

Chapter 1

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Chapter 1

Introduction

Introduction and Background

Summary of Purpose of the Plan

The role of state land use plans was established by state statute (AS 38.04.005). It is the policy of the State of Alaska "...to establish a balanced combination of land available for both public and private purposes. The choice of land best suited for public and private use shall be determined through the inventory, planning, and classification processes..."

The plan determines management intent, land-use designations, and management guidelines that apply to all state lands in the planning area.

Description of the Planning Area

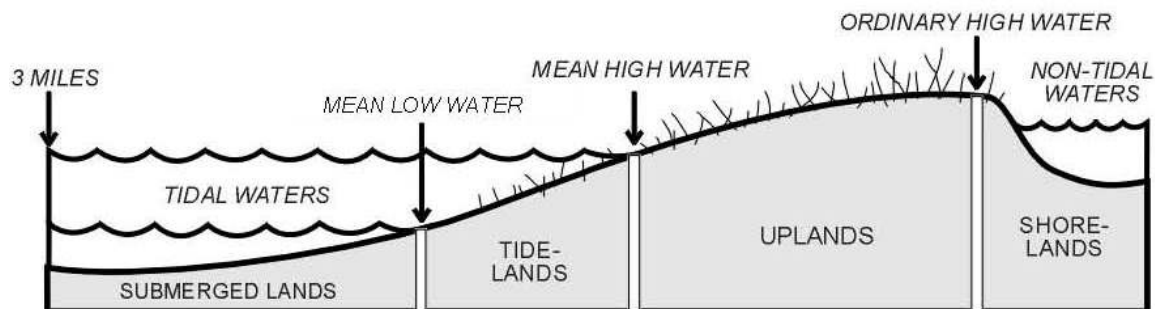
The Northwest Area Plan (NWAP) directs how the Alaska Department of Natural Resources (DNR) will manage general state uplands, shorelands, tidelands, and submerged lands within the planning boundary. The following is a summary of the acreage to which the plan will apply:

| Area | Acres (m = million) |
|------------------------|---------------------|
| State-owned uplands | 7.6 m |
| State-selected uplands | 5.9 m |
| State-owned tidelands | 5.6 m |
| Total Acreage | 19.1 m |

Submerged Lands, Tidelands, Uplands and Shorelands as Described in This Plan

Tidelands span the area from mean high water to mean low water; submerged lands reach from mean lower low water to a line three miles seaward from mean low water. Shorelands include the lands below ordinary high water in non-tidal areas.

Figure 1-1: Submerged lands, tidelands, uplands, and shorelands as described in this plan



Update of the Original Northwest Area Plan

The original Northwest Area Plan was prepared in the mid-eighties and adopted in 1989. Since then, there have been significant changes in land ownership within the planning area as well as changes in economic conditions, knowledge of mineral occurrences and mineral value, and the importance of the Western Arctic Caribou Herd.

Land that at the time of initial plan preparation was owned by the federal government has been, in large part, conveyed to Native organizations and the state of Alaska over the last 20 years. And over 10 million more acres will be conveyed in the next 5-10 years to these entities.

This change in land ownership has resulted in changes in the way that land is managed, and since additional land is to be transferred out of federal ownership, these problems will continue and will probably worsen. This has affected the ability of the 1989 area plan to effectively manage state land. Land that was assumed to be state land in the 1989 plan is now owned by Native organizations. In some areas this has resulted in large losses in the lands that the state thought it would acquire as well as resulted in the creation of isolated remnants of state land where the current land use classifications no longer make sense. The 1989 classifications were related to a larger area and made sense in terms of the larger area, but not for isolated remnants. In other instances, large areas of state land have been added since the preparation of the area plan in 1989 and have no plan designation.

Another major consideration present now but not of a significant issue during initial plan preparation has been the expansion in both size and geographic range of the Western Arctic Caribou Herd (WACH). The herd now numbers 500,000 (previously it was 50,000) and now uses nearly the entirety of the planning area, whereas before its range was much more concentrated. There is a need to incorporate information about the WACH in the area plan, and to include management guidance for authorizations issued by the Department that pertain to concentration areas and movement corridors.

Finally, the interest in mineral development has quickened, partly as a result of the rapid increases in commodity prices but also because of improved mineral information. Areas that were not thought to possess mineral resources do and vice versa. Taking these factors together, the Department has determined that it is necessary to revise the area plan since it is not providing adequate guidance in its decision making. Area plans are intended to be updated on a 15 to 20 year schedule.

This revision supersedes and replaces the 1989 Northwest Area Plan (hereafter referred to as the “1989 Plan”). The Land Classification Order that accompanies this revision revises and supersedes all previous land classifications. Current mineral orders and leasehold location orders however remain in effect and are not modified by this revision.

Planning Area

The planning boundary of the Northwest Area Plan includes all state-owned and state-selected uplands, and all tidelands, submerged lands and shorelands within the area depicted on Figure 1-2. This area includes the entire corporate boundary of the Northwest Arctic Borough and that part of the North Slope within the Lisburne planning region. The planning area extends from Icy Cape, on the Arctic Ocean in the north, south to the Norton Sound, and east, generally, to the eastern boundary of the Northwest Arctic Borough. Within the planning area there are 13.5 million acres of uplands and 5.6 million acres of tide and submerged lands adjoining the coasts of the Arctic Ocean, Chukchi Sea, Bering Sea, and Norton Sound. Upland areas consist of both state-owned and state-selected land; of this, 7.6 million acres are now owned by the state and 5.9 million acres are in selection status. Some of the selected land is a top-file over Native selections and it is unclear at this time how much of this land will be conveyed to the state and where this conveyance will occur. Because of this uncertainty this plan covers all of the state selections lands.

How the Plan is Organized

The plan has four chapters:

Chapter 1 includes a summary of the purpose of the plan, description of the planning area, how and why the plan was developed, what the plan does and does not cover, and a summary of plan actions.

Chapter 2 includes goals of the plan and guidelines that apply throughout the planning area. Guidelines are listed in 12 resource and land-use categories. Guidelines are specific directives that will be applied to land and water management decisions as resource use and development occurs.

Chapter 3 includes an explanation of plan designations, general management intent for state land, descriptions of the seven planning regions, and a detailed listing of management units. It also provides a summary of management constraints and considerations based on existing plans, legislative designations and other management constraints that significantly affect resource management and a description of navigability as it relates to state waters within the planning region.

The bulk of this Chapter, however, consists of the Resource Allocation Tables. State land in the planning area is divided into spatial units called ‘units’. These may either be tidelands or uplands and may consist both of small areas of state land, like a lot or tract within a state subdivision, as well as very large areas that have common locational, access, use, or resource characteristics. There are 58 upland units and 26 tideland units. This table identifies, for each unit, the recommended land use designation, background and resource information, and management intent. These parcels correspond to the management units identified on the plan maps.

Chapter 4 discusses specific actions necessary to implement the plan. These include a description of how land use designations convert into classifications, a description of survivor designations and classifications, and a land classification order. Procedures for changing the plan are also discussed.

Appendices include a glossary and a land classification order.

Why This Plan Was Developed

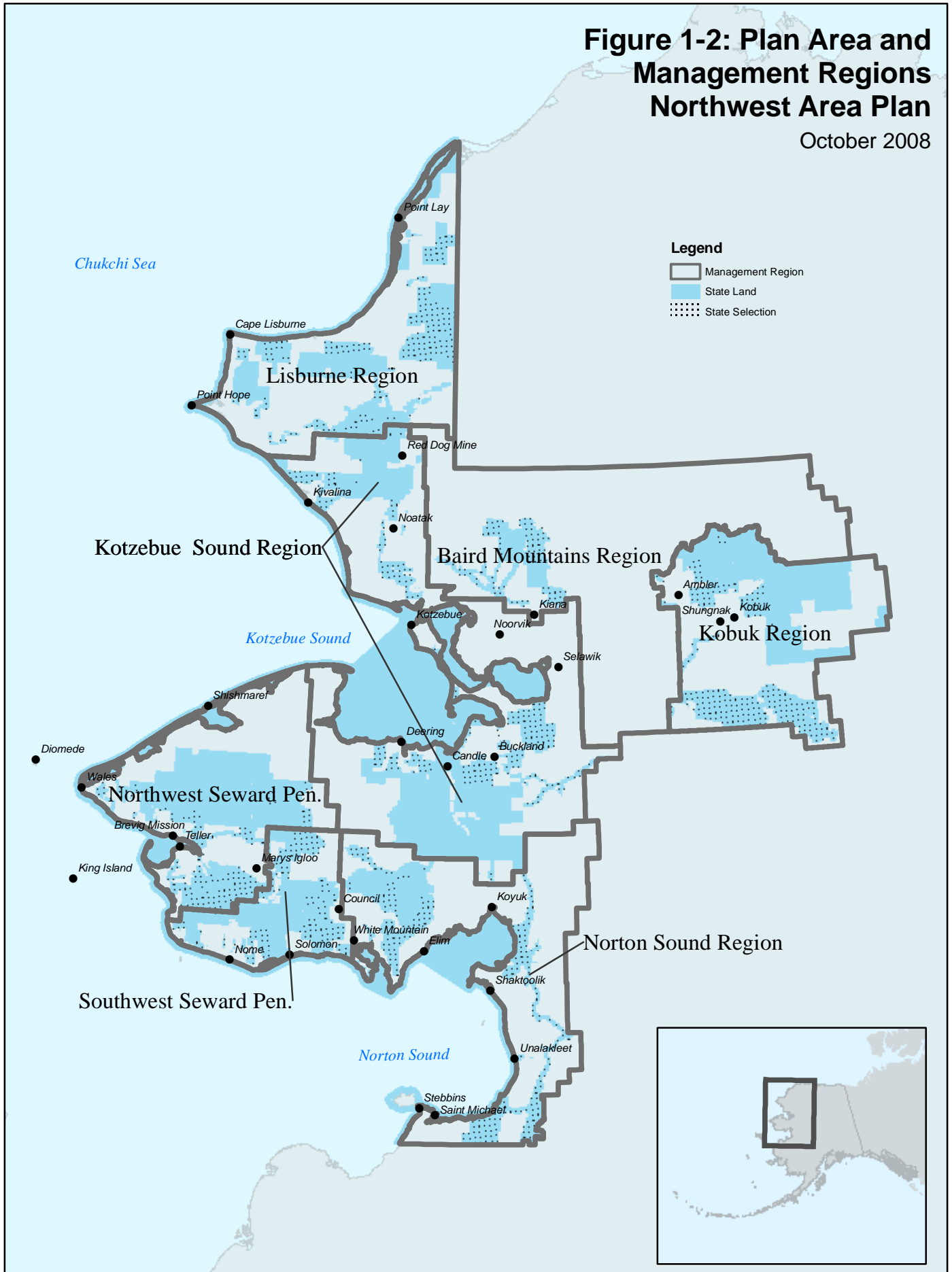
The planning area is rich in natural resources, contains a mix of developed and undeveloped land, and there are competing demands for the use of state land. There are many different ideas about how these resources should be used or protected. Although some proposed uses might be in conflict with each other, many different uses can occur throughout the planning area while protecting vital resources, providing the uses are properly managed.

This plan establishes the land use designation for state land and describes their intended uses. The plan directs which state lands will be retained by the state and which should be sold to private citizens, used for public recreation, or used for other purposes. It also identifies general management guidelines for major resources and land uses within the planning area as well as guidelines for the development and use of resources for specific parcels.

With an area plan, state permits and permit review processes become more efficient for the government and the public. The area plan guides DNR decisions for leases, sales, and permits that authorize use of state lands. Preparation of land use plans for state lands (except for State Park System lands) is required under Title 38 of Alaska Statutes. DNR’s actions will be based on the area plan.

Figure 1-2: Plan Area and Management Regions Northwest Area Plan

October 2008



The Mandate

The state is responsible for the management of those lands it owns and the Department of Natural Resources is that agency specifically responsible for this management. There are over 41.4 million acres of uplands within the planning boundary and 5.6 million acres of tidelands and submerged lands. Of the upland areas, nearly 5.9 million acres have been selected by the state but have not yet been conveyed.¹ These upland areas are distributed throughout each of the seven planning regions.

Alaska Statute (AS 38.04.065) requires the Commissioner of the Department of Natural Resources (DNR) to “adopt, maintain, and when appropriate, revise regional land use plans that provide for the use and management of state-owned land.” To ensure that these lands are properly managed, the Department of Natural Resources has developed this plan for all state lands – uplands, shorelands, tide and submerged lands – in the planning area.

The planning process provides a means of openly reviewing resource information and public concerns before making long-term decisions about public land management. The planning process resolves conflicting ideas on land use and informs the public about what choices were made and why. Decisions are made on a comprehensive basis, rather than case-by-case, providing consistency and consideration of the wide diversity of resources and uses within the planning area. This process provides for more efficient use and protection of the area's resources.

What the Plan Will Do

The plan will help ensure that state resource management takes into account the sustained yield of renewable resources, that development is balanced with environmental concerns, and that public access to state land is provided. The plan encourages cooperation with other landowners to better address conflicts caused by checkerboard land ownership patterns. Finally, the plan documents the state's intent for land management so that both public and private interests know how the state plans to manage lands over the long term.

¹ Some of the selections are top-filed over Native corporation selections, and the latter have priority over the state when there is a duplication of selection. Native corporations have significant remaining entitlements within the planning area but not all of their selections can be conveyed since many are ‘over selections’ to the land to which they are entitled under the law. In these instances the state's selections will attach and this land will be conveyed to the state. It is not known which of the top-filed lands will be conveyed and therefore this plan covers all of the state's selections, whether an actual selection or a top-file selection.

How This Plan is Used

This plan is intended to manage state lands and resources within the planning area, and is the expression of how DNR will pursue this management. Much of the use of this plan is by the DNR Division of Mining, Land and Water. Adjudicators use this plan when reviewing and making decisions on authorizations for use of state land, including permits, leases, sales, conveyances, and rights-of-way.

Public Participation in Planning Process

The Northwest Area Plan is the product of a two year long planning process conducted by the Division Mining, Land, and Water (DMLW) of the Department of Natural Resources; other divisions within DNR; state and federal agencies (primarily ADF&G and BLM); local government (primarily the Northwest Arctic and North Slope Boroughs); interest groups, and the public. Public meetings were held in the planning area in the summer and fall of 2007. These meetings dealt with an explanation of the state planning process and the identification of local issues, which included both land use and resource management issues. Where appropriate, the results of these discussions and meetings were incorporated into the Public Review Draft. A second round of meetings in 2008 focused on the review of the Public Review Draft.

Process of Plan Preparation

The following process was used to develop this area plan:

- identify issues in the planning area;
- map and analyze resources and uses;
- conduct public meetings to identify land use issues;
- prepare the Public Review Draft (PRD) based in part on comments previously received from the public and from agencies;
- public reviews the PRD;
- prepare an Issue-Response Summary of all public comments on the PRD;
- based on the results of the Issue-Response Summary and additional agency review, prepare the final plan;
- the Commissioner adopts the final plan as DNR's management intent for state lands in the planning area.

Who Developed the Plan?

The DNR planning staff directs the planning process, including data collection, drafting the plan, response to public and agency comments, and final plan preparation. A number of local, state, and federal agencies reviewed the preliminary draft of the PRD and provided land use and resource recommendations that were valuable in refining initial plan recommendations. The Commissioner of the Department of Natural Resources formally adopted the Northwest Area Plan in October of 2008.

Uses and Resources Within the Planning Area

Uses of State Land. The plan outlines management objectives for state land. This includes describing what resources and valid existing uses should be protected, and what uses are most suitable for development or protection on state land during the planning horizon.

State-selected Land and Land Susceptible to Navigation. Some lands have been selected but not yet been conveyed to the state. Other lands are under waterbodies that, if determined navigable, are state-owned. In both cases, the plan determines how to manage these lands if they are state-owned.

Land Sales. The state has offered land for sale to Alaskan citizens. The planning process reviewed the state land holdings to determine which undeveloped lands are suitable for settlement uses in the future.

Land Conveyance. Both the Northwest Arctic Borough and the North Slope Borough have remaining entitlements. A large portion of the Northwest Arctic Borough's entitlement was recently completed, but portions remain along the Squirrel River. Similarly, some of the North Slope Borough's entitlement has been completed but portions remain along the Kukpuk River. Both areas are in selection status and cannot be adjudicated until the state receives title. This plan provides recommendations for both of their remaining entitlements.

Roads, Trails, and Access. The plan considers access across state lands, including existing and proposed roads, trails, easements, and rights-of-way.

Mining. The plan reviews the mineral potential within the planning area and describes the statutory authorities that affect mining use. Much of the federal land selected by the state was selected for its mineral potential and many areas are designated Minerals or codesignated Minerals and Habitat. The appropriateness of mining activity is also recognized in areas designated General Use and in some areas designated Habitat. All state-owned lands are open to mineral entry, except for those areas that have been previously closed to mineral entry, which are relatively few (less than 10,000 acres).

Leaseable Minerals, Coal, and Oil and Gas Development. This planning area is endowed with a wide variety of leaseable minerals, coal deposits, and the potential for oil and gas resources to exist is considered to be high. The plan does not provide recommendations affecting oil and gas development or leaseable minerals, but acknowledges the presence of both and indicates that the utilization of these resources is appropriate. Although most of the most valuable coal deposits are situated on Native owned land in the planning area, there are a number of significant deposits, and these are designated Coal.

Recreation. Recreation is a popular use of state land and is recognized as a generally allowed use. The recreation values and uses of state land within the planning area are noted, and it is intended, as a matter of policy, that these uses should continue on state land. Although the specific designation of Public Recreation is not extensively applied in the area plan, such uses are appropriate within all of the designations that are used in this plan.

Fish and Wildlife Habitat and Harvest. The plan documents fish and wildlife habitat and harvest areas and provides management intent and guidelines for these resources and uses.

What the Plan Won't Do

The Northwest Area Plan is not the only way in which land management goals are implemented. The area plan is coordinated with a variety of other programs and projects implemented by the Department of Natural Resources and other state agencies. There are some important issues that are not addressed in this plan:

Non-DNR Lands. This plan does not apply to federal, municipal, private, University of Alaska, Alaska Department of Transportation and Public Facilities, or Mental Health Trust lands.

Fish and Wildlife. Allocation of fish and game stocks and regulating methods and means of harvest are the responsibility of the state boards of Fisheries and Game.

Generally Allowed Uses (GAU). The area plan does not regulate activities that do not require a written authorization on state land, such as hiking, camping, boating, hunting, and fishing. Generally allowed uses are identified in 11 AAC 09.030 and 11 AAC 96; these sections also indicate the requirements, if any, affecting such uses.

Legislatively Designated Areas. The plan does not apply to state refuges and recreation areas that are legislatively designated.

Decisions on Specific Applications. While this plan provides general management intent for state lands, the plan does not make decisions about specific land-use authorizations. These decisions are made through the application review process. Land-use authorizations must, however, be consistent with the plan, and existing laws and regulations.

Actions by agencies other than DNR. The plan does not provide management intent for prescribing actions and policies for agencies and governments other than DNR.

Planning Period

This plan reflects land management decisions and allocations based on the best available information on the demand for use of state land and resources projected over the next 20 years. It is also based on a specific set of social, environmental, economic, and technological assumptions. The plan guides state land use and resource decisions for the next 20 years or until the plan is revised.

Summary of Plan Actions

Management Intent

The planning area consists of seven regions that primarily contain uplands, although extensive areas of tideland and submerged land are also included in the five regions that adjoin the coast. Extensive areas of shorelands are also affected; this is especially significant given the numerous important lakes and navigable streams that occur throughout this very large planning area. Both state-owned and state-selected land is included. Area plans as a matter of course include designations and management intent for federal lands selected by the state for conveyance under the various types of land entitlement programs since it is likely that some or all of the selected land will eventually be conveyed. The plan presents management intent that explains the department's overall resource management objectives for each region and unit, and provides resource and use information for land managers. This information is presented in Chapter 3.

Land Use Designations

Each unit identifies one or more designations representing the uses and resources for which the area will be managed. Plan designations are identified and described in the first part of Chapter 3. The Resource Allocation Table in the same Chapter contains the designations specific to individual units.

Management Guidelines

According to the Alaska Constitution, state lands are to be managed for multiple use. As defined in AS 38.04.910(5), multiple use means "the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some

or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions.”² When potentially conflicting uses are designated in a parcel, the plan provides guidelines to allow various uses to occur without unacceptable consequences. Management guidelines for specific management units are given in Chapter 3. Guidelines that apply to the entire planning area are identified in Chapter 2.

Classifications

All state lands in the planning area will be classified consistent with the land use designations in this plan. Classifications made by the plan will be noted to the state's Land Status Plats. A table that shows how designations convert to classifications is located in Chapter 4. The Land Classification Order (LCO) that is to be adopted with this plan is included as Appendix B. The LCO actually enacts and imposes the classifications that are identified as designations in the area plan.

Summary of Plan Implementation and Modification

The plan is implemented through administrative actions such as leases, permits, land conveyances, and classification orders. The plan serves as the final finding for land classifications. Chapter 4 presents the details of plan implementation recommendations and procedures.

Economic and social conditions in Alaska and the planning area are sure to change and the plan must be flexible enough to change with them. The plan will be reviewed regularly to monitor progress in implementing the plan and to identify problems that may require amendment or modification.

Specific modifications may be made whenever conditions warrant them, though a request for these changes must follow certain procedures. The plan may be amended after approval by the Commissioner of DNR following public review and consultation with the appropriate agencies. Special exceptions and minor changes must follow certain procedures. See Chapter 4 for a more detailed description of procedures for plan modifications, amendments, special exceptions, and minor changes.

² See Glossary for the complete definition of multiple use.