

**From:** [noreply@smartcomment.com](mailto:noreply@smartcomment.com)  
**To:** [REDACTED]  
**Subject:** Lower Kuskokwim Site Specific Plan comment  
**Date:** Monday, May 20, 2024 8:06:33 AM

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Thank you for your comments on the Lower Kuskokwim Site Specific Plan. Your comments have been received.

**Name:** [REDACTED]  
**Address:** [REDACTED]  
**City:** Bethel  
**State:** Alaska  
**ZIP Code:** 99559  
**Email:** [REDACTED]

**Lower Kuskokwim Site Specific Plan**

I am opposed to this proposal by the State of Alaska. First of all, the notice was not received in a timely manner. 30 days for a matter of this significance is not enough time given as well as mindfulness of English being the second language of many of the affected villages in the Yukon-Kuskokwim Delta. It was hard for me to decipher the true meaning and ramifications of this proposed action. The State of Alaska does not abide by the Clean Water Act therefore I believe an environmental impact assessment must be done before this moves forward. The State also lacks the resources to provide oversight, much less management on how this is to be implemented.

The long term impact on the indigenous People who have lived on these lands and waters for millennia has not been considered. We live off the land and water. Any threats to these is a threat to our survival.

The State of Alaska did not conduct due diligence and Nation to Nation consultation with the Tribal Nations who most likely would be negative impacted by this action. Our Tribal Nations deserve this respect as it is their constitutional right.

Please do your jobs and conduct meaningful consultation and engagement before this moves any further.

Furthermore, I contacted leaders of a few of the named villages and they too were unaware that the State was considering the use status of our waterways.

Quyana

**From:** [REDACTED]  
**To:** [DNR RADS SSP \(DNR sponsored\)](#)  
**Subject:** Lower Kuskokwim Site Specific Public Review Draft  
**Date:** Sunday, May 19, 2024 12:57:36 PM

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Comment from [REDACTED], Bethel Ak. [REDACTED]

1. Comment period is much too short.
2. Details as to why this is being carried out are very few
3. GCI which is already laying fiber optic cable over these lands seems to not burying this cable under the surface and thus a hazard to people using these lands
4. DNR is being negligent by not informing the public in a transparent fashion as to the purpose of this action.
5. Will DNR be liable for private corporations lay fiberoptic cable over tidelands and over areas where the cable is visible.

May 19th 2024

**From:** [noreply@smartcomment.com](mailto:noreply@smartcomment.com)  
**To:** [kmorgan@cityofbethel.net](mailto:kmorgan@cityofbethel.net)  
**Subject:** Lower Kuskokwim Site Specific Plan comment  
**Date:** Monday, April 22, 2024 10:17:38 AM

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Thank you for your comments on the Lower Kuskokwim Site Specific Plan. Your comments have been received.

**Name:** Kevin Morgan  
**Address:** P.O. 2524  
**City:** Bethel  
**State:** Alaska  
**ZIP Code:** 99559  
**Email:** [kmorgan@cityofbethel.net](mailto:kmorgan@cityofbethel.net)

**Lower Kuskokwim Site Specific Plan**

Hello,

The Current population of Bethel Alaska is estimated to be 6,276.

<https://www.census.gov/quickfacts/fact/table/bethelcityalaska/PST045222#PST045222>

The draft has it listed as 3,500 on p.12 line 40.

Thank you,

**From:** [Guzenski, Shawana K \(DNR\)](#)  
**To:** [DNR RADS SSP \(DNR sponsored\)](#)  
**Subject:** FW: ADF&G response to Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period  
**Date:** Tuesday, May 21, 2024 11:05:17 AM  
**Attachments:** [Lower Kuskokwim Site Specific Plan PRD W Maps final to DNR.docx](#)

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**From:** DFG, Access Defense (DFG sponsored) <DFG.DWC.AccessDefense@alaska.gov>  
**Sent:** Monday, May 20, 2024 2:51 PM  
**To:** Guzenski, Shawana K (DNR) <shawana.guzenski@alaska.gov>  
**Subject:** ADF&G response to Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period

Hi Shawana,

Please review the attached marked-up draft for input from ADF&G on the Lower Kuskokwim Site Specific Plan. Feel free to reach out if you have any questions.

Best regards,

*Sue*

907-267-2888

Comments and edits represent input from ADF&G staff and were compiled by Sue Goodlick, Access Defense Program, [dfg.dwc.accessdefense@alaska.gov](mailto:dfg.dwc.accessdefense@alaska.gov).

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**From:** Guzenski, Shawana K (DNR) <[shawana.guzenski@alaska.gov](mailto:shawana.guzenski@alaska.gov)>  
**Sent:** Friday, April 19, 2024 7:21 PM  
**To:** DNR RADS SSP (DNR sponsored) <[dnr.rads.ssp@alaska.gov](mailto:dnr.rads.ssp@alaska.gov)>  
**Cc:** Akogun, Ridwan D (DNR) <[ridwan.akogun@alaska.gov](mailto:ridwan.akogun@alaska.gov)>; Gramckow, Andrea L (DNR) <[andrea.gramckow@alaska.gov](mailto:andrea.gramckow@alaska.gov)>; Husa, Kevin D (DNR) <[kevin.husa@alaska.gov](mailto:kevin.husa@alaska.gov)>  
**Subject:** Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period

## PUBLIC NOTICE

Release of the Lower Kuskokwim Site Specific Plan Public Review Draft  
Public Comment Period Open April 19, 2024 through May 20, 2024

The Department of Natural Resources (DNR) has released the Lower Kuskokwim Site Specific Plan (LKSSP) Public Review Draft (PRD) for public review and comment. Following a 30-day public review period, which may result in changes to the PRD, the planning team will review the comments and prepare an Issue Response Summary (IRS). The IRS provides a summary of issues raised during the comment period, a response to those issues, and a list of recommended revisions to the plan. The

PRD and the IRS will be made available for public review. Once adopted, this plan will serve as the basis for the management of state-owned tide and submerged lands within the planning area.

The LKSSP proposes to classify approximately 426,700 acres of state-owned tide, submerged, and shorelands in the Lower Yukon-Kuskokwim Delta as Wildlife Habitat and Public Recreation Land, and Waterfront Development Land. The plan boundary extends from Akiak in the northeast, west to Nunapitchuk and south to the 3-mile limit of Kuskokwim Bay where it abuts the northwest corner of the Bristol Bay Area plan above Quinhagak. The planning area is within the Yukon Delta National Wildlife Refuge, and includes the communities of Akiak, Kwethluk, Bethel, Nunapitchuk, Napakiak, Napaskiak, Oscarville, Eek, and Tuntutuliak.

Comments on the Public Review Draft of the Lower Kuskokwim Site Specific Plan must be received on or before May 20, 2024 by email to [dnr.rads.ssp@alaska.gov](mailto:dnr.rads.ssp@alaska.gov), fax at 907-269-8915, or through the online Public Comment Portal at <https://tinyurl.com/yrbk7xa5>. The plan can be viewed on the Public Comment Portal or on the State of Alaska Online Public Notices webpage at <http://notice.alaska.gov/215065>.

Mailed comments must be received by May 20, 2024 and should be mailed to the following:  
DNR, DMLW  
ATTN: RADS  
550 W. 7th Ave., Suite 1050  
Anchorage, AK 99501

For more information, please contact Ridwan Akogun at [dnr.rads.ssp@alaska.gov](mailto:dnr.rads.ssp@alaska.gov).

*The State of Alaska, Department of Natural Resources, complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aides, services, or special modifications to submit a comment or participate in a meeting, should contact a person indicated above or contact the state TDD number (907)269-8411 seven days (7) in advance of meetings to arrange accommodations.*

**Shawana K. Guzenski**

Natural Resource Manager  
Resource Assessment and Development Section  
Division of Mining, Land, and Water  
550 West 7th Avenue, Suite 1050  
Anchorage, Alaska 99501

Phone: (907)269-8536 Fax: (907)269-8915

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*any copy of this message.*

# **Lower Kuskokwim Site Specific Plan**

**Public Review Draft**

**April 2024**



Department of Natural Resources  
Division of Mining, Land & Water  
Resource Assessment & Development Section

1 STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
2 DIVISION OF MINING, LAND & WATER  
3

4 **Public Review Draft**  
5 **Lower Kuskokwim Site Specific Plan**  
6 **Land Classification Order SC-24-002**  
7

8 **Introduction**  
9

10 The Alaska Department of Natural Resources (ADNR) has received an application for a public  
11 utility easement, serialized as ADL 234172, to install a fiber optic cable on portions of  
12 unclassified tide, submerged, and shorelands. 11 AAC 55.040(i) requires that land classification  
13 precede disposing of or issuing authorizations on state land.  
14

15 The role of state land use plans has been established by state statute (AS 38.04.005). It is the  
16 policy of the State of Alaska "...to establish a balanced combination of land available for both  
17 public and private purposes. The choice of land best suited for public and private use shall be  
18 determined through the inventory, planning, and classification processes...." This Site Specific  
19 Plan (SSP) is the result of those processes.  
20

21 The Lower Kuskokwim Site Specific Plan boundary extends from Akiak in the northeast, west to  
22 Nunapitchuk, and south to the 3-mile limit of Kuskokwim Bay where it abuts the northwest  
23 corner of the Bristol Bay Area plan above Quinhagak. While most land use plans are prepared  
24 for areas with large amounts of uplands, this plan is primarily focused on tide, submerged, and  
25 shorelands, mainly because there is very little state land in that region.  
26

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

28 Tidelands span the area from mean high water to mean lower low water; submerged lands reach  
29 from mean lower low water to a line three miles seaward from mean lower low water.

30 Shorelands include the lands below ordinary high water in non-tidal areas.  
31

32 The intent of this plan is to designate and provide management intent for the submerged and  
33 shorelands under all navigable waterbodies. While it is not practical to state the management  
34 intent for each individual waterbody due to the volume of navigable rivers and lakes in the  
35 planning area, the SSP does provide general management intent and designations for most of the  
36 waterbodies within the planning area. In some cases, specific designations are identified for a  
37 particular waterbody because of the size, uniqueness, or particular values and functions of a river  
38 or lake. The SSP also contains an inventory and analysis of resources and uses for state land in  
39 the planning area and provides management guidelines for use of state land. These management  
40 guidelines form the basis for classification of approximately 426,700 acres of state-owned tide,  
41 submerged, and shorelands.  
42  
43



1 This plan establishes the land use designation for state lands and describes general management  
2 guidelines for major resources and land uses within the planning area, as well as more specific  
3 guidelines for the development and use of resources for specific management units. While this  
4 plan provides general management intent for state lands, the plan does not make decisions about  
5 specific land use authorizations. These decisions are made through the application review  
6 process. Land use authorizations must, however, be consistent with the plan, and existing laws  
7 and regulations.  
8  
9

## 10 **Background Information**

### 11 **Location**

#### 12 **Geographic**

13 The Lower Kuskokwim Site Specific Plan (LKSSP) boundary is located within the Yukon–  
14 Kuskokwim Delta, and includes the communities of Akiak, Kwethluk, Bethel, Nunapitchuk,  
15 Napakiak, Napaskiak, Oscarville, Eek, and Tuntutuliak.  
16  
17  
18

#### 19 **Borough/Municipality**

20 Unorganized borough.

21  
22 Incorporated Cities within the planning area include Akiak, Nunapitchuk Kwethluk, Bethel,  
23 Napaskiak, and Eek.  
24

#### 25 **USGS Map Coverage**

26 Baird Inlet A-1, Baird Inlet A-2, Baird Inlet B-1, Baird Inlet B-2, Baird Inlet C-1, Baird Inlet C-  
27 3, Baird Inlet D-1, Baird Inlet D- 2, Bethel A-8, Bethel B-8, Bethel C-7, Bethel C-8, Bethel D-6,  
28 Bethel D-7, Bethel D-8, Kuskokwim Bay D-1, Kuskokwim Bay D-2  
29

#### 30 **Legal Description**

31 The areas subject to this plan are more clearly defined as all State land and water within:

- 32  
33 T 001 N, 074 W, SM, Sections 2-11, 14-23, and 26-35  
34 T 001 N, 075 W, SM, Sections 1-36  
35 T 001 N, 076 W, SM, Sections 1-29 and 32-36  
36 T 001 N, 077 W, SM, Sections 1-24  
37 T 001 N, 078 W, SM, Sections 1, 12-13, and 24  
38 T 001 S, 075 W, SM, Sections 1-35  
39 T 001 S, 076 W, SM, Sections 1-36  
40 T 001 S, 077 W, SM, Sections 1-4, 9-16, 21-28, and 33-36  
41 T 002 N, 073 W, SM, Sections 4-9, 15-22, and 27-34  
42 T 002 N, 074 W, SM, Sections 1-2 and 7-36  
43 T 002 N, 075 W, SM, Sections 2-36  
44 T 002 N, 076 W, SM, Sections 1-36  
45 T 002 N, 077 W, SM, Sections 1-36  
46 T 002 N, 078 W, SM, Sections 1, 12-13, 24-25, and 36

- 1 T 002 S, 075 W, SM, Sections 2-11 and 13-36
- 2 T 002 S, 076 W, SM, Sections 1-36
- 3 T 002 S, 077 W, SM, Sections 1-4 and 7-36
- 4 T 003 N, 072 W, SM, Sections 6-7
- 5 T 003 N, 073 W, SM, Sections 1-12, 16-21, and 28-33
- 6 T 003 N, 074 W, SM, Sections 1-2, 11-14, 23-26, and 35-36
- 7 T 003 N, 075 W, SM, Sections 2-11, 14-23, and 26-35
- 8 T 003 N, 076 W, SM, Sections 1-5 and 7-36
- 9 T 003 N, 077 W, SM, Sections 7-36
- 10 T 003 N, 078 W, SM, Sections 12-13, 24-25, and 36
- 11 T 003 S, 075 W, SM, Sections 1-36
- 12 T 003 S, 076 W, SM, Sections 1-36
- 13 T 003 S, 077 W, SM, Sections 1-28, 30, and 36
- 14 T 004 N, 072 W, SM, Sections 6-7, 18-19, and 30-31
- 15 T 004 N, 073 W, SM, Sections 1-36
- 16 T 004 N, 074 W, SM, Sections 1-13, 23-26, and 35-36
- 17 T 004 N, 075 W, SM, Sections 1-12, 14-23, and 26-35
- 18 T 004 N, 076 W, SM, Sections 1-3, 10-15, 23-27, and 32-36
- 19 T 004 S, 075 W, SM, Sections 1-18, and 21-24
- 20 T 004 S, 076 W, SM, Sections 1-18, and 20-23
- 21 T 004 S, 077 W, SM, Sections 1 and 12
- 22 T 005 N, 072 W, SM, Sections 2-11, 14-23, and 26-35
- 23 T 005 N, 073 W, SM, Sections 1-36
- 24 T 005 N, 074 W, SM, Sections 1-36
- 25 T 005 N, 075 W, SM, Sections 1, 12-14, 22-27, and 32-36
- 26 T 006 N, 071 W, SM, Sections 6-7 and 18-19
- 27 T 006 N, 072 W, SM, Sections 1-24 and 26-35
- 28 T 006 N, 073 W, SM, Sections 1-36
- 29 T 006 N, 074 W, SM, Sections 1-5, 8-17, 20-29, and 32-36
- 30 T 007 N, 070 W, SM, Sections 3-10
- 31 T 007 N, 071 W, SM, Sections 1-12, 14-23, and 30-31
- 32 T 007 N, 072 W, SM, Sections 1-36
- 33 T 007 N, 073 W, SM, Sections 1-36
- 34 T 007 N, 074 W, SM, Sections 1-2, 12-13, 24-25, and 36
- 35 T 007 N, 075 W, SM, Sections 5-6
- 36 T 007 N, 076 W, SM, Sections 1-6
- 37 T 008 N, 069 W, SM, Sections 3-10 and 15-18
- 38 T 008 N, 070 W, SM, Sections 1-22 and 27-34
- 39 T 008 N, 071 W, SM, Sections 1-36
- 40 T 008 N, 072 W, SM, Sections 1, 12-13, 23-26, and 31-36
- 41 T 008 N, 073 W, SM, Sections 3-10, 15-22, and 27-36
- 42 T 008 N, 074 W, SM, Sections 1-28, 30, and 33-36
- 43 T 008 N, 075 W, SM, Sections 1, 5-8, 12-13, 17-20, 24-25, and 29-32
- 44 T 008 N, 076 W, SM, Sections 1-36
- 45 T 008 N, 077 W, SM, Sections 1-14, 22-27, and 34-36
- 46 T 009 N, 067 W, SM, Sections 4-9

- 1 T 009 N, 068 W, SM Sections 1-12, 16-21, and 28-33
- 2 T 009 N, 069 W, SM Sections 1-36
- 3 T 009 N, 070 W, SM, Sections 7-36
- 4 T 009 N, 071 W, SM, Sections 7-36
- 5 T 009 N, 072 W, SM, Sections 6-36
- 6 T 009 N, 073 W, SM, Sections 1-36
- 7 T 009 N, 074 W, SM, Sections 1-36
- 8 T 009 N, 075 W, SM, Sections 1-36
- 9 T 009 N, 076 W, SM, Sections 1-3, 10-30, and 33-36
- 10 T 010 N, 067 W, SM, Sections 16-21 and 28-33
- 11 T 010 N, 068 W, SM, Sections 13-36
- 12 T 010 N, 069 W, SM, Sections 13-36
- 13 T 010 N, 072 W, SM, Sections 6-7, 16-21, and 28-33
- 14 T 010 N, 073 W, SM, Sections 1-36
- 15 T 010 N, 074 W, SM, Sections 1-36
- 16 T 010 N, 075 W, SM, Sections 1-36
- 17 T 010 N, 076 W, SM, Sections 1-2, 11-14, 23-26, and 35-36

18  
19 See attached maps.

20  
21  
22 **Title and Land Status**

23  
24 **Classification**

25 This plan classifies all state-owned land and water within the plan boundary. State land is  
26 classified under the authority of AS 38.04.065, AS 38.05.300, and 11 AAC 55.010 - .280,  
27 according to the management intent stated in this plan. See attached Land Classification Order  
28 (LCO) SC-24-002.

29  
30 **Title Status**

31 The State of Alaska holds title to the tide and submerged lands within the plan boundary under  
32 the Submerged Lands Act of 1953 and the Equal Footing Doctrine.

33  
34 **Mineral Status**

35 Open to mineral entry except for those portions of the planning area closed to mineral entry  
36 under Mineral Closing Order 474.

37  
38 **Adjacent Landowners, Native Corporations, or Borough:**

39 The planning area is within the unorganized borough.

40  
41 The Alaska Native Claims Settlement Act (ANCSA) Regional Corporation for the LKSSP area is  
42 Calista, Incorporated. The Alaska Native Claims Settlement Act (ANCSA) Village Corporations  
43 are Atmautluak Limited, Iqfijouaq Company, Napaskiak Incorporated, Nunapitchuk Limited,  
44 Oscarville Native Corporation, and Tuntutuliak Land, Limited. Federally recognized tribes  
45 within the planning boundary are The Native Village of Atmautluak, The Native Village of Eek,

1 The Native Village of Napaskiak, The Native Village of Nunapitchuk, The Traditional Council of  
2 Oscarville, and The Native Village of Tuntutuliak.

3

4 **Third Party Interests**

- 5 ADL 206694 City of Bethel, Municipal Entitlement
- 6 ADL 220770 City of Bethel, Municipal Tideland Conveyance
- 7 ADL 21966 Northern Commercial Co., Tidelands Sale Prestatehood
- 8 ADL 39295 Kodiak Island Borough, Public and Charitable Sale, Bethel Heliport
- 9 ADL 229145 Napaskiak Tribal Council, Public Utility Easement
- 10 ADL 227853 Alaska Village Electric Cooperative, Public Utility Easement
- 11 ADL 229216 City of Nunapitchuk, Public Utility Easement
- 12 ADL 232391 City of Eek, Public Utility Easement
- 13 ADL 228630 Village of Napaskiak, Public Access Easement
- 14 ADL 231839 Knik Construction Company, Inc., Tidelands Lease
- 15 ADL 229349 Akiachak Native Community, Management Agreement
- 16 ADL 62648 Department of Transportation and Public Facilities, Public Access Easement
- 17 ADL 62527 Department of Transportation and Public Facilities, Public Access Easement
- 18 ADL 222703 Department of Transportation and Public Facilities, Public Access Easement
- 19 ADL 55879 Department of Transportation and Public Facilities, Public Utility Easement
- 20 ADL 221653 Department of Transportation and Public Facilities, Management Right, Akiachak  
21 Airport Lease
- 22 ADL 223666 Department of Transportation and Public Facilities, Management Right, Bethel  
23 Airport
- 24 ADL 224034 Department of Transportation and Public Facilities, Management Right, Kasigluk  
25 Airport Lease
- 26 ADL 224074 Department of Transportation and Public Facilities, Management Right,  
27 Tuntutuliak Airport Lease
- 28 ADL 224127 Department of Transportation and Public Facilities, Management Right, Eek  
29 Airport Lease
- 30 ADL 224245 Department of Transportation and Public Facilities, Management Right,  
31 Nunapitchuk Airport Lease
- 32 ADL 228440 Department of Transportation and Public Facilities, Management Right,  
33 Atmautlauk Airport Lease
- 34 ADL 225632 Department of Transportation and Public Facilities, Public Easement Avigation  
35 and Hazards
- 36 ADL 221009 Department of Transportation and Public Facilities, Public Easement Avigation  
37 and Hazards
- 38 ADL 200520 Department of Transportation and Public Facilities, Public Easement Avigation  
39 and Hazards
- 40 ADL 231482 ADNR Material Sale Site

41

42 **Trespass**

- 43 ADL 231975 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 44 ADL 231976 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 45 ADL 231977 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 46 ADL 231978 Faulkner Walsh Constructors Abandoned Derelict Vessel

- 1 ADL 231980 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 2 ADL 231981 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 3 ADL 231983 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 4 ADL 231970 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 5 ADL 231974 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 6 ADL 231991 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 7 ADL 231957 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 8 ADL 231969 David Ausdahl Abandoned Derelict Vessel
- 9 ADL 231953 David Ausdahl Abandoned Derelict Vessel
- 10 ADL 231955 David Ausdahl Abandoned Derelict Vessel
- 11 ADL 231956 David Ausdahl Abandoned Derelict Vessel
- 12 ADL 231984 Unknown Trespass Abandoned Derelict Vessel
- 13 ADL 231985 Unknown Trespass Abandoned Derelict Vessel
- 14 ADL 231987 Bruce Crow Abandoned Derelict Vessel
- 15 ADL 231986 Unknown Trespass Abandoned Derelict Vessel
- 16 ADL 231990 Unknown Trespass Abandoned Derelict Vessel
- 17 ADL 231958 Unknown Trespass Abandoned Derelict Vessel
- 18 ADL 231959 Unknown Trespass Abandoned Derelict Vessel
- 19 ADL 231973 Unknown Trespass Abandoned Derelict Vessel
- 20 ADL 231979 Alaska Logistics, LLC Abandoned Derelict Vessel
- 21 ADL 231982 Alaska Logistics, LLC Abandoned Derelict Vessel
- 22 ADL 231971 Alaska Logistics, LLC Abandoned Derelict Vessel
- 23 ADL 231972 Alaska Logistics, LLC Abandoned Derelict Vessel
- 24 ADL 231951 Gilbert Industries, Inc. Abandoned Derelict Vessel
- 25 ADL 231952 Daniel Herzer Abandoned Derelict Vessel
- 26 ADL 231954 Francis Reich Abandoned Derelict Vessel
- 27 ADL 231950 Ward Sattler Abandoned Derelict Vessel
- 28 ADL 232433 Lee Wilson Abandoned Equipment
- 29 ADL 231988 Verna Southern Abandoned Derelict Vessel
- 30 ADL 231989 Verna Southern Abandoned Derelict Vessel

31

## Climate

32

33

34 The state of the Bering Sea influences the Yukon–Kuskokwim Delta’s climate, where there is a  
35 strong inland gradient in coastal temperature. Seasonal weather changes are often drastic within  
36 the region and have consequences for marine life. The Bering Sea is subject to circulation  
37 patterns from both the north and south, which brings in strong winds that influence ice  
38 movement, but keep air temperatures relatively mild. The region is cold and windswept during  
39 long winters, but comes to life when the days lengthen, the ice on the rivers goes out.  
40 Precipitation across the delta is variable, averaging 15–40 inches at lower elevations, and up to  
41 75 inches at higher elevations. The average annual temperature varies from 25° to 39°F.

42

43

44

45

1 **Resource Inventory**

2  
3 **Topography**

4 The Yukon–Kuskokwim Delta is the result of deposition of heavy sediment loads from the  
5 glacial Yukon and Kuskokwim rivers. Within the lowlands, permafrost underlies much of the  
6 landscape, except for major river terraces, alluvial fans, and active floodplains. Abundant  
7 thermokarst lakes, meandering streams, and highly productive brackish marshes and wet  
8 meadows characterize this flat coastal plain. Isolated basalt hills and volcanic cinder cones less  
9 than 400 feet high punctuate the landscape. Low escarpments, meander scars, oxbow lakes,  
10 sloughs, and multiple channels and islands are found throughout the planning area.

11  
12 **Minerals**

13 The planning area is split between the Bethel and Aniak Mining Districts. There are currently no  
14 active mining operations within the plan boundary.

15  
16 **Soils**

17 Much of the soils within the planning area are poorly developed. Soil infiltration is impeded by  
18 discontinuous permafrost. Soils present tend to have a thick, organic surface layer and are  
19 saturated. Lowland soils are more developed and consist of loess, sand, and gravelly alluvium  
20 derived from mountainous regions as well as higher amounts of organic matter. Soil orders  
21 present in the area are Gelisols, Histosols, Inceptisols, and Entisols. Fibristels, Hemistels,  
22 Histoturbels, and Aquiturbels.

23  
24 **Vegetation**

25 Vegetation near water bodies in the plan area include wet sedge meadows, sedge-shrub  
26 meadows, and sedge-moss meadows. Peat mounds and other low uplands support low and dwarf  
27 scrub dominated by ericaceous shrubs, tussock-forming sedges, other hydrophytic plants, and  
28 mosses. Sites with better drainage and higher local relief support low ericaceous scrub with  
29 mosses, lichens, low willows, and forbs. Dense stands of grasses grow on beds of drained thaw  
30 lakes.

31  
32 **Habitat**

33 The planning area falls within the southern portion of the West Alaska biogeographic region.  
34 Within the larger biographic region, the Yukon-Kuskokwim Delta is categorized as wet maritime  
35 tundra. Maritime tundra is dominated by prostrate heath-scrub type communities interspersed  
36 with grass and forb meadows, with willows and alders present in the protected swales. Grass and  
37 forb meadows composed of mesic, graminoid communities are dominated by tussock-forming  
38 sedges in some areas, or by bluejoint, which forms meadows with codominant herbaceous  
39 species. Dwarf scrub communities of the maritime tundra are composed of low shrubs, grasses,  
40 and lichens. Tall scrub communities are dominated by willows.

41  
42 The coastal areas are flat, treeless, and extremely wet. Sedge or sedge-tussocks can dominate  
43 these areas due to the wet soils. In the better-drained areas upriver and to the east, white spruce,  
44 willows, alder, and paper birch may occur. Grasses grow on drier microsities and spruce-  
45 hardwood forests occur in up-river valleys. In the transitional area between arctic and subarctic

1 tundra, diversity of tundra plants is high due to the historical connection to Asia and the presence  
2 of both acidic volcanic rock and limestone.

3  
4 The waterways, riparian zones, and their resources sustain large and diverse populations of fish  
5 and wildlife throughout the planning area. For aquatic species, both anadromous and resident  
6 fish, water provides migratory routes, spawning and rearing habitats, overwintering habitat, and  
7 refugia. Terrestrial wildlife also derives many benefits from freshwater aquatic habitats and  
8 riparian areas, including water itself, shelter, nesting and breeding areas, and important seasonal  
9 or daily transportation and migration corridors. Lakes and ponds with no surface connection to  
10 another water body are more likely to contain unique biota due to temporal isolation.

11  
12 Riparian zones provide several functions directly related to aquatic habitats. They contribute  
13 large woody debris, provide leaf litter for primary consumer production, filter sediments and  
14 pollution, reduce wind, and regulate water temperature through shading and heat retention. They  
15 also provide streambank and floodplain integrity and stability via vegetative root systems.  
16 Although the functional boundary of a riparian area adjacent to a waterbody varies in relation to  
17 local flow regime, elevation, soils, and vegetation, the overall importance of riparian zones for  
18 fish and wildlife is certain.

19  
20 The importance of freshwater aquatic species, such as fish, is apparent. Alaska's resident and  
21 anadromous fish use distinct microhabitats and often move between them with regular  
22 periodicity. This movement can occur seasonally, annually, or be associated with different life  
23 stages. For example, depending on species and life stage, fish use different habitats as juveniles  
24 (i.e., for rearing) than they do as adults for spawning. Shifts in use can also be related to water  
25 temperature, water level, and photoperiod. As temperatures decrease in the fall, for example,  
26 Alaska's freshwater fishes usually move from summer habitats to overwintering areas that offer  
27 different habitats.

### 28 29 **Marine Mammals**

30 Species within the planning area protected by the Marine Mammal Protection Act (MMPA) and by  
the Endangered Species Act (ESA) include bearded and ringed seals, Steller sea lions (Western  
Distinct Population Segment [DPS]); and fin, North Pacific right, sperm, and humpback whales  
(Western North Pacific DPS and Mexico DPS), and polar bears. Additional species protected by  
only the MMPA include harbor, ribbon and spotted seals, northern fur seals, walrus, Dall's and  
harbor porpoises, Pacific white-sided dolphins, and beluga, killer, minke, gray, and humpback  
(Hawaii DPS) whales.

31 All species are under the jurisdiction of NOAA Fisheries with the exception of walrus and polar  
bears which are managed by the U.S. Fish and Wildlife Service. There are no identified walrus  
haulouts within the planning area. There is polar bear critical habitat within the planning area.

32  
33 There are 12 identified separate stocks of harbor seals in Alaska based largely on genetic  
structure. Those found with Kuskokwim Bay are most likely from the Bristol Bay stock. They  
feed on fish, shellfish, and crustaceans within marine, estuarine, and occasionally  
40 fresh waters. Harbor seals can be found hauled out, often in groups, on drifting glacial ice, reefs,  
rocks, and beaches. There are no identified harbor seal haulouts or rookeries within the planning area.

**Commented [A1]:** If you want a short paragraph of all of the species in your list let us know; we only edited the ones you provided text for.

**Commented [A2]:** See [Critical Habitat for Threatened & Endangered Species \[USFWS\] \(arcgis.com\)](#). Contact USFWS with any questions.

1 Spotted seals within the planning area belong to the Bering stock, the only stock found in United  
2 States waters. They feed primarily on fish and crustaceans, and cephalopods and can be found  
3 hauled out on the  
4 edge of sea ice during winter, small ice floes during spring, and coastal areas during summer and  
5 fall. Large land haulouts where several thousand seals may congregate occur in Kasegaluk  
6 Lagoon, Cape Espenburg, and sand bars around Kuskokwim Bay.

7 Ribbon seals (*Histiophoca fasciata*) belong to the Alaska stock, the only stock found in United  
8 States waters.  
9 They spend a lot of their time in the open ocean but use the Bering Sea ice front during spring for  
10 pupping and nursing young; some move north as the ice recedes from May to mid-July to  
11 continue use of the sea ice edge.

12 The Bering Sea stock of harbor porpoise is the population most likely to be found within the  
13 planning area. While they occasionally appear within deeper waters, they are frequently found  
14 within waters less than 328 ft deep. Harbor porpoise feed primarily on schooling fishes such as  
15 mackerel and herring; however, they will also eat squid and octopus.

16 Dall's porpoise found in the planning area are part of the Alaska stock. They prefer  
17 waters deeper than 600 ft and can be found inshore, nearshore, or offshore in waters as deep as  
18 8,202 ft. Dall's porpoise dive to depths up to 1,640 ft to prey on schooling fish such as capelin,  
19 herring, and lantern fish (Myctophids). They also prey on mid- and deep-water fish, cephalopods,  
20 and crustaceans.

21 The Bristol Bay stock of beluga whales is most likely to be found in the southern portion of the  
22 planning area year-round with only small seasonal shifts in distribution. Beluga whales that occur  
23 in the planning area are most likely to be from the Eastern Bering Sea stock that summers in  
24 Norton Sound and along the Yukon River mouth. The Bristol Bay stock may also occur there in  
25 spring. Belugas whale distribution is dependent upon many factors,  
26 including ice cover, tidal conditions, access to prey, temperature, and human interaction. Beluga  
27 whales feed on a wide variety of prey depending on availability, including salmon, eulachon,  
28 cod, herring, smelt, flatfish, octopus, squid, crabs, shrimp, clams, and snails.  
29 They're very shallow water whales and can swim up rivers and into lakes when  
30 following the fish.

31 The Eastern North Pacific Alaska Resident stock and Gulf of Alaska, Aleutian Islands, and  
32 Bering Sea Transient stock of killer whale are most likely to be found within Kuskokwim Bay.  
33 Resident killer whales differ from transient (now called Bigg's) killer whales in terms of  
34 morphology, ecology,  
35 genetics, and behavior. Resident killer whales feed exclusively on fish, and transient killer  
36 whales eat primarily marine mammals and squid.

37 The Alaska stock of minke whale is the population most likely to be found within the plan  
38 boundary. Minke whales migrate north in the spring and summer  
39 through coastal waters. During their southern migration in the fall and  
40 winter they are found further offshore. They may be seen in groups of  
41 two to three but may congregate into larger groups at higher latitudes.  
42 Minke whales are filter feeders that filter prey out of the water. They

**Commented [A3]:** I confirmed with NOAA (Pers. Comm. Michael Cameron on 5/9/24). Some ice seal stocks were renamed in 2020 to match their Distinct Population Segment. This was changed from the Alaska stock.

**Commented [A4]:** See Citta et al. 2016. Available upon request.



feed primarily on euphausiids, copepods, sand-lance, and larger schooling fishes such as herring, pollack, and salmon.

38 40

41 The North Pacific stock of Pacific white-sided dolphin is the population most likely to be found  
42 within the planning area. Pacific white-sided dolphins live in the open ocean and can also be  
43 found in nearshore waters. They feed on squid and small schooling fish such as capelin and  
herring.

45

46

1 **Fisheries**

2 The Alaska Department of Fish and Game oversees the state fishery management areas  
3 throughout the state. The planning area falls within the state’s Kuskokwim Management Area  
4 (KMA), which includes subsistence, commercial, personal use, and sport fisheries. Other state-  
5 managed fisheries within the KMA include subsistence herring. The Kuskokwim River is a  
6 natural habitat for all five salmon species, whitefish, sheefish, and burbot. More than 20 fish  
7 species have been documented in the plan area. Pacific salmon, sheefish, broad and humpback  
8 whitefish, Arctic grayling, northern pike, and burbot comprise significant portions of the  
subsistence, sport,

Commented [A5]: Reordered based on use priority.

and/or commercial fisheries. Additionally, Arctic char and Dolly Varden are important subsistence and  
sport species. Bering and least Cisco, eulachon (brackish and salt water near the mouth of the river) are  
also important subsistence species. Pacific and Arctic lamprey (lower river), and threespine stickleback  
(brackish and salt and freshwater in the lower river), are also present. Slimy sculpin are also present in  
freshwater and brackish water in the Kuskokwim River.

9 10

11 Fishing efforts in state fisheries are primarily focused on salmon. The KMA is composed of three  
12 active commercial salmon fishing districts, all of which occur within the action area: District 1,  
13 District 4, and District 5. Sockeye, Chinook, chum, pink, and coho salmon have been harvested  
14 within the KMA. In recent years, Chinook and chum salmon returns within the Kuskokwim  
15 River have been in decline. Chinook salmon runs in 2012, 2013, and 2014 were the lowest  
16 three on record. Escapement made a slight rebound, reaching a nearly average run total in 2019,  
17 only to significantly decline again in 2020 and 2021. Chum salmon return numbers remained  
18 near average between 2007 and 2019. However, 2020 numbers were well below average, and  
19 2021 was the lowest on record. Sockeye salmon abundance in 2021 was mixed throughout the  
20 Kuskokwim River drainage and ranged from average to below average. Reliable coho salmon  
21 return numbers are not available for the region, but available data suggests that returns have been  
22 average to below average since 2016.

Commented [A6]: This word is a bit distracting. The trend of returns is in decline.

23  
24 Listed as a Species of Conservation Need, Alaska Blackfish are only found in Alaska (central  
25 and western regions) and eastern Siberia. They are important prey for mink, otter, and loons, and  
26 are harvested as subsistence foods extensively on the Yukon-Kuskokwim Delta. They live in  
27 bogs, swamps, sloughs, and wetlands in summer, and migrate into deeper lakes in winter. They  
28 have a modified esophagus capable of gas absorption and can tolerate extremely low oxygen  
29 levels by gulping air. They can also tolerate freezing water temperatures.

30

31 **Birds**

32 On the Yukon-Kuskokwim Delta, the combination of lakes, streams, tidal flats, wet tundra, and  
33 sedge flats supports abundant populations of waterfowl and shorebirds, including more than 20  
34 species of waterfowl and 10 species of shorebirds that breed here. The maritime tundra of the  
35 Yukon-Kuskokwim Delta of western Alaska is one of the nation’s most important nesting areas  
36 for arctic geese. The Yukon Kuskokwim Delta is home to black brant, much  
37 of the world’s breeding population of emperor geese, all of North America’s nesting (minima)  
cackling geese, and a  
38 high density of nesting tundra swans. The threatened spectacled eider also breeds here.  
Additionally,  
39 scaup, common eider, scoters, long-tailed duck, northern pintail, green-winged teal, northern  
shoveler,  
40 bristle-thighed curlew, bar-tailed godwit, black turnstone, red knot, semipalmated sandpiper,

41 and dunlin can be found nesting on the Yukon Kuskokwim Delta. Most of the world's bristle-  
42 thighed curlews breed in western Alaska's hilly transitional zone between low-lying maritime  
43 and alpine tundra.  
46

1  
2 **Subsistence**  
3 The planning area is located within the  
7 Kuskokwim Management Area (KMA), which includes subsistence, commercial, personal use, and  
8 sport fisheries. The Kuskokwim area contains a significant salmon fishery and serves as the  
9 spawning grounds for Chinook,  
10 chum, sockeye, pink, and coho salmon. The Kuskokwim River subsistence salmon fishery is  
11 biggest subsistence fisheries in the state, with more than 2,000 households currently fishing or  
12 involved in processing fish. Post-season salmon harvest surveys between 2010 and 2014 identified  
13 that salmon contributed an average of 40 percent of the total subsistence resource harvest for  
14 Kuskokwim River communities. Considered regionally, salmon accounted for about 25 percent of  
15 the total subsistence harvest for lower river communities and about 65 percent for middle and  
16 upper river  
17 communities. While subsistence salmon is the  
18 predominate fishery on the river, and subsistence salmon fishing defines the summer activities of  
19 most Kuskokwim River communities, Kuskokwim salmon have also been sold commercially  
20 since 1913.

21 Licenses and permits have never been required for subsistence salmon fishing in the KMA.  
22 However, statewide eligibility criteria require individuals to be Alaskan residents for the  
23 preceding 12 months before harvesting salmon for subsistence uses. Salmon utilized for  
24 subsistence can be harvested by set and drift gillnets, beach seines, fish wheels, and rod and reel.  
25 In times of conservation, subsistence closures  
26 during commercial fishing openings in the lower river region, as well as rolling subsistence  
27 closures and openings river-wide, occur in the Kuskokwim area. 26

28 **Recreation**  
29 Tourism within the Yukon Kuskokwim Delta is limited. This is partially due to high costs  
30 associated with transportation as well as limited accommodations, tourism-centric infrastructure,  
31 and inconsistent and unreported weather that can restrict air travel. Despite this, the region offers  
32 many forms of recreation and ecotourism, including access to the Yukon Delta National Wildlife  
33 Refuge, the largest wildlife refuge in the United States; fishing; and events such as the  
34 Kuskokwim 300 sled dog race.

35 **Historic and Cultural Resources**  
36 The Alaska Heritage Resources Survey (AHRS) is an inventory of all reported historic and  
37 prehistoric sites within the State of Alaska and is maintained by the Office of History and  
38 Archaeology (OHA). The AHRS is used to protect cultural resource sites from unwanted  
39 destruction. There are approximately 172 cultural sites within, or immediately adjacent to, the  
40 plan boundary that have been recorded in the Alaska Heritage Resources Survey.  
41

## 42 **Land Use and Economic Conditions**

### 43 **Access**

44

1 The planning area is not accessible to the rest of the state by road. The existing road network is  
2 generally limited to intra-community travel, with water and air serving as the primary modes of  
3 inter-community transportation.

4  
5 Marine waters within the area experience varying levels of marine-based vessel traffic. Marine  
6 vessels are typically associated with freight, fishing, transportation, and fuel delivery. Due to a  
7 lack of interconnecting roads, the region’s local communities rely on barges for local commerce  
8 and shipment of items not feasible to transport by air.

9  
10 During summer months, when the rivers are navigable, shallow-draft barges and landing craft are  
11 used to deliver cargo to villages within the Yukon Kuskokwim Delta. Small populations and  
12 shallow waters make it difficult for large amounts of cargo to be transported at once. Goods are  
13 typically delivered to a central city or village (Bethel), then distributed to smaller, outlying  
14 communities. Marine infrastructure along the river systems is basic; in many locations, barges  
15 and landing craft pull directly onto the shore for offloading.

16  
17 The Port of Bethel handles an average of 9,000 tons of cargo annually. The port is owned and  
18 operated by the City of Bethel. Barges as large as 400 ft long can be accommodated on the  
19 primary dock face. The petroleum facility can berth a 380-ft barge, and it handles the bulk fuel  
20 throughout the region. The Kuskokwim area commercial salmon industry also relies on the port  
21 for most of its infrastructure and processing requirement.

22  
23 Much of the Yukon Kuskokwim Delta has rivers, lakes, and other waterways that can be used by  
24 float planes. As of 2023, Bethel, and Napaskiak have FAA registered seaplane landing areas.  
25 Nearly all the communities within the planning area have an Alaska Department of  
26 Transportation and Public Facilities or other government-controlled public airport, as well as  
27 numerous additional Federal Aviation Administration-registered public and private runways.  
28 Oscarville relies on the Napaskiak airport for passenger, mail, and cargo air services.

## 29 30 **Historical and Present Uses and Activities**

31  
32 The Yukon Kuskokwim Delta area is the heart of the area traditionally inhabited by the Yup’ik  
33 people. The area has large areas of relatively undisturbed ecosystems that support a diverse array  
34 of species. The area is almost entirely intact, with minimal development around several small  
35 communities along the rivers and coast. The Kuskokwim River system and surrounding  
36 landscape provide important fisheries, waterfowl habitat, and plant communities that provide  
37 major sources of subsistence resources for local communities. The river provides a major  
38 transportation route for the region as ground transportation within the area is difficult.

39  
40 With a population of approximately 3500 people, the City of Bethel is the hub community for the  
41 Kuskokwim River drainage. It serves many needs of the smaller villages along the Kuskokwim  
42 and Yukon Rivers. The Bethel waterfront is the commercial hub utilized by the visitors and  
43 residents alike. Although many of the villagers travel by airplane, most travel is by boat on the  
44 Kuskokwim River.

45

1 The federal government is the majority landowner in the area, with the USFWS managing  
2 approximately 74% of the Yukon Kuskokwim Delta ecoregion. Private landowners, including  
3 Alaska Native corporations hold approximately 24% of the land in the area; while the State of  
4 Alaska owns approximately 2% of the land, with most of that land being tide and submerged  
5 lands acquired under the Tide and Submerged Lands Act of 1953 and the Equal Footing  
6 Doctrine.

### 7 **Local Government and Zoning**

8 City Governments within the planning area include the City of Eek, the City of Napakiak, the  
9 City of Napaskiak, the City of Bethel, the City of Nunapitchuk, the City of Kwethluk and the  
10 City of Akiak.

11  
12  
13 While Bethel and Eek have comprehensive plans that outline community issues, goals, and  
14 growth, Bethel is the only community within the planning area that has listed ordinances and  
15 zoning.

### 16 **Economic Conditions in the Subject Area**

17 Socioeconomic resources affected by the Proposed Action are primarily within the Bethel  
18 Census Area. Communities located within the planning area that are part of the Bethel Census  
19 area includes Tuntutuliak, Eek, Napaskiak, Bethel, Oscarville, Atmautluak, and Nunapitchuk.

20  
21  
22 A majority of Bethel’s economy originates from regional services such as government  
23 administration, transportation, freight, and social services. One of the few non-government  
24 sources of revenue for the region is commercial fisheries. The Coastal Villages Region Fund is a  
25 non-profit group that allocates revenue from fishing rights from the federal government to create  
26 jobs, build infrastructure, and fund education.

27  
28 Aside from Bethel, the economies of the remaining communities are based on subsistence. The  
29 principal industry is local government jobs. However, other employment opportunities exist such  
30 as retail. Communities near the planning area have mixed economies in which households rely  
31 on cash income and subsistence resources.

### 32 33 **Areawide Management Guidelines**

34 ADNR will use the following guidelines when considering issuing authorizations and  
35 conveyances or making management decisions on state land throughout the plan area. These  
36 guidelines will also apply to emerged islands and navigable waterbodies when they are  
37 determined to be state-owned.

### 38 39 **General Guidelines**

- 40
- 41 • State land will be managed to protect access and public resources. The types of resources  
42 to be protected include, but are not limited to, habitat, recreation, water quality,  
43 watersheds, and trails.
  - 44 • All authorizations for use of state land within the planning area will be consistent with  
45 the management intent in this plan.
  - 46 • State land will remain open to mineral entry unless specifically closed.

- 1 • In considering authorizations for the use of state land, ADNR will adjudicate applications  
2 to:
  - 3 ○ minimize damage to streambeds, fish and wildlife and their habitats, vegetation,  
4 trails, and other resources;
  - 5 ○ minimize conflicts between resource conservation and use; and
  - 6 ○ protect the long-term value of the resource, public safety, and the environment.
- 7 • If authorizations from other agencies are required, ADNR will consider issuing a permit  
8 or lease contingent upon issuance of these other authorizations.
- 9 • Protect significant cultural resources through the following actions:
  - 10 ○ The Office of History and Archology (OHA) within the Department of Parks and  
11 Outdoor Recreation (DPOR) reviews authorizations, construction projects or land  
12 uses for potential conflict with cultural resources. The office determined if there  
13 may be an adverse effect on heritage resources and makes recommendations to  
14 mitigate these effects.
  - 15 ○ Cooperating with concerned government agencies, Alaska Native corporations,  
16 statewide or local group, and individuals to develop guidelines and  
17 recommendations on how to avoid or mitigate identified or potential conflict.
  - 18 ○ Require the establishment of buffers (50' or greater) around significant cultural  
19 resources as part of the overall protection process when using state lands.

## 22 **Unit Specific Management Guidelines**

23  
24 This section presents specific land management guidelines for each of the seven management  
25 units within this plan. This plan designates state lands in categories that are generally consistent  
26 with current use patterns and the most significant resources in the planning area. Guidance by  
27 unit is organized in a Resource Allocation Table (RAT).

### 28 **Organization of the Resource Allocation Table**

- 29 • Unit number and geographic description.
- 30 • Land Use Designations which describe the general management direction for specific  
31 parcels (units) of state land.
- 32 • Management Intent, which consists of an explanation of how specific units of state land  
33 are to be managed. Management intent language gives additional specificity to the  
34 general management direction provided by the land use classifications.
- 35 • Parcel specific management direction for state land.

36  
37  
38  
39 A land use designation recognizes uses or resources that are of major importance within a  
40 management unit. Unit designations are based on readily available resource information; current  
41 and projected use patterns; and input from the public, organizations, agency staff, and other  
42 sources. Activities and authorizations identified in units as “designated uses” may take  
43 precedence over other uses that are authorized subsequent to designation.

1 The designations in the RAT convert to classifications identified under Title 11 of the Alaska  
2 Administrative Code. Multiple designations may be applied to a single unit. ADNR will manage  
3 activities in the unit to encourage, develop, or protect the uses or resources for which the unit is  
4 designated; however, all state land is intended for multiple use and should be managed in a  
5 manner that is consistent with this mission. Although some uses are designated, other uses may  
6 still be allowed in a given unit. ADNR will manage state land according to these designations  
7 and the equivalent land use classifications.  
8  
9

## 10 **Designations Used in this Plan**

11  
12 State tidelands are to be managed to: 1) protect sensitive tideland resources; 2) maintain  
13 opportunities for commercial, recreational, and subsistence harvest; and 3) ensure the  
14 continuation of important recreational activities. They will also be managed to allow for  
15 shoreline development in areas adjacent to communities where residential or  
16 commercial/industrial uses are considered appropriate by the local unit of government or  
17 appropriate land manager, or at specific sites where some form of development occurs or is  
18 planned.  
19

### 20 **General Use – Gu**

21 This designation is applied to land that contains a variety of resources, none of which is  
22 sufficiently high value to merit designation as a primary use, or is large enough to accommodate  
23 a variety of uses with appropriate siting and design considerations. General use may also apply  
24 where there is a lack of resource, economic, or other information with which to assign a specific  
25 land use designation, and/or where there is a lack of current demand implying that development  
26 is unlikely within the planning period. Uplands with this classification are available for  
27 conveyance to municipalities, unless stated otherwise in the unit’s management intent, but cannot  
28 be sold to individuals. Land designated General Use is to be retained by the state during the  
29 planning period unless affected by a municipal entitlement selection, and is only to be conveyed  
30 to a municipality if the adjudicatory decision determines that this conveyance is consistent with  
31 the requirements of AS 29.65. Tidelands with this designation cannot be conveyed except to  
32 municipalities under AS 38.05.820 and AS 38.05.825.  
33

34 The General Use designation would apply to tidelands, shorelands, and submerged lands not  
35 designated in tideland management units or tidelands resource management zones for specific  
36 habitat, harvest, economic, or recreation functions. These areas are generally considered to  
37 appropriate for a wide variety of uses such as set net sites, mariculture facilities, or other typical  
38 uses of tidelands. Most tidelands and submerged lands within the planning area are recognized to  
39 contain important subsistence, recreational, or commercial fisheries. Areas not specifically  
40 identified with a designation on the plan maps, not otherwise classified in this plan, or that are  
41 acquired by the state subsequent to the approval date of this plan, are designated General Use  
42 (unless circumstances of the acquisition dictate otherwise). Lands designated General Use  
43 converts to a classification of Resource Management.  
44

### 45 **Habitat - Ha**



1 State tidelands designated Habitat (Ha) will be managed to protect sensitive habitats and areas  
2 important for fish and shellfish habitat, marine mammal concentration sites, wildlife movement  
3 corridors, and subsistence areas. Habitat designations are often applied to estuarine areas, the  
4 mouths of anadromous streams, special management areas that contain a rich diversity and  
5 concentration of fishery and wildlife resources, and to certain rocks and islands used for marine  
6 mammal rookeries and haulouts.

7  
8 They are also used as a co-designation with Public Recreation and Tourism-Dispersed for  
9 tidelands and tide and submerged lands adjacent to federal conservation system units. The  
10 Habitat designation is also applied to areas within Critical Habitat Areas (CHAs). Development  
11 authorizations may be granted in areas designated Habitat, but their sensitive fisheries or wildlife  
12 resources must be protected. Development authorizations within CHAs must meet the specific  
13 standards identified in AS 16.20.530. Land designated Habitat is to be retained by the state. Land  
14 designated Habitat converts to a classification of Wildlife Habitat Land.

15  
16 **Public Recreation and Tourism-Dispersed - Rd**

17 State tidelands designated Public Recreation and Tourism-Dispersed (Rd) applies to areas that  
18 are widely used for recreation by either commercial recreation operators or the public, and are  
19 usually associated with the use of fisheries or the viewing of a unique or scenic area. Use  
20 patterns are dispersed over a large area, and few public facilities are provided other than boat  
21 launches, docks, and mooring buoys.

22  
23 This designation is applied as a co-designation with Habitat in the for tidelands and tide and  
24 submerged lands adjacent to federal conservation system units. Development authorization may  
25 be granted in areas designated Rd but must ensure that public trust doctrine resources and public  
26 recreation values are maintained. Prior to issuing an authorization, DNR should consult with  
27 federal agency staff. Land designated Public Recreation and Tourism-Dispersed is to be retained  
28 by the state. Land designated Public Recreation and Tourism-Dispersed convert to a  
29 classification of Public Recreation Land.

30  
31 **Waterfront Development - Wd**

32 State tidelands adjacent to communities will be managed to accommodate that development  
33 considered appropriate in local land use plans or zoning maps and are designated Waterfront  
34 Development (Wd). The Wd designation is applied in tidelands with intensive commercial or  
35 industrial uses, where such uses can be expected, or where tidelands are adjacent to uplands with  
36 a residential land use pattern, or where such uses can be anticipated. Tidelands may be conveyed  
37 to municipalities, but not to private individuals. Land designated Waterfront Development  
38 converts to a classification of Waterfront Development Land.

39  
40 **Classification**

41  
42 To implement the plan on state lands, ADNR must classify state lands to reflect the intent of land  
43 use designations made by this plan. State law requires that land classification precede most  
44 conveyance or leasing of state uplands or tidelands. According to state statute, classification  
45 means, the designation of lands according to their apparent best use. It identifies the primary use  
46 for which the land will be managed, but all other uses are initially presumed as compatible with

1 the primary use. For this reason, all plan classifications are intended for multiple uses. In some  
2 instances, more than one designation is identified; these are termed co-designations and indicate  
3 that two (or more) uses are considered to be compatible within a specific management unit of  
4 state land. Compatibility of uses should be able to be achieved through separation, or siting and  
5 design techniques that should reduce or preclude the undesirable effects of a particular use.  
6

7 Following is a list of land classifications, and their associated definitions in Alaska regulations  
8 (the Alaska Administrative Code – AAC), which apply to state lands in the planning area as a  
9 result of plan adoption. ADNR will manage state lands and resources consistent with these  
10 classifications and with the management directions given in the Resource Allocation Table for  
11 specific management units of state land.  
12

13 **11 AAC 55.160. Public Recreation Land**

14 Land classified public recreation is land that is suitable for recreation uses, waysides, parks,  
15 campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts  
16 along bodies of water or roadways.  
17

18 **11 AAC 55.200. Resource Management Land**

19 Land classified resource management is either: 1) land that might have a number of important  
20 resources, but for which a specific resource allocation decision is not possible because of a lack  
21 of adequate resources, economic, or other relevant information; or for which a decision is not  
22 necessary because the land is presently inaccessible and remote and development is not likely to  
23 occur within the next 10 years; or 2) land that contains one or more resource values, none of  
24 which is of sufficiently high value to merit designation as a primary use.  
25

26 **11 AAC 55.230. Wildlife Habitat Land**

27 Land classified wildlife habitat is land which is primarily valuable for: 1) fish and wildlife  
28 resource production, whether existing or through habitat manipulation, to supply sufficient  
29 numbers or diversity of species to support commercial, recreational, or traditional uses on an  
30 optimum sustained yield basis; or 2) a unique or rare assemblage of a single or multiple species  
31 of regional, state, or national significance.  
32

33 **11 AAC 55.215. Waterfront development land**

34 Land classified waterfront development is tideland, submerged land, or shoreland that is suitable  
35 to be used for commercial or industrial activities such as fish processing, aquatic farming,  
36 mineral and log transfer facilities, or commercial recreation.  
37  
38  
39

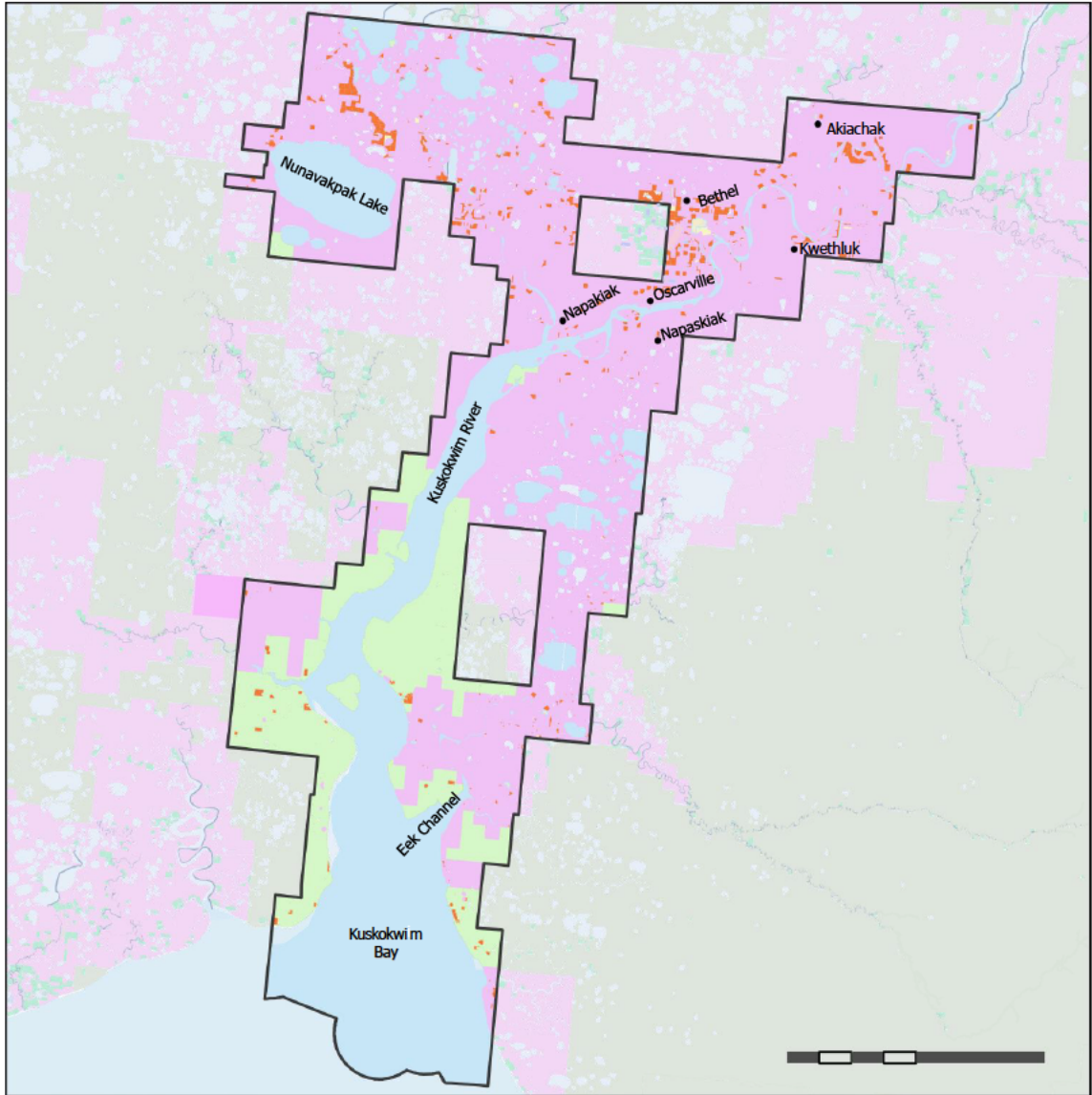
1 **Resource Allocation Table**

2

Unit #	Designation(s)	Map	Acres	Management Intent	Resources and Uses
L-01	Ha, Rd	Map 1-2	423,356	<p>This unit is to be managed for a variety of uses, including protection of fish and wildlife habitats, harvest opportunities, dispersed recreation, and commercial fishing. Protect the continued use of a waterway by the public for purposes of trade, travel, and commerce. Retain in state ownership.</p> <p>Intensive development is not intended within this unit. Authorizations related to recreation, public safety, utilities, communication lines, and other projects providing a public benefit may be appropriate, subject to protections for habitat, harvest, and recreation values.</p> <p>Tidelands adjacent to the Yukon Delta National Wildlife Refuge are to be managed to protect sensitive habitat values, fisheries and wildlife resources, and the public recreation resources of the National Wildlife Refuge.</p> <p>ADNR shall consult with ADF&amp;G, USFWS, and NOAA regarding critical or sensitive habitats and threatened or endangered species prior to issuing an authorization.</p> <p>There are numerous emerged islands within the unit that are undergoing determination. If the islands are determined to be state land, the Ha, Rd designation is extinguished and replaced with Gu.</p> <p>Protect known heritage sites and cultural resources.</p> <p>Retain RS 2477 routes.</p>	<p>This large unit contains most of the tide, submerged, and shorelands within the plan boundary.</p> <p>This is highly productive maritime habitat that hosts a wide variety of species. Multiple threatened and endangered marine mammals including bearded seals, fin whales, humpback whales (Western North Pacific Distinct Population Segment [DPS] and Mexico DPS), North Pacific right whales, ringed seals, sperm whales, and Steller sea lions (Western DPS) occur throughout Kuskokwim Bay. Small crangonid shrimp are found in the southern Kuskokwim and Eek Channels, Kuskokwim Bay, the southern portion of the Kuskokwim River, and up towards the Northeastern Fish Camp Island. Pacific herring and capelin are found in the southern portion of the plan boundary in the Kuskokwim Bay, Eek Channel and Kuskokwim Channel. Opossum shrimp are distributed throughout the southern Kuskokwim and Eek Channels, the Kuskokwim Bay, and can be found around the Northeastern Fish Camp Island. Fishing for Tanner and king crab is concentrated in the southern portion of the plan boundary in the Kuskokwim Bay, Eek Channel and Kuskokwim Channel. All species of salmon are widely distributed throughout the unit.</p> <p>Subsistence use salmon set net and drift net points exist in the northeastern section of the unit. Nunapitchuk Community subsistence activities occur in the northern section of the unit and Kwigillingok Subsistence Community subsistence activities occur in the southwestern part of the unit along the Kuskokwim River</p> <p>Known fall and spring concentrations of geese, and known molting, fall and spring concentrations of ducks are widely distributed throughout the unit.</p> <p>The Alaska Heritage Resources Survey (AHRs) indicates cultural resources within the unit.</p>
L-02	Wd	Map 1-2 Map 1-3	3,260	<p>The unit is to be managed to accommodate tideland commercial and industrial uses. Material extraction is an allowed use.</p> <p>It is unlikely that all of the area within this unit will be used for future commercial and industrial tideland uses. A fairly large area of tidelands is designated Waterfront Development given the uncertainty of the exact location of future facilities needed to support this local communities.</p>	<p>This unit is comprised of seven smaller units adjacent to the communities of Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, and Eek. Prior and existing uses include the placement and operation of private, commercial and community structures and infrastructure.</p> <p>All of the subunits are within anadromous waters.</p>

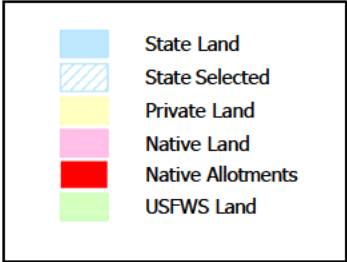
Unit #	Designation(s)	Map	Acres	Management Intent	Resources and Uses
				<p>Authorizations for activities or development that would significantly interfere with the continued use of a waterway by the public for purposes of trade, travel, and commerce are not allowed.</p> <p>Adjudicators should consult with ADF&amp;G prior to issuing authorizations to identify sensitive habitats.</p> <p>Protect known heritage sites and cultural resources.</p> <p>Retain RS 2477 routes.</p>	<p>The Alaska Heritage Resources Survey (AHRS) indicates cultural resources within the unit.</p>

1



**Lower Kuskokwim  
Site Specific Plan  
Land Status**

**Map 1-1**



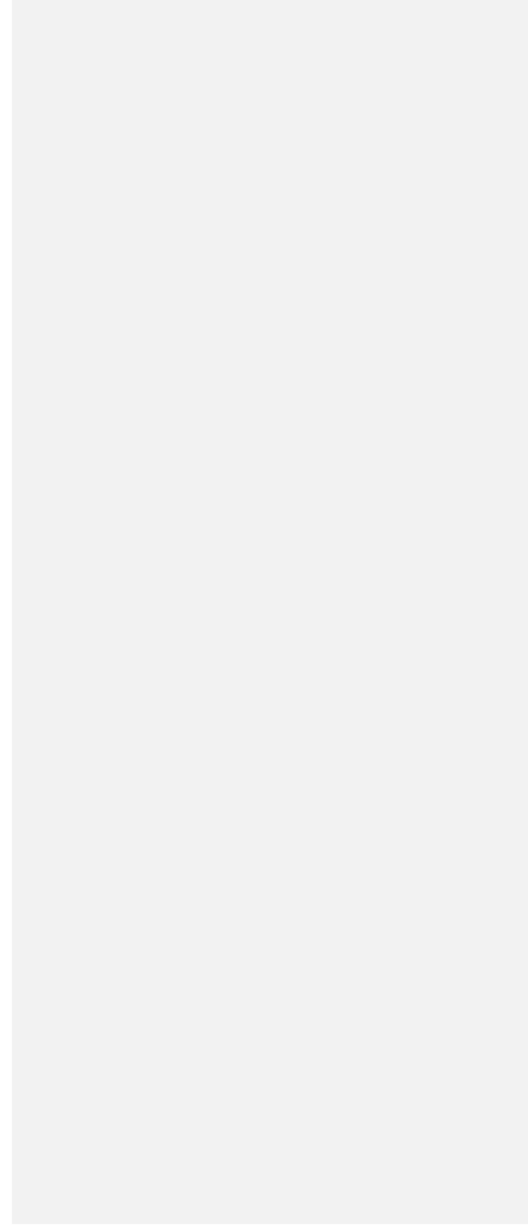
Land use designations only apply to land owned by the Alaska Department of Natural Resources, as indicated by the management units on this map. There are other parcels contained within these units but the designation does not apply to these non-state lands. This map is for graphic representation only and is intended to be used only as a guide.

Created: April 18  
RA, DNR, DMLW, RADS  
Projected Coordinate System: NAD 1983  
UTM Zone 6 North



10

20  
Mi



# Lower Kuskokwim Site Specific Plan

## Map 1-2

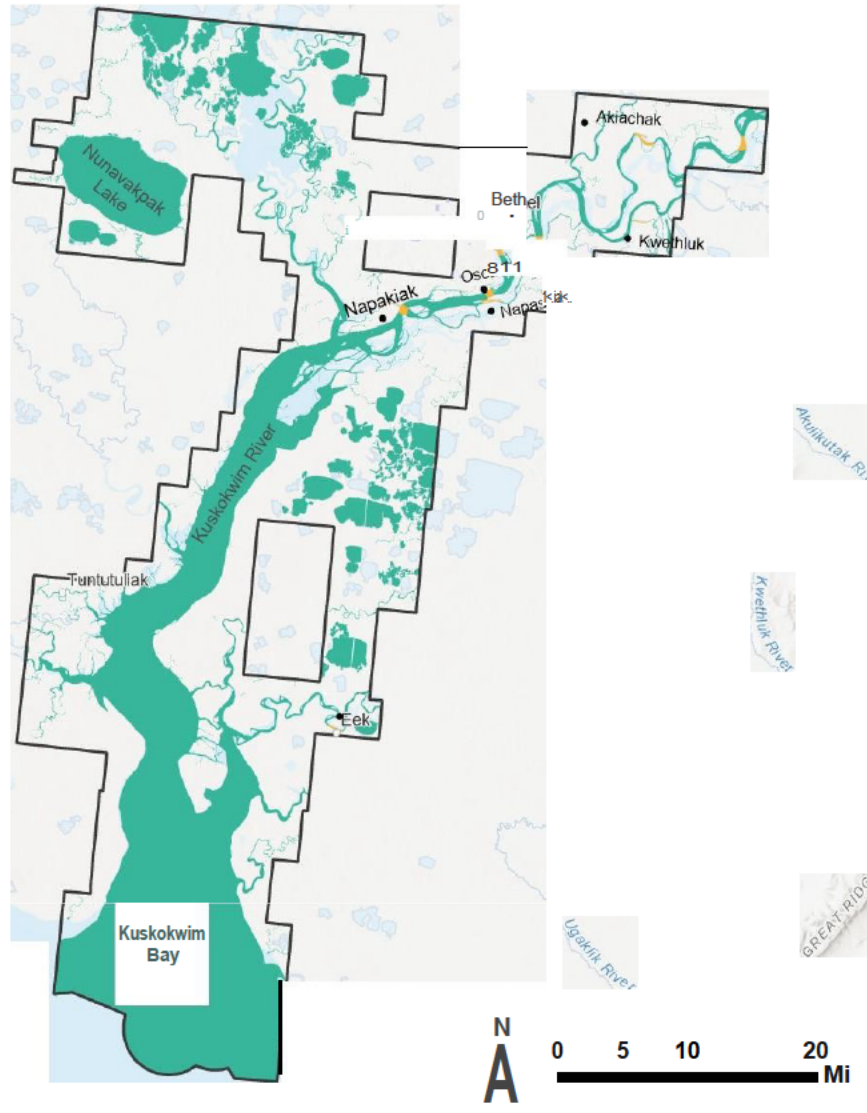
### Management Units

-  L-01 Wildlife Habitat (Ha), Public Recreation Dispersed (Rd)
-  L-02 Waterfront Development (Wd)



Land use designations only apply to land owned by the Alaska Department of Natural Resources, as indicated by the management units on this map. There are other parcels contained within these units but the designation does not apply to these non-state lands. This map is for graphic representation only and is intended to be used only as a guide.

Created: April 18  
 RA, DNR, DMLW, RADS  
 Projected Coordinate System: NAD 1983  
 UTM Zone 6 North



Atmautluak

Akiachak

Bethel

Kuskokwim River  
Kwethluk

Oscarville

Napaklak

Napaskiak

Akuklukuk River

Kushluk River


Allman  
Lake

Eek

# Lower Kuskokwim Site Specific Plan

## Map 1-3

### Management Unit

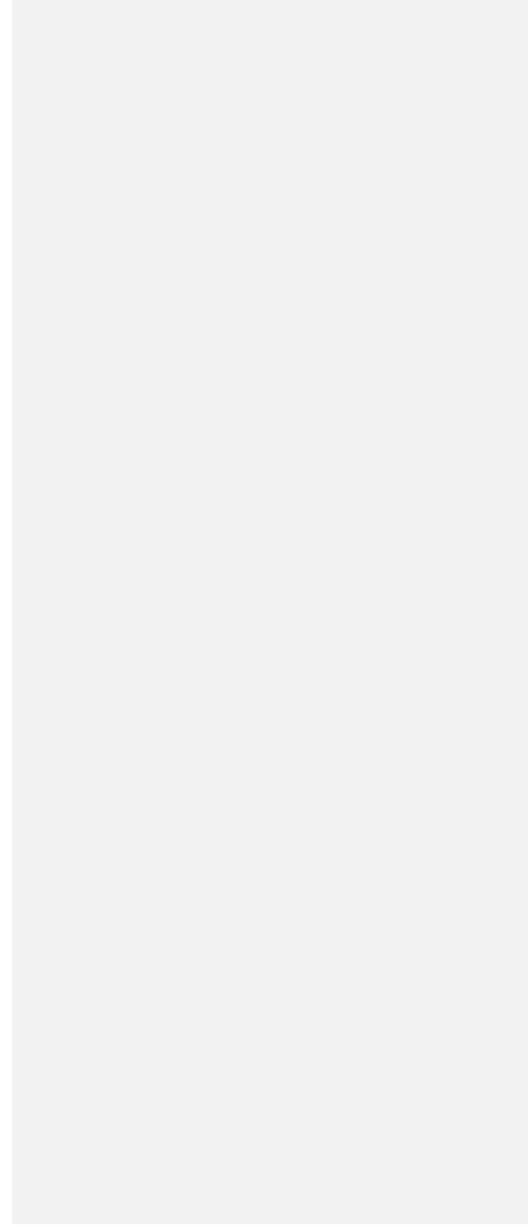
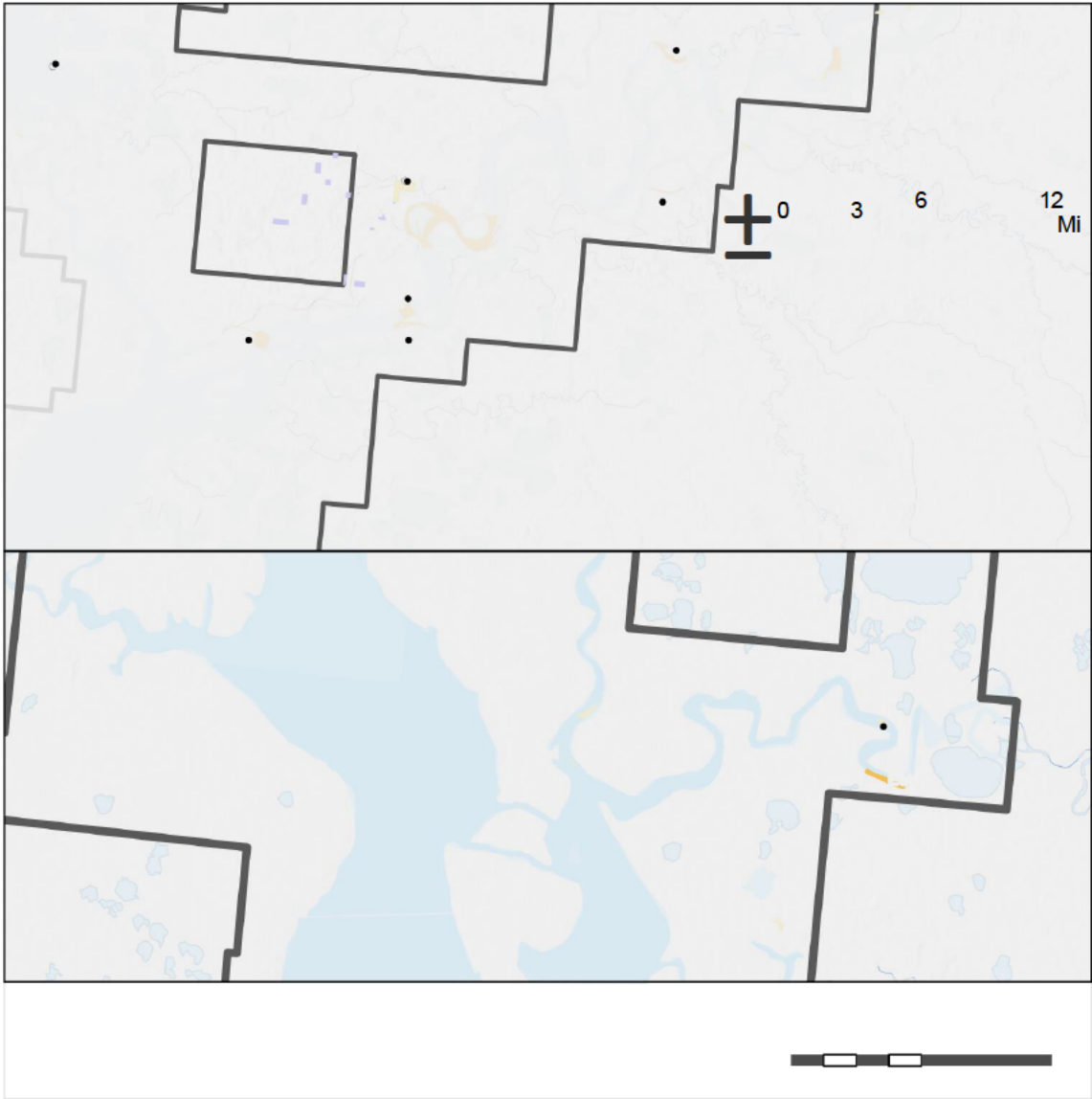
	L-01 Waterfront Development (Wd)
---	----------------------------------



Land use designations only apply to land owned by the Alaska Department of Natural Resources, as indicated by the management units on this map. There are other parcels contained within these units but the designation does not apply to these non-state lands. This map is for graphic representation only and is intended to be used only as a guide.

Created: April 18  
 RA, DNR, DMLW, RADS  
 Projected Coordinate System: NAD 1983  
 UTM Zone 6 North





1 **Appendix A**  
2 **Glossary**

3  
4 **AAC.** Alaska Administrative Code

5  
6 **Access.** A way or means of approach. Includes transportation, trail, easements, rights of  
7 way, and public use sites.

8  
9 **Adequate.** Sufficient for a specific need or requirement.

10  
11 **ADF&G.** Alaska Department of Fish and Game

12  
13 **ADNR.** Alaska Department of Natural Resources

14  
15 **ADOT/PF.** Alaska Department of Transportation and Public Facilities

16  
17 **Anadromous waters.** A river, lake or stream that is specified under AS 16.05.871(a) as  
18 important for the spawning, rearing, or migration of anadromous fishes; or is not so specified  
19 but has been determined to contain or exhibit evidence of anadromous fish. The anadromous  
20 designation applies from the waterbody’s mouth to its uppermost specified point, including  
21 all sloughs and backwaters adjoining the listed water, and that portion of the streambed or  
22 lakebed covered by ordinary high water. Anadromous waters are shown in “The Atlas and  
23 Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes”  
24 (referred to as the Anadromous Waters Catalog (AWC)) compiled by ADF&G and adopted  
25 by regulation.

26  
27 **AS.** Alaska Statutes

28  
29 **AWC.** Anadromous Waters Catalog, see “Anadromous waters”

30  
31 **Buffer.** An area of land between two activities or resources managed and used to reduce the  
32 effect of one activity upon another. These areas are usually vegetated or are required to be  
33 re-vegetated if the original vegetation has been removed.

34  
35 **Classification.** Land classification identifies the primary purpose for which state land will  
36 be managed, subject to valid existing rights and multiple uses. (11 AAC 55.040(c)). Land  
37 classifications are converted from plan designations through a Land Classification Order.  
38 Other land uses may be authorized by the Department that do not conflict with the land use  
39 plan (11 AAC 55.040(c)).

40  
41 **Classification Order.** See “Land Classification Order”  
42  
43

Appendix A: Glossary

1 **Closed to mineral entry.** Areas where the staking of new mineral claims is prohibited  
2 because mining has been determined to conflict with significant surface uses in the area.  
3 Existing mineral claims that are valid at the time of plan adoption are not affected by mineral  
4 closures.

5  
6 **Co-designation.** When more than one land use designation is identified in a management  
7 unit. These two (or more) designations reflect uses or resources that are of equal importance,  
8 are considered compatible within a specific management unit, and apply to the entirety of the  
9 management unit. (See also “Land use designation”)

10 **Commissioner.** The Commissioner of the Alaska Department of Natural Resources

11  
12 **ADEC.** Alaska Department of Environmental Conservation

13  
14 **Department.** Alaska Department of Natural Resources or DNR

15  
16 **Designated use.** An allowed use of major importance in a particular management unit.  
17 Activities in the unit will be managed to encourage, develop, or protect this use. Where a  
18 unit has two or more designated uses, the management intent statement and guidelines for the  
19 unit; the general guidelines; and existing statutes, regulations, and procedures, will direct  
20 how resources are managed to avoid or minimize conflicts between designated uses.  
21

22  
23 **Designation.** See “Land Use Designation”

24  
25 **Dispersed recreation.** Recreational pursuits that are not site specific in nature, such as  
26 hunting, fishing, recreational boating or wildlife viewing. The designation of “Public  
27 Recreation-Dispersed” is used to indicate such uses where public recreation within a  
28 management is especially great or significant. These types of uses are allowed on nearly all  
29 state general domain land and are those uses that are permitted as Generally Allowed Uses in  
30 11 AAC 96.020.

31  
32 **Disposal.** Refers to the conveyance of state land or an interest in state land to another entity.  
33 Disposal, as used in this plan, is meant to convey this general meaning.

34  
35 **DPOR.** Division of Parks and Outdoor Recreation, a division of DNR

36  
37 **Easement.** Generally, an interest in land owned by another that entitles its holder to a  
38 specific limited use. Easements may be issued within areas that are designated by the plan to  
39 be retained.

40  
41 **Fish and wildlife.** Any species of aquatic finfish and amphibian, reptile, bird or mammal in  
42 any stage of their life cycle found in or which may be introduced into Alaska, except  
43 domestic birds and mammals. The term “area(s)” in association with the term “fish and  
44 wildlife” refers to both harvest and habitat areas.  
45

1 **Generally allowed use (GAU).** An activity conducted on state land managed by the  
2 Division of Mining, Land and Water that is not in a special category or status. For the most  
3 part these uses are allowed for 14 days or less, and a permit is not required (11 AAC 96.020).  
4

5 **Guideline (or Management Guideline).** A course of action to be followed by ADNR  
6 resource managers or required of land users when the manager permits, leases, or otherwise  
7 authorizes the use of state land or resources. Guidelines also range in their level of  
8 specificity from giving general guidance for decision making or identifying factors that need  
9 to be considered, to setting detailed standards for on-the-ground decisions. Some guidelines  
10 state the intent that must be followed and allow flexibility in achieving it.  
11

12 **Habitat.** Areas that serve as a concentrated use area for a single or multiple species of fish  
13 and wildlife during a sensitive life history stage or are highly important to the maintenance or  
14 management of a single or multiple species of fish or wildlife. This designation, when used,  
15 applies to localized areas having particularly valuable or sensitive habitat within the planning  
16 boundary. The “Ha” designation does not preclude human uses that are compatible with the  
17 following fish and wildlife categories. Also refers to the plan designation of Habitat or the  
18 land classification of Wildlife Habitat Land.  
19

20 **Land Classification Order.** An order approved by the Commissioner of the Department of  
21 Natural Resources that classifies state land into specific land use categories (AS 38.04.065  
22 and AS 38.05.300). The Land Classification Order in this Site Specific Plan classifies all  
23 state lands within the planning area according to the land use designations assigned to  
24 individual land parcels in the Resource Allocation Tables contained in this plan.  
25

26 **Land use designation.** A category of land allocation determined by a land use plan.  
27 Designations identify the primary use or uses of state land. See page 7, which sets out how  
28 the land use designations of this plan will be classified according to 11 AAC 55. Referred to  
29 in this plan as Designation. Designations are applied to state general domain land, but not  
30 usually to Legislatively Designated Areas (LDAs). A designation is only applied where the  
31 authorizing statute indicates that Title 38 (Public Land) authorities are to be retained for  
32 certain aspects of LDA management or if the LDA is not completely removed from the  
33 general public domain.  
34

35 **Lease.** A Department of Natural Resources authorization for the use of state land according  
36 to terms set forth in AS 38.05.070-105. The State Pipeline Coordinator’s Section holds  
37 authority for surface authorizations that pertain to pipeline infrastructure as defined under in  
38 AS 38.35.  
39

40 **Management intent statement.** The statements that define the department’s near and long-  
41 term management objectives and the methods to achieve those objectives. As most often  
42 used in the plan, it refers to the management objectives and methods to achieve those  
43 objectives for a management unit. Management intent statements function to provide more  
44 specific guidance than that provided by a plan designation or land classification and are to be  
45 interpreted as intended to be consistent with that designation or classification.

Appendix A: Glossary

1  
2 **Materials.** “Materials” include but are not limited to common varieties of sand, gravel, rock,  
3 peat, pumice, pumicite, cinders, clay and sod. Materials may also refer to the designation of  
4 Materials or the land classification of Materials Land.

5  
6 **Mineral entry.** Acquiring exploration and mining rights under AS 38.05.185-38.05.275.

7  
8 **Mining.** Any structure or activity for commercial exploration and recovery of minerals,  
9 including, but not limited to resource transfer facilities, camps, and other support facilities  
10 associated with mineral development. The term “mining” does not refer to offshore  
11 prospecting.

12  
13 **Mining claim.** Rights to deposits of minerals, subject to AS 38.05.185-38.05.275, in or on  
14 state land that is open to claim staking may be acquired by discovery, location and recording  
15 as prescribed in AS 38.05.185-38.05.275. The locator has the exclusive right of possession  
16 and extraction of the minerals lying within the boundaries of the claim, subject to  
17 AS 38.05.185 -38.05.275.

18  
19 **Minor Change.** A minor change to a land use plan is not considered a revision under  
20 AS 38.04.065. A minor change is a change that does not modify or add to the plan’s basic  
21 intent, and that serves only to clarify the plan, make it consistent, facilitate its  
22 implementation, or make technical corrections (11 AAC 55.030).

23  
24 **Multiple use.** Means the management of state land and its various resource values so that it  
25 is used in the combination that will best meet the present and future needs of the people of  
26 Alaska, making the most judicious use of the land for some or all of these resources or  
27 related services over areas large enough to provide sufficient latitude for periodic  
28 adjustments in use to conform to changing needs and conditions; it includes:

- 29  
30 a) the use of some land for less than all of the resources, and  
31 b) a combination of balanced and diverse resource uses that takes into account the short-  
32 term and long-term needs of present and future generations for renewable and  
33 nonrenewable resources, including, but not limited to, recreation, range, timber, minerals,  
34 watershed, wildlife and fish, and natural scenic, scientific, and historic values  
35 (AS 38.04.910).

36  
37 **Native-owned land.** Land that is patented or will be patented to a Native corporation.

38  
39 **Native-selected land.** Federally owned land that is selected by a Native corporation but not  
40 yet patented.

41  
42 **Navigable.** Used in its legal context, it refers to lakes and rivers that meet federal or state  
43 criteria for navigability. Under the Equal Footing Doctrine, the Alaska Statehood Act, and  
44 the Submerged Lands Act, the state owns land under navigable waterbodies.

45

1 **Navigable Water.** Means any waterbody of the state that is navigable in fact for any useful  
2 public purpose and as specifically described in AS 38.05.965(13).

3  
4 **Ordinary high-water mark (OHW).** The mark along the bank or shore up to which the  
5 presence and action of the non-tidal water are so common and usual, and so long continued  
6 in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated  
7 by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or  
8 other distinctive physical characteristics (from 11 AAC 53.900(23)).

9  
10 **Permanent use.** A use that includes a structure or facility that is not readily removable.  
11 Permanent facilities are improvements that do not need to be removed and usually involve  
12 the construction of a foundation for the improvement.

13  
14 **Permit.** A Department of Natural Resources authorization for use of state land according to  
15 terms set forth in 11 AAC 96.

16  
17 **Primary use.** The primary intended use of state land or water, which is indicated through a  
18 primary land use designation. In this plan there may be two compatible uses within a  
19 management unit. When this occurs, it is represented by a co-designation. These types of  
20 uses are most often expressed through a land use designation (see “Designation”) in this plan.

21  
22 **Public Trust Doctrine.** A doctrine that requires the state to manage tidelands, shorelands,  
23 and submerged lands for the benefit of the people so that they can engage in such things as  
24 commerce, navigation, fishing, hunting, swimming, and ecological study. (See also  
25 Appendix C)

26  
27 **Public use.** Any human use of state land, including commercial and non-commercial uses.

28  
29 **Recreation.** Any activity or structure for recreational purposes, including but not limited to  
30 hiking, camping, boating, anchorage, access points to sport hunting and fishing areas, and  
31 sightseeing. “Recreation” does not refer to subsistence hunting and fishing. See the term  
32 Subsistence.

33  
34 **Resource management.** A land designation or classification used for lands which are  
35 presently inaccessible or remote and may have a number of resources; where the lack of  
36 adequate resource, economic or other relevant information combined with the unlikelihood of  
37 resource development within the next 20 years makes a specific resource allocation decision  
38 unnecessary; or where a number of uses can be accommodated in a given area. In previous  
39 land use plans, this designation was referred to as General Use.

40  
41 **RS 2477.** RS 2477 stands from Revised Statute 2477 from the Mining Act of 1866, which  
42 states that “The public right-of-way for the construction of highways over public lands, not  
43 reserved for public use, is hereby granted.

44  
45 **Right-of-way.** The legal right to cross the land of another.

Appendix A: Glossary

- 1  
2 **Shall.** Same as “will.”  
3  
4 **Shoreland.** Land belonging to the state that is covered by navigable, nontidal water up to the  
5 ordinary high-water mark as modified by accretion, erosion or reliction. (See definition of  
6 Navigable.) Shorelands are generally lake bottoms or the beds of navigable rivers and  
7 streams.  
8  
9 **Should.** States intent for a course of action or a set of conditions to be achieved. Guidelines  
10 modified by the word “should” state the plan’s intent and allow the manager to use discretion  
11 in deciding the specific means for best achieving the intent or whether circumstances justify  
12 deviations from the intended action or set of conditions. Includes the concept of “feasible  
13 and prudent.” Any deviation from a management intent statement or management guideline  
14 in an authorization requires an explanation for the variation in the written decision. See also  
15 “Will.”  
16  
17 **Site Specific Plan (SSP).** A land use plan under AS 38.04.065, a Site Specific Plan is a  
18 planning document prepared in the absence of a regional plan, that states the management  
19 intent for each resource in the planning area, addresses impacts on adjacent land uses, and  
20 contains the following: a summary of existing land uses and ownership patterns; a discussion  
21 of resource potential and land uses on state lands and water; land classifications that set out  
22 primary uses; consideration of mineral potential, existing or potential conflicts; and,  
23 management guidelines and stated management intent, representing department policies to  
24 guide the actions of the department when making land use decisions, directing land  
25 management and ensuring compatibility among competing land uses (11 AAC 55.030(e)).  
26 Until land has been classified, a disposal or transfer of state land or an interest in state land  
27 will not be allowed (11 AAC 55.040(i)). This Site Specific Plan was adopted to meet the  
28 legal requirement for classification of state land prior to the proposed Ambler Road project,  
29 which would be a disposal of interest.  
30  
31 **State land.** A generic term meaning all state land, including all state-owned and state-  
32 selected uplands, all shorelands, tidelands and submerged lands. See also definitions of state-  
33 owned land and state-selected land as well as definitions for shorelands, tidelands, and  
34 submerged lands. ‘State Land’ excludes lands owned by the University of Alaska, the  
35 Mental Health Trust Authority, or by state agencies that have acquired through deed.  
36  
37 **State-owned land.** Land that is patented or will be patented to the state, including uplands,  
38 tidelands, shorelands, and submerged lands.  
39  
40 **State-selected land.** Federally owned land that is selected by the State of Alaska, but not yet  
41 patented nor Tentatively Approved (TA) by the Bureau of Land Management.  
42  
43 **Submerged Lands.** Land covered by tidal waters between the line of mean lower low water  
44 and seaward to a distance of three geographic miles or as may hereafter be properly claimed  
45 by the state. (AS 38.05.965) (See definition of Tidelands)

- 1  
2 **Subsistence.** Subsistence is defined in Alaska state laws as the “non-commercial customary  
3 and traditional uses of fish and wildlife.” See AS 16.05.940, especially subsections 30 and  
4 31 (sport fishing), 32 (subsistence hunting), and 33 (subsistence uses) for further information.  
5  
6 **Suitable.** Land that is physically capable of supporting a resource development.  
7  
8 **Sustained Yield.** Means the achievement and maintenance in perpetuity of a high level of  
9 annual or regular periodic output of the various renewable resources of state land consistent  
10 with multiple use. (AS 38.04.910(12))  
11  
12 **Tidelands.** Lands that are periodically covered by tidal waters between the elevation of  
13 mean high water and mean lower low water. (AS 38.05.965)  
14  
15 **Uplands.** Lands above mean high water.  
16  
17 **Wetlands.** Includes both freshwater and saltwater wetlands. “Freshwater wetlands” means  
18 those environments characterized by rooted vegetation which is partially submerged either  
19 continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt  
20 content and not exceeding three meters in depth. “Saltwater wetlands” means those coastal  
21 areas along sheltered shorelines characterized by salt tolerant, marshy plants and large algae  
22 extending from extreme low tide which is influenced by sea spray or tidally induced water  
23 table changes. Note: This definition may be inconsistent with the federal definition of  
24 wetlands as applied by the U.S. Corps of Engineers.  
25  
26 **Will.** Requires a course of action or a set of conditions to be achieved. A guideline modified  
27 by the word “will” must be followed by land managers and users. Deviation from plan  
28 designations, management intent, or management guidelines requires a plan amendment  
29 consistent with 11 AAC 55.040(f).  
30  
31



1 **Appendix B**

2  
3 **STATE OF ALASKA**  
4 **DEPARTMENT OF NATURAL RESOURCES**  
5 **DIVISION OF MINING, LAND AND WATER**  
6

7  
8 **Land Classification Order No. SC-24-002**  
9

- 10 I. Name: Lower Kuskokwim Site Specific Plan  
11  
12 II. The classifications in Part III are based on written justification contained the following  
13 plan:  
14

15 Site Specific Plan: Lower Kuskokwim  
16 Adopted ( ) Revised ( ) Dated \_\_\_\_\_  
17  
18

III. Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this Action
See plan maps.		Tide and Submerged Land Act of 1953	None	Wildlife Habitat Public Recreation
		Equal Footing Doctrine		Waterfront Development General Use

19  
20 IV. This order replaces and supersedes all existing land classification orders within the Lower  
21 Kuskokwim Site Specific Plan boundary.  
22

23 V. This order is issued under the authority granted by AS 38.04.065 and AS 38.05.300 to the  
24 Commissioner of the Department of Natural Resources. The above-described lands are  
25 hereby designated and classified as indicated. Nothing shall prevent the reclassification  
26 of these lands if warranted in the public interest.  
27  
28

29  
30 Classified: \_\_\_\_\_ Date: \_\_\_\_\_  
31 Christianna Colles, Director  
32 Department of Natural Resources  
33

1 **Appendix C**  
2 **Public Trust Doctrine**

3  
4 The Public Trust Doctrine provides that public trust lands, waters, and living natural  
5 resources in a state are held by the state in trust for the benefit of all the people, and  
6 establishes the right of the public to fully utilize the public trust lands, waters, and resources  
7 for a wide variety of public uses. Each state has the authority and responsibility for  
8 managing these public trust assets to assure the public rights are upheld.

9  
10 The Public Trust Doctrine applies whenever navigable waters or the lands beneath those  
11 waters are altered, developed, conveyed, or otherwise managed. It also applies whether the  
12 trust lands are publicly or privately owned. Shorelands below the ordinary high-water mark  
13 are considered public trust lands. In summary, all lands beneath navigable waters, be they  
14 shorelands, tidelands, or submerged lands out to the three mile limit are public trust lands.

15  
16 The Alaska Constitution contains numerous provisions embracing principles of the Public  
17 Trust Doctrine that require the state to exercise authority to ensure that the right of the public  
18 to use navigable waters for navigation, commerce, recreation, and related purposes is  
19 protected. In Alaska, the Public Trust Doctrine extends beyond those submerged lands in  
20 which the state holds title to include all waters that are navigable. The state’s waters are  
21 themselves reserved to the people for common use.

22  
23 The Alaska Constitution (Article VIII, sections 1, 2, 3, 6, 13, and 14) and Alaska Statutes  
24 (38.05.127 and 38.05.128) contain some of the provisions, which are the legal basis for  
25 applying the Public Trust Doctrine in Alaska. In Alaska, this doctrine guarantees the public’s  
26 right to engage in activities such as commerce, navigation, fishing, hunting, trapping, and  
27 swimming, while also providing for the protection of areas for ecological study.

28  
29 The Alaska Constitution provides that “free access to the navigable or public waters of the  
30 state, as defined by the legislature, shall not be denied any citizen of the United States or  
31 resident of the state, except that the legislature may by general law regulate and limit such  
32 access for other beneficial uses or public purposes.” The Alaska Supreme Court has  
33 concluded “the provisions in Article VIII [of the Constitution] were intended to permit the  
34 broadest possible access to and use of state waters by the general public.” *Wernberg v. State*,  
35 516 P. 2d 1191, 1198-9 (Alaska 1973). The Alaska legislature has broadly defined the  
36 navigable and public waters available for public use in AS 38.05.965. Moreover, the  
37 legislature has endorsed a broad interpretation of the Public Trust Doctrine in Article VIII of  
38 Alaska’s Constitution in finding that:

39  
40 “Ownership of land bordering navigable or public waters does not grant an exclusive right to  
41 the use of the water and any rights of title to the land below the ordinary high-water mark are  
42 subject to the rights of the people of the state to use and have access to the water for  
43 recreational purposes or any other public purposes for which the water is used or capable of  
44 being used consistent with the public trust.” Sec. 1, Ch. 82, SLA 1985.

*Appendix C: Public Trust Doctrine*

1 The legislature has also declared that the right to use state waters does not include the right to  
2 enter or trespass upon private lands. Nevertheless, with 99 percent of Alaska in public  
3 ownership at statehood, state laws regarding the transfer of land to private parties provide for  
4 public access to navigable waters. For instance, AS 38.05.127 implements the state’s  
5 constitutional guarantee of access to navigable waters under Article VIII, Section 14. Under  
6 the statute, the Commissioner of the Alaska Department of Natural Resources must “provide  
7 for the specific easements or rights-of-way necessary to ensure free access to and along the  
8 body of water, unless the Commissioner finds that regulating or eliminating access is  
9 necessary for other beneficial uses or public purposes.” The State’s responsibilities to  
10 implement the Public Trust Doctrine are considered and used throughout this plan. Any  
11 management actions will be consistent with the Public Trust Doctrine as defined by the  
12 Alaska Constitution, statutes, court decisions, and public involvement.  
13

**From:** [Sager, Kimberly R \(DNR\)](#)  
**To:** [Guzenski, Shawana K \(DNR\)](#); [DNR RADS SSP \(DNR sponsored\)](#)  
**Cc:** [Barrett, Tom R \(DNR\)](#)  
**Subject:** FW: Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period  
**Date:** Friday, April 26, 2024 9:44:21 AM

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Good Morning Shawana –

The Water Resource Section has reviewed the LKSSP and does not have any comments at this time. For any further questions regarding water related topics, please feel free to contact myself or Tom Barrett.

Best Regards,

Kim

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Kimberly Sager, Statewide Lead  
Reservation of Water Program  
Department of Natural Resources  
Water Resources Section  
550 West 7<sup>th</sup> Avenue, Ste. 1020  
Anchorage, Alaska 99501  
Ph: (907) 269-2033

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**From:** Barrett, Tom R (DNR) <[tom.barrett@alaska.gov](mailto:tom.barrett@alaska.gov)>  
**Sent:** Thursday, April 25, 2024 1:56 PM  
**To:** Sager, Kimberly R (DNR) <[kimberly.sager@alaska.gov](mailto:kimberly.sager@alaska.gov)>  
**Subject:** FW: Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period

Kim- Do you have a chance to review this by May 20<sup>th</sup>? Thanks,  
tom

---

**From:** Guzenski, Shawana K (DNR) <[shawana.guzenski@alaska.gov](mailto:shawana.guzenski@alaska.gov)>  
**Sent:** Friday, April 19, 2024 7:21 PM  
**To:** DNR RADS SSP (DNR sponsored) <[dnr.rads.ssp@alaska.gov](mailto:dnr.rads.ssp@alaska.gov)>  
**Cc:** Akogun, Ridwan D (DNR) <[ridwan.akogun@alaska.gov](mailto:ridwan.akogun@alaska.gov)>; Gramckow, Andrea L (DNR) <[andrea.gramckow@alaska.gov](mailto:andrea.gramckow@alaska.gov)>; Husa, Kevin D (DNR) <[kevin.husa@alaska.gov](mailto:kevin.husa@alaska.gov)>  
**Subject:** Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open

Comment Period

## PUBLIC NOTICE

Release of the Lower Kuskokwim Site Specific Plan Public Review Draft  
Public Comment Period Open April 19, 2024 through May 20, 2024

The Department of Natural Resources (DNR) has released the Lower Kuskokwim Site Specific Plan (LKSSP) Public Review Draft (PRD) for public review and comment. Following a 30-day public review period, which may result in changes to the PRD, the planning team will review the comments and prepare an Issue Response Summary (IRS). The IRS provides a summary of issues raised during the comment period, a response to those issues, and a list of recommended revisions to the plan. The PRD and the IRS will be made available for public review. Once adopted, this plan will serve as the basis for the management of state-owned tide and submerged lands within the planning area.

The LKSSP proposes to classify approximately 426,700 acres of state-owned tide, submerged, and shorelands in the Lower Yukon-Kuskokwim Delta as Wildlife Habitat and Public Recreation Land, and Waterfront Development Land. The plan boundary extends from Akiak in the northeast, west to Nunapitchuk and south to the 3-mile limit of Kuskokwim Bay where it abuts the northwest corner of the Bristol Bay Area plan above Quinhagak. The planning area is within the Yukon Delta National Wildlife Refuge, and includes the communities of Akiak, Kwethluk, Bethel, Nunapitchuk, Napakiak, Napaskiak, Oscarville, Eek, and Tuntutuliak.

Comments on the Public Review Draft of the Lower Kuskokwim Site Specific Plan must be received on or before May 20, 2024 by email to [dnr.rads.ssp@alaska.gov](mailto:dnr.rads.ssp@alaska.gov), fax at 907-269-8915, or through the online Public Comment Portal at <https://tinyurl.com/yrbk7xa5>. The plan can be viewed on the Public Comment Portal or on the State of Alaska Online Public Notices webpage at <http://notice.alaska.gov/215065>.

Mailed comments must be received by May 20, 2024 and should be mailed to the following:

DNR, DMLW  
ATTN: RADS  
550 W. 7th Ave., Suite 1050  
Anchorage, AK 99501

For more information, please contact Ridwan Akogun at [dnr.rads.ssp@alaska.gov](mailto:dnr.rads.ssp@alaska.gov).

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**Shawana K. Guzenski**

Natural Resource Manager

Resource Assessment and Development Section

Division of Mining, Land, and Water  
550 West 7th Avenue, Suite 1050  
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**From:** [O'Claray, Heather S \(DOT\)](#)  
**To:** [Guzenski, Shawana K \(DNR\)](#)  
**Cc:** [DNR RADS SSP \(DNR sponsored\)](#)  
**Subject:** RE: Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period  
**Date:** Wednesday, May 8, 2024 11:15:06 AM

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Shawana, thank you for the opportunity to review the proposal. The Alaska Department of Transportation & Public Facilities has no comment at this time. Though unlikely, if you received comment from any other DOT&PF personnel on this matter, I defer to them.

H. O'Claray  
Statewide Real Estate/Right-of-Way Chief  
Alaska Department of Transportation & Public Facilities  
Juneau, Alaska  
907.465.6954

---

**From:** Guzenski, Shawana K (DNR) <shawana.guzenski@alaska.gov>  
**Sent:** Friday, April 19, 2024 7:21 PM  
**To:** DNR RADS SSP (DNR sponsored) <dnr.rads.ssp@alaska.gov>  
**Cc:** Akogun, Ridwan D (DNR) <ridwan.akogun@alaska.gov>; Gramckow, Andrea L (DNR) <andrea.gramckow@alaska.gov>; Husa, Kevin D (DNR) <kevin.husa@alaska.gov>  
**Subject:** Public Notice - Lower Kuskokwim Site Specific Plan Public Review Draft Released and Open Comment Period

## PUBLIC NOTICE

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**Shawana K. Guzenski**

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