

SETTLEMENT

Goals

Community, Social, and Aesthetic Values.

Maintain compatibility with the cultural lifestyle and aesthetic values of residents and users while considering the needs and demands of all state residents.

Private Land Use. Make available to present and future Alaskans suitable public land for private settlement purposes. DNR can identify and offer lands that have characteristics which make them suitable for year-round residence, seasonal residence, or self-sufficient remote residence, but once the land is sold the owner must decide how to use the land. DNR can not guarantee that, for instance, land sold to satisfy the demand for seasonal residences will not be used for permanent residences. Nor can DNR assure that future land owners will not demand public services and improvements such as schools. DNR is trying to satisfy three settlement categories in the planning area.

1. Year-round residences or community expansion. DNR will offer accessible land that is suitable to meet the needs of growing communities. This category serves people whose principal place of residence, and usually work, is or will be in the area of the disposal. The state owns little land in or near communities. Where the state does have land suitable for this purpose, disposal will be a high priority unless there are overriding public values.

2. Recreational use or seasonal residences. This category is the most common use of land disposed of by the state. DNR will, where feasible, avoid poor quality sites, such as north facing slopes, and offer quality sites with characteristics such as proximity to water, views, good hunting, or interesting topography. Because there is a limited supply of state land with characteristics that make it

highly desirable, the state will have to offer some lands that do not have exceptional amenity values to meet the demand for recreational and seasonal use.

3. Industrial or commercial development.

To stimulate or facilitate economic development, DNR will sell, lease, or protect for future use suitable land for private, commercial, and industrial use. Requirements for these uses are highly site-specific, and disposal decisions will be made case by case as demands arise.

Resource and Economic Impacts. Contribute positively to other uses of natural resources and minimize the undesired impacts of land offerings on opportunities for resource use.

Land Acquisition. At this time it is the state's goal to provide individuals a range of options for acquiring title to state land. Under the current homestead and homesite programs, state land may be acquired by various combinations of residency on the property, constructing a dwelling on the property, and purchasing the property. Other state lands offered for private ownership under the general land disposal program will be sold for current, fair market value, subject but not limited to the exceptions noted in AS 38.05.055 and 38.05.057.

Fiscal Impacts. Minimize future fiscal costs to local or state government for services, wildfire management, and infrastructure requirements that result from settlement of state lands.

Coordination With Local Governments.

Coordinate state land offering programs with similar programs of local governments to best achieve common objectives. Consider availability of land in private ownership when deter-

mining the amount, type, and location of state land offerings.

Management Guidelines

A. Planning and Coordination

1. Long-term Program. The disposal program will be designed to make land available for at least 20 years to ensure that Alaskans have the opportunity to acquire public land in the future.

2. Competition. Although the state will coordinate its offerings with those of other landowners, it may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.

3. Local Plans. DNR will comply with provisions of local comprehensive plans regarding the pace, location, and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.

4. Design Review Boards. In addition to holding public meetings, a local design review board will be established when, in the opinion of the Director of the Division of Land and Water Management, it would be a constructive way to involve persons affected by a disposal project. A design review board will consist of a maximum of five citizens and local government officials appointed by an appropriate local government official. Where local government does not exist or is unwilling to appoint such a board, DNR will make the appointments if sufficient interest exists.

The design review board is advisory and will participate in and review all stages of design, including location, design of parcel size, transportation routes, and open space. The board will make recommendations to the Director of the Division of Land and Water Management at appropriate times during the design process.

5. 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 develop 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 disposal priorities. The disposal plan should demonstrate what community objectives would be met and how the requested capital improvement funds would support municipality-wide priorities for roads and service extensions to benefit current and future residents. The disposal plan should demonstrate how increased access and development will promote use of other resources such as agriculture, mining, forestry and recreation, and thus provide statewide and regional benefits.

6. Pacing. Settlement offerings should be phased over 20 years, the life of this plan. Land selection and other land status uncertainties make it impossible to develop a detailed schedule at this time.

B. Types of Offerings. The types of offerings the department may make are established by the legislature and are subject to change. The following guidelines relate to several types of offerings available to the department at this time.

1. Owner Staking. DNR may offer homestead parcels only with predesignated boundaries; however, the department is unlikely to offer homesteads in Prince William Sound because there is so little suitable state land.

2. Isolated Parcels of State Land. The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The following guidelines apply to management and possible disposal of these parcels.

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

3. Remote Cabin Permits and Trapping Cabins. In the coastal areas of Prince William Sound, the state owns only a limited amount of state uplands and there is significant competition for its use. State land outside of the coastal areas is either road accessed (the Richardson Highway) or are mountainous and glaciated (Chugach Mountains and Lake George area). For these reasons, the department will not issue remote cabin permits or trapping cabin permits within the Prince William Sound planning area.

C. Protection, Management, and Enhancement of Other Resources

1. Protection of Life and Property. The state will, by retention of public lands and coordination with local governments, discourage development in areas of flooding, unstable ground, significant avalanche risk, and other hazards.

Public lands within the surveyed 100-year floodplain should remain in public ownership except where a regulatory floodway and flood fringe have been identified through detailed hydrologic studies. When such studies have

been conducted, public lands within the flood fringe may be offered for sale. Land offerings within the flood fringe should be for low density development such as private recreation cabins rather than dense residential subdivisions. DNR will provide available information about flood zones in land disposal brochures when a disposal is in a potential flood hazard area.

In drainages where the 100-year floodplain has not been surveyed, the best available information will be used to determine the flood hazard zone that should remain in public ownership.

2. Protection and Management of Valuable Environmental Processes. The state will provide a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, riparian lands, watersheds, and surface and ground water recharge areas.

Systems of publicly owned land will 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 retained to provide adequate terrestrial habitat.

3. Priority of Public Uses in Stream Corridors. As a general rule, DNR will set a higher priority on protecting public use values in stream corridors than on providing opportunities for private ownership of land. However, DNR recognizes the strong demand for property along streams and will provide land for private purchase in some stream corridors. Before lands in stream corridors are disposed of, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with the stream corridor. Disposals near streams with important recreation value will be designed to protect access to and along the stream for fishing, hiking, camping, and other recreational activities.

4. Protection and Enhancement of Scenic Features. The state generally will retain in public ownership unique natural features such as cliffs, bluffs and waterfalls, and foreground open space for panoramic vistas. Public access to such amenities will also be preserved.

Land offerings along scenic routes will be located and designed to minimize their impacts on scenic vistas. Unusual land forms or scenic features will be retained in state ownership for enjoyment and use by the public. Such lands include islands in bays unless land disposals can be designed to prevent negative effects on the scenic and recreational values of the area.

5. Protection and Enhancement of Recreational, Educational, and Cultural Opportunities. Project the need for and retain appropriate areas for outdoor recreation, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

6. Trespass. Cooperate with adjacent land owners to develop procedures for dealing with trespass problems created by the use or disposal of state tidelands and uplands.

D. Design

1. Provision of Public Land for Communities. Project the need for and retain appropriate greenbelts, public-use corridors, water supply areas, personal-use wood lots, buffer areas, commons, building setbacks, sites for schools, gravel pits, roads, airstrips, parks, and other public facilities such as sewer treatment plants, health clinics and small boat mooring facilities, as well as other open spaces to help create a desirable land use pattern in developing areas. Sites for sewage treatment plants and solid waste disposal sites will not be located in public streamside tracts.

2. Cost of Public Services. In accordance with AS 38.04.010, DNR will attempt to guide 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 may be made available for seasonal recreation or for low density settlement with sufficient separation between residences so that public services will not be necessary or expected.

3. Provision of Access. DNR will ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved within land offerings. Field assessment will be used, and where appropriate, road grade profiles prepared, to ensure that access routes are feasible.

Section line or other easements will not be relied on for access without field inspection of the practicality of such routes. Identified access routes will 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.

DNR will comply with the applicable provisions of local government subdivision ordinances, including capital improvements. Where no subdivision ordinance is in effect, DNR will ensure actual physical access is available or can be developed (road, air, or water) to each new state subdivision project. The department will evaluate the need to construct new access to a subdivision on an individual basis.

4. Personal Use of Nearby Resources. One of the considerations in deciding the location, size, and design of land disposal projects will be the nearby supply of resources such as firewood and houselogs and the expected demand from people who will own the parcels. Where it is anticipated that land recipients will want to use timber resources, nearby wood lots may be retained instead of selling individual parcels large enough to meet the personal use demands of the owner. This would provide some nearby public land on which firewood and houselogs can be gathered while keeping open options for other uses of those

lands when access develops or new demands are identified.

5. 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 such as slope, drainage, soils, erosion, and other features to ensure that sites offered are buildable in an economic and environmentally acceptable manner. All state subdivisions must be reviewed and approved as required by DEC regulations.

Other procedures and standards for subdivision design are given in "Design of Residential and Recreational Subdivisions," in the Division of Land and Water Management's Policy and Procedures Manual.

6. Easements. Easements will be used as one means to acquire rights through privately owned lands needed for public use.

Easements generally will not be used to retain a public interest in lands within a subdivision. Instead, DNR will generally retain such lands in public ownership. Exceptions to this policy may be made where the interest protected is very limited such as for local pedestrian access that is not part of an integrated neighborhood or community trail system. This policy will minimize confusion between public use and private ownership rights.

7. Retention of Publicly Owned Buffers Adjacent to Tidelands and Streams.

- When the management intent for state land adjacent to tidelands or a stream or lake is to permit uses such as fishing, picnicking, hunting, building fires, camping or other similar active uses, public ownership of tideland or stream buffers or tracts will be used rather than easements to provide for these uses.

- In state subdivisions, when it has been determined that the tideland and stream buffers should be kept in public ownership (see the criteria in the paragraph above), the buffers will either be retained in state ownership or dedicated to the local government. If streams in subdivisions have recreation or habitat values of regional or statewide importance, or are designated anadromous fish waters, buffers will be retained in state ownership and managed to protect public values.

- Publicly owned buffers or tracts adjacent to tidelands or a stream may be retained along the full length of the stream or tideland or on the segments determined to have high current or future public use and habitat values. In all cases, however, publicly owned buffers will be retained along the full length of designated anadromous fish waters.

8. Retention of Access Easements Adjacent to Tidelands and Streams.

- When the primary management intent is to protect the public's right to travel along a stream bank rather than to establish an area the public can use, an easement should be used to protect this right. The public rights reserved in an easement shall be explicitly defined and normally will include only the right of ingress and egress, inclusive of the right to pause briefly to observe wildlife, take photographs, or rest. On an individual basis, the state may reserve the rights (for example, the right to fish or to picnic) as necessary to protect the public interest. The public use rights protected by previously established easements are not affected by this policy.
- Easements will be reserved for the appropriate access mode. In tideland and stream corridors that are sensitive to vehicular travel, the easements will be

reserved for pedestrian access only. The right to travel by all-terrain and wheeled vehicles maybe allowed in sensitive tideland or stream corridor areas on a case-by-case basis where doing so is in the public interest. Easements should be reserved for roads only if they are likely to be built in the foreseeable future.

- Easements and publicly owned buffers may be used in combination adjacent to tidelands or on a stream to provide opportunities for private ownership near the tidelands or stream while protecting public use access to public waters or habitat values on other portions of the tidelands or stream. Therefore, although easements will not be used adjacent to anadromous streams in this area and should not be used where significant public use is to be encouraged, they may be used adjacent to portions of the tidelands or a stream with important public recreation and habitat values when most land adjacent to the tidelands or the stream is retained for public use.

9. Establishing Widths of State-owned Buffers, Easements and Building Setbacks Adjacent to Tidelands and in Stream Corridors.

- Widths of publicly-owned buffers or tracts adjacent to tidelands and along streams will vary according to management intent. In addition, the buffer width or tract size for any given segment of tidelands or stream may vary along the tidelands or stream course depending on topography, vegetation and land ownership. Establishing buffer widths or tract size for particular tidelands or streams will be based, at a minimum, on objectives for the following: recreational activities to be accommodated, habitat protection and management, visual quality, water quality, prevention of erosion (in which case the buffer

should be widened to compensate), and land disposal.

- Although buffer and easement widths and tract size may vary among tidelands and streams, a basic level of consistency is needed to avoid confusion about the widths of public use and access areas along the state's many tidelands and streams. The following guidelines are intended to establish a reasonable degree of consistency in buffer and easement widths and tract size.
- When it is determined that a state-owned buffer or tract is appropriate, a standard minimum buffer width of 200 feet landward from the mean high tide or ordinary high water mark generally should be established. This width may be reduced to a minimum of 100 feet in individual cases when consistent with the management objectives of the tideland or stream corridor.
- When it is determined that a public access easement will be reserved on land adjacent to tidelands or a stream, a minimum easement of 50 feet landward from the mean high tide or ordinary high water mark will be reserved.

10. Uses Allowed in Easements, Setbacks, and Publicly Owned Buffers Adjacent to Waterbodies. Water-dependent structures such as docks and boathouses, are allowed within easements, setbacks, and publicly owned buffers adjacent to waterbodies. If a structure will block public access along the shoreline, alternate access will be provided. Other uses, such as commercial and industrial uses, transportation facilities, pipelines, or uses associated with residential areas, may be allowed adjacent to waterbodies if these uses are consistent with the management intent for the easement, setback, or publicly owned buffer. Residential structures, fences, or other nonwater-dependent structures that obstruct passage will not be allowed within the fifty-

foot-access easement retained above mean high water along the tidelands or ordinary high water along lakes and streams, or within public access/utility easement on individual parcels unless adequate alternative public access can be established.

11. Neighborhood and Community Trails. Local trails that are not of regional or statewide significance will be identified and protected through management plans or disposal design under guidelines recommended in DNR's subdivision design manual. Once identified, trails will be recorded on the state's land record system and reserved through issuance of a trail permit. The following criteria should be used to determine whether a local trail should be protected by easement or public ownership:

a. *Neighborhood Collector Trail.* If the local trail serves as a neighborhood collector trail that connects to a public open space system or regional or statewide trail, it will be kept in public ownership.

b. *Use by Neighborhood Residents.* If the trail will be used almost entirely by neighborhood residents for their own use, it should be kept in state ownership or dedicated to the local government.

c. *Local Pedestrian Access.* If the objective is to provide local pedestrian access and does not have the characteristics of criteria a) or b) above, an easement may be used. This would typically occur when the purpose is to establish access between two lots to improve pedestrian circulation within a subdivision where a greenbelt and neighborhood trail system does not provide adequate access or where it is impractical to establish such an integrated trail system.

d. *Buffers and Easements.* In cases of land offerings other than subdivisions (for example, land opened to homesteading) a

publicly owned buffer or an easement will be used to protect designated trails.

12. Standard Trails of Regional or Statewide Significance. This category includes the majority of trails on state land that are identified in the area plan. These trails are generally travelled by foot, dogsled, horse, and sometimes vehicles for a variety of purposes. Most standard trails have a history of public use and can be expected to see increased use as the state's population increases. The guidelines which follow are intended to insure consistent management practices on such trails management decisions on site specific conditions.

13. Identification of Trails. Before public lands are leased or disposed of, trails that merit consideration for protection by one of the methods described above should be identified. The Division of Land and Water Management will be the lead agency for identification of trails and will consult with the other divisions of DNR, DOT/PF, ADF&G, affected private land owners, and local government when identifying trails. In addition, any agency, organization, or individual may identify public trails to be considered for protection.

14. Trail Buffer Width. Trails of regional or statewide significance on state land shall be protected by a publicly owned buffer that has a minimum width of 100 feet (50 feet each side of center line). This buffer should be sized to protect the quality of the experience of the user and to minimize negative effects such as noise or dust from adjacent land uses. Buffer widths may be increased to minimize land use and ownership conflicts, to protect the privacy of adjacent landowners, to separate motorized from nonmotorized uses, to allow future siting of public facilities, to allow flexibility for rerouting, or to adapt a trail to specific public uses or aesthetic or environmental concerns.

Buffer widths may vary along the length of a trail because of the above considerations. The

width of a buffer on any portion of a trail should also be based on the management intent for adjacent public land as expressed through applicable land use plans. However, the minimum width of the buffer will be 100 feet (50 feet each side of centerline). Trail buffers should be located and designed in consultation with affected divisions of DNR, ADF&G, DOT/PF, affected private land owners, and local trail committees. Activity areas of 10 to 40 acres may be identified along trails for other uses such as camping or rest areas.

15. Land Use in Publicly Owned Buffers. To maintain the trail's aesthetic character, trail buffers will be managed to maintain the natural vegetation. Where the aesthetic character of the trail will not be affected, timber, materials sales, and permits and leases for other activities may be allowed within the buffer. This guideline does not preclude trail crossings or rerouting of trails as described below.

16. Rerouting Trails. Rerouting of trails may be permitted to minimize land use conflicts or to facilitate use of a trail if alternate routes provide opportunities similar to the original. If trails are rerouted, provision should be made for construction of new trail segments if warranted by type of use. Rerouting trails should be done in consultation with affected divisions of DNR, DOT/PF, and ADF&G, private land owners and local trail committees. Historic trails which follow well-established routes should not be rerouted unless necessary to maintain trail use.

17. Trail Crossings. When it is necessary for powerlines, pipelines, or roads to cross trail buffers, crossings should be at a 90 degree angle to the buffer when feasible. Vegetative screening should be preserved at trail crossings.

E. Other Guidelines that Affect Settlement. A number of other guidelines may affect settlement. For details of these guidelines, see the following sections of this chapter:

- Fish and wildlife habitat and harvest areas
- Materials
- Public and private access
- Recreation, tourism, cultural, and scenic resources
- Transportation and utilities

Summary of Policies

The Prince William Sound Area Plan will determine what state land will be offered for private ownership over the next 20 years. In addition, the plan sets forth guidelines designed to protect sensitive habitats and scenic features, reserve recreation resources within settlement areas, and ensure adequate public access, especially to tidelands and stream corridors.

Settlement Offerings. The plan concentrates settlement around existing communities. This allows sufficient land to be available for settlement while allowing most of the Sound to remain in its natural state. All settlement areas included in the plan meet the following five criteria:

1. The land is relatively good quality.
2. The land is relatively accessible.
3. The land is currently state owned or is likely to be state owned.
4. Conflicts with fish and wildlife habitat, forest management, public recreation, mining, and other public uses are less than in other parts of the region that are capable of supporting settlement. However, because so much of

the land suitable for settlement is also valuable for other uses, conflicts with other land uses inevitably exist on some of these areas.

5. The public has expressed some support for land offerings in that area.

Eleven settlement areas totalling over 1,970 acres areas will be offered for sale over the next twenty years (see Table 2-3). Except for Katalla, these disposals are located near Valdez, Whittier, or Cordova. Also, there are a few small parcels of state land surrounded by private land near the developed areas of Valdez or Cordova. These small parcels may be offered for sale if compatible with adjacent land uses. These small plots are not a part of Table 2-3.

Esther Bay will either be offered for sale or managed for public recreation. It is the lowest priority of the plan's sale areas, and the decision whether to offer it for sale will not be made until near the end of the 20-year planning period. In the interim, management will not foreclose potential use for either a land sale or public recreation. If, in the interim, a significant number of lots becomes available for private use in western Prince William Sound outside of Passage Canal, Esther Bay will be managed for public recreation. If lots do not become available, the area will be offered for sale. If sold, the acreage to be offered will be determined at the time the disposal is designed.

Most of the state lands surrounding the proposed municipal and private development at Shotgun Cove will be retained in state

Table 2-3. Areas Designated for Settlement

<u>Name</u>	<u>Subunit</u>	<u>Net Acreage</u>	<u>Gross Acreage</u>
Billings Cove	2A Passage Canal	500	1,935
Poe Bay**	2B Passage Canal	*	550
Shotgun Cove (including Neptune Point & Head of Passage Canal)	2F/2G Passage Canal	*	2,120
Robe Lake West	21K City of Valdez	250	480
Wortmanns Creek	21Q City of Valdez	120	640
Brown's Creek	21O City of Valdez	300	1,100
Boswell Bay	25A Hinchinbrook Is.	400	2,620
Shipyard Bay	26A Hawkins Island	400	1,085
Heney Creek**	27C City of Cordova	*	200
Bering River Rd Jctn	28C Copper R. Delta	*	430
Katalla	29E Katalla	*	490
Subtotal	Approximately	1,970	11,650
Possible Settlement Area (see text)			
Esther Bay	7B Esther Island	*	2,160
TOTAL:			13,810

*Net acreage undetermined. See text.

**Most of Poe Bay and Heney Creek are managed by the University of Alaska. The state is the minority landowner in these areas. State land sales will be coordinated with University land management.

ownership. Depending on the needs and design of the adjacent development, some may be appropriate for settlement. Determination of state settlement acreage for the Neptune Point and Shotgun Cove areas will await and be coordinated with the proposed municipal and private development at Shotgun Cove. Similarly, state land at Heney Creek may be used for settlement, if compatible with adjacent development by the University of Alaska.

State land at Katalla and at the Bering River Road Junction is reserved for commercial or industrial settlement. At Katalla, it may be used for port development as required to support nearby resource development projects. At the road junction, state land is reserved for commercial development related to the two roads.

Remote Cabins, Trapping Cabins, and Floathomes. Because the state owns only a limited amount of uplands and there is significant competition for its use, the state will not issue remote cabin or trapping cabin permits within the Prince William Sound planning area. Because of conflicts with existing public uses and strong objections by the upland owners, floathomes will not be allowed except within the municipal boundaries of Cordova, Whittier, and Valdez. Within these municipalities, floathomes must be sited according to the regulations of the municipality, where public services and facilities can be efficiently extended, and where consistent with the fish and wildlife and other guidelines of this chapter.