

# CHAPTER I

## Introduction

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# **CHAPTER I**

## **INTRODUCTION**

### **Introduction and Background**

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#### **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.

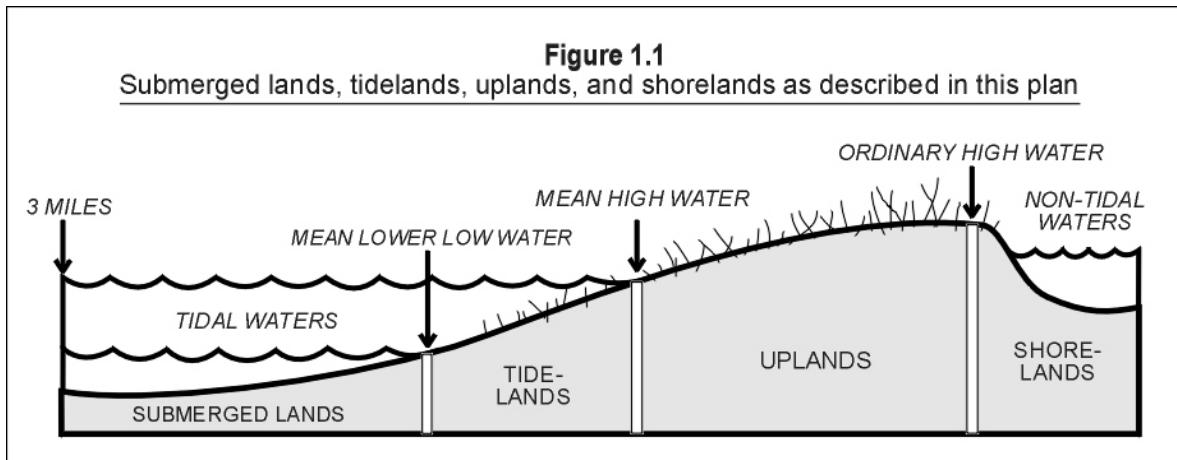
#### **DESCRIPTION OF THE PLANNING AREA**

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

<b>Area</b>	<b>Acres</b>
State-owned uplands	204,298
State-selected uplands	429,808
State-owned tidelands	3,442,464
<b>Total Acreage</b>	<b>4,076,570</b>

#### **SUBMERGED LANDS, TIDELANDS, UPLANDS AND SHORELANDS AS DESCRIBED IN THIS PLAN**

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



## **PLANNING AREA**

The planning boundary of the Northern Southeast Area Plan includes all state owned and state selected uplands, and all tidelands, submerged lands and shorelands within the area depicted on Map 1-1. This area extends from the border with Canada situated north of Haines and Skagway, south to the southern tip of Baranof Island, west to the west side of Baranof Island, northward along the coast to the City and Borough of Yakutat, and east to the boundary with the City/Borough of Juneau. Included within this vast area are the islands of Admiralty, Baranof, and Chichagof; the communities and state lands surrounding Haines and Skagway; Excursion Inlet and Lynn Canal, and the community of Gustavus. The Glacier Bay National Park is also included in the planning area.

## **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 covers 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 11 resource and land-use categories. Guidelines are specific directives that will be applied to land and water management decisions as resource uses and development occur.

Map 1-1.  
PLANNING AREA

**Return to front page and click on link for  
Map 1-1. to view**

**Chapter 3** includes detailed descriptions of the land-use designations in the plan's five regions. Each region will be described in a regional summary that depicts the location, land ownership pattern, acreage, physical features, access, resources and uses for each region. This section also provides a summary of management constraints and considerations based on existing plans, legislative designations, and other issues that significantly affect the management of state lands.

The state land in the entire planning area is divided into planning units (there are over 160 upland units and 340 tideland units in the planning area). Tables describe the resources and uses in each unit, and identify the uses for which the unit was designated. This chapter also includes the management intent and management guidelines for each unit, and location maps. The last section of this chapter addresses navigable waters.

**Chapter 4** discusses specific actions necessary to implement the plan. These include a description of how land-use designations convert into classifications, proposed additions to the state marine park system, and proposed mineral closing orders. Procedures for changing the plan are also discussed.

**Appendices** offer support materials for information presented in the plan including a glossary, a mineral closing order, a land classification order, special management areas, and special land use designations. The latter are used to limit the number of allowed uses in an area and, frequently, to establish standards for allowed uses.

## **WHY THIS PLAN WAS DEVELOPED**

The planning area is rich in natural resources. There are many different ideas about how these resources should be used or protected. Although some proposed uses may 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 describes the intended uses of state lands. 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. The plan also presents a prioritized list of state land selections from the National Forest for conveyance to the state, and recommends changes in selection priority for federal general grant lands at Haines.

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.

## **THE MANDATE**

Forty years after statehood, the state is close to receiving almost all its land entitlement within the Northern Southeast Plan boundary. Although some of the most valuable state uplands have already been conveyed to municipalities (Haines Borough, the City/Borough of Sitka, cities of Tenakee Springs, Port Alexander, and Skagway), Mental Health Trust, University of Alaska, and to private individuals, the state is responsible for managing the uplands remaining in state ownership. Except for certain areas adjacent to communities, the state has retained ownership of the tide and submerged lands. Under the statehood act the latter are owned and managed by the state. These tide and submerged lands constitute the overwhelming bulk of state owned lands, totaling over three million acres compared to the 800,000 acres of state owned or selected uplands. To ensure that these lands are properly managed, the Department of Natural Resources has developed this plan for all state lands – uplands, 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.

## **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. This plan is also used by the DNR Division of Forestry and Division of Parks and Outdoor Recreation in the administration of its programs and activities.

## **THE RELATIONSHIP BETWEEN THE NORTHERN SOUTHEAST AREA PLAN AND OTHER PLANS**

Except for several site-specific plans that cover small areas and the research associated with the creation of the Haines-Skagway Land Use Plan in the late 1970s, a comprehensive analysis of the land and resources in the planning area had not been undertaken by DNR. Considerable effort has been expended in the plan preparation process of the NSEAP, however, to ascertain the spatial extent and intensity of community recreation and commercial recreation patterns, and the resources associated with state upland and tideland tracts. With the adoption of the NSEAP, the Haines-Skagway Land Use Plan will be superseded and replaced. The adoption of the NSEAP within other parts of the planning area will establish DNR land and resource management philosophy for the first time.

The NSEAP has varying effects upon other DNR plans within the Haines area. Within this area, the Chilkat Bald Eagle Preserve Management Plan (CBEP) manages the Legislatively Designated Area of the Preserve and the Haines State Forest Plan (HSFP) manages the Haines State Forest. Although management of the general state lands abutting the Preserve are coordinated in the NSEAP with the management requirements for adjacent Preserve lands, there is no direct effect upon the Preserve Plan. The NSEAP is similarly coordinated with the HSFP, and the land classifications in this plan are the basis for the classification of the Chilkat River in the Haines State Forest. The Area Plan includes the Land Classification Order that establishes the classifications throughout the planning area.

Other plans were reviewed and their recommendations considered in the preparation of the NSEAP. The recently revised Tongass Land and Resource Management Plan (TLRMP) prepared by the U.S. Forest Service provides in-depth resource and management information on federal lands within the Tongass National Forest. The General Management Plan/Development Concept Plan for the Klondike Gold Rush National Historical Park (KGRNH Park Plan) provides similar information to that of the TLRMP for the Historical Park. In addition, the City/Borough of Sitka and the cities of Haines, Skagway and Port Alexander have comprehensive plans which provide an indication of desired development patterns within the corporate limits of each of these entities. There are also coastal district plans for the City/Borough of Sitka and for the cities of Angoon, Hoonah, Haines, and Skagway, as well as for the community of Pelican.

The two types of local plans, coastal district and comprehensive plans, were reviewed to ascertain the policies that these municipalities use to guide development in their respective areas, including their recommendations concerning state land. The TLRMP was consulted to determine land and resource management directions on adjacent federal land and the KGRNH Park Plan, for the Klondike

Gold Rush National Historical Park.<sup>1</sup> To the extent practical and appropriate, designations compatible with the upland prescriptions in TLRMP were developed, to create consistency in management. Resource information was also incorporated from other federal resource management documents. DNR worked closely with the Forest Service in the preparation of the Shoreline Outfitter/Guide Plan that covers all of the National Forest north of Kupreanof/Mitkof Islands. This plan provides guidance for the siting of commercial recreation activities in the National Forest and establishes specific management requirements for these uses.

## **HOW THE PLAN WAS DEVELOPED**

The Northern Southeast Area Plan is the product of over two years of work by state and federal agencies, other land owners, local governments, interest groups and the public. Two rounds of public meetings were held in Sitka, Gustavus, and Haines. Somewhat more meetings were held in Haines since the preparation of this plan was coordinated with the revision of the Haines State Forest Plan and the Chilkat Bald Eagle Preserve Plan, and aspects of area plan preparation were included in meetings held on the revision of the Forest and Preserve plans. Public meetings were also held with most of the smaller communities, including Port Alexander, Tenakee Springs, Pelican, Hoonah, and Elfin Cove. In addition, a large number of meetings took place with local government, conservation groups, economic interests, and the U.S. Forest Service.

## **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 issues and reactions to preliminary designations;
- 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, prepare an Intent to Adopt (ITA) draft of the plan and circulate for public review;
- prepare the final plan incorporating comments on the ITA; and
- the Commissioner signs the plan and adopts it as DNR's management intent for state lands in the planning area.

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<sup>1</sup> Note: much of the land within this park is state land; although the aforementioned plan is not binding for state lands, it provides an excellent guide to their management, and this plan was developed in coordination with the state.



## **WHO DEVELOPED THE PLAN?**

The DNR planning staff directed the planning process, including data collection, drafting the plan, response to public and agency comments, and final plan preparation. With the exception of the recommendations on tideland units, DNR was responsible for all other recommendations in the area plan. The Alaska Department of Fish and Game was responsible for the evaluation of tidelands and prepared most of the resource information for these units. The U.S Forest Service was also closely involved in the preparation of this plan. This involvement was especially close for commercial recreation operations on both uplands and tidelands.<sup>2</sup> The Commissioner of the Department of Natural Resources has formally approved the Northern Southeast Area Plan.

## **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 underwater bodies surrounded by federal lands 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.** The Sitka and Haines Boroughs, City of Skagway, and to a lesser extent the City of Port Alexander, have selected land from the state under the Municipal Entitlement Act<sup>3</sup>. Most of this land has been conveyed to these cities or boroughs and, under state municipal entitlement standards, there is very little remaining land entitlement to be conveyed. However, the community of Haines recently combined its city and borough into a consolidated borough, and there is also discussion of borough formation in Skagway and city formation in Gustavus.

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<sup>2</sup> At the time that the area plan was under preparation, the Forest Service developed their Shoreline Outfitter /Guide Analysis. This analysis provides, together with the Tongass Land and Resource Management Plan (TLRMP), management direction on the use of National Forest lands by commercial recreation providers, including specific sites appropriate for that type of use. Because of the many related components of the two plans, the preparation of the area plan was closely coordinated with the Outfitter/Guide Analysis. The Forest Service's Analysis has not yet been completed, and the specific use sites identified in the Plan maps reflect the currently preferred alternative. Consult the final, approved Analysis to determine if changes have occurred.

<sup>3</sup> The City of Tenakee Springs received land under a court settlement and the City of Pelican, from special legislation.

When new municipalities are formed, they will be entitled to ten percent of the vacant, unappropriated, and unreserved (VUU) state land within the boundary of the new borough/city. This area plan determines what land will be classified VUU and will influence entitlements of future new boroughs. It will also determine which lands new boroughs can select. Until state lands are conveyed to the borough, the state will continue to plan for their future use in case some of these lands remain in state ownership.

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

**Additions to State Marine Park System.** Five upland units, including their adjoining tideland areas, are recommended for addition to the State Marine Park System.

**Waterfront Development.** There are a number of areas that have been considered in the past for development on state tidelands. There are also pending applications for development on tidelands. The planning process reviewed these areas to see whether waterfront developments will be compatible with existing resources and uses, and designated certain areas within the various communities throughout the planning area appropriate for intensive waterfront use.

**Mining.** The plan addresses existing proposals for mineral development support facilities on state land. The plan also considered policies concerning areas of state land to be subject to leasehold location or closed to new mineral location. Chapter 2 summarizes these decisions. The Mineral Closing Order is included in Appendix B.

**Recreation.** Recreation is a popular use of state land. The plan proposes designations to manage lands for recreation. The development of an appropriate method of dealing with the impact upon what is sometimes termed ‘commercial recreation’ was a major issue in the development of this plan. The area plan makes specific recommendations for the management of this use in certain parts of the planning area.

**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.

**Water Resources.** The Division of Mining, Land and Water in DNR is responsible for allocating water resources on all lands within the state of Alaska. The plan designates areas to be managed for watershed values that include current and future community drinking water sources, and provides direction for resolving conflicts with other users when reviewing glacier ice harvest applications.

## **WHAT THE PLAN WON'T DO**

The Northern Southeast 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, with few exceptions, activities that do not require a written authorization on state land, such as hiking, camping, boating, hunting, and fishing. In a few instances the GAU for a specific parcel or area are limited in the area plan. This occurs through a Special Land Use Designation, included as Appendix D.

**Legislatively Designated Areas.** The plan does not apply to units of the state park system 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. A planning period of 20 years applies to those uses that can be expected to occur within this period, and the term "planning period" is used to indicate the expected length of validity of certain proposals and decisions recommended in the plan. In some instances it is not likely that certain areas will be developed during the planning period or contain resources which require protection over the long term. The term "planning horizon" is used to indicate this condition.

## **Summary of Plan Actions**

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### **MANAGEMENT INTENT**

Two regions are delineated in the planning area. These regions are divided into areas, which represent major subparts of the larger planning region<sup>4</sup>. In turn, each area is divided into upland and tideland parcels, each being identified with a unique number. The plan presents management intent that explains the department's overall resource management objectives for each region and parcel, 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. These designations are explained and mapped in Chapter 3.

### **MANAGEMENT GUIDELINES**

According to the Alaska Constitution, state lands are to be managed for multiple use. 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 C. The LCO actually enacts and imposes the classifications that are identified as designations in the area plan.

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<sup>4</sup> The two planning regions, together with their corresponding areas, are: Northern Region, which includes the areas of Haines, Skagway, and Lynn Canal; and the Southern Region, which includes Admiralty, Baranof, and Chichagof Islands. The community of Gustavus and the Glacier Bay National Park are also included in the Northern Region.

## **SUMMARY OF PLAN IMPLEMENTATION AND MODIFICATION**

The plan is implemented through administrative actions such as leases, permits, land conveyances, classification orders, and mineral orders. The plan serves as the final finding for land classifications and mineral orders. 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.