

Chapter 3

Land Management Policies for Each Management Unit

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Chapter 3

Land Management Policies for Each Management Unit

Introduction

This chapter presents specific land management policy for all state uplands, tide and submerged lands, and shorelands within the planning area. Information on state lands is organized by region, of which there are seven. Figure 1-2 shows the planning area and regions.

The planning area of this plan is very extensive; it stretches from Wainwright on the Arctic Ocean in the north, to Unalakleet on Norton Sound in the south, then west to Cape York at the western end of the Seward Peninsula, thence east to Ambler. Within the planning area there are 7.6 million acres of general state uplands, 5.9 million acres of state-selected uplands, and 5.5 million acres of tidelands and submerged lands.

The management requirements of this area plan do not apply to non-state lands, which includes, in the context of this plan, University of Alaska lands, Mental Health Trust Authority lands, and other state-owned lands directly administered by the ADOT/PF and ADF&G.

Organization of Chapter

The chapter is organized into the following sections:

- *Land Use Designations*, which describe the general management direction for specific parcels of state land.
- *Management Intent*, which consists of an explanation of how specific units of state land are to be managed. Management intent language gives additional specificity to the general management direction provided by the land use designations.
- *Plan Duration and Flexibility*, which indicates the planning period and requirements for plan amendment.
- *Regional Setting*
- *Regional and parcel specific management* direction for state land.

Land Use Designations

A land use **designation** recognizes uses or resources that are of major importance in a particular management unit. Unit designations are based on current and projected future use patterns and the most significant resources identified in each unit. DNR will manage activities in the unit to encourage, develop, or protect the uses or resources for which the unit is designated.

When the plan assigns a designation to a unit, the designation is accompanied by region-wide management guidelines and by management intent specific to that unit. These three pieces of information – designations, management guidelines, and statement of intent – promote the most beneficial use and set conditions for allowing for non-designated uses. All three components must be taken into consideration when making an authorization decision.

Primary designated use. Many units have a primary designated use (versus units designated General Use). Primary designated uses may take precedence over other uses. Generally, however, DNR allows multiple uses. DNR initially presumes that all other uses are compatible with the primary use. However, if DNR determines that a use conflict exists and that the proposed use is incompatible with the primary use, the proposed use shall not be authorized or it shall be modified so that the incompatibility no longer exists (from 11 AAC 55.040 (c)). The plan may assign a designation to ensure a future use that will best serve the public interest, even if that use is not imminent.

Codesigned use. Where a unit has two or more designated uses, DNR will avoid or minimize conflicts between designated uses by applying the management intent statement and guidelines for the unit, the regional intent, and the Chapter 2 guidelines from this plan together with existing statutes, regulations, and procedures. Only those codesignations that are generally complementary to or compatible with each other are included in this plan. Codesigned uses should, therefore, be viewed as compatible unless specific conditions that exist at the time the Department is evaluating whether to grant an authorization indicate otherwise.

Designations Used in This Plan

Gu – General Use. Land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use, or, because of the size of the parcel, a variety of uses can be accommodated with appropriate siting and design controls is designated General Use. This designation may also apply where there is a lack of resource, economic, or other information with which to assign a specific land use designation, and/or the lack of current demand implies that development is unlikely within the planning period.

This designation also applies to tide and submerged land. Large areas of tide and submerged land are affected by this designation; tidelands not affected by a specific tideland management unit are included within a General Use designation. A wide variety of resources

and tideland values are present within areas affected by this designation. They are also important for harvest activities seasonally. Consult the Resource Allocation Table for the management unit designated General Use in each region to determine the resources and uses present in these areas.

Ha – Habitat. This designation applies to areas of varied size for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or sustained yield of a species. This land will remain in state ownership except for areas where a tidelands conveyance to a municipality is allowed under AS 38.05.820 and AS 38.05.825.¹

This land will be maintained in an undisturbed, natural state except for improvements related to public health, safety, habitat restoration or rehabilitation, and public recreation. Authorizations within areas designated Habitat are not to be considered appropriate unless consistent with the previous objectives. Utilities and roads may be appropriate if designed to maintain habitat functions.

Hv – Harvest. Fish and wildlife harvest areas are subsistence, recreational and/or community harvest areas of varied size where alteration of habitat could permanently limit sustained yield to traditional users; or are areas of intense harvest where the level of harvest has reached, or is projected to reach, the harvestable surplus for the resource. This land will remain in state ownership except for areas eligible for a tidelands conveyance to a municipality under AS 38.05.820 and AS 38.05.825. This designation applies to uplands, tidelands and submerged lands.

Co – Coal. Areas considered to have coal potential and for which coal mining is considered to be an appropriate use, are designated Coal. See the “Explanation of Mineral and Coal Designations” at the end of this list of designations.

Mi – Minerals. Areas considered to have mineral potential and for which mining is considered to be an appropriate use, are designated Mineral. See the “Explanation of Mineral Designations” at the end of this list of designations.

Rd – Public Recreation-Dispersed. This designation applies to those areas that offer or have a high potential for dispersed recreation or tourism and where desirable recreation conditions are scattered or widespread rather than localized. Developed facilities are generally not necessary other than trails, trail signs, primitive campsites, and other minor improvements. This land will be retained in public ownership in an undisturbed, natural state except for improvements related to public health, safety, or recreation. Authorizations within areas designated Public Recreation-Dispersed are not to be considered appropriate unless necessary for public health, safety or recreation. Utilities and roads may be appropriate with appropriate design if recreation functions can be maintained.

¹ It is not intended, however, that state land will necessarily be retained in instances where the codesignation of Minerals and Habitat is used. See the “Explanation of Mineral Designations” at the end of this list of designations.

Se – Settlement. This designation applies to state uplands suitable for sale, leasing, or permitting to allow private recreational or residential use. This designation will generally be used for areas appropriate for land offerings for residential uses. Unsettled or unsold land in the unit will be managed for uses compatible with settlement. This may include uses such as selling additional lots, laying out new subdivisions, identifying greenbelts through subdivisions, reserving materials sites for subdivision roads and building lots, placing easements on access routes, or reserving lots for community facilities and open space. Areas designated Settlement should be closed to mineral entry prior to sale. This land may be conveyed to municipalities and individuals.

Tc – Transportation Corridor. This designation applies to land identified for the location of easements and rights-of-way under AS 38.04.065(f), including transportation, pipeline, or utility corridors, or is under consideration for a right-of-way lease. The intent of this designation is to provide a reserve of state land for the eventual development of easements and rights-of-way, including transportation, pipeline, or utility corridors. Land disposals, remote cabins, commercial leasing facilities, and other permanent disposals of state land is not permitted in this designation, except with the approval of ADOT/PF.

Explanation of Mineral and Coal Designations

Except where state land is closed to mineral entry, DNR will treat mining as if it were a codesignated use, or a use that is compatible with the principal surface use. This is important to note because DNR plans usually do not apply mineral/coal resource designations to large areas. The problems in locating and measuring subsurface resources make it difficult and potentially misleading for this plan to apply designations to subsurface resources in the same way they are applied to surface resources. Chapter 2, *Subsurface Resources*, also includes additional guidelines and a summary of statutes regulating mining and reclamation activities.

In this plan the codesignations of Minerals/Habitat and Coal/Habitat are used extensively. This reflects the presence of both mineral/coal and habitat values in a unit with this designation. When a codesignation of Minerals/Habitat or Coal/Habitat is applied, this implies that mining is or may be an appropriate use within a unit with this codesignation, but the habitat values within the unit must be taken into careful consideration when an authorization is under consideration. Stipulations are to be imposed in the authorization in order to ensure the continuation of the habitat value or resource within the unit.

Management Intent

The plan provides management intent for both the resources and types of authorizations that are expected to occur within the planning area as well as for specific management units. Management intent essentially describes how the Department intends to manage a resource or management unit and may both describe what is intended to occur as well as what is not intended to occur. It may also specify specific management direction. Also, the plan can

provide management guidance for a resource without designating it. For example, the plan may address the resource by providing management intent for a specific area or through area wide guidelines. In addition, other state, federal, or local regulations will determine the conditions for using undesignated resources.

In some cases, the management intent for a unit discourages specific uses because these uses may create conflicts with designated uses. **Discouraged uses** may be allowed if DNR determines that the use does not conflict with the management intent, designated uses, and the management guidelines. Discouraged uses include activities that should not be authorized or will not be allowed if there are feasible and prudent alternatives. If DNR determines that the discouraged use conflicts with the management intent or designated uses, and cannot be made compatible by following the management guidelines, DNR would allow it only through a plan amendment.

In some cases the plan may also identify **prohibited uses**. These are uses that have significant conflicts with other uses or resources and will not be permitted without a plan amendment. Prohibitions are rare, because the plan seeks to minimize land use conflicts through plan guidelines and intent rather than through prohibitions.

Management intent statements for each unit refer only to state management of state land. While these statements accommodate certain proposed uses on tidelands and submerged lands, there is no guarantee that other regulatory agencies will issue permits necessary for the proposed use. All proposed development uses referenced in the management intent statements are assumed to employ best management practices in siting and operating the proposed use.

Disposal or Retention in State Ownership. Certain land use classifications, by statute, allow land to be conveyed to municipalities under the municipal entitlement program². The same statute identifies those land classifications that may not be conveyed in municipal entitlement decisions.³ Another portion of statute (AS 38.04.015) identifies the general public interests in retaining areas of state land in public ownership. These principles were applied in developing the recommendations for retention of state land that is identified for specific parcels.

In this plan, the land use designation is the general indicator of whether land should be retained in state ownership or made available for disposal. However, some units have management intent that precludes disposal although the designation and classification might otherwise allow disposal. When this occurs, this restriction is noted in the management intent statement specific to the management unit in the Resource Allocation Table. This

² The municipal entitlements of the Northwest Arctic Borough and, within the planning boundary, the North Slope Borough, have been fulfilled.

³ AS 29.65.130 identifies those land use classifications that permit conveyance under the Municipal Entitlement Act. In this area plan, the designations of General Use and Settlement are considered appropriate for the conveyance of lands out of state ownership. These convert to the classifications of Resource Management Land and Settlement Land.

includes units already under management by another state agency or that contain certain unique or sensitive uses or resources that merit retention by the state. In addition, units already under management agreements with other state agencies are usually not available for conveyance. In no case can DNR convey the subsurface estate to municipalities or individuals. Submerged lands, tidelands, and shorelands must be retained in state ownership unless law requires conveyance or the conveyance is to a political subdivision of the state. These conveyances are subject to the Public Trust Doctrine, described at the end of this chapter.

Tidelands, Submerged Lands and Shorelands. DNR will provide reasonable access across state tidelands to upland owners. Upland access across state tidelands, including developed access facilities, may be allowed within all land use designations where DNR determines the proposed facilities are consistent with the management intent and applicable guidelines of the plan. However, state tideland use designations do not give the public access rights to adjacent private uplands.

Management Guidelines

Most state lands will be managed for multiple uses. Exceptions are lands that will be offered for private lease or ownership, recreation sites that are less than 640 acres, and certain other areas that have unique habitat or public recreation values. When used, management guidelines specify requirements for the use of or development within a management unit. Apart from this, the plan establishes management guidelines in order to allow various uses to occur without serious conflicts. Management guidelines can direct the timing, amount, or specific location of different activities to make the permitted uses compatible. For example, the plan provides guidelines that require that land disposals must be designed to protect public access and recreational opportunities.

Duration and Flexibility of Plan

This plan guides land uses for the **next 20 years or until revised**, subject to periodic reviews, for areas with designations involving settlement, industrial or commercial uses, or other forms of economic uses including material extraction, grazing, or uses related to community or recreational development. Designations related to passive use designations, including habitat, harvest, undeveloped recreation, heritage, and water resources do not have a specific planning horizon. The area plan is intended to guide the management of land within the latter areas until the plan is formally revised. In some instances, areas designated General Use may not be appropriate for development within the planning period and, if so, this is indicated in the management intent language.

The land use designations are intended to be flexible. DNR may permit uses not originally designated if DNR determines they are consistent with the management intent for the unit and consistent with applicable management guidelines.

Boundaries of land use designations shown on the following maps may be modified through implementation activities, such as site planning or disposal, as long as modifications adhere to the intent of the plan and follow the procedures described in Chapter 4 under the section *Type of Plan Changes*.

Glossary

Definitions of terms used frequently in the plan are found in the *Glossary, Appendix A*.

Plan Structure

Plan Regions

As indicated, the plan boundary (see Figure 1-2) encompasses an area estimated to be in excess of 41 million acres. Much of this land is associated with federal Conservation System Units (CSU)⁴ and with Native corporations. There are numerous federal CSUs within the planning region, occupying over 14 million acres, or 34% of the total area. There are three regional Native corporations; these have either received patent or an Interim Conveyance from the federal government. Native land is distributed throughout the planning area and, in addition to the 6.6 million acres owned by these corporations, they have selected 6 million additional acres. This acreage includes an ‘over-selection amount’ and it is likely that only 1-2 million acres will be conveyed to these entities. State-owned land and state-selected land, encompassing 7.6 and 5.9 million acres, respectively, is also distributed throughout the planning region, with no particular concentration within any one area.

State land (including state-selected land) is divided into 7 major geographic areas, termed ‘regions’ in this plan. Regions are typically large geographic areas characterized by lands contiguous to each other and having generally similar characteristics. Figure 1-2 depicts the 7 regions. With the exception of one region, all of these regions are retained from the 1989 area plan⁵. The regions that have been carried over in the 2008 Revision include: Lisburne, Kobuk, Kotzebue Sound, Northwest Seward Peninsula, Southwest Seward Peninsula, and Norton Sound. The ‘Baird Mountain’ region was added in the 2008 plan revision in order to encompass the state land that is either now owned or is in selection status within this large region (592,000 acres owned/selected).

Wherever possible the spatial boundaries used in the 2008 Revision are identical to those in the 1989 Area Plan, but in several cases they are similar, but slightly expanded. Areas of state-owned and selected land that adjoins the 1989 Area Plan regions have been included in

⁴ Federal Conservation System Units: Any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument.

⁵ The region ‘Remnant Rivers’ has been replaced by a section on Navigability in this Chapter.

the 2008 Revision, in order to encompass areas of similar management and to provide a system of comprehensive management throughout the planning area. This has occurred in the Kotzebue Sound, Kobuk, and Norton Sound regions.

Management Units

In the area plan, units of state uplands and tideland have been separated into smaller geographic units called management units. State resource management is specific to this level. Management units⁶ may be large or small but usually have generally similar attributes; or they may be specific legal units like a tract within a residential subdivision; or they may be a discrete area of state land affected by a management agreement that is to be administered for a public purpose, like a port, vehicle storage facility or airport. There are 58 upland units and 26 tideland units. With the exception of settlement units and parcels affected by municipal selections, the remainder of the management units occupies large geographic areas. Wherever possible the management units, including their spatial boundaries, used in the 1989 plan have been retained.

All units have a discrete identifying number (i.e., unit number). These are depicted on the plan maps and are included in the Resource Allocation Table. This number provides a cross-reference between the plan maps and the tables containing information about the parcel. The Table contains information on the resources found within the unit as well as plan designation, management intent, and, if required, management guidelines.

Unit numbers are preceded by an alpha character that represents a particular place or area, with the following designations being applied: 'L' represents Lisburne; 'U', Kobuk; 'K', Kotzebue Sound; 'B', Baird Mountains; 'S', Northwest Seward Peninsula; 'W', Southwest Seward Peninsula; and 'N', Norton Sound.

A specific convention is used to identify the various types of upland and tideland units. Upland units have a geographic identifier (a single alpha character that represents one of the regions that are identified above) followed by a two-digit identifying number. Tideland tracts use the region geographic identifier, which is followed by 'T', followed by the number representing the specific management unit. Tideland areas include both tidelands and submerged lands. For example, an upland management unit in the Lisburne region is termed 'L-01' while a tideland unit in the same region is 'LT-01'.

⁶ This plan uses a somewhat different terminology to describe geographic space. Large geographic areas are described in the 2008 Revision as 'regions' and smaller geographic areas, as 'management units'. In the 1989 area plan, regions were called 'Management Units' and the smaller geographic units were used to identify management intent and management guidelines for specific parcels of state land, 'Management Sub-units'. To reflect planning terminology used throughout the state over the last 10 years, the larger areas are termed 'regions' and the smaller parcels that indicate management intent and designation for specific areas, are termed 'management units' in the 2008 Revision.

Region Descriptions

The regions are described in this section of the plan. These descriptions are necessarily generalized and indicate only the general features or characteristics of an area and only give an overview of how the region is to be managed by the Department. Included in these descriptions are the following:

Background: This component provides a description of the planning boundaries and related geographic information.

Distribution and Characteristics: The distribution of state lands within the region is explained. The general topography of the upland tracts is described.

Access, Resources, and Uses of State Land: The current uses of state land, both uplands and tidelands, as well as their resources, are described. Resources and uses include descriptions of recreational, settlement, minerals, habitat and harvest. The principal mode(s) of access to state uplands are identified.

Management Constraints: State and local land and resource plans affecting the planning region are identified.

Management Summary: This section describes the general way that state land, tidelands and uplands, are to be managed. This section is usually organized in a geographic basis. Note: *Specific management direction is contained in the Resource Allocation Tables.*

Plan Maps

There are 12 plan maps that cover the 2008 Revision. They can be found at the end of this chapter. See Figure 3-1⁷ for an index to these maps showing the entire plan area. Individual plan maps will indicate the region boundaries and boundaries for specific management units.

The plan maps also show land ownership, unit numbers, and plan designations. It should be reemphasized that while the land use designations provide the general management intent for each unit, management intent and guidelines (both management unit and areawide) must be considered for a complete explanation of the management policy and requirements affecting particular units. This is essential in order to get a comprehensive understanding of the overall management intent contained in the area plan. The management guidelines contained in Chapter 2 are particularly critical and must be consulted in adjudication decisions affecting individual parcels of state land.

⁷ Figure 3-1 precedes the region maps that are found at the end of this chapter.

Land Status Depicted In Plan Maps

The maps in this chapter are not intended to be detailed land ownership maps. Instead, they are a representation of state and federal land records current to the date of plan preparation. Land status for upland parcels, including private, Native corporation, municipal, and federal are derived from the Department's Geographic Information System land status coverage. This information is generalized and for this reason the land status for a particular land area can be misleading. For complete information, consult the land records of the Department of Natural Resources, federal Bureau of Land Management, Native corporations, and Northwest Arctic and North Slope Boroughs.

The plan maps show general patterns of land ownership by color. This includes the various types of state land (general state land, land selections and ANILCA topfiled selections) as well as federal, borough, Native and other private lands. However, because of the way that GIS maps are created, which entails a decision hierarchy on what land status to represent in priority sequence, the colors that represent an ownership pattern may not coincide with the actual pattern of such ownership. The Department has tried to make general land status on the plan maps as accurate as possible, but the ownership patterns of other entities may be incorrect.

The location of state-owned or state-selected parcels is derived from information in the Department's land status records and the federal Master Title Plat. Both the status and spatial boundaries of these parcels are accurately represented at the time of plan preparation (2008). However, because state land status changes with time, the same caution exists for these areas as for areas of non-state land. Both color and a distinct external boundary line indicate areas of state and state-selected land. If there is a conflict between the land status depicted by color and that indicated by a boundary line, the boundary line is correct. This line supersedes the color representations of land ownership.

Resource Allocation Table

Resource Allocation Tables provide information on specific parcels and is related to the plan maps through the unit number. The table includes the land use designation and the land management intent for an each specific upland or tideland unit. Essentially, the Tables detail the generalized description of state management intent included under the regional "Management Summary" for specific management units.

The tables are organized by Region and for each management unit it gives the unit identification number; location by Township and Range; and size expressed in acreage. Also included is a description of the resources and uses of a parcel, the designation(s), management intent, and management guidelines.

More specifically, the policies and resource information contained in the tables include:

Unit Number: Each parcel of state land has a unit number. Units are preceded with a letter indicating the Region that they are situated within; see previous description of ‘Management Units’.

Designation: Land use designations indicate the primary and co-primary uses and resources for each unit. Although most units are only affected by a single designation (primary), two compatible plan designations (termed “codesignations”) are sometimes specified. Where codesignations have been used, the uses reflected in the designations are believed to be generally compatible and complementary to each other. In a few instance, where a codesignation of Minerals/Habitat or Coal/Habitat is applied, this designation implies that mining is or may be an appropriate use within units so designated, but the habitat values within the unit must be taken into careful consideration when an authorization is under consideration. It is intended that stipulations are to be imposed in the authorization in order to ensure the continuation of the habitat value or resource within the unit.

Acreage: The approximate acreage in each unit is indicated.

MTR: The Meridian, Township, and Range of each management unit are indicated. Two meridians exist within the planning area: Umiat (northern) and Kateel (remainder of area). ‘U’ denotes the Umiat Meridian and ‘K’ denotes the Kateel Meridian. Note that there may be more than one township and range, as when a parcel crosses township and/or range boundaries. When this occurs, the other township(s) and/or range(s) are noted.

Management Intent: This column indicates the management direction for a specific management unit. It is consistent with the recommended designation, but includes more information on how state land is to be managed. In some small-sized parcels, the management intent is likely to be brief since the designation itself is often sufficient to indicate the management intent. This is not always the case with large parcels, and, in these instances, the management intent statement is critical to an understanding of how the various resources within the parcel are to be managed. This section may also indicate if the parcel is to be retained in state ownership, and it often describes those parcel resources or development concerns that must be taken into consideration in land disposals or other forms of development or use. In some instances the development of a parcel is not appropriate during the planning period and, when this occurs, this is stated.

Resources and Uses: This column summarizes the resources and uses for which the unit is designated and which are considered important in the unit. It also provides a generalized description of the unit, and may indicate the presence (or absence) of certain other resources that are important to land management decisions. Typical among this type of information is whether the parcel contains a heritage site, a significant concentration of wildlife or habitat, the current use of the parcel, adjacent land ownership, and if the state parcel adjoins a federal Conservation System Unit, the name of that unit.