

Chapter 4 : Implementation

Introduction

This chapter provides the basis for the management of uses and resources within the Moose Range and JPUA. It describes the management actions necessary to implement components of the plan. It also explains the relationship between the plan, proposed regulations, and those regulations that will be promulgated after the adoption of the plan. Chapter 4 also describes the relationship between this planning document and other existing state, federal, and borough plans. The procedures for plan review and amendment are also included.

General Management of Moose Range and JPUA Lands

DNR will implement the Moose Range and Jonesville Public Use Area Management Plan based on authorities as described in AS 16.20.340-360 (Moose Range) and AS 41.23.280-289 (JPUA), Title 38 of the Alaska Statutes and associated regulations. This plan serves as the basis for the management of uses and resources within the Moose Range and JPUA planning boundary.

All state lands will be managed consistent with the purposes provided in AS 16.20.340 and AS 41.23.280 and with the more specific guidance provided in this plan. Regulations necessary to implement management guidelines in the plan should be developed after plan adoption.

Trail Management Plan

DNR should, as time and funding allow, initiate a Trail Management Plan (TMP) after the approval of this plan to identify existing trails and assess the level and impact of current use. The TMP should establish trail management objectives for trails that are to be managed and maintained. The TMP should also identify where additional trails are needed to enhance recreational user opportunities or reduce negative effects.

Details of the TMP are included in Appendix C.

Relationship to the Guidance in Previous Area Plans

This Moose Range and JPUA Management Plan provides an overall update to the Matanuska Valley Moose Range Management Plan that was adopted in 1986. As two legislatively designated areas, both the Moose Range and the JPUA will be guided by this one management plan. Specific guidance for the JPUA that is consistent with its enabling legislation is provided in both the areawide management guidelines for the Moose Range and more specifically in the Jonesville Subunit management guidelines.

A small section of state land was legislatively designated as the JPUA but was not within the boundary of the Moose Range. This management plan will supersede all current management direction now provided by the Susitna Matanuska Area Plan (SMAP). This plan will also reclassify state lands previously classified by area plans within the boundary of the Moose Range and JPUA.

State Land Classification

To implement the plan on state lands, DNR must classify state lands to reflect the intent of land use designations made by this plan. According to state statute, classification means the designation of lands according to their apparent best use. It identifies the primary use for which the land will be managed, but all other uses are initially presumed as compatible with the primary use. For this reason, all plan classifications are intended for multiple uses. In this plan more than one designation is identified for each management unit; these are termed co-designations. Co-designations indicate that two or more uses are considered to be compatible with a specific management unit of state land.

Following is a list of land classifications, and their associated definitions in Alaska regulations (the Alaska Administrative Code – AAC), which will apply to state lands in the planning area as a result of plan adoption. DNR will manage state lands and resources consistent with these classifications and with the management directions given in Chapter 3 for specific management subunits of state land.

11 AAC 55.055. Coal Land. Land classified coal is land where known coal resources exist and where development is occurring or is reasonably likely to occur, or where the coal potential has been determined to be high or moderate under 11.AAC 85.010.

11 AAC 55.070. Forest Land. Land classified forest is land that is or has been forested and is suited for forest management because of its physical, climatic, and vegetative conditions.

11 AAC 55.160. Public Recreation Land. Land classified public recreation is land that is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

11 AAC 55.230. Wildlife Habitat Land. Land classified wildlife habitat is land which is primarily valuable for:

(1) fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or

(2) a unique or rare assemblage of a single or multiple species of regional, state, or national significance.

Relationship of Land Use Designations in the Plan to State Land Classifications

State land classifications contain no specific land management directives; those directives are expressed using land use designations in the plan and described in detail for Management Subunits included in Chapter 3. However, the designations used in the area plan must be converted into land classifications outlined in state regulation (11 AAC 55) that reflect the intent of the plan. Since plan designations are central to the management of state land in this plan, knowledge of the amount of area associated with particular designations is important, allowing a comparison between the designated uses. Table 5

identifies the acreage associated with the designations recommended in this plan. Descriptions of each of the following designations are also provided at the beginning of Chapter 3.

Table 5: Acreages Associated with Land Designations and Co-Designations

<i>Symbol</i>	<i>Designation</i>	<i>Acreage</i>
<i>Ha, Rd</i>	<i>Habitat, Public Recreation Dispersed</i>	<i>90,492</i>
<i>Ha, Rd, F</i>	<i>Habitat, Public Recreation Dispersed, Forestry</i>	<i>16,306</i>
<i>Co, Ha, Rd</i>	<i>Coal, Habitat, Public Recreation Dispersed</i>	<i>6,372</i>
<i>Co, Rp</i>	<i>Coal, Recreation-Public Use Site</i>	<i>3,332</i>

The conversion of land use designations used by this plan into state land classifications is indicated in the table below. These are intended to identify the allowable uses of state land consistent with the classification definitions described previously and with any management intent given in Chapter 3.

Table 6: Land Designations – Conversion to Classifications

<i>Symbol</i>	<i>Designation</i>	<i>Classification</i>
<i>Co</i>	<i>Coal</i>	<i>Coal Land</i>
<i>F</i>	<i>Forest</i>	<i>Forest Land</i>
<i>Ha</i>	<i>Habitat</i>	<i>Wildlife Habitat Land</i>
<i>Rd</i>	<i>Public Recreation-Dispersed</i>	<i>Public Recreation Land</i>
<i>Rp</i>	<i>Public Recreation-Public Use Site</i>	<i>Public Recreation Land</i>

Land Classification Order

Classification of the lands within the Moose Range and JPUA is required under AS 38.04.065 and AS 38.05.300 and is necessary for certain authorizations issued by DNR. Appendix B includes a Land Classification Order (LCO). The LCO rescinds all previous classifications within the Moose Range and JPUA and consolidates and supersedes all the various LCOs that preceded this planning effort.

Table 7: Acreages Associated with Land Classifications and Co-Classifications

<i>Classification</i>	<i>Acreage</i>
<i>Wildlife Habitat/Public Recreation Land</i>	<i>90,492</i>
<i>Wildlife Habitat/Public Recreation/Forest Land</i>	<i>16,306</i>
<i>Coal/Wildlife Habitat/Public Recreation Land</i>	<i>6,372</i>
<i>Coal/Public Recreation Land</i>	<i>3,332</i>

Applicability of Plan Designations/Classifications to State Lands Not Identified in the Plan Text or Plan Maps

This section deals with those lands that are not designated in this Plan or classified in the Land Classification Order. Such lands include those state lands inadvertently omitted in the Moose Range and JPUA Plan and those lands that may be acquired by the state in the future but not designated or classified in this Plan. The state has acquired and will continue to acquire isolated parcels of land. The

purpose of this section is to give direction regarding the designation of these lands by the Department when future issues of parcel classification and management arise. If state land is identified after the adoption of this plan that is not state selected land identified herein, and the requirements of this section are followed, a formal plan amendment or revision of the Land Classification Order is not required.

The following guidelines of plan designation/classification are to apply:

- Parcels In or Near Existing Communities. If the parcel is in or is immediately adjacent to an existing community or past state land offering, the designation of Settlement and classification of Settlement Land apply. Such land can be considered for disposal use unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. Unsold lots identified for disposal in existing subdivisions and lots that return to state ownership will be available for lease, sale, or conveyance. Tracts identified for community purposes in existing subdivisions will not be sold but may be conveyed to municipalities or homeowner associations if they are not needed for state purposes and community purposes will be protected.
- Parcels Near Other State Land. If the parcel adjoins or is surrounded by other state land, the designation of the area(s) applies. It is to be managed according to the management intent and guidelines applicable to the adjacent lands. If there are two different designations of the abutting parcels, the designation of the larger parcel shall apply. Such lands can be considered appropriate for disposal if they are designated Settlement unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. They may also be conveyed to a municipality even if it is suitable for these public uses as long as the proposed uses are for comparable municipal (public) use.
- Newly Acquired State Lands. Lands that were acquired proactively through exchange, purchase, or other methods will be managed and classified consistent with the purposes for which they were acquired. If the purpose of the acquired land cannot be determined with precision, the designation of abutting or surrounding land will apply to the newly acquired parcels of state land. If there are no abutting or surrounding lands, then the designation of Habitat/Public Recreation-Dispersed will apply.
- Other Lands. If the designation/classification of a parcel of acquired or omitted state land cannot be adequately determined, the parcel is to be designated Habitat/Public Recreation-Dispersed.

State Land Selections

State Land Selections

Under the Statehood Act, Alaska is entitled to approximately 103 million acres of federal land. The selections made by the state in the planning area occurred under the General Grant and Community Grant programs, and much of the original state selections of federal land have been either conveyed to the state through patent or are in Tentative Approval (TA) status, which gives management authority to the state. However, there are a large number of state selections remaining that must be adjudicated by

the BLM, and it is uncertain as to when the adjudication of state selections will occur. Many of these selections are within areas also selected by Native corporations and until BLM adjudication has been completed some land ownership patterns in this planning area will remain uncertain. Some areas noted as BLM land on the plan maps or plan text indicate those areas of federal land selected for eventual conveyance to the state.

There may be areas of state selections that this plan has not identified. In these instances, land conveyed to the state is to be considered classified under this plan and land classification order. In instances where a plan designation has not been specifically assigned to a state selection, classifications are to be assigned according to the standards described in the previous section, Applicability of Plan Designations/Classifications to State Lands Not Identified in the Plan Text or Plan Maps. Land designated or classified according to these requirements does not require a formal plan amendment or change to the LCO.

DNR adjudicators must review the status of state land at the time of an adjudicatory decision. It would be imprudent to rely upon the land status information contained in this plan given the changing character of state land selections. Consult DNR Alaska Mapper for the most recent state selection information.

ANILCA Top Filed Lands

There are certain areas that are top filed by the state under the provisions of Sec. 906 of the Alaska National Interest Lands Conservation Act (ANILCA). These are selections made by the state that become valid when Native regional or village ANCSA (Alaska Native Claims Settlement Act) selections are relinquished. It is uncertain how many of these state selections will become valid during the planning period because the amount of Native selections, in terms of acreage, greatly exceeds that allowed under the corporation's selection entitlement and the adjudication process of the Bureau of Land Management (BLM) has slowed appreciably. BLM is currently adjudicating all prioritized Native village and regional corporation selections so the corporations and state can receive their land. The category of "BLM Land" on plan maps includes areas of ANILCA top filed selections in addition to areas of state-selected land.

The same caution in the use of plan maps for ANILCA top filed lands as for state land selections exist (see above), and the same procedures for classification are to be followed for areas of top filed lands that ultimately become state land but were not identified on the plan maps. See 'State Land Selections' above.

Enforcement

As funding allows, DNR should identify a Land Manager dedicated to the Moose Range and JPUA and work with the Department of Public Safety (DPS) and local law enforcement agencies to carry out law enforcement responsibilities within the Moose Range and JPUA. DNR may pursue authorizing employees as peace officers with authority in the Moose Range and JPUA; this authority was granted through AS 41.23.288. Regulations necessary to implement the plan will be developed after the adoption of the plan.

Title 38 Requirements

The legislation enacting the Moose Range and JPUA mandated the creation of a plan to act as the basis for management. The legislation does not rescind Title 38 authorities related to public lands management. These authorities apply to the Moose Range and JPUA except where a conflict exists between the enabling legislation, regulations, or specific guidelines contained in the management plan. In these instances, the management plan is the controlling document. This management plan has been written to avoid such conflicts, so it is envisioned that this situation will rarely occur. All lands within the planning area are managed consistent with Alaska Statutes contained in Title 38, applicable regulations in 11 AAC, and existing policies except as they are amended or superseded by this planning document and subsequent regulations.

Authority of Management Plan

DNR management plans, once adopted, are the legally binding policy for the management of state land and resources, and they direct permitting, leasing, and other decisions made by DNR. Staff must follow DNR management plans when adjudicating authorizations for the use of state land.

Plans adopted by the borough Assembly under MSB 15.24.030 (Comprehensive Plans and Purpose) provide the basis for implementing land use regulations. The borough could adopt land use regulations to support the implementation of this plan once it's been adopted by the Commissioners of DNR and ADF&G.

Allowed and Prohibited Uses

All uses that are consistent with administrative regulations and the management guidelines of this plan are allowed. Prohibited uses are described in the Unit-Specific Management Guidelines in Chapter 3.

Proposed Regulations

Regulations will be developed through a public process with an opportunity to review and provide comments on draft regulations. DNR may determine that additional regulations are necessary at some future date for management of the Moose Range and JPUA consistent with this plan, statute, or regulation. Some recommendations in this plan can only be implemented through regulation.

Recommendations in this Management Plan that will require regulations include, but are not limited to:

1. Motorized use in the Western Management Subunit is only allowed on designated, hardened routes with established stream crossings.
2. Limit the speed of motorized vehicles and boats in public use sites.
3. Restrict horsepower of boats on Slipper Lake.
4. Prohibit the discharge of firearms in the Moose Range and JPUA, except for lawful hunting and trapping.
5. Restrictions on camping and discharge of firearms within public use sites.
6. Establishment of the days and hours of operation for shooting ranges.

Fees

This plan supports the institution of a fee program to pay for facilities and management of the Moose Range and JPUA. DNR may recommend to the Legislature that a fee schedule be implemented for development and management of facilities and the ongoing management of the Moose Range and JPUA. A fee schedule should not be implemented until such facilities are developed.

Navigable Waterbodies

This management plan is based upon the Public Trust Doctrine, which provides for access, movement, and commerce on waterbodies that are navigable. Under this doctrine, and the Equal Footing Doctrine applied in the Statehood Act, the state owns and manages all navigable waterbodies (including the water column and the bed of the waterbody). Shorelands within the Moose Range and JPUA are under state ownership and management.

Coordination with Other Agencies

DNR will coordinate activities with other federal, state, and borough agencies as appropriate and necessary. Every effort should be made to coordinate with ADF&G on projects that may impact wildlife habitat and moose populations in the Moose Range and JPUA.

Procedures for Plan Review, Modifications, and Amendment

Categories of management intent, policies, implementation actions, and management guidelines of this plan may be changed if conditions warrant. The plan will be updated periodically in response to new data or changing resource conditions or uses.

The various kinds of changes allowed in 11 AAC 55.030 are:

“A revision to a land-use plan is subject to the planning process requirements of AS 38.04.065. For the purposes of this section and AS 38.04.065, a ‘revision’ is an amendment or special exception to a land use plan as follows:

- a. An ‘amendment’ permanently changes the land use plan by adding to or modifying the basic management intent for one or more of the plan’s subunits or by changing its allowed or prohibited uses, policies, or guidelines. For example, an amendment might close to new mineral entry an area that the plan designated to be open, allow a land use in an area where the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan designated for retention in public ownership.
- b. A ‘special exception’ does not permanently change the provisions of a land-use plan and cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited-purpose variance of the plan’s provisions, without changing the plan’s general management intent or guidelines. For example, a special exception might be used to grant an eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit designated for retention in public ownership. A special exception might be made if complying with the plan

would be excessively burdensome or impractical or if compliance would be inequitable to a third party, and if the purposes and spirit of the plan can be achieved despite the exception.

- c. A minor change to a land-use plan is not considered a revision under AS 38.04.065. A 'minor change' is a change that does not modify or add to the plan's basic intent, and that serves only to clarify the plan, make it consistent, facilitate its implementation, or make technical corrections. Authority: AS 38.04.065, AS 38.04.900, AS 38.05.020, AS 38.05.300."