guidelines and

intent rather than through prohibitions. All other uses are initially presumed compatible with the primary use. However, if DNR determines that a use conflict exists and that the proposed use is incompatible with the primary use, the proposed use shall not be authorized or it shall be modified so that the incompatibility no longer exists (11 AAC 55.040 (c)).

**E.** This plan designates state lands in categories that are generally consistent with current use patterns and the most significant resources in the planning area.

**F.** This plan honors the intent of existing settlement agreements with the Mental Health Trust Authority and the University of Alaska. These settlement agreements shall prevail over the area plan, if inconsistencies exist.

### **Guidelines by Activity or Resource Value**

The following guidelines are specific directives that will be applied to management decisions. DNR will use these guidelines when considering issuing authorizations and conveyances or making management decisions on state lands. These guidelines will also apply to lands that are currently state-selected and ANILCA filed when they are tentatively approved or patented into state ownership.

Chapter 2 guidelines apply to all state land covered by the Kodiak Area Plan unless the plan explicitly exempts some units or designations from a guideline or the resource or use for which a guideline is intended does not exist in the unit in question.

### **General**

**A.** All authorizations for use of state land within the planning area will be consistent with the management intent in this plan.

**B.** In considering authorizations for use of state land, DNR will adjudicate applications to:

1. minimize damages to streambeds, fish and wildlife habitat, vegetation, trails, anchorages, and other resources;
2. minimize conflicts between resources and uses; and
3. protect the long-term value of the resource, public safety, and the environment.

**C.** If authorizations from other agencies are required, DNR will consider issuing a permit or lease contingent upon issuance of these other authorizations.

### **Other State Land**

Units that are donated or acquired after the plan is adopted will be designated for the uses for which they were acquired or donated without an amendment to the plan. Lands that come into state ownership through other means will be designated and classified consistent with the designation identified in the applicable management unit or, if not so identified, according to the standards of the section, 'Applicability of Plan Designations and Classifications', in Chapter 4 without an amendment to the plan.

## Aquatic Farming

### Background

Within the planning area, there are a few aquatic farms currently but as market conditions, technology, and the economics of this type of operation change, more aquatic farms can be expected in the planning area during the next 20 years. Management guidelines for their siting and operation follow.

### Goal

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

### General Conditions

Alaska Statute (AS 38.05.083) provides that state tidelands and submerged lands may be used, under lease, for aquatic farming or related hatchery operations. It also mandates regulations that: 1) require the Department to establish application siting guidelines; 2) specify the criteria for the approval or denial of lease applications; 3) consider limiting the number of sites to be leased within an area in order to reduce cumulative impacts on the environment and natural resources; and 4) protect the public's right of access and use of navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes, as required under the Public Trust Doctrine.

**State and Federal Review Processes.** State regulations (Aquatic Farmsite Leases, 11 AAC 63) require the Department to make a best interest finding before issuing a lease. The proposed operation must be in the overall best interest of the state before an authorization may be issued. Factors that are to be considered in this decision are identified in 11 AAC 63.050 (b) and include whether the proposed aquatic farm will conflict with other uses; whether it is compatible with land management policies in adopted federal, state, and local plans at the proposed location and nearby uplands; how public access, including the adjacent upland owner's right of reasonable access, and the public's rights under the Public Trust Doctrine will be protected; and whether there are significant social, economic, and environmental effects of the proposed aquatic farm. The Preliminary Best Interest Finding is subject to a public and agency review under AS 38.05.945. This review includes localities/boroughs/communities, native organizations, Fish and Game Advisory committees, adjacent upland owners, and affected valid third party interests.

Concurrent with this review is the review under the Alaska Coastal Zone Management Program (ACMP). All aquatic farm proposals must be consistent with ACMP statewide standards and the enforceable policies of local coastal district plans, if applicable, in order to be authorized. Federal authorizations that have previously undergone a coastal consistency

review also may be required in aquatic farming operations and include the U.S. Army Corps of Engineers' General Permit 91-7N, for aquatic farm structures within navigable waters and Nationwide Permit (NWP 4), which pertains to fish and wildlife harvesting, enhancement, and attraction devices and activities. Aquatic farm proposals that do not meet the requirements of these permits must undergo a separate individual review and authorization process. All aquatic farms must also meet the requirements of 11 AAC 63.050 and the current application filing guidelines issued by DNR for aquatic farms. In addition, aquatic farms must undergo an individual permit evaluation by the U.S. Corps of Engineers.

**State Authorizations for Aquatic Farms.** Should the aquatic farm proposal be found to be in the state's best interest, an Aquatic Farm Lease will be issued by the Department. The lease specifies operation, siting, environmental and habitat criteria that must be satisfied during the lease term. An Aquatic Farm Operation Permit must also be acquired from the Alaska Department of Fish and Game (ADF&G) in order to ensure that the proposal is technically and operationally feasible; the physical and biological suitability of the area can support the operation; and habitat and public uses of fish and wildlife are protected. ADF&G also requires a seed transport and acquisition permit in order to obtain and transport seed/broodstock between a hatchery and the farmsite. In addition, the Alaska Department of Environmental Conservation requires that the water quality in the growing area meet both the state water quality standards and the requirements of the National Shellfish Sanitation Program, incorporated by reference in 18 AAC 34.200, to ensure the product is safe for human consumption.

## **Management Guidelines**

The combination of state and federal review and authorization requirements provides a comprehensive basis for the approval of proposed aquatic farm operations. Additional operational, siting, habitat, or environmental requirements in this plan are therefore generally unnecessary in order to effectively manage aquatic farming operations within the planning area. The subsequent management guidelines delineate standards for the approval of aquatic farm operations and the factors that are to be considered in the siting of these operations next to sensitive uses and resources, and adjacent to federal or state land managed for their wilderness, park, or primitive values.

**A. General Management Approach.** Aquatic farming will be allowed on state tidelands or submerged lands unless there is significant conflict with other uses of the immediate area or it is inconsistent with the requirements of 11 AAC 63.050 or this management plan. The siting of aquatic farming facilities may be more difficult on tidelands designated for: log transfer or storage; mineral transfer or access; critical or crucial fish and wildlife habitat or harvest; anchorages; and developed recreation. In addition, siting of aquatic farm facilities may be more difficult on tidelands adjacent to proposed land sales or existing residential areas, legislatively designated areas, such as state critical habitat areas or parks, and federal



conservation units, such as National Parks and National Wildlife Refuges where the upland management objective is to retain a natural environment. Specific stipulations related to siting, operations, and maintenance may be imposed by the Department in addition to those otherwise required in order to achieve site and use compatibility.

**B. Tidelands Adjacent to Exxon Valdez Oil Spill (EVOS) Acquisition Units, State Legislatively Designated Areas, and Federal Conservation Units.** In its decision-making on the granting of authorizations on tidelands and submerged lands adjacent to management units subject to the EVOS acquisition restrictions, legislatively designated areas or federal conservation units, the Department will consider adjacent upland resource management requirements.

Upon receipt of an aquatic farm request, the Department will review the applicable approved management plan for the adjacent uplands and the conservation easement and deed for proposals adjacent to EVOS acquisition units. Federal management plans exist for the Kodiak, Alaska Peninsula, Becharof, and the Alaska Maritime National Wildlife Refuges and for the Katmai National Park and Preserve. The management plans for the Tugidak Island Critical Habitat Area and Shuyak Island State Park are to be reviewed for the management intent of uplands in these areas. This plan is to be consulted for state lands that are managed by DPOR to be compatible with Afognak Island State Park. Aquatic farming operations that are incompatible with the management intent for the uplands and cannot be made compatible by utilizing mitigation measures will generally not be authorized unless all conditions of the other local, state, and federal permits or authorities are met; there is an overriding state interest; and there is no feasible and prudent alternative site. Generally, aquatic farming operations involving the presence of caretaker facilities, structures for storage and operational needs, or presence of personnel on a frequent basis are incompatible adjacent to uplands where the management intent is to retain land in a undeveloped state. The Department will consult with the appropriate upland agency when determining compatibility of aquatic farm activities in these areas.

**C. Other Guidelines Affecting Aquatic Farming.** Other guidelines will affect aquatic farming management practices. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Recreation, Tourism, and Scenic Resources
- Shorelines, Stream Corridors and Coastal Areas

## Coordination and Public Notice

### Goals

**Coordination with Non-state Landowners.** Coordinate the use of state land with that of private and other public landowners to provide for the optimal use, development, and protection of area resources.

**Public Participation.** Provide local governments, state and federal agencies, adjacent landowners, and the general public with meaningful opportunities to participate in the process of making significant land use decisions.

### Management Guidelines

**A. Notice for Decisions Requiring Public Notice (Under AS 38.05.945).** As required by statute, public notice will be given for decisions involving the sale, lease, or disposal of (or interests in) land, property, or resources. Actions not involving a disposal of interest will require public notice in accordance with Division of Mining, Land and Water (DMLW) procedures. Notice will be given to parties known or likely to be affected by an action proposed by the state or an applicant to the state, including upland property owners of adjoining state tidelands or submerged lands.

**B. Coordination with Local Comprehensive Plan and Zoning Ordinance.** The comprehensive plan and zoning map/ordinance of the Kodiak Island Borough should be reviewed by DNR prior to issuing permits, leases, or other forms of use authorizations.

**C. Avoiding Conflicts with Adjacent Upland Owners.** Before DNR issues a land use authorization on tidelands, submerged lands, or shorelands, DNR will require applicants to use areas that will reduce the likelihood of possible land use disagreements with upland owners. DNR will consider comments from private landowners and others before making a decision. DNR will retain the right to issue a land use authorization over the objection of adjacent landowners.

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

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

## Cultural Resources

### Background

Because of the 7,500 years of continuous human occupation, the planning area is known for its rich archeological record with over one thousand registered Alaska Heritage Resources Survey (AHRS) sites, and many more are being discovered each year. The archeological record chronicles Native people's use of the region's productive marine environment and preserves the history of the area much of which is not captured in written records of only the last 200 years. Dense prehistoric populations left much cultural debris reflected in large sites still being studied today. Due to the climatic conditions of the area, the sites have resisted decay and remain fairly intact. The sites are primarily concentrated along coastal areas. The area's archeological sites are numerous and reflect five major cultural traditions: Ocean Bay (7,500 B.P. to 3800 B.P.), Kachemak (3800 B.P. to 600 B.P.), Koniag (600 B.P. to 200 B.P.), Russian (200 B.P. to 130 B.P.), and American (130 B.P. to the present).

### Goal

**Cultural Resources.** The Alaska Historic Preservation Act establishes the state's basic goal: to preserve, protect, and interpret the historic, prehistoric, and archaeological resources of Alaska so that the scientific, historic, and cultural heritage values embodied in these resources may pass undiminished to future generations.

### Management Guidelines

**A. Cultural Resources Identification.** Identify and determine the significance of cultural resources on state land through the following actions:

1. Cultural resources surveys conducted by qualified personnel;
2. Research about cultural resources on state land by qualified individuals and organizations; and
3. Cooperative efforts for planned surveys and inventories between state, federal, and local or Native groups.

**B. Cultural Resources Protection.** Protect significant cultural resources through the following actions:

1. The Office of History and Archeology (OHA) within DPOR reviews authorizations, construction projects or land uses for potential conflict with cultural resources. The office determines if there may be an adverse effect on heritage resources and makes recommendations to mitigate these effects.

2. Cooperating with concerned government agencies, Native corporations, statewide or local groups, and individuals to develop guidelines and recommendations on how to avoid or mitigate identified or potential conflict.

**C. Cultural Resource Surveys Prior to Land Offerings.** If determined by OHA during an agency review of a proposed land disposal that a cultural survey may be required, further coordination between OHA and DMLW prior to the land disposal is warranted. Cultural surveys should be considered where OHA reported sites exist or where there is a high potential for such sites to exist. The extent and type of the cultural survey within the area of the proposed land disposal shall be determined by OHA in consultation with DMLW. Because of the high density of cultural resources in the Kodiak Archipelago, it is likely that cultural resource surveys may be necessary for land disposals under consideration by DNR in this planning area

**D. Cultural Resources in Timber Management Areas.** The Office of History and Archaeology will review proposals for timber management activities through the interagency review process for the Five-Year Schedule of Timber Sales and Forest Land Use Plans for individual sales and provide comments and information about areas of concern within the review deadline. OHA will recommend archaeological surveys in timber sale areas with a high potential for cultural resources. Areas of reported historic, archaeological, or paleontological sites that retain historic integrity should not be disturbed. Timber operations shall not occur within 300 feet of the boundaries of known sites unless the OHA determines, in consultation with the Division of Forestry, that certain activities can occur without significant adverse impacts to the cultural resource. The OHA shall assess the extent and significance of the cultural resource and work with Division of Forestry to develop site-specific mitigation measures to protect the cultural sites while allowing timber management.

**E. Cultural Resources Adjacent to Recreation Facilities.** Recreation facilities that might subject cultural sites to vandalism because of the increased public use should not be placed adjacent to the cultural sites.

**F. Heritage sites should be reported when found.** The Alaska Heritage Resources Survey (AHRS) is an inventory of all reported historic and prehistoric sites within the State of Alaska and is maintained by the Office of History and Archaeology (OHA). The AHRS is used to protect cultural resource sites from unwanted destruction. By knowing of possible cultural remains prior to construction, efforts can be made to avoid project delays and prevent unnecessary destruction of cultural sites. While over 22,000 sites have been reported within Alaska, this is probably only a very small percentage of the sites which may actually exist but are as yet unreported. The AHRS is not complete or static, so heritage sites, when found, should be reported to the OHA.

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

Fish and Wildlife Habitat and Harvest Areas

Forestry

Recreation, Tourism, and Scenic Resources

Shorelines, Stream Corridors and Coastal Areas

Public Access Easements, Neighborhood Trails, and Public Access

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

### **Goals**

**Ensure Access to Public Lands and Waters.** Ensure access to public lands and waters to promote or enhance the responsible public use and enjoyment of fish and wildlife resources.

**Mitigate Habitat Loss.** When resource development projects occur, avoid or minimize reduction in the quality and quantity of fish and wildlife habitat.

**Contribute to Economic Diversity.** Contribute to Alaska's economy by protecting the fish and wildlife resources which contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport and non-consumptive uses.

**Maintain and Protect Publicly Owned Habitat Base.** Maintain in public ownership and protect habitat for fish and wildlife resource protection to supply sufficient numbers or a diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or protect a unique or rare assemblage of a single or multiple species of regional, state, or national significance.

**Avoid the Introduction of and Reduce the Spread of Invasive Plant Species.** State lands are to be managed to avoid or reduce the spread of non-native invasive plants. This management shall be consistent with the applicable requirements of 11 AAC 34.

### **Management Guidelines: Habitat Areas**

**A. Mitigation.** When issuing permits and leases or otherwise authorizing the use or development of state lands, DNR, ADF&G, ADEC will recognize the requirements of the activity or development and the effects to habitat when determining stipulations or measures needed to protect fish, wildlife, or their habitats. The costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.

All land use activities will be conducted with appropriate planning and implementation to avoid or minimize adverse effects on fish, wildlife, or their habitats.

The departments will enforce stipulations and measures appropriate to their agency, and will require the responsible party to remedy any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party's failure to comply with applicable law, regulations, or the conditions of the permit or lease.

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

1. Avoid anticipated, significant adverse effects on fish, wildlife, or their habitats through siting, timing, or other management options.
2. When significant adverse effects cannot be avoided by design, siting, timing, or other management options, the adverse effect of the use or development will be minimized.
3. If significant loss of fish or wildlife habitat occurs, the loss will be rectified by repairing, rehabilitating, or restoring the affected area to a useful state.
4. DNR will consider requiring replacement with, or enhancement of, fish and wildlife habitat when steps 1 through 3 cannot avoid substantial and irreversible loss of habitat. The ADF&G or the Office of Habitat Management and Permitting, DNR, as appropriate, will identify the species affected, the need for replacement or enhancement, and the suggested method for addressing the impact. Replacement with or enhancement of similar habitats of the affected species in the same region is preferable. DNR will consider only those replacement and enhancement techniques that have either been proven to be, or are likely to be, effective and that will result in a benefit to the species impacted by the development. Replacement or enhancement will only be required by DNR if it is determined to be in the best interest of the state either through the AS 38.05.035(e) or the permit review process.

**B. Allowing Uses in Fish and Wildlife Habitats (Ha).** The areas designated Habitat (Ha) in Chapter 3 of the plan were defined using the best available information when the plan was written. Most of the areas designated "Ha" are tidelands and submerged land areas; relatively few upland units were given this designation. It should be noted that many of the large, interior upland units on Kodiak Island contain areas of sensitive habitat but were not assigned a Habitat designation. Instead, these large units were assigned the designation of General Use, reflecting the large size, lack of dominance of any one resource, or absence of known or anticipated development. In these instances, information on the sensitive resource(s) as well as management intent language has been provided. The latter has been used to indicate the kind and level of protection to be afforded the resource(s).

In the designation of habitat areas on tidelands, data sources were sometimes of a generalized nature. Because of this and in order to be conservative in the delineation of habitat areas, large tideland areas were identified. The wildlife and fishery information identified for specific units in Chapter 3 occupy either part or all of the area of a unit.<sup>1</sup>

The resource that was used to make the determination that an area should be designated "Ha" is identified in the unit descriptions contained in Resource Allocation Tables in Chapter 3 under the column, "Resources and Uses". In some cases, there is only a single resource but in other instances, several resources exist, with these resources sometimes occupying differing portions of the unit. The spatial distribution of habitat resources is described in the management intent language, if known. Units are to be managed to protect the resource(s) identified in these tables. Areas of sensitive habitat in units designated General Use are, similarly, to be managed to protect the resource that is identified.

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<sup>1</sup> Note to DNR adjudicators: Accordingly, there may be portions of a unit that do not contain the resource(s) that is/are identified in the specific unit descriptions under the "Resources and Uses" column in Chapter 3.

Since there is a distinct seasonality associated with the critical life periods of certain terrestrial mammals, marine mammals and fish, seasonality shall be taken into consideration during project review and approval. Seasonality and critical life cycle stages are identified in ADF&G publications.<sup>2</sup> Thus, it may be possible that uses and facilities may be appropriate within areas designated “Ha” if the seasonality criteria are satisfied by including mitigating measures in project design.

Tideland and upland uses that are not consistent with the types of uses associated with the approved designation or are not authorized in the management intent statement for a specific unit and that, if permitted, *would* result in the degradation of the resource(s) associated with areas designated “Ha”, are to be considered incompatible with the plan's management intent and, specifically, with the “Ha” designation. Degradation of the resource might result from actions involving one or more of the following factors: dredging, filling, significant compaction of vegetation and sediment, alteration of flow patterns, discharge of toxic substances, or disturbance during sensitive periods. If there is a question as to whether a use would be appropriate or whether it would de-grade a listed resource, DNR shall consult with ADF&G and the Office of Habitat Management and Permitting, DNR, in making the determination of initial incompatibility.

Non-designated uses that cause significant adverse impacts to the resources identified within a given “Ha” unit *may* be allowed *if*:

- ADF&G determines through new information or more detailed analysis that the area is not “Ha” as defined in the plan; or
- If DNR in consultation with ADF&G determines that the non-designated use can be made compatible and significant adverse impacts to the “Ha” area avoided with appropriate design, siting, and operating stipulations; or
- The use (project) is found consistent under the ACMP and significant adverse impacts are mitigated under Management Guideline A.

**C. Allowing Uses Outside of Designated Fish and Wildlife Habitat Areas.** Outside of areas designated Habitat, habitat-altering uses will be sited consistent with the management guidelines in this chapter, and the management intent and guidelines in Chapter 3.

**D. Habitat Manipulation: General Requirements.** Habitat restoration through water control, timber management practices, removal of pollution sources, or other measures may be used to improve habitat for certain fish and wildlife species where ADF&G or the Office of Habitat Management and Permitting, DNR, as appropriate, determines that it is beneficial to the species or habitat and DNR determines that it is compatible with other primary uses.

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<sup>2</sup> These publications include, but are not limited to the following: ADF&G Regional Habitat Guides and NOAA's Oil Spill Response Atlas. Note to DNR adjudicators: In the event that information is not contained in these publications, consult other pertinent publications and ADF&G to determine seasonality.



**E. Habitat Manipulation: Management of Invasive Plant Species.** The management of invasive plant species is of concern in the Kodiak Archipelago. The state is to manage its lands and waters to avoid the introduction of and reduce the spread of invasive non-native plants, consistent with the requirements of 11 AAC 34. Although the strategic management plan for noxious and invasive plant species recognizes this as a statewide issue, in most instances this problem is best handled at the local level. The Kodiak Soil and Water Conservation District has a program in place that currently concentrates on surveying areas of infection and providing landowners with treatment options and Best Management Practices in an effort to manage these species. Contact them for more information.

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

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

Water intake structures should be screened, and intake velocities will be limited to prevent entrapment, entrainment, or injury to fish. The structures supporting intakes should be designed to prevent fish from being led into the intake. Other effective techniques may also be used to achieve the intent of this guideline. DNR, DMLW and the Office of Habitat Management and Permitting should be consulted to determine screen size, water velocity, and intake design if the intake structure is in fish habitat.

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

**I. Threatened and Endangered Species.** All land use activities will be conducted consistent with state and federal Endangered Species Acts to avoid jeopardizing the continued existence of threatened or endangered species of animals or plants; or to provide for their continued use of an area and to avoid modification or destruction of their habitat. Specific mitigation recommendations should be identified through inter-agency consultation for any land use activity that potentially affects threatened or endangered species. Within the planning area, four species are under the jurisdiction of the U.S. National Marine Fisheries Service, U.S. Fish and Wildlife Service, or Alaska Department of Fish and Game as threatened (T) or endangered (E) in accordance with the state and federal Endangered Species Acts, as amended. Four species are identified by the federal government as either Threatened or Endangered, while the state identifies two of these four as either Threatened or Endangered. The table, below, identifies the species identified by the federal government as Threatened or Endangered. The two species identified as Threatened or Endangered by the state are noted.

Species	Status
Short-tailed Albatross ( <i>Diomedea albatros</i> )*	E
Humpback Whale ( <i>Megaptera novaeangliae</i> )*	E
Stellar Sea Lion ( <i>Eumetopias jubatus</i> )	E (western population)
Stellar Sea Lion ( <i>Eumetopias jubatus</i> )	T (eastern population)
Stellar's eider ( <i>Polysticta stelleri</i> )	T

\* Also included on the State's Threatened and Endangered list.

The U.S. Fish and Wildlife Service, Division of Ecological Services or the National Marine Fisheries Service will be consulted on questions that involve endangered species.

**J. Eagles.** Authorizations or disposals that potentially affect bald eagles will be consistent with the state and federal Endangered Species acts and the Bald Eagle Protection Act of 1940 as amended. Applicable standards are drawn from a cooperative agreement signed by the U.S. Forest Service and the U.S. Fish and Wildlife Service (USFWS), or such subsequent standards that may be promulgated. The USFWS may not determine them to be adequate in all circumstances. In addition, meeting the guidelines does not absolve the party from the penalty provisions of the Bald Eagle Protection Act; therefore, the USFWS should be consulted when activities may affect bald or golden eagles.

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

**K. Sea Lion Haulouts and Rookeries and Sea Bird Colonies.** Individual sea lion haulouts, rookeries and sea bird colonies<sup>3</sup> not contained within specific tideland units are designated Habitat (Ha) and are to be managed according to Management Guideline H, 'Allowing Uses in Fish and Wildlife Habitats'. Authorizations should not be granted that will adversely impact these sites. Consult the US Fish and Wildlife Service and the Department of Fish and Game prior to granting authorizations to identify these haulout, rookery and colony locations, and to define minimum distance separation requirements and specific use restrictions.

**L. Soil Erosion.** Soil erosion will be avoided by restricting soil disturbance along waterbodies and by stabilizing disturbed soil as soon as possible.

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<sup>3</sup> Defined as 500 or more sea birds.

**M. Fish and Wildlife Enhancement on State Lands.** Fish and wildlife enhancement activities on state lands, whether by ADF&G or other parties, will be consistent with the management intent for those lands. Enhancement activities likely to attract significant public use, including sport fishing use, will be designed and located to minimize the impact of additional public use on the existing recreation resources, including anchorages, campsites, and existing and intended wilderness values.

**N. Grounding of Floating Facilities.** See management guideline L under Floating Facilities.

**O. Protection of Fish and Wildlife Resources - Transportation Facilities.** Important fish and wildlife habitats such as those described as riparian areas, wildlife movement corridors, important wintering areas, and threatened or endangered species habitat should be avoided in siting transportation routes unless no other feasible and prudent alternatives exist. Location of routes and timing of construction should be determined in consultation with the ADF&G and DNR, Office of Habitat Management and Permitting, as appropriate.

### **Management Guidelines: Harvest Areas**

**A. Allowing Uses Within Designated Harvest Areas (Hv).** Considerations similar to those identified in the Habitat portion apply to areas designated Harvest (Hv). Only tideland units are affected by the Harvest designation.

The areas designated “Hv” in Chapter 3 of the plan were defined using the best available information at the time of plan preparation. In the designation of these areas, data sources were of a generalized nature, oftentimes at the 1:250,000 scale. Because of this and in order to be conservative in the delineation of harvest areas, large tideland areas were identified. In some cases, there is only a single harvest resource but in other instances several resources exist, with these resources sometimes occupying differing portions of the unit.<sup>4</sup> The spatial distribution of harvest resources is described in the management intent language, if known.

Units designated Harvest will be managed to ensure minimal disturbance to the harvest resources identified for a given area. Since there is a distinct seasonality associated with the critical life periods of certain marine mammals and fish, seasonality shall be taken into consideration during project review and approval. Seasonality and critical life cycle stages are identified in ADF&G publications.<sup>5</sup> Thus, it may be possible that uses and facilities may be appropriate within areas designated Harvest if the seasonality criteria are satisfied by including mitigating measures in project design.

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<sup>4</sup> Note to DNR adjudicators: Accordingly, there may be specific portions of a unit that may not contain the harvest resource(s) that is/are identified.

<sup>5</sup> These publications include, but are not limited to, the following: ADF&G Regional Habitat Guides and NOAA's Oil Spill Response Atlas. Note to DNR adjudicators: In the event that information is not contained in these publications, consult other pertinent publications to determine seasonality.

The resource(s) used to make the determination that an area should be designated Harvest are identified in the unit descriptions contained in the Resource Allocation Tables in Chapter 3 under the column, "Resources / Uses / Additional Information". In some cases, there is only a single resource but in other instances, several resources exist, with these resources sometimes occupying differing portions of the unit. The spatial distribution of harvest resources is described in the management intent language, if known.

Tideland and upland uses that are not consistent with the types of uses associated with the approved designation or are not authorized in the management intent statement for a specific unit, and uses that if permitted *would* result in the degradation of the resource(s) associated with areas designated Harvest or Ha/Hv are to be initially considered incompatible with the plan's management intent and with the Harvest and Ha/Hv designations. If there is a question as to whether a use would be appropriate or whether it would degrade a listed resource, DNR shall consult with ADF&G, in making the determination of initial incompatibility.

Uses may be permitted if the proposed use avoids the resource or if, through stipulations, it can be made to have minimal adverse impact on the harvest activity for which the area was designated. In instances when the proposed use cannot avoid the harvest area or cannot mitigate significant impacts through design, siting, or operation stipulations, the use may be permitted if the following conditions are satisfied:

- ADF&G determines through new information or more detailed analysis that the area is not Harvest or Ha/Hv as defined in the plan; or
- the use is of sufficient public importance or lacks a feasible and prudent alternative consistent with the guideline of the plan
- the use (project) is found consistent under the ACMP and significant adverse impacts are mitigated under Management Guideline A.

**B. Allowing uses in Other than Designated Harvest Areas.** Within the plan boundary, essentially all tidelands and submerged lands are used for some form of subsistence, sport or commercial harvest at some time during the year. The entire planning area is fully utilized by fisheries for one species or another. Maps depicting the areas used for harvest (sport, subsistence, and commercial) are identified in the ADF&G publication, Atlas to the Habitat Management Guide: Southwest Region (1985). More detailed information on harvest areas is included within publications and reports of the ADF&G. These reports should be consulted for site specific decisions.

Significant harvest areas occur oftentimes in areas designated General Use (Gu). Under that portion of the "Gu" definition (see Definitions, Chapter 3) applying to intertidal and submerged lands, all lands of this type are recognized to contain important fisheries for one or more subsistence, recreational and commercial harvest fisheries.

**C. Activities Adjacent to Designated Harvest Areas.** Uses adjacent to intensively used commercial, recreation, community, or subsistence harvest areas will not preclude access to harvest activities during the harvest or use season.

## **Management Guidelines: Special Management Areas - Tidelands & and Submerged Lands; Other**

**A. Activities in Intensive Purse Seine and Gill Net Areas.** Tideland facilities should not be located where they would obstruct drift, set net or seine use of the shoreline in intensive purse seine and gill net areas.

**B. Activities in Traditional Use Commercial Herring Areas.** Activities should avoid disruption of the harvest within traditional herring fishery areas including the sac roe and wild kelp harvest fishery areas.

**C. Anchorages.** See Management Guidelines for Floating Facilities.

**D. Special Management Areas – Tidelands and Submerged Lands.** Special management areas termed ‘Tideland Resource Management Zones’ for tidelands and submerged lands apply where large areas of marine waters and tidelands are to be managed in a coordinated manner. These areas are significantly larger than a typical tidelands management unit, do not properly fit into the definition of a typical management unit as used in this plan, and are often under common ownership for some protected purpose. There are four such Tidelands Resource Management Zones. One affects the tidelands adjacent to the Kodiak NWR on Afognak and Kodiak Islands. Another affects the Becharof and Alaska Peninsula NWRs and the Katmai National Park and Preserve on the Alaska Peninsula. This same management zone also affects the Alaska Maritime NWR, which occupies various offshore rocks, islets, and islands. Another affects the tidelands adjacent to the Afognak Island and Shuyak Island State Parks and the last, the tidelands adjacent to Tugidak Island Critical Habitat Area. These areas are depicted on the individual plan maps in Chapter 3. Management intent language and guidelines are identified for these areas, similar to tidelands units. These management statements are contained in the section termed ‘Management Summary, Tidelands’ in the general description of management intent for the Kodiak Region contained in Chapter 3.

**E. Management of EVOS Acquisitions and Conservation Easements.** State lands or conservation easements acquired through Exxon-Valdez Oil Spill (EVOS) funds have special attributes which will enhance, restore, replace and rehabilitate injured natural resources and habitat areas particularly for those species that sustained significant injury resulting from the Exxon-Valdez oil spill. Changing the topography, dumping trash, using biocides, removing or destroying plants except for subsistence or medicinal use, altering watercourses, using motorized vehicles with the exception of floatplanes, removing or harvesting timber, and introducing non-indigenous plants in these areas is prohibited. Management activities on EVOS-acquired units must further the restoration objectives of the EVOS Restoration Plan, facilitate appropriate public use of these units or convey information necessary for public safety or the protection of natural resources. Limited facilities such as public use cabins, weir sites, trails and campsites may be constructed for research or management purposes. Any facilities or other development on the units acquired through EVOS funds shall be of limited impact and in keeping with the goals of restoration. Warranty deeds and

conservation easement documents need to be reviewed for specific unit restrictions prior to authorizing activities in these areas and areas directly adjacent to these lands. Although the Trustees acquired the surface estate of these units, in some cases they did not purchase the mineral estate. For this reason, nothing in this guideline should be interpreted to diminish the rights of the owner of the mineral estate.

**F. Management of ADF&G Salmon Special/Terminal Harvest Areas.** Special Harvest Areas (SHA) and Terminal Special Harvest Areas (THA) are used by ADF&G to manage the harvest of hatchery produced salmon.<sup>6</sup> SHAs have been established at Kitoi Bay, Spiridon Bay, Foul Bay, Waterfall Bay and Settler Cove. A THA has been established at Malina Creek. The Kitoi Bay SHA allows the orderly harvest of salmon returning to the Kitoi Hatchery while providing adequate protection for local natural salmon stocks. Fishing time is regulated to ensure that broodstock collection and hatchery cost recovery goals are achieved. The other areas are managed to harvest salmon that are returning as a result of stocking projects at barriered lakes. These areas are managed to allow the harvest of the stocked return without compromising wild stock escapements. Prior to issuing authorizations in either SHA or THA areas, DNR should coordinate with ADF&G to determine whether the proposed use would compromise these areas and to identify if use stipulations are necessary.

**G. Other Guidelines Affecting Fish and Wildlife Habitat.** Other guidelines may affect the protection and management of fish and wildlife habitat. See the following sections of this chapter:

- Aquatic Farming
- Coordination and Public Notice
- Floating Facilities
- Forestry
- Instream Flow
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Subsurface Resources

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<sup>6</sup> Both Special and Terminal Harvest Areas are managed under standards specified in Alaska Administrative Code. See 5 AAC 40.085 for Special Harvest Areas and 5 AAC 18.378 for Terminal Harvest Areas.

## Floating Facilities

### Background

There are few permitted floating facilities within the planning area, unlike areas of Southeast Alaska or Prince William Sound in Southcentral Alaska that have a wide variety of residential, industrial (largely forestry), administrative, or commercial floating facilities (primarily commercial lodges). There are a variety of reasons for this: the absence of a dispersed population, the often high-energy character of the coast, the presence of alternative upland sites for commercial lodges, comparatively few good sites, and the absence of a dispersed forest products industry. Nonetheless, this type of use may occur during the planning period and the inclusion of standards for this type of use is prudent.

### Goals

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

**Public Access:** Public access shall be maintained along the coastline in any authorization for floating facilities issued by the Department.

### Definitions

**Floating Facilities (General):**<sup>7</sup> A general phrase used to encompass the types of "occupied" floating residential facilities further described below. These facility types do not include commercial fishing vessels engaged in commercial fishing activities. Residential floating facilities require an authorization if moored or anchored within a bay or cove in one location for a period of 14 days or more. Moving the floating facility at least two miles starts a new 14-day period. Commercial floating facilities require authorization before occupying state tidelands.

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<sup>7</sup> Not included in this definition are numerous other types of unoccupied facilities and structures authorized by DNR on state tidelands including but not limited to such things as floats, docks, floating docks, floating rafts used for gear storage, buoys, floating breakwaters, and barge ramps. Management guidelines for unoccupied floating structures are covered under Management Guideline M.

<b>Facility Types</b>	<b>Definition</b>
<b>Floathomes</b>	Floathouses, houseboats, barges and boats, powered or not, that are intended for non-commercial residential use. A floathome is generally for single family use and not associated with economic development activities.
<b>Floatlodge</b>	A floating residential facility providing overnight accommodations for commercial recreation services to the public.
<b>Floating Camp, Floating Caretaker Facility</b>	Single or multi-family floating residential facilities used as housing, or that are necessary to contain equipment or processing to support facilities for economic development activities such as commercial timber harvest, mineral exploration or aquatic farming operations, or associated with public activities.

## Management Guidelines

**A. Siting, Development, and Operational Standards: General.** Floating facilities<sup>8</sup> will be sited, designed and operated consistent with the requirements of the U.S. Corps of Engineers General Permit for floathomes (currently 89-4) and all successor general permits or with an individual Corps permit; federal and state water quality standards; coastal zone standards under ACMP 6 AAC 80 and the management guidelines of this section. If necessary, DNR may impose additional stipulations to ensure environmental or habitat protection, use compatibility, or to meet the objectives of this plan.

**B. General Siting Criteria.** Floathomes are not considered an appropriate use within the planning area unless authorized in an adopted land use or coastal plan at particular locations. Other types of floating facilities may be authorized if it is determined that the permitting of a floating facility is in the best interest of the state, the use conforms to the management guidelines of this section, and the use is consistent with the standards of the Alaska Coastal Zone Management Program and with local land use or coastal district management plans. They should not be authorized where the use is considered inappropriate in the management intent statement for a particular unit or tideland resource management zone.

**C. Siting: Floating Facilities Inside Municipalities.** Within the corporate boundaries of municipalities, DNR will regulate floating facility siting consistent with the Alaska Coastal Zone Management Plan (ACMP), including the district coastal zone management plan, and local comprehensive plan or zoning.

**D. Siting: Floathomes Adjacent to Residential Areas.** Floating facilities should only be authorized adjacent to upland residential if these uses are allowed under a local land use or district coastal management plan. However, a short-term authorization, not to exceed two years, may be given on an individual basis to the upland owner if the floathome is to be occupied while the upland owner is constructing a residence on his/her upland parcel.

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<sup>8</sup> This management guideline also applies to unoccupied floating facilities.



**E. Siting: Floating Facilities within or near Sensitive Uses, Habitats, or Resources.** To protect existing habitats, resources and uses, floating facilities should not be authorized in areas designated Habitat (Ha)<sup>9</sup>, Harvest areas (Hv)<sup>10</sup>, Settlement (S), or Public Recreation - Dispersed (Rd); that adjoin an upland subdivision (except for those floathomes that are currently permitted and except as authorized under item #D, above); or would occur within important anchorages, near an authorized aquatic farming operation (except for associated caretaker residences), or near known cultural, historic sites or public use cabins. A floating facility may only be authorized in these areas if there is no other prudent and feasible alternative site, the facility will not impair the functions of the resources and uses identified above, and if it is determined in the permitting process that it is in the overall best interest of the state.

**F. Siting: Floating Facilities Adjacent to State Parks, Critical Habitat Areas, National Wildlife Refuges, or Katmai National Park and Preserve.** Floating facilities are not considered appropriate adjacent to state parks, state game refuges or critical habitat areas, National Wildlife Refuges, or the Katmai National Park and Preserve. However, certain commercial, governmental or research facilities may be authorized in the permitting process in these areas if, at the discretion of DNR, the facility is determined to be of low impact, is compatible with the wilderness, park, or natural character of the adjoining uplands, other prudent and feasible alternative sites do not exist, and is in the overall best interest of the state. Each of these areas is managed under a Resource Management Zone for tidelands and submerged lands. These contain more complete descriptions of management intent and of allowed facilities and structures. See the discussion of Resource Management Zones for tidelands and submerged lands under the 'Management Summary', 'Tidelands' in Chapter 3.

**G. Area Occupied by Floating Facility.** All floating facilities, including attached floats and anchors, shall occupy the smallest area of tideland or submerged land practicable, consistent with the requirements of the proposed use.

**H. Form of Authorization of Floating Structures.** Floating facilities may be authorized through the use of a permit. Permits are currently issued for a five-year duration and may be renewed. Renewal may be authorized by DNR for another like duration if the floating structure meets the requirements of the initial permit and any other stipulations that DNR may impose to conform the use to the then current standards or regulations. Commercial structures may also be allowed by, or be converted to, a lease when the use, in the opinion of the Department, is of a permanent nature.

**I. Authorization of Temporary Floating Camps.** Floating camps and related facilities should be temporary, with full occupancy restricted to the time when resource development is occurring. To the extent practicable, camps and associated facilities should be consolidated to minimize impacts and limit their proliferation. Temporary floating camps shall not be sited in sensitive habitat, resource, or use areas, described more specifically in Management Guidelines

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<sup>9</sup> Where it would be inconsistent with the resources that are to be managed for a particular unit as given in the Resource Allocation Tables in Chapter 3.

<sup>10</sup> Where it would be inconsistent with the resources that are to be managed for a particular unit as given in the Resource Allocation Tables in Chapter 3.

E and F, and may not be sited in other areas unless they are a designated use or support a designated use in the plan. Authorizations for floating camps should terminate when the upland use, which created the need for the floating camp, has ended or when the need for the supporting floating facility ends. Authorization for this type of use should be by permit.

**J. Public Notice.** The adjacent upland owner(s) shall be notified by DNR during permit review of a proposed floating facility. This shall be in addition to the general public notice requirements of the department.

**K. Anchoring of Floating Facilities.** In order to protect public access to and along public tidelands, shore ties that would conflict with public access should not be authorized if floating facilities can be safely moored through the use of anchors or rock bolts. In addition, shore ties above Mean High Water will not be used where there is no authorization from the upland owner.

**L. Grounding of Floating Facilities.** Floating tideland facilities will not ground at any tide stage unless the ADF&G determines there will be no significant impact to the habitat values, or the applicant demonstrates to the satisfaction of DNR that there is no feasible and prudent alternative and DNR determines it is in the state's best interest.

**M. Siting: Unoccupied Floating Structures.** In order to protect certain uses and resources, unoccupied floating facilities, including but not limited to floats, docks, floating docks, rafts used for gear storage, floating breakwaters, buoys, and barge ramps, should not be authorized within anchorages, areas designated Public Recreation – Developed unless related to the intended use<sup>11</sup>, or near public use cabins. Unoccupied floating facilities may be authorized in these areas by DNR if it is determined that the permitting of such facilities is in the best interest of the state, the use conforms to the applicable management guidelines of this section, and the use is found consistent with the Alaska Coastal Zone Management Program.

**N. Other Guidelines Affecting Floating Facilities.** Other guidelines will affect floating facilities. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Material Sites
- Recreation, Tourism, and Scenic Resources (*Management Guideline C*)

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<sup>11</sup> Note to adjudicators: the designation of Public Recreation – Developed is not used in this plan but is included here in order to provide management direction in the event that future plan amendments or reclassification actions create this designation.

## Forestry

### Background

There are scattered patches of timber on state uplands on the Kupreanof Peninsula and Chiniak Peninsula, but these are insufficient to support a timber harvest industry on Kodiak Island. The remainder of Kodiak Island is covered by wetlands, scattered thickets of birch, cottonwood and alder along river bottoms and drainages, extensive areas of grasslands, and mountainous terrain that supports alpine vegetation. Private timber operations on Kodiak Island have been limited, reflecting the absence of merchantable stands. Native corporations have done some harvesting and exported the logs. Small lumber mills have utilized trees cleared in subdivision development and rights-of-ways to provide sawn wood for local use. Marmot Island has commercial timber resources, but is difficult to access. While commercial timber resources exist on state lands on Shuyak and Afognak Islands, these occur within the two state parks or uplands acquired with EVOS funds and are subject to conservation easements that preclude timber harvest. For all of these reasons, there are no planned timber sales within the planning area administered by DNR. The state's role in timber management is largely relegated to the review of private timber harvests that take place on native corporation lands on Kodiak and Afognak Islands relative to the requirements of the Forest Practices Act.

The Forestry management objectives that follow are limited, reflecting the absence of commercial timber on state land on Kodiak Island and lands designated for timber harvest in the plan.

### Goals

**Personal Use Timber.** Provide timber to meet the needs of Alaskans. This program will be limited in scope and provided on a demand basis when the operational costs of administering this program are satisfactory.

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

**Support Timber Industry.** Continue to perform reviews of private timber harvests for adherence to the Forest Practices Act and provide information and technical expertise in the management of forest resources to this industry.

**Wildland Fire Suppression.** DOF shall continue to provide wildland fire suppression within the planning area consistent with the requirements of the Alaska Interagency Fire Management Plan.

## **Management Guidelines**

A systematic program of scheduled timber harvests is not appropriate within the planning area, but since the plan covers a 20-year horizon, a few sales are possible on an opportunistic basis. Should this occur they are likely to be small, isolated sales associated with the development of a subdivision disposal of state land or some other form of intensive land use. The provision of forest products for personal uses or salvaged from disease (or other destructive agents) are likely components of a management program at some time during the planning period. Timber management activities are subject to the following management guidelines in addition to the requirements of the state Forest Practices Act and any Forest Land Use Plan for a specific area.

The central focus of the state forestry program within the planning area is fire management. A management guideline is included that describes the broad aspects of this program. The implementation of the state fire management program is identified and controlled in detail by the Alaska Interagency Fire Management Plan.

### **A. Timber Harvest Guidelines**

1. All timber harvest activities must be compatible with the general management guidelines of this section and with the management intent statements and land use designations identified in specific management units of this plan found in Chapter 3. Most of the units of state land that are not part of a state park are designated General Use or Settlement, and occur on Raspberry Island or Kodiak Island. The management guidelines for the units with these designations do not preclude forest harvest. Forest harvest may be an appropriate use, consistent with the management intent and management guidelines of specific units. Forest harvest operations conducted on a unit of state land intended for subdivision development by DNR can precede actual construction. However, these operations must be consistent with the subdivision plan for the unit; consultation with DMLW is required before commencing operations.
2. All timber harvest operations will be conducted in accordance with the stipulations in the Forest Land Use Plan, the Alaska Forest Resources and Practices Act (AS 41.17 & 11 AAC 95), the Alaska Land Act (AS 38.05 & 11 AAC 71), and other pertinent state guidelines and laws. The Forest Practices Act provides statewide guidance and policy for managing forestry related activities. The specific layout and other site-specific requirements of a timber sale is addressed through a Forest Land Use Plan (FLUPs), which is prepared prior to any commercial timber harvest or sale (AS 38.05.112).

FLUPs developed for timber sale or harvests in the planning area are to be consistent with the Forestry Management Guidelines of this Chapter and the Management Guidelines specified for particular units in Chapter 3. FLUPs shall consider, in their preparation, the sensitive resources and wildlife, or any other significant factors, identified in the Management Guidelines for a unit.

3. 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 units conveyed out of state ownership. The format used to impose this restriction is at the discretion of the Regional Manager, Southcentral Office. This guideline is not intended to preclude the cutting of trees or other vegetation as part of the process of land clearing or site development.

**B. Log Transfer Facilities and Sort Yards.** Sort yards and log transfer facilities (LTF) will be constructed, sited, operated, and monitored in order to minimize the impact on state land and resources. The design, development, and use of these facilities shall be consistent with the *Log Transfer Facility Siting, Construction, Operation, and Monitoring/Reporting Guidelines (October 1985)*, or successors to these standards that may be approved by DNR and ADF&G.

**C. Beach Log Salvage.** Although beach log salvage may be categorically consistent with the Alaska Coastal Zone Management Program, a license is required from the Department before salvage commences. Beach log salvage administered under the provisions of AS 45.50 and 11 AAC 71 shall be consistent with standards developed by the DOF and GC-10 (General Permit) of the ACMP.

**D. Timber Salvage From Rights-of-Way.** Timber with commercial or personal use value should be salvaged from lands that are to be cleared for other uses such as roads, transmission lines, material sites, mining, and habitat enhancement projects (AS 41.17.083). The Regional Manager of the Southcentral Region of DMLW shall determine the amount and kind of material that is to be salvaged.

**E. Personal Use Wood Harvest.** When forested lands are available near communities and where personal use harvest is consistent with other purposes for which the land is being managed, DOF may consider providing wood products for personal use. This program will only be undertaken, however, if it can be effectively and efficiently administered by DOF. Only limited use of this program is expected given the relatively low demand for personal use wood, the absence of good supply, the high administrative costs of a small personal use wood supply program, and the difficulty of managing such a program from a distance.

**F. Sustained Yield of Forest Resources.** Forestland will be managed to guarantee perpetual supplies of renewable resources to serve the needs of all Alaskans for the many products, benefits, and services obtained from them. The annual allowable harvest will be calculated using the area control method.

**G. Salvage of Damaged Trees.** Trees damaged due to wind throw, insect, or disease conditions may be salvaged on all land use designations unless management intent statements for specific management units in Chapter 3 specifically prohibit salvage harvest. A Forest Land Use Plan, if required, will provide the rationale for conducting the salvage harvest and describe how the action will not conflict with the management intent for each management unit.

**H. Fire Disturbance.** The intent of fire management is to identify where wildland fire can be allowed or management ignited fires can be used to reduce costs of fire suppression, reduce the risk of damaging fires, and maintain the natural diversity and productivity of forest stands. Fire suppression will be a priority near residential areas or other forms of active land use, high value recreation use areas, and areas with infrastructure development. Consistent with AS 41.15.010 and AS 41.15.020, DOF will protect forest resources from destructive agents commensurate with the values needing protection. However, where feasible, wildland fires will be allowed to burn and suppression will be limited to decreasing the long-term risk of damaging fires and to maintaining the natural diversity of forest stands, stand ages, and habitat types. Where allowing wildland fire is not feasible, timber harvest, management ignited fires, and habitat enhancement techniques will be used to disturb the forest and maintain a natural range of forest types and stand ages. Specific fire suppression levels are identified in the Alaska Interagency Fire Management Plan.

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

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

# Grazing

## Background

Grazing leases on state land located within the planning area exceed 150,000 acres.<sup>12</sup> Such leaseholds, in addition to providing year-round forage for substantial livestock numbers, also have the effect of preserving large blocks of undeveloped land near or on the road system. By precluding other uses, these areas have been important for protecting wildlife habitat along the road system and have provided extensive public recreation opportunities. Approximately two-thirds of the 150,000 acres is located in the eastern portion of Kodiak Island north of Ugak Bay, with the remainder on Sitkinak Island. On Kodiak Island, management units K-36, K-37, K-44A, K-45, K-47, K-50A, K-51A, K-73F, K-74, K-75, and K-76 are co-designated Grazing and Public Recreation – Dispersed. This co-designation reflects the importance of both the grazing operations and dispersed public recreation uses in the area north of Ugak Bay. Grazing is intended to occur within these areas on a long-term basis along with dispersed public recreation. The area of grazing operations adjoining Lake Tead is designated Grazing, reflecting the primary use of this area for grazing. On Sitkinak Island, management units T-01, T-02, and most of T-04 are designated Grazing (Gr).

## Goals

**Grazing Opportunities.** Continue to provide opportunities for grazing on state lands in the Kodiak Island Borough.

**Availability of State Land.** Make units with existing forage and rangeland resources available for short-term and long-term grazing.

**Contribute to Economic Diversity.** Contribute to Alaska's economy by protecting range lands that provide opportunity for growth of the red meat industry and protection of large road accessible habitat areas for fish and wildlife resources which contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport and non-consumptive uses.

## Management Guidelines

**A. Use of State Land for Grazing.** Grazing on state land is appropriate for the duration of the area plan. Grazing may be allowed in areas with appropriate classifications (11 AAC 60.010) if DNR determines that grazing is the primary value present, and after considering potential conflicts with other resource uses.

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<sup>12</sup> The production of livestock on Kodiak Island commenced with the Russian settlements and has long featured cattle on the island's extensive grasslands. Grazing on some of the adjacent islands within the planning area also dates back a long time and in some cases was associated with Military needs for beef production. In more recent years bison and elk have also been introduced onto the Kodiak Island ranches and leaseholds.

**B. Multiple Use.** All land use designations and classifications are multiple use. Lands used for grazing will be managed as multiple use lands to support a variety of public benefits, including fish and wildlife habitat and harvest, water quality maintenance, public recreation, and public access.

**C. Access and Use.** Public access across and public use of grazing lands may not be limited by persons holding grazing leases or permits unless approved as part of a grazing operations plan. (11 AAC 60.130)

**D. Grazing Operations Plans.** Prior to initiating grazing activities on a grazing permit or lease, a person must have an approved grazing operations plan that will become part of the lease or permit. DNR will assist a lessee or permittee in preparing a plan in consultation with ADF&G and the Natural Resources Conservation Service. The minimum requirements of a grazing operations plan are:

1. A physical resource map showing: a) location, acreage, and configuration of the authorized area, b) proposed range improvements including corrals, feedlots, watering sites, fences, improved pasture, line shacks, etc., c) proposed headquarter site (if needed), d) existing facilities on private property or other state authorizations that are associated with the Grazing Lease (wintering feedlot, etc), proposed access, and existing physical features such as existing roads or trails and waterbodies.
2. A written plan indicating: a) the information identified in “1” above, b) proposed timing for the development and stocking, c) initial stocking rate as determined in the conservation plan, d) proposed stocking rates, proposed practices, and the standards and procedures for meeting the proposed development (in compliance with USDA/NRCS manuals), and e) specific plans for dealing with all concerns noted during adjudication of the lease that were included in the final decision as needing special attention.

**E. Lease Utilization.** State land affected by a grazing lease is only to be used for the purposes stated in the lease, and in accordance with the land classification. (11 AAC 60.060)

**F. Lands Designated Settlement and Water Resources.** To minimize conflicts between grazing and settlement, grazing leases will not be authorized on state lands that are designated Settlement (Se) or Settlement-Commercial (Sc). To protect areas identified as important watersheds, grazing leases will not be authorized on state lands that are designated Water Resources (W).

**G. Shearwater Peninsula.** Grazing is considered an inappropriate use within the Shearwater Peninsula and grazing leases are not to be authorized in this area. Grazing activities are inconsistent with the zoning regulations of the Kodiak Island Borough and the presence of bear concentrations makes such a use problematic. In addition, management units K-53, K-54, K-55, K-56, and K-58 are designated Habitat (Ha) and are to be managed consistent with the Terror Lake Cooperative Management Agreement (see management



intent for these units). This agreement recognized habitat as the primary resource value for this area, and identified maintenance of the habitat's productivity as the primary management goal. All of the management units on the Shearwater Peninsula are affected by this requirement, including management units K-57A and K-57B, which are designated General Use and Settlement, respectively.

**H. Saltery, Lake Miam, and Pasagshak Drainages.** Management units within these drainages, including units K-50A, K-51A, K-73F, K-74, and K-75, are co-designated Grazing and Public Recreation – Dispersed. Grazing is recognized as a long-term use along with public recreation, but is subject to certain management considerations that are identified in the management intent for each of these units. In those areas where grazing operations could affect recreation uses, its future viability is contingent upon the grazing lessee continued operation within the limits established in their grazing lease and conservation/development plans. State grazing management plans, recreational uses that require a permit prior to authorization or other authorizations in these areas are to address the actual and/or potential conflict between recreational users and grazing operations. These plans and authorizations are to include best management practices designed to preclude such conflict or mitigate impacts to levels that permit the existing and reasonable levels of new recreation use to continue. Consult the management intent for units K-50A, K-51A, K-73F, K-74, and K-75 for more detail on these requirements. Also consult management guideline H in the 'Recreation, Tourism, and Scenic Resources' section.

**I. Reevaluation of Grazing Leases.** Either at the time of plan revision or when the state Grazing Leases are up for renewal, impacts to fish and wildlife populations and their associated habitat by grazing operations must be evaluated. The intent of this management guideline is to avoid past mistakes and unwanted impacts to these populations in the future and to include appropriate mitigation measures in any renewed grazing leases.

**J. Local Plans and Land Use Regulations.** Authorizations for new grazing leases should be consistent with the Kodiak Island Borough's zoning regulations, Comprehensive Plan, and specific Land Use Plans. Grazing is not a permitted use in areas zoned Wildlife Habitat in the Kodiak Island Borough Zoning Ordinance. Units K-53, K-54, K-55, K-56, K-57A, K-57B, and K-58 are affected by this prohibition. See also Management Guideline G.

**K. Other Guidelines Affecting Grazing.** Other guidelines may affect grazing. See the following sections of this chapter:

- Coordination and Public Notice
- Instream Flow
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Subsurface Resources

## Instream Flow

### Goal

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

### Management Guidelines

**A. Stream Uses to Consider for In-stream Flow Reservation (General).** Streams and other waterbodies may be considered for in-stream flow reservations under AS 46.15.145.

Such reservations are intended to maintain a specified instream flow or level of water at a specified point on a stream or body of water, or a specified part of a stream, through-out the year or for specified times. The purposes of the reservation, defined in statute, include: 1) protection of fish and wildlife habitat, migration, and propagation; 2) recreation and park purposes; 3) sanitary and water quality purposes; and 4) navigation and transportation purposes.

**B. Priorities.** No additional in-stream reservations of water are recommended within the planning area, but the need for such reservations should be re-evaluated at the time of the plan revision and for other waterbodies with high fisheries values. Proposals for major new developments requiring substantial water use or uses of water that will negatively impact instream flows needed to produce fish, sustain water quality, provide for navigation, and/or recreation should include an evaluation of the need for an instream water reservation or other forms of instream flow protection.

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

**D. Federal Actions and Agreements Affecting Instream Flow Reservations and Water Rights.** Within the planning area, many instream flow reservations and water rights have either been established or applied for by private parties, local governments and state agencies. Such rights and reservations can be affected by water right applications and acquisitions by the federal government. Other actions can also affect water appropriation. Two such actions in this planning area include:

Federal Reserved Water Rights. There are four National Wildlife Refuges within the planning area for which ANILCA established federal reserved water rights to ensure sufficient water quantity and water quality to maintain and protect fish and wildlife, and their aquatic habitat. Federal reserved water rights will be quantified and asserted when

necessary to accomplish the purposes of the reservation or when the United States is properly joined in a general, basin-wide adjudication pursuant to the McCarran Amendment (43 USC 666).

Cooperative Management Agreement for the Terror Lake Hydroelectric Project. Parameters for instream flow are included in Attachment II of this agreement. See Appendix B for further information.

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

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

## Material Sites

### Goal

**Land for State-Owned Materials Sites.** Maintain in state ownership<sup>13</sup> and make available to public and private users sufficient, suitably located materials sites to meet long-term economic needs of the area for material resources.

### Management Guidelines

**A. Preferred Material Sites.** When responding to a request for a material sale or identifying a source for materials, the highest priority should be given to using existing upland material sources. Using materials from wetlands, lakes, tidelands, and active or inactive floodplain rivers or streams should be avoided unless no feasible public upland alternative exists. As a general policy, sales or permits for gravel extraction will not be permitted in known fish spawning areas. Material sites shall be maintained in public ownership. Units K-20, K-42, K-43, and portions of K-73 are designated ‘Materials’ (Ma) in the Resource Allocation Table.

**B. Maintaining Other Uses and Resources When Siting and Operating Material Sites.** Before materials are extracted, the manager will ensure that the requirements of the permit or lease adequately protect other important resources and uses. The disposal of materials should be consistent with the applicable management intent statement and management guidelines of the plan.

**C. Land Sales in Areas of High Material Potential.** Generally, if a settlement area contains sand and gravel deposits, rock sources or other similar high value material resources, a pit area should be identified during subdivision design and retained in state ownership for future use.

**D. Screening and Rehabilitation.** Material sites should be screened from roads, residential areas, recreational areas, and other areas of significant human use. Sufficient land should be allocated to the material site to allow for such screening. Rehabilitation of the site shall follow the requirements of AS 27.19.020 and 11 AAC 97.250.

**E. Coordination with Kodiak Island Borough.** Prior to granting authorizations for material sales, the DNR should coordinate with the Kodiak Island Borough to determine applicable zoning requirements. Much of the undeveloped parts of the Borough are zoned ‘Conservation’ and non-recreational resource extraction is a conditional use in this zoning district. There are specific local land use requirements for gravel extraction that are included in the Borough’s Pasagshak Area Land Use Plan, which affects management units K-45 and K-73.

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<sup>13</sup> Management units K-42 and K-43 occupy sites that are affected by a management agreement between the state and federal government for materials extraction. When the management agreements terminates, the land used for materials extraction is to be reclaimed and returned to federal ownership.

**F. Other Guidelines Affecting Materials.** Other guidelines will affect the use of material resources. See in particular the following sections of this chapter:

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

## Recreation, Tourism, and Scenic Resources

### Goal

**Recreation Opportunities.** Lands will be provided for accessible outdoor recreational opportunities with well-designed and conveniently located recreational facilities. In addition, undeveloped lands should be provided for recreation pursuits that do not require developed facilities. These opportunities shall be realized by:

- providing recreation opportunities on less developed land and water areas that serve multiple purposes such as habitat protection, timber management, and mineral resource extraction;
- assisting communities through cooperative planning, conveyance of state lands, and grants-in-aid for parks and trails within population centers;
- encouraging commercial development of recreational facilities and services through concession contracts, land sales, leases, and permits where public recreation needs can most effectively be provided by private enterprise, while minimizing environmental impacts and conflicts with the existing users of an area;
- protecting recreation resources including public access, visual resources, fish and wildlife important for recreation, and, where appropriate, the isolation and unique wilderness characteristics of the planning area.

### Management Guidelines

**A. Coordination with Other Landowners and Users of an Area.** Recreation management, including the location and management of recreation facilities, will take into account the current, and likely, management of lands managed by the U.S. Fish and Wildlife Service, local governments and private landowners, and compatibility with the existing uses of an area.

**B. Roles of Different Public Land Owners in Providing Public Recreational Opportunities.** Generally, the state's role is to retain and manage land supporting recreational opportunities of regional or statewide significance. The state and federal governments are most capable of providing recreational opportunities that require large land areas, while local government is generally best suited for providing and managing community recreation opportunities. To recognize local government's role in providing community recreation needs, the state may transfer state land designated General Use (Gu), Public Recreation - Dispersed (Rd) or state recreation sites within or near existing communities, if the municipality has parks and recreation powers and if this action is in the overall best interest of the state (AS 38.05.810). The selection of these sites shall be agreed to by local government and the state, and shall be contingent on the local government's commitment to develop and maintain the recreation uses, facilities, and values of these areas.

**C. Public Use Sites.** Uses that adversely affect public use sites or areas should not be authorized. Uses that are made available to the public, recreational or other sites (such as airstrip development or docks) may be authorized if consistent with the management intent for the public use site or area and if there is a demonstrated public need.

**D. Public Recreation Facilities**

1. **Public Use Cabins.** A system of public use cabins should be established in state parks. Generally, such facilities should not be provided on general state land, which is the focus of this plan. Refer to the plan maps in Chapter 3 for existing public use cabin sites.

2. **Location of Recreation Facilities**

**General:**

a. **Preferred Locations.** Recreation facilities, including public use cabins, minimum development campsites, mooring buoys and other low intensity facilities for the general public (i.e., not commercial private facilities), are appropriate at sites that encourage public use at a particular location, direct public use away from inappropriate locations, accommodate competing or conflicting uses, and minimize damage to the environment.

b. **Inappropriate Locations.** Recreation facilities are not appropriate where the management intent of this plan is to maintain the natural condition of the area free from additional concentration of recreation users or significant evidence of human use. In addition, recreation facilities should not be placed adjacent to cultural resource sites that might subject the sites to vandalism because of the increased public use.

**Specific – Public Mooring Buoys:**

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

**E. Private Commercial Recreation Facilities and Operations on State Land.** Lodges (including floating lodges), tent camps, floats, or other private commercial facilities and operations designed to be run as or to support private commercial recreation facilities may be authorized if the facility or operation fulfills the conditions outlined in this section, conforms to the requirements of AS 38.05.850, AS 38.05.070 and .075 or AS 38.05.073, or a management plan is prepared in accordance with AS 41.21.302(c) authorizing the facility.

1. **Siting, Construction, and Operation.** The facility or operation should be sited, constructed, and operated in a manner that creates the least conflict with natural values and existing uses of the area. The commercial facility and the use it generates should avoid significant adverse impacts on fish and wildlife habitat and existing uses of an area. To the extent practical, floatlodes should be visually and acoustically hidden from main travel routes, frequently used anchorages, regionally important campsites, and frequently used recreation areas.<sup>14</sup> For facilities supporting recreational fish and wildlife harvest, ADF&G should be consulted on the possible effects of increased harvest on fish and wildlife resources, and on established commercial, recreation, and subsistence users.

To protect existing habitats, resources, and uses, floating private commercial recreation facilities should not be authorized in the following areas: designated habitat or harvest areas, anchorages, areas designated recreation (Rc or Rd), or areas adjacent to an upland residential subdivision. In addition, they should not be permitted near an authorized aquatic farming operation, known cultural or historic sites, public use cabins, or where the use is prohibited in the management intent statement for a specific unit in this plan.

Private commercial recreation facilities may be authorized in these areas by DNR if it is determined that the permitting of a floating facility is in the best interest of the state and the use is found consistent with the Alaska Coastal Management Program.

2. **Upland Access to Floatlodes.** Where the need for upland access to a floatlodge is anticipated, the floatlodge should be tied where there is legal upland access to the site.
3. **Authorizations for Floatlodes.** Floatlodes shall also meet the requirements for these structures under *Floating Facilities*.

**F. Commercial Recreation Leasing Processes.** There are two processes for leasing state land for commercial recreational facilities – one process is described by AS 38.05.073, the other by AS 38.05.070 and .075. Unless Chapter 3 specifically requires the .073 commercial leasing process for a management unit, applications may be adjudicated under either process. DNR will determine the appropriate process on a case-by-case basis. ADOT/PF has its own leasing process that applies to land it manages in rights-of-way, airports, materials sites, and other lands and facilities it manages.

1. **The .070 / .075 Process.** The .070 / .075 process is simpler and faster, but it offers the state less flexibility in choosing the lessee and in structuring lease payments. It is generally suited to small projects with few anticipated impacts. The management intent for the unit need not specifically state that this type of leasing is an allowed use for it to be authorized under this process.
2. **The .073 Process.** The .073 process is longer, but it allows submission of alternative proposals for a particular lease, requires more public involvement in reviewing a proposed lease, and offers the state more choices for structuring payments on the lease. The .073 process is generally suited to large projects that are likely to have

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<sup>14</sup> See the Floating Facilities section in this chapter for additional standards on this use.



significant impacts on surrounding areas. Under the .073 process, DNR will give public notice that it intends to solicit proposals for a lease. DNR will then prepare a “request for proposals” that must include specific information on the lease and must be advertised in state and local newspapers. Once a prospective lessee has been chosen, DNR must give public notice and hold public meetings on the preliminary decision to issue the lease.

For a .073 lease to be considered in a unit, the plan must specifically allow for this type of leasing in a given unit before it can be authorized. Since no units are identified in this area plan specifically for commercial recreation leasing under the .073 process, a plan amendment will be required to accommodate this use.

DNR may impose eligibility standards, including proof of the developer’s financial backing and capability, experience in this type of development, ability to meet bonding or insurance requirements, and ability to comply with resource and environmental analysis requirements.

The .073 process requires that potential economic, social, and environmental impacts of the proposed project must be evaluated. DNR may require the prospective developer to fund additional studies; the studies must involve the appropriate state agencies, and ADF&G must approve any studies involving fish and game.

**G. Permits and Leases Adjacent to Recreation Facilities.** Tideland activities may be allowed adjacent to public recreation facilities, including public use cabins, lodges, or fuel stops if the land manager determines that the two uses can be made compatible by design, siting or operating guidelines; or if the land manager determines there is no feasible and prudent alternative for the activity. This guideline also applies to sites reserved for future recreation facilities. The land manager's determination will be made after consultation with the facility manager.

**H. Pasagshak, Lake Miam, and Saltery Drainages.** The large area situated generally south of Cape Chiniak Road and north of Ugak Bay has experienced intense dispersed recreation pressure, and this is expected to worsen over time. Most of this is associated with the use of All Terrain Vehicles (ATV) trying to access the wildlife and fishery resources of this area for the purposes of hunting and fishing. Much of this activity occurs along the old Saltery Cove Road, which traverses areas of private land along the American River for the first 4-5 miles before entering state land and then continuing through a valley before ending at Saltery Cove and Saltery Creek/Lake. Other less intense areas of ATV use include the drainage of the Olds River and its extension southward to Lake Miam and Portage Bay. This activity has resulted in increasing pressure for remote recreational cabins, hardened campsites, and various other types of public recreation facilities. It has also resulted in the development of a multitude of individual ATV trails, some of which cross and degrade anadromous fish stream spawning and rearing habitat, and in increasing conflicts between recreation and commercial grazing. All of this area is under grazing leases issued by DNR.

These issues were evaluated in detail during the planning process and a specific management approach affects these areas, reflecting the general community consensus that emerged during the review of the Public Review Draft. The management of state land within the Pasagshak, Lake Miam, and Saltery drainages is to balance, on a long-term basis, the use of these areas for both public recreation and grazing. Management units within these drainages, including units K-50A, K-51A, K-73F, K-74, K-75, and K-76, are to be managed to maintain this balance and are co-designated Grazing and Public Recreation – Dispersed. Grazing operations and recreational uses are to be conducted to avoid conflict between recreational uses and livestock operations, and to avoid impacts to wildlife, sensitive fisheries, and habitat. State land is to be retained, land disposals of all types (residential, commercial, and industrial) are prohibited, and authorizations for residential, general commercial and industrial uses are considered inappropriate with certain exceptions. Lakes Pasagshak, Miam, and Saltery, as well as certain streams, are to be protected through setback and non-disturbance requirements. In those areas where a recreational use could affect grazing and if the use requires an authorization from DNR, such authorizations are to address the actual and/or potential conflict between recreational users and grazing operations. These authorizations shall include best management practices designed to preclude such conflict or mitigate impacts to levels that permit the existing and reasonable levels of new recreation uses to continue. Consult the management intent for units K-50A, K-51A, K-73F, K-74, and K-75 for more detail on these requirements. Also consult also Management Guideline H in Grazing for requirements that pertain to grazing operations.

**I. Other Guidelines that Affect Recreation, Tourism, and Scenic Resources.** Other guidelines will affect recreation, tourism, and scenic resources. For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Floating Facilities
- Forestry
- Material Sites
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Subsurface Resources
- Public Access Easements, Neighborhood Trails, and Public Access

## Settlement

### Background

State lands within the planning area designated Settlement (Se) or Settlement-Commercial (Sc) are relatively limited. Settlement designation of a particular unit was based on whether it had reasonable access by road, water, or air, consisted of topography that would be suitable for development, and posed minimal conflict with recreation, scenic values, important fish and wildlife resources, or resource development. A summary of the results of the plan's settlement evaluation follows.

*Shuyak Island.* Most of the state land on this island is part of the State Parks system. No land is designated for settlement.

*Afognak Island.* Most of the state land on Afognak is either part of the State Parks system, or set aside for the same purposes through conservation easements or management agreements. The exception is unit A-02, which adjoins that portion of Afognak State Park near Izhut Bay but has not been reserved for park purposes under management agreements for which the management intent is to be compatible with the park. No land on Afognak Island is designated for settlement.

*Marmot Island.* Because of habitat values and low suitability for settlement, there is no state land designated for settlement on this island.

*Raspberry Island.* Most state land on Raspberry Island is designated General Use or Habitat, reflecting the presence of steep and generally inaccessible terrain in the western part of this island and an area considered essential for habitat for the Roosevelt Elk Herd. Only three units have suitable terrain and access and are designated Settlement: management unit A-08 near the mouth of Bear Creek and units A-09 and A-10, situated on the coast at the eastern end of the island.

*Woody Island.* There are three units (K-29, K-30, and K-31) of state land on Woody Island, east of the City of Kodiak, with reasonable access and suitable terrain that are appropriate for Settlement designation. These units, however, are to be conveyed to the Kodiak Island Borough after conveyance of this land to the state. The Kodiak Island Borough requested DNR to designate these units Settlement on an interim basis.

*Sitkalidak, Sundstrom, Aiaktalik, and Trinity Islands.* Because of habitat values and low suitability for settlement, there is no state land designated Settlement on these islands.

*Kodiak Island.* Units designated Settlement or Settlement-Commercial on Kodiak Island are those that have reasonably suitable topography, and are accessible by the road system, by boat, or in some instances, both. Areas considered appropriate for settlement occur on the Kupreanof Peninsula in the northwestern part of the Island; a few areas near and south of the

City of Kodiak; along the road system near Middle, Kalsin, and Isthmus Bays; and on the Shearwater Peninsula. Except for the few units near the City of Kodiak and along the road system, all of these units are generally remote and are accessed by boat or airplane.

There are large areas of state land in the north and central parts of Kodiak. Large parts of these areas are designated General Use, a multiple use designation which allows settlement if indicated in the management intent of a unit. Areas designated General Use are usually even more inaccessible and remote and are generally unsuitable for development because of adverse topography, drainage, and the presence of extensive areas of wetlands. Thus areas designated General Use in the planning area may be less likely to be used for settlement purposes and it is not intended that these areas will be developed during the planning period.

## Goals

**Private Land Ownership.** Provide suitable public land for transfer to private ownership for settlement purposes. DNR will attempt to satisfy three settlement categories within the planning area:

1. **Seasonal residences for 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 and services are intended to be provided.
2. **Year-round residences for community expansion.** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and 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 undesired 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 that can be easily accessed by water transport, and/or 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 and 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 the Borough comprehensive plan and zoning ordinance regarding the location and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.
3. **Coordination with Local Governments.** Where DNR and a municipality both have land, state land offering programs should be coordinated with similar programs of local government to best achieve common objectives. To this end, DNR would consider developing a joint disposal plan for state and municipal lands with any municipality that is interested. This plan would consider the municipality's fiscal planning for road extension priorities and its plans for levels of services in different areas. If a municipality has a comprehensive land use plan, that plan will provide direction for settlement areas.
4. **Pacing.** Settlement offerings may be phased over 20 years, 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.
5. **Areas Designated General Use.** The large areas of state land in the north and central parts of the Kodiak Region designated General Use allow for settlement if this use is indicated as appropriate in a 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 units designated Settlement and/or that are necessary to the development of a residential land disposal.

**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 Kodiak 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 or Settlement-Commercial and include management unit K-68 near the City of Kodiak, and management units K-38A, K-39A, and K-41B along the road system near Middle Bay, Kalsin Bay, and Isthmus Bay.
- 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 units A-08, A-09, A-10 on Raspberry Island, units K-01, K-03, K-04, and K-09 on Kupreanof Peninsula, and K-57B on the Shearwater Peninsula.

The Ugak Bay Land Sale Area (K-57B) on the Shearwater Peninsula was previously established for settlement purposes under Land Classification Order SC-81-046. It is a very large remote settlement area that contains a variety of vegetation and terrain types, much of which is very steep and is generally not conducive to settlement. Only portions of the unit are suitable for dispersed settlement, generally coinciding with the flatter areas within the unit. The Cooperative Management Agreement for the Terror Lake hydroelectric project (see Appendix B) affects this unit and must be consulted prior to the creation of land disposals.

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 units are established. Both types of land offerings should be made available:
  - a. **Presurveyed Units.** In this type of land offering, the state identifies an area of suitable land, surveys and plats units, and then offers them for sale. These are also referred to as “subdivision” sales. They can include a large number of units or just a few, and the size of the units, 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.

b. **Staked Units.** In this type of land offering, eligible applicants are allowed to identify a unit of land within a specified area by staking it, and the unit is surveyed prior to actual sale. Staking is usually subject to certain restrictions such as unit size limits and setbacks from sensitive areas in order to protect other resources within the staking area. Staking land offerings should only occur in the single large unit of state land on the Shearwater Peninsula, K-57B.

### C. Protection, Management, and Enhancement of Other Resources

1. **Protect Life and Property.** DNR will retain public lands and coordinate with local governments to discourage development in areas of flooding, unstable ground, 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.<sup>15</sup>
2. **Protect and Manage Valuable Environmental Areas.** The state will provide in land disposals a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands.

These areas should be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be protected to provide adequate terrestrial habitat.

3. **Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important recreation value will be designed to protect 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.

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, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with a stream corridor.

4. **Protect and Enhance Scenic Features.** The state will generally 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.

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<sup>15</sup> The Kodiak Island Borough is not a participant in the National Flood Insurance Program and as a result there is no flood mapping data for the Borough.

5. **Mineral Closing Orders.** Generally, state upland 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 create any new Mineral Orders or Leasehold Location Orders. However, Mineral Orders (Closing) 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. The largest area affected by this Order is the Ugak Bay Land Sale Area (unit K-57B) on the Shearwater Peninsula. See discussion on mineral orders in the Subsurface section of this Chapter for more detail.
6. **Timber Harvest.** Timber harvests are considered appropriate in areas designated Settlement or Settlement-Commercial if intended to support the costs of subdivision development, access to the subdivision, or 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 units 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 land clearing or 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, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

#### **D. 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 that 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 the subdivision requirements of the Kodiak Island Borough 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 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 access interest being protected is very limited, such as for local pedestrian access that is not part of an integrated neighborhood or community trail system.

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

Coordination and Public Notice  
 Fish and Wildlife Habitat and Harvest Areas  
 Forestry  
 Cultural Resources  
 Material Sites  
 Recreation, Tourism, and Scenic Resources  
 Shorelines, Stream Corridors and Coastal Areas  
 Public Access Easements, Neighborhood Trails, and Public Access

## Shorelines, Stream Corridors and Coastal Areas

### Goals

**Recreation.** Provide opportunities for a variety of recreational activities within publicly owned stream and tideland corridors, including both wilderness and developed recreational activities.

**Habitat.** Protect fish and wildlife habitats along tidelands, lakeshores, stream corridors and wetlands.

**Water Quality.** Protect water quality to support domestic uses, fish and wildlife production, and recreational activities. Protect watersheds that supply community drinking water.

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

**Coastal Use and Maintenance Area.** Maintain areas within 500 feet of the coast for public use on lands to be retained by DNR during the planning period for the purposes of public access, recreation, maintenance of scenic viewsheds, and the conservation of fisheries and wildlife habitat.

### Management Guidelines

**A. Alaska Clean Water Actions (ACWA).** In accordance with the ACWA program, DNR will work with the departments of Fish and Game and Environmental Conservation to protect and improve water quality, water quantity and fish habitat.

**B. Priority of Public Uses in Stream Corridors.** DNR will place a higher priority on protecting public use values in stream corridors than on providing opportunities for private ownership or development of land. However, the department recognizes the demand for property along streams and will provide land for private purchase in some stream corridors. Prior to the disposal of stream corridor lands, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with the stream corridor. State land sales programs near streams having important recreation value will be designed to protect access to and along the stream for fishing, hiking, camping, and other recreational activities. Similarly, disposals near streams that have important fish or wildlife habitat or wildlife value will be designed to ensure the protection of the habitat or wildlife.

**C. Public Access Adjacent to Waterbodies.** Pursuant to AS 38.05.127, legal public access will be reserved in order to protect the public's right to travel to and along the shore of a waterbody without encouraging trespass. Permits, leases, and plans of operation for commercial and industrial uses, transportation facilities, pipelines and other water dependent uses may be authorized on state uplands adjacent to waterbodies if their activities are consistent

with the management intent for the area and if they maintain tideland and stream bank access, and protect important fish and wildlife habitat, public water supplies, and public recreation. Trails and other forms of non-motorized public access are generally considered to be appropriate within these areas, if they meet the conditions listed in 11 AAC 96.025.

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

#### **D. Retention of State Owned Buffers Adjacent to Waterbodies**

1. When the management intent for state land adjacent to waterbodies (including tidelands, streams, or lakes) is to permit recreation uses such as fishing, picnicking, hunting, camping, or other similar uses, the state should retain ownership of the adjacent uplands. This approach would also apply if the protection of important habitat or wildlife use areas is intended. For anadromous and high value resident fish streams, a minimum of 100 feet landward from ordinary high water on each side of the stream must be retained.
2. In state subdivisions, buffers for streams with anadromous or high value resident fish should either be retained in state ownership or dedicated to a local government and managed to maintain important fish and wildlife habitat, public access, and recreation values.
3. State owned buffers or units adjacent to waterbodies may be retained along the full length of the waterbody or on segments of the waterbody determined to have high current or future use, public use, or to require habitat protection. If the intent is to provide forested wildlife habitat, the width and configuration of this buffer shall be determined prior to or during preliminary subdivision design by DNR in consultation with ADF&G.

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

**F. Protection Easements and Setbacks to Non-Fish Bearing Waterbodies.** Easements or building setbacks may be used in those instances where public recreation use is moderate or where sensitive habitat or other environmental resources exist but are not of the same importance as described under Management Guideline C. The purpose of the easement should be noted in the Department decision document and on the subdivision plat. Where a protection easement is to be applied, vehicular use within the area of the easement is inappropriate and should not be authorized. Building setbacks may be used in lieu of a protection easement in

those instances where it is not appropriate or necessary for the state to retain any easement rights. Building setbacks may be used singly or in combination with buffers, access easements, and protection easements. Building setbacks used in this fashion provide an added level of protection, while allowing private ownership of the land within the area of the setback.

### **G. Buffer, Easement, and Building Setback Widths**

1. The width of state retained land, access and protection easements, and building setbacks adjacent to waterbodies (tidelands, lakes, streams) will vary, depending on whether the area is a retained unit or imposed easement, and according to management intent and the specifics of the unit under consideration. In addition, this width may vary along the area of the tideland, stream, or lake that is to be protected. Establishing widths, especially for publicly retained lands, will be based on the following considerations: recreational activities to be accommodated, habitat protection and management objectives, visual quality, use compatibility, prevention of erosion, or retention of a significant hydraulic resource (like a wetland).
2. Although these widths may vary, the following criteria are provided to establish the minimum width that can be expected on various types of buffers, easements, and setbacks. They are specified here in order to establish some consistency in application and ensure a minimum level of resource and habitat protection or public access. Distances are measured landward from ordinary high water along streams and other inland waterbodies and from the line of mean high water adjacent to coastal waters. Because of the linear nature of streams and certain other habitat or hydraulic features, these minimum dimensions will apply to both sides of the feature that is to be protected. For example, the total protected area along a stream with a 100 foot setback would be 200 feet (100 feet each side).

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

- a. Riparian buffers on retained public land along anadromous and high value resident fish streams and waters: 100 feet along each side of the anadromous stream or water. (Widths greater than this amount, up to 300 feet, should be authorized if, after consultation with ADF&G, it is determined that larger widths are necessary to protect fisheries, wildlife, or habitat).
- b. Buffers on other freshwater waterbodies on retained public land: 50 feet along each side of the stream or 50 feet along the shoreline of lakes.
- c. Protection easements used in areas of important environmental features: 50 feet on each side of important environmental features, such as high value wetlands. In instances where a protection easement is included as part of a disposal to local unit of government under their Municipal Entitlement, this width is also 50 feet.

- d. Public access easements, including 'to and along' easements required under AS 38.05.127, or utility easements adjacent to tidelands, lakes, and streams: 50 feet.<sup>16</sup>
- e. Building setbacks: 100 feet adjacent to anadromous waterbodies and 50 feet adjacent to all other waterbodies.

**H. Application Requirements for Easements and Buffers Along Waterbodies and Related Environmental Features.** Table 2-1 specifies widths and other requirements for easements, buffers and public access in order to ensure consistency between authorizations along waterbodies and related environmental features. On a case-by-case basis, widths may be wider, in order to accommodate floodplain width, bank characteristics, size of the waterbody, extent of present or expected future public use, the need to protect important environmental features, or other relevant factors. Widths can be narrower on a case-by-case basis if it is determined that the harm intended to be avoided by the requirement is not likely to occur because of site-specific circumstances. However, the strip of land must be of sufficient width to allow for public access as well as to screen the waterbody from development, where possible, with an undisturbed strip of vegetation.<sup>17</sup>

### **I. Standards Adjacent to Anadromous Fish Streams and Waterbodies and Coastal Areas**

1. **Riparian Protection Standard.** Only activities which 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 away from ordinary high water. Riparian protection shall be provided in this 200-foot zone on each side of the anadromous stream or waterbody. The purpose of this zone is the maintenance 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 development authorizations.
2. **Standards for Coastal Use/Maintenance Area.** A coastal use/maintenance area shall be provided within 500 feet from the mean high water<sup>18</sup> on state uplands to be retained by DNR during the planning period<sup>19</sup>. These areas shall be maintained in their existing natural condition for the purposes of providing public access, recreation, the protection of scenic viewsheds, and the conservation of fisheries and

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<sup>16</sup> Other types of utility easements may be less than this width, depending on the purposes of the easement.

<sup>17</sup> Note: The conservation zoning district of the Kodiak Island Borough has specific setback requirements from marine waters and anadromous waterbodies. This zoning district applies to most of the state land on Kodiak and Raspberry Islands designated Settlement. Adjudicators should consult with the Borough prior to issuing easements or authorizations.

<sup>18</sup> Or 1000 feet from mean high water for intertidal estuaries. The USFWS National Wetland Inventory 1:63,360 maps shall be used to define the spatial boundaries of intertidal estuarine wetlands. Intertidal estuarine wetlands shall be defined to (only) include the following NWI classifications: E2EM1N, E2US4N, and E2AB1N.

<sup>19</sup> In those instances when a state land disposal occurs within an area affected by this district, the effect of this action is to void this standard since the affected land will no longer be retained in state ownership.

wildlife/habitat. This area applies to areas designated Public Recreation - Dispersed (Rd), Habitat (Ha), or General Use (Gu). Limited, site specific development may be authorized in these areas by DNR but only if the objectives of this area, identified above, are maintained and after consulting ADF&G on fisheries and wildlife habitat issues.<sup>20</sup>

**I. Filling or Leasing of Tidelands for Residential Uses or Structures.** No filling or leasing for residential uses or structures shall be allowed. Access improvements on state tidelands and submerged lands for residential uses and structures, such as docks and boat haul outs, shall also not involve the use of fill.

**J. Filling or Leasing of Tidelands for Non-Residential Uses and Structures.** If consistent with the requirements of the Alaska Coastal Management Program or a Coastal District Plan, authorizations may be granted for the filling of state tidelands and submerged lands for those non-residential uses or structures that are water-related or water-dependent.

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

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

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<sup>20</sup> Some uses shall be authorized by DNR in these areas and, if authorized, are to occupy a small site area with minimal site disturbance during construction or operations. DNR shall consult with ADF&G before authorizing uses/facilities within this 500 foot area. Examples of possible uses include commercial lodges, public facilities needed for recreation support or to ensure public safety, facilities that require in-water access (e.g. boat ramps, docks, or floats), and log transfer/storage facilities. Beach log and damaged tree salvage, subsistence activities, and reasonable access to mining claims in accordance with the provisions of an approved plan of operations (state or federal) will be allowed. Other permitted activities including power lines, roads necessary to access upland timber harvests, fish camps, guide camps, and the like, may be allowed where feasible alternative locations are not available. This zone does not affect the "Generally Allowed Uses" authorized in state regulation and statute. All authorizations granted by DNR shall ensure that the objectives of the Coastal Maintenance Area are maintained.

**Table 2-1: Application Requirements for Easements and Buffers Along Waterbodies and Related Environmental Features**

Guideline/ Description	Minimum Width/Measured from	Where it Applies	Primary Purpose	Guidelines
<b>1. Public Access (To and Along Easement)</b> Adjacent to all navigable waters <sup>21</sup>	<b>50 feet</b> * Landward from ordinary high water line ** Landward and seaward from mean high water line	Along: * Lakes * Streams ** Tidelands	Provide public access along navigable and other waterbodies.	<ul style="list-style-type: none"> <li>Prohibited: Residential structures, fences, and other non-water-dependent structures that will obstruct passage.</li> <li>'Along' portion of 'To and Along' easement is to be continuous unless topography or land status prevents a continuous easement.</li> <li>The 'To' portion of the 'To and Along' easement has a minimum width of 50 feet but may be increased to 60 feet if DNR determines that the need for increased public access to navigable and public waters may justify construction of a road along an easement.</li> <li>A section line easement under AS 19.10.010 can function as a 'To' easement to the extent that the section line easement runs on state land and if the section line easement provides a practical route to the shore or river.</li> </ul>
<b>2. Riparian Buffers</b>	<b>100 feet</b> * Landward from ordinary high water line ** Landward and seaward from mean high water line	Along: * Retained public land * Public use easements * Municipal Entitlements * Anadromous and high value resident fish streams and lakes.	Protect riparian areas adjacent to anadromous and high value resident fish streams and lakes.	<ul style="list-style-type: none"> <li>Prohibited: Residential structures, fences, and other non-water-dependent structures that will obstruct passage.</li> <li>Widths up to 300 feet may be authorized if, after consultation with ADF&amp;G, it is determined that larger widths are necessary to protect fisheries, wildlife, or habitat. See also 'Riparian Protection Standard'.</li> <li>The 'Riparian Protection Standard' applies in instances where necessary to control the types of uses and structures adjacent to anadromous and high value resident fish streams in order to achieve the objectives of protecting, maintaining, or enhancing anadromous fish streams or lakes. Consult with ADF&amp;G prior to imposing the requirements of the 'Riparian Protection Standard'.</li> </ul>
<b>3. Freshwater Waterbodies</b>	<b>50 feet</b> * Landward from ordinary high water line along streams and lakes that are not covered in item #2 or from the edge of the waterbodies, including wetlands, that are to be protected.	Freshwater waterbodies.	Protect areas adjacent to freshwater waterbodies that are not important riparian areas but that may be important for other public purposes.	<ul style="list-style-type: none"> <li>Prohibited: Residential structures, fences and other non-water dependent structures.</li> <li>Imposed as a public easement with the previous prohibitions.</li> </ul> Can be imposed in instances where the To and Along Easement is not applicable.

<sup>21</sup> See 11 AAC 51.035 for determination of Navigable and Public Water. See also 11 AAC 51.045 for easements 'To and Along Navigable and Public Water'. Other waters may be considered on a case-by-case basis.

<b>Guideline/ Description</b>	<b>Minimum Width/Measured from</b>	<b>Where it Applies</b>	<b>Primary Purpose</b>	<b>Guidelines</b>
<b>4. Sensitive Environmental Features</b>	<b>50 feet</b> *** Measured from edge of sensitive environmental feature.	Areas of important environmental features	Protect sensitive environmental features not otherwise protected under Public Access, Riparian Buffers, or Freshwater Waterbodies.	<ul style="list-style-type: none"> <li>• Sensitive environmental features may include wetlands, important upland habitat, prominent scenic features, and the like.</li> <li>• Prohibited: Residential (or other) structures and associated out buildings but not including utilities or minor accessory structures.</li> <li>• Imposed as a public easement with the previous prohibitions.</li> <li>• Where this easement is imposed as part of a municipal entitlement action, this width is also 50 feet.</li> </ul>
<b>5. Building setback</b> Adjacent to all waters <u>except</u> anadromous and high-value resident fish waters (see guideline 6 below)	<b>50 feet</b> * Landward from ordinary high water ** Landward from mean high water	Non-anadromous and non-high-value resident fish: * Lakes * Streams ** Tidelands	Protect public values, including access, recreation, and water quality along all waterbodies.	<ul style="list-style-type: none"> <li>• Where feasible and prudent, and necessary to protect public values along the stream.</li> <li>• Does not apply to exceptions listed at bottom of table.</li> </ul>
<b>6. Building setback</b> Adjacent to anadromous and high-value resident fish waters	<b>100 feet</b> * Landward from ordinary high water ** Landward from mean high water	Anadromous and high-value resident fish: * Lakes * Streams ** Tidelands	Protect riparian fish habitat, water quality, and recreation values along anadromous and high-value resident fish waters.	<ul style="list-style-type: none"> <li>• Where feasible and prudent.</li> <li>• Applies only to non-water-dependent uses. Does not apply to exceptions listed at bottom of table.</li> <li>• The setback shall remain vegetated to maintain habitat values and stream stability.</li> </ul> <p>Incorporate measures to prevent adverse changes including erosion, turbidity, sedimentation, and temperature differences within the waterbody or adjacent wetlands.</p>
<b>7. Coastal Use/Maintenance Area</b>	<b>500 feet</b> ** Landward from mean high water.	Areas of state land to be retained during the planning period.	Maintain the existing conditions of retained state lands for the purpose of providing public access, recreation, scenic resources, and the conservation of fisheries and wildlife habitat.	<ul style="list-style-type: none"> <li>• This standard only applies to areas of retained state land during the planning period of the KAP.</li> <li>• This standard, in addition, only applies to uplands and only those uplands designated General Use, Habitat, or Public Recreation – Dispersed.</li> <li>• Certain types of uses may be authorized within the 500-foot area. See ‘Standards for Coastal Use/Maintenance Area’ in the ‘Shorelines, Stream Corridors, and Coastal Areas’ section of Chapter 2 for a listing of these uses.</li> </ul>

Where widths apply:      \* Freshwater areas              \*\* Tidally-influenced areas      \*\*\* Sensitive Environmental Features

For the definition of *anadromous waters* and *high-value resident fish waters* (derived from AS 41.17.950) see the *Glossary* in Appendix A. Exceptions that apply to items 5 and 6 above: a) Structures such as docks, bridges, and culverts whose purpose is access to or across the stream or lake; b) Uses that must be in or adjacent to the waterbody in order to function, such as placer mining activities, fish culturing, water supply intakes, and similar uses.



## Subsurface Resources

### Goals

**Opportunities for Mineral Exploration and Development.** Provide opportunities through state land management for the exploration and development of mineral resources.

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

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

### Mineral Development Guidelines

**Background:** The planning area has produced small quantities of gold, chromium, and platinum. The majority of recorded gold production has been from placers in the beaches and dunes at the Cape Uganik-Miner's Point area, and occurred primarily between 1895 and 1920. Total gold production is estimated at 149 Kg. Significant chromite prospects are known at Claim Point and Halibut Bay; Claim Point is estimated to have produced 2,000 metric tons of chromite from layers and lenses in ultramafic rocks. The small amount of mineral development is likely due to the fact that the areas with the highest mineral potential are within the Kodiak National Wildlife Refuge and thus little or no modern era exploration has been carried out.

Bureau of Mines data indicates the presence of three mineral terranes, which affect the western and middle parts of Kodiak Island. Within these areas, however, there are few prospects or mineral occurrences and none that coincides with the units recommended for Settlement in this plan. Historically, DNR has closed areas designated Settlement to mineral entry and exploration if a potential incompatibility might exist.

**A. Mineral Exploration.** By statute, exploration for locatable minerals is allowed on all state lands except those specifically closed to location. A land use permit is required under most circumstances. Hand prospecting and exploration activities generally do not require a permit. DNR may determine that some forms of access will not be allowed in specific areas to avoid resource damage.

**B. Open to Mineral Location.** By statute, all state lands are open to mineral location unless specifically closed. Where an area is open to mineral location, a miner has the right to stake a mining location regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws

and regulations and borough ordinances and management intent and guidelines in this plan. Reclamation activities are directed by the Mining Reclamation Act (AS 27.19) and regulations (11 AAC 97). (Note: Mineral entry on Alaska Mental Health Trust Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

**C. Reclamation of Mined Land.** The reclamation of mining operations, including placer mining, must meet the reclamation standards given in AS 27.19. The reclamation law provides a standard that miners must meet during and after mining. The mining operation must be conducted in a manner that prevents unnecessary and undue degradation of land and water resources and requires that reclamation occur "contemporaneously" with the mining operation. Regulation 11 AAC 97 (Mining Reclamation) details the specific requirements that must be followed. In designated habitat areas, annual reclamation will be required concurrent with mining. Reclamation will be required to restore degraded fish and wildlife habitat and prevent hazards to navigation.

**D. Mining in Fish Habitat.** When DNR issues a permit for mining in or adjacent to designated fish habitat, conditions of the permit will require any necessary measures, such as levees, berms, seasonal restrictions, and settling ponds that will allow the operation to meet water quality standards and statutes and regulations governing the protection of fish. Mining in fish habitat requires permits from DEC and DNR, Office of Habitat Management and Permitting. DNR, OHMP permits are not required in marine waters or estuarine areas outside of the intertidal channel of specified anadromous fish streams. The intertidal channel is that portion of the bed and banks below the mean high water level. However, a Special Area Permit issued by ADF&G is required if the project is located within a legislatively designated area, including uplands, estuaries or tidelands.

**E. Offshore Prospecting Permits (OPP).** Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through authorizations issued by DNR. DNR determines what areas will be offered for offshore prospecting. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. The Alaska Department of Fish and Game has stated that it has initially determined mining in areas designated Habitat or occupying estuarine areas to be a nonconforming use under the ACMP. ACMP procedures will be used to determine whether mining can be made a conforming use and, if mitigation is possible, determine the appropriate mitigating measures needed to protect fish and wildlife resource values.

## **F. Mineral Closures**

1. **Background.** The decision to apply mineral location closures will be made by the Commissioner of DNR within standards set by the Alaska Statutes. AS 38.05.185(a) requires that the Commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statute requires that the Commissioner determine that a potential use conflict

exists before imposing leasing requirements for development of locatable minerals. The fact that an area is closed to new mineral location will not be cause for denying access across state land. Mineral closures do not affect valid existing mineral locations.

2. **Land Closed to Mineral Entry.** State mining law stipulates that mining must be determined to be in conflict with significant surface uses before an area can be closed to mineral entry. There is little correspondence between the location of state upland units designated Settlement and historical or potential mining activity in the planning area. Since little potential conflict can be expected to exist, this plan does not create any new mineral closing orders or leasehold location orders. The current Mineral Closing Orders affecting existing areas of settlement or proposed settlement will, however, be retained. The Ugak Bay Land Sale Area (unit K-57B) on the Shearwater Peninsula remains affected by Mineral Closing Order 191. Other areas closed to mineral entry are: Tugidak Island Critical Habitat Area (Mineral Closing Order 594) and Marmot Island (Mineral Closing Order 592).

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 DNR but should be early enough in the process to avoid the inadvertent staking of mining claims. (Note: Mineral entry on Alaska Mental Health Trust Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

**G. Other Guidelines Affecting Subsurface Resources.** For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Cultural Resources
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Public Access Easements, Neighborhood Trails, and Public Access

## **Public Access Easements, Neighborhood Trails, and Public Access**

### **Goals**

**Trails.** Maintain, enhance, or provide adequate access within areas of development and between areas of current or future development.

**Public Access.** Maintain, enhance, or provide adequate access to public and private lands and resources. Provide for future trail and access needs. Protect or establish trail corridors to ensure continued public access.

### **Management Guidelines: Public Access – General**

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 to and along navigable and public waters, in 11 AAC 51.035-045. These sections of Administrative Code shall be used as the basic for the reservation of public access easements in authorizations granted by DNR.

### **Management Guidelines: Trails within Developing Areas**

**A. General.** The following guidelines pertain to the access corridors<sup>22</sup> provided by trails within developed or developing areas and between these areas. This is a more specific application of the general public use easement. Access corridors provide movement areas for people and wildlife. They include the area of movement and, as appropriate, a buffer area adjacent to the corridor sufficient to provide separation from other uses. The width and siting of trail corridors depends upon their function and location. Easements are used to create an access corridor, similar to the more general public use easements described previously.

**B. Requirement for Access Corridors.** 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 corridors shall 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>22</sup> Access corridors differ from public use easements in that they only pertain to trails within or connecting to developing settlement areas and may include a buffer area in addition to the tread of the trail. Access corridors can be created by the imposition of a public use easement or through the creation of buffer, which is usually an area of transition space between different, and often conflicting, uses.

**D. Ownership Considerations.** 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 a 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.

**E. Width of Trail Corridors.** The width of the access corridor<sup>23</sup> shall be determined according to its function and location:

1. Within developed or developing areas, access corridors shall 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>24</sup>
2. In all other areas, the width shall vary with terrain, function, and the need for separation from other uses, but shall not be less than 50 feet.
3. Trails or other access facilities of statewide or regional significance shall not be less than 50 feet in width.

**F. Buffers.** The widths of an access easement may be increased to include an area for a buffer. This area is in addition to the minimum access widths described above in item D. Buffers may be necessary to minimize land use and ownership conflicts, allow the future siting of public facilities, afford flexibility in the routing of public facilities, or to provide an adequate area for wildlife movement, or to adapt a trail to specific public uses or aesthetic or environmental concerns. Where buffers are authorized, they will be maintained in their natural condition unless enhancement is required because of existing site degradation. If the buffer is to function as a wildlife movement corridor, then DNR shall consult with ADF&G in the design of the buffer.

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<sup>23</sup> An access corridor includes the tread of the trail and an area immediately adjacent to the tread.

<sup>24</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.

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

**H. 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.

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

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

### **Management Guidelines: Public Access**

**A. Retain access.** Improve or maintain public access to areas with significant public resource values by retaining access sites and corridors in public ownership; reserving rights of access when state land is sold or leased; or identifying, managing and legally validating RS 2477 (Revised Statute Section 2477) rights-of-way. 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 reservation<sup>25</sup> 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://www.dnr.state.ak.us/mlw/trails/index.htm> or is available in DNR's Kodiak Island Borough Public Access Atlas.

**B. Access to Non-State Lands.** Reasonable access will be provided across state lands to other public and private lands. Existing legal access will not be precluded unless equivalent access is available.

**C. Management of ANCSA 17(b)2 Easements.** The state will identify and assert 17(b) easements in order to provide access to federal and state land. Generally, DNR will not accept management of 17(b) easements unless the state already actively manages a portion of the trail or easement, or state management will best protect public access to state lands. Information regarding ANCSA 17(b) easements can be found at the DNR web site: <http://www.dnr.state.ak.us/mlw/trails/index.htm> or is available in DNR's Kodiak Island Borough Public Access Atlas.

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<sup>25</sup> This is typically referred to as a 'subject to' in entitlement decisions and in other authorizations issued by DNR.

**D. Access for Development.** When an access route is constructed for resource development over state land, public access to mineralized areas, recreation, fish, wildlife, or other public resources should be retained. If the new resource facility is likely to be of limited duration and provides superior access to the current means of access, the state should retain the new facility for public access. If the new facility will or should not provide public access, the current means of public access should be retained.

**E. Limiting Access.** Access to state lands may be curtailed at certain times to protect public safety, 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, and sensitive populations of fish or wildlife.

**F. Siting and Constructing Temporary and Permanent Roads or Causeways.** Temporary and permanent roads or causeways will, to the extent feasible and prudent, be routed to avoid vegetated tideflats, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on water quantity or water quality. If a temporary road is routed through vegetated tidelands, clean fill will be required and construction methods, which facilitate removal of the fill, will be required.

**G. 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>26</sup>. Surface access also should be sited and designed to accommodate future development and avoid unnecessary duplication.

**H. Anchorages.** Activities within anchorages<sup>27</sup> are allowed if they will not significantly degrade the public's continued ability to use the anchorage. This policy is to be interpreted conservatively, particularly if the anchorage has been historically used (or can be expected to be used) as a safe harbor for vessels from storms. Aquatic farms and floating facilities should not be sited in anchorages necessary to, or used for, the anchoring of vessels and are not to be authorized if the anchorage has been historically used as a safe harbor. In the adjudication of authorizations within anchorages, consideration should be given to the effect of the potential use upon anchorage capacity.

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<sup>26</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>27</sup> Note to DNR adjudicators: Unlike DNR area plans in other areas with tidelands, the Kodiak Area Plan does not identify anchorages on its plan maps because of the lack of accurate information. Anchorages may exist in tidelands and the presence of a potential anchorage must be assessed prior to issuing an authorization.

**I. Other Guidelines Affecting Public or Trail Management.** A number of other guidelines may affect public and trail access management. See in particular the following sections of this chapter:

- Cultural Resources
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Subsurface Resources