

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

#### The Planning Area

The Upper Yukon Area Plan includes all state-owned and state-selected uplands, and all shorelands within the area depicted on the Land Status Map at the end of this chapter. This area is situated adjacent to the Canadian border, north of the Alaska Highway and mostly south of the Yukon River. The north and northwest portions of the planning area boundary are contiguous with the Yukon - Charley Rivers National Preserve, and the south and west portions of the planning area boundary are contiguous with the boundary of the state's Tanana Basin Area Plan. Within the planning area boundary is the Fortymile River component of the National Wild and Scenic River System.

Like much of Interior Alaska, the landscape of the Upper Yukon Planning Area is rich in resources yet they are widely dispersed. The Fortymile caribou herd uses this area extensively throughout the year, migrating over large tracts of land. Other wildlife, such as moose, sheep, swans, and hawks occupy this region. While much of the area is considered "lean" by those who harvest animals, parts of the planning area have been traditionally used by people from the communities within and adjacent to the planning area for hundreds of years.

Placer mining has occurred in this region for over 100 years and continues today as a livelihood for many. Dredges, rechanneled river bottoms, airstrips, old log cabins and equipment tell a story of the hardships and perseverance of people who pioneered the Fortymile Mining District. For those working and living in this area, mining is as much a part of the landscape as the streams themselves.

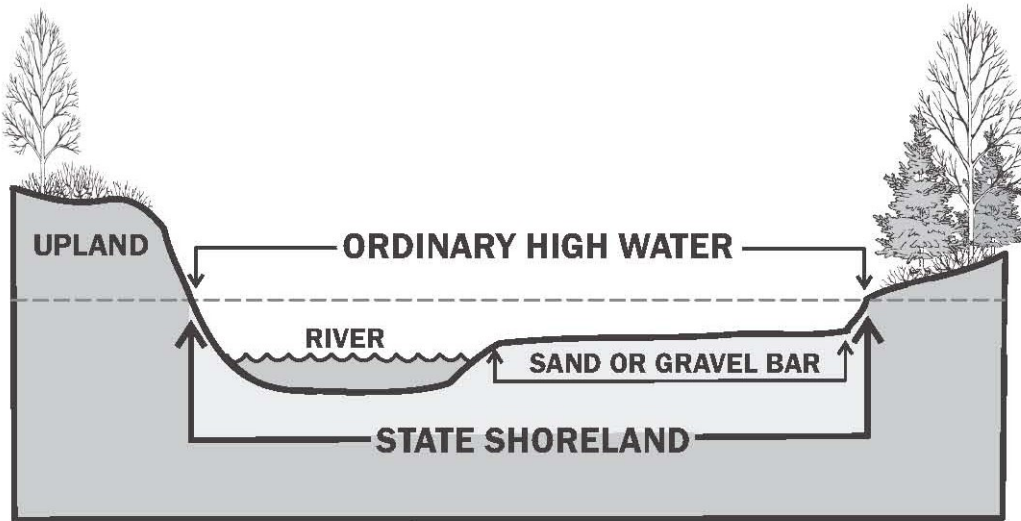
One of the most outstanding natural attractions in the planning area is the open, expansive landscape. Whether a person is driving along the Taylor Highway that bisects the area or flying, the sprawling vistas of distant mountains and low-lying spacious river drainages draw many to this area of the state merely for visual pleasure. Tourism has risen substantially over the past decade and should continue to rise as more people visit Alaska each year.

The planning process includes gathering citizen comments about how state land is used and should be used, identifying important resources, deciding what lands should be made available for sale into private ownership, and developing management intent and guidelines for state land. Important goals were to maintain the visual integrity of the area, protect large blocks of wildlife habitat from fragmentation, and provide accessible areas for settlement.

There are approximately 5.3 million acres in the planning area under all ownerships. The Upper Yukon Area Plan directs how the Alaska Department of Natural Resources (DNR) will manage state uplands and shorelands<sup>1</sup>, within the planning boundary. The following is a summary of the acreage<sup>2</sup> to which the plan will apply:

State-owned uplands	2,586,018
State-selected uplands	1,938,083
<b>Total</b>	<b>4,524,101</b>

**Figure 1.1 General diagram of the state’s uplands, and shorelands**



<sup>1</sup> Shorelands includes the area between below ordinary high water in non-tidal areas, which in the planning area are considered to be lakes in excess of 50 acres and streams for those portions that are in excess of 10 feet in width.

<sup>2</sup> The acreage associated with shorelands is included in the acreage estimate of state-owned and state-selected uplands.

## How the Plan Is Organized

The plan has four chapters:

**Chapter 1 - Introduction** 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 - Areawide Land Management Policies** includes goals of the plan and guidelines that apply throughout the planning area. Guidelines are listed in twelve 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.

**Chapter 3 - Management Policies for Regions, Management Units, and Navigable Waterbodies** includes detailed descriptions of the land-use designations in the plan's four regions. Each region is 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 resource values and distributions, the policies of state and federal plans that might affect this plan, and other issues that could significantly affect the management of state lands. Most importantly, this chapter provides the land use designations and management intent statements that are used to manage state lands.

Within the planning area are four regions which generally correspond to significant resource features or with communities. In addition, there are individual management units, most of which represent smaller tracts of land or are very large land tracts encompassing important habitat and wildlife concentrations in the Middle Fork Region. Tables in Chapter 3, termed 'Resource Allocation 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 - Implementation and Recommendations** discusses specific actions necessary to implement the plan. These include a description of how land-use designations convert into classifications and the acreages associated with each of the DNR 'Orders' (Land Classification and Mineral Leasehold Location), coordination requirements with federal lands affected by management plans, and a description of the land selection program as it affects the planning area. Finally, procedures for changing the plan are described.

**Appendices** include a glossary, two Mineral Leasehold Location Orders, the Land Classification Order, and the index.

## 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.

With an area plan, state permits and permit review processes become more efficient for both 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. Future DNR land and resource management and decision-making will be based on the area plan.

## **The Mandate**

The state has received some of its land entitlement within the Upper Yukon Area Plan boundary, and will eventually receive some of the lands in the planning area that has been selected. The state is responsible for managing the uplands in state ownership. To ensure that these lands are properly managed, the Department of Natural Resources has developed this plan for all land that it currently owns and all selected land that it may eventually own. For those selected lands that do not eventually go into state ownership, this plan will not apply.

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 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 the Division of Parks and Outdoor Recreation in the administration of their programs and activities.

## **The Relationship Between the Upper Yukon Area Plan and Other Plans**

Until the development of the area plan, a comprehensive analysis of the land and resources in the planning area had not been undertaken by DNR. The Upper Yukon Area Plan was developed to ascertain the spatial extent and intensity of resources and uses in the plan area, and establish policies for their management. Other plans or reports prepared by agencies and citizen groups were reviewed and their recommendations taken into consideration in the development of this plan:

- Location Study Report for the Taylor Highway, Mile 95 to 160, RS-786(4) (DOT/PF)
- Fortymile Caribou Herd Management Plan (Fortymile Caribou Herd Planning Team)
- Habitat Management Needs Assessment for the Fortymile Caribou Herd (Fortymile Caribou Herd Planning Team)
- River Management Plan for the Fortymile River Component of the National Wild and Scenic Rivers System (BLM)

According to the Yukon Land Use Planning Council in Canada, no land use plan has been developed for the Dawson Region, which is the area within the Yukon that is adjacent to this planning area. They are in the early stages of forming a regional planning council, and refining the specifics of the planning process. Although a local plan has been completed for the area near Dawson City (Klondike River basin), they have indicated that there have been no plans for resources or specific areas that would be impacted by the proposals in the Upper Yukon Area Plan.

## **How the Plan Was Developed**

The Upper Yukon 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. Three rounds of public meetings were held in Boundary, Chicken, Eagle, Tok, Tetlin, Tanacross, Dot Lake, and Fairbanks.

## **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 further identify issues and discuss preliminary designations;
- Prepare the Public Review Draft (PRD) based in part on comments previously received

- from the public and from agencies;
- Conduct public meetings and comment period for PRD;
- Prepare an Issue/Response Summary of public comments on the PRD and prepare the final plan incorporating comments; and
- The Commissioner signs the plan and adopts it as DNR's management intent for state lands in the planning area.

## Who Developed the Plan?

The planning team and planning staff directed the planning process, including data collection, draft plan and final plan preparation, and response to public and agency comments. The team included representatives from state agencies, with additional input from federal agencies that manage land or natural resources in the area.

## 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 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 planning process reviewed the state land holdings to determine which undeveloped lands are suitable for settlement uses in the future.

**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 addresses mineral development 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.

**Recreation.** Recreation is a popular use of state land. The plan includes management intent language pertaining to the nature of recreation, which tends to be of a dispersed, motorized and non-motorized type within the planning area. This language is included in the explanation of the General Use designation that is used to establish DNR management direction for large areas of state land. Recreation is considered an allowed use within the planning area, consistent with the requirements of generally allowed uses under 11 AAC 96 and the standards of AS 38.05.200 as they may apply.

**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 Upper Yukon 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.** 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. Many low intensity forms of use are allowed on state land without authorization, consistent with 11 AAC 96.020. See this section of regulations for a description of these uses and whether certain types of activities are controlled by more specific stipulations.

**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.

**Navigability Determinations.** While this plan provides management intent for shorelands beneath navigable waters (Chapter 3, Navigability), it does not make determinations as to which waters are navigable. Determinations of navigability are made by both the state and federal government, and can be fairly detailed and complex. A listing of these determinations is available from the Division of Mining, Land, and Water. Most of the streams in the planning area do not have navigability determinations and, in at least one instance, there is some degree of uncertainty between the amount and area of navigability (for purposes of navigability determinations) – specifically, on the Fortymile River system. The state and the federal government are considering working to resolve some of the issues of navigability on the Fortymile system and, hopefully, this will provide increased certainty over how the shorelands (state-owned) are to be managed in consideration of the adjacent federal uplands, which are part of the federal Wild and Scenic River System. (For more information regarding navigability, refer to the state's website at <http://www.dnr.state.ak.us/mlw/nav/index.htm>)

**Airspace and Military Operations.** The plan does not impose restrictions on civilian or military use of airspace above the planning area. This has been an issue because part of the



planning area has been designated as a Military Operations Area (MOA), and Air Force training activity has had impacts on wildlife and human activities. In 1997, the Alaska MOA EIS Record of Decision mandated establishment of the 11 AF (Air Force) Resource Protection Council, which is made up of citizens and representatives from resource management agencies. The Council recommends mitigation measures for the Air Force to implement. (More information regarding Military Operations Areas is available at <http://www.elmendorf.af.mil/Units/611osf/Publications/2-05SUAIspamphlet.pdf>)

# **Summary of Plan Actions**

## **Land Use Designations**

Portions of each region and all management units are assigned a land use designation that represents the uses and resources for which the area will be managed. This has been done to establish the dominant land management objective for state land. These designations are explained and mapped in Chapter 3.

## **Management Intent**

The plan presents management intent and management guidelines that explain DNR's overall resource management objectives for each region and management unit. The plan also provides resource and use information for land managers. This information is presented 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 management unit, 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.

Reference to the management guidelines is especially critical in this area plan because the vast land area encompassed by the plan necessitates the use of the General Use designation. This is a multiple use designation, and its management intent and guidelines must be consulted in order to get a proper sense of how a tract of land is to be managed when affected by this designation.

## **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 State 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 D. 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, 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 public review, consultation with the appropriate agencies, and approval by the Commissioner of DNR. 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.

## Map - Land Status