

CHAPTER 4

IMPLEMENTATION AND RECOMMENDATIONS

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CHAPTER 4

IMPLEMENTATION AND RECOMMENDATIONS

Introduction

This chapter includes information and recommendations necessary to implement plan goals, management intent, and guidelines.

State Land Classification

To implement the plan on state lands, DNR must classify state lands to reflect the intent of land use designations made by the plan. State law requires that classification precede most leasing of state uplands, tidelands, or submerged lands and most conveyances of state uplands and tidelands. According to state regulations, classification means, ". . .the designation of land according to its primary use, and in a manner that will provide maximum benefit to the people of Alaska." (11 AAC 55.280) Classification ". . . identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use." (11 AAC 55.040 [c]) Although a classification identifies a primary use, all classifications are intended for multiple use (11 AAC 55.010 [a]). In this plan almost all units are assigned a single, principle designation.¹

The General Use (Gu) designation is frequently used in this plan, typically applying to the larger tracts of state land where two or more uses are judged to be compatible within specific portions of the tract and/or where there are one or more resource values, none of which is of sufficiently high value to merit designation as a primary use. Compatibility between uses should be achieved through distance separation between uses or through the use of siting and design techniques applied to reduce or preclude the undesirable effects of certain uses. This designation is also used when there is an absence of adequate resource, economic or other relevant information, or when development is not likely to occur during the planning horizon.

Following is a list of land classifications, and their associated definitions in Alaska regulations, which will apply to state lands in the planning area as a result of plan adoption. DNR will manage state lands and resources consistent with these classifications and with the management directions given in Chapter 3 for specific management units of state land.²

¹ For further information regarding classification of state land, see AS 38.04.005, AS 38.05.300, and 11 AAC 55.010 - 11 AAC 55.280.

² Land not otherwise classified on the plan maps within the planning area are classified General Use (Gu) or if reconveyed to the state and previously classified, under the previous applicable classification order.

11 AAC 55.130. Mineral Land. Land classified mineral is land where known mineral resources exist and where development is occurring or is reasonably likely to occur, or where there is reason to believe that commercial quantities of minerals exist.

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

11 AAC 55.170. Reserved Land Use.

A. Land classified reserved use is land that:

1. is reserved for transfer to another governmental or non-governmental agency that is performing a public service;
2. is reserved for transfer through land exchanges; or
3. has been designated for a public facility.

B. Nothing in this section requires classification of land identified for a future land exchange under AS 38.05.50.

11 AAC 55.200. Resource Management Land. Land classified resource management is either:

Land that might have a number of important resources but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or

1. other relevant information, or is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or
2. land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

11 AAC 55.202. Settlement Land. An upland area classified settlement is land that is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development. Tidelands are to be managed to support those existing or proposed upland settlement uses.

11 AAC 55.215. Waterfront Development Land. Land classified waterfront development is tideland, submerged land, or shoreland that is suitable to be used for commercial or industrial activities such as fish processing, aquatic farming, mineral and log transfer facilities, or commercial recreation.

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

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

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

Relationship of Designations to Classifications and Conversion of Plan Designations Into Classifications

The classifications contain no specific land management directives; those directives are expressed through the use of plan designations, described in detail for individual management units included in Chapter 3. However, the designations used in the area plan must be converted into classifications outlined in state regulation (11 AAC 55) that reflect the intent of the plan.

Since plan designations are central to the management of state land in this area plan, knowledge of the amount of area associated with particular designations is important, allowing a comparison between plan designations and classifications. Table 4-1 identifies the acreage associated with the designations recommended in this plan, specified for upland tracts³. Descriptions of each of the following designations are also provided in Chapter 3 pages 2-5. Note: Acreages associated with plan classifications are given in Table 4-3.

Table 4.1 ACREAGES Associated with Upland Designations

<u>Symbol</u>	<u>Designation</u>	<u>Acreage</u>
Gu	General Use	3,528,247
Ha	Habitat	192,995
Pr	Public Facilities - Retain	452
Rh	Resource Management - high value	754,270
Ru	Public Recreation - Undeveloped	1,190
Se	Settlement	46,296
Sc	Settlement-Commercial	651

The conversion of land use designations used by this plan into state land classifications is indicated in the table below. These are intended to identify the allowable uses of a state upland or tideland area, consistent with the definitions described previously and with any management intent given in Chapter 3. Only those designations and classifications that are used in this plan are identified.

³ Shoreland acreages are not included in the acreage estimates of the uplands.

Table 4.2 UPLAND and SHORELAND Designations -- Conversion to Classifications

<u>Symbol</u>	<u>Designation</u>	<u>Classification</u>
Gu	General Use	Resource Management Land
Ha	Habitat	Wildlife Habitat Land
Mn	Mining	Mineral Land
Pr	Public Facilities - Retain	Reserved Use Land
Ru	Public Recreation - Undeveloped	Public Recreation Land
Rh	Resource Management - high value	Resource Management Land
Se	Settlement	Settlement Land
Sc	Settlement - Commercial	Settlement Land

Land Classification Order and Acreage of Lands Classified

State land is classified under the authority of AS 38.04.005, AS 38.05.300, and 11 AAC 55.010 - 11 AAC 55.280 according to the management intent set forth in this area plan.

Classification Order NR-02-001 classifies all state lands within the plan area. See *Appendix D*. Lands not specifically classified in the plan maps or plan text are classified Resource Management Land. Approximately 4.2 million acres of state-owned and state-selected land is classified. See *Table 4-3*.

Table 4-3 provides estimates of the acreage by classification for uplands⁴.

Table 4.3 ACRES of State Lands Classified

<u>Classification</u>	<u>Acreage</u>
Reserved use land	452
Resource management land	4,282,517
Settlement land	46,947
Wildlife habitat land	192,995
Public recreation land	1,190
Total	4,524,101

⁴ Estimates of shoreland acreage are not included in the estimates of upland acreage.

Surface Leasing

Under the authority of AS 38.05 and 11 AAC 58.300-.350, state land within the planning area is available for surface leasing, provided that the leasing is allowed under the classification and is consistent with the management intent set forth in this area plan.

Mineral Leasehold Location Orders

A leasehold location order is used to authorize mineral entry and subsequent development in those instances when a higher level of review is required of a proposed mineral development. This higher level of review generally coincides with the presence of sensitive historic, cultural, habitat, wildlife, hydrologic, or recreation features or activities in an area that is likely to have mineral development at some time. The plan includes Mineral Leasehold Location Order 28 for protection of mineral licks, which affects portions of land throughout the planning area, particularly in the Middle Fork region (see *Appendix B*). It also includes Mineral Leasehold Location Order 29 for settlement units in the Walker Fork region (see *Appendix C*). Additional information regarding these Leasehold Location Orders can be found in the *Subsurface Resources* section of Chapter 2, and in the management intent for applicable units in Chapter 3.

Municipal Entitlement

It is possible that new cities or boroughs may be formed during the planning horizon. The Municipal Entitlement Act (AS 29.65) establishes the state land classification categories that determine a municipal general grant land entitlement and identify what lands are available for transfer to a municipality. The term "municipality" includes both incorporated cities and organized boroughs. The size of a municipality's entitlement is 10 per cent of the vacant, unappropriated, unreserved (VUU) state uplands in the municipal boundaries.

The designations of Settlement, Settlement-Commercial, Resource Management – High Value, and General Use in this plan are to form the basis for the definition of VUU lands within these areas under the municipal entitlement act. It should be noted that certain of the management units within the previous listing are not available for selection. The management intent statement of each management unit described in the Resource Allocation Tables with these designations must be carefully reviewed since, at times, all or portions of these management units are recommended for retention by the state.

General Grant Land Selections

Under the Statehood Act, Alaska is entitled to approximately 103 million acres of federal land. Large areas (about 2.6 million acres) have already been conveyed by the federal government to

the state within the plan boundary. These areas are depicted on the Land Status Map as ‘State Land.’ Most of the state owned land is concentrated in the South Fork and Walker Fork Regions, with smaller concentrations occurring in the western portion of the South Fork Region, the far western portions of the Middle Fork Region, and in several parts of the North Fork Region. The state has also selected extensive areas within this area, totaling about 1.6 million acres, for eventual conveyance to the state. These areas are noted as ‘state selected’ land on this map, with most of these selections concentrated in the western portions of the South Fork Region, and throughout the Middle Fork and North Fork Regions.

Not all of the state selected lands depicted on these maps will be conveyed to the state. This will result from the competing selections of Native Corporations and from the over selection of federal land by the state. Native Corporations under the Alaska Native Claims Settlement Act (ANCSA) can select land, and these entities may have priority over the state selections. The Native Corporation (Doyon) has selected approximately 1,595,000 million acres for conveyance, and has already been conveyed approximately 351,000 million acres of federal land. Over-selection (by the state) occurs on a statewide basis and decisions on what land are to be conveyed are based on the conveyance priority (assuming there is no overriding native or other selection) the state assigns. To deal with this uncertainty, the Department has identified selection priorities, identified as Groups I, II, III, and IV, with Group I being the highest and Group IV being the lowest. The lowest two tiers are not likely to be conveyed to the state, and there are significant concentrations of both groups throughout each of the regions except for the South Fork Region. Thus, it is likely that some significant portion of the land selected by the state will not be transferred into state ownership. The amount that will not be conveyed cannot be determined with any certainty at this time, but it may be considerable.

This plan does not make changes to the areas of selections or to the state conveyance priority ranking.

Coordination with Federal Land Management Plans

There is only one federal land management plan within the planning area, the ‘Fortymile River River Management Plan’ (1983). This plan provides management guidance for the administration of federal lands adjoining that portion of the Fortymile River that is a federally designated Wild and Scenic River. This plan was reviewed in the development of the Area Plan. When consistent with the state’s best interest, state lands that adjoin the WSR should be managed to minimize conflicts with the management theme described in the River Management Plan for the adjoining uplands.

Public Trust Doctrine

See the *Management Intent for Navigable Rivers* section at the end of Chapter 3.

Federal Public Land Orders

Some of the lands in the planning area were withdrawn by the federal government through Public Land Orders (PLO) for various federal land management purposes. Since the time of the withdrawals, the lands needed for these purposes have been more specifically delineated. In many cases, lands affected by the original PLO are no longer needed for the original management purpose and should be made available for other purposes. The state should pursue release of these lands through revocation of Public Land Orders by the federal government.

Types of Plan Changes

Two basic types of changes are allowed by regulations in 11 AAC 55.030:

1. A revision to a land use plan is subject to the planning process requirements of AS 38.04.065. For the purposes of this section and AS 38.04.065, a “revision” is an amendment or special exception to a land use plan as follows:
 - a. An “amendment” permanently changes the land use plan by adding to or modifying the basic management intent for one or more of the plan's subunits or by changing its allowed or prohibited uses, policies, or guidelines. For example, an amendment might close to new mineral entry an area that the plan designated to be open, allow a land use in an area where the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan designated for retention in public ownership.
 - b. A “special exception” does not permanently change the provisions of a land use plan and cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited-purpose variance of the plan's provisions, without changing the plan's general management intent or guidelines. For example, a special exception might be used to grant an eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit designated for retention in public ownership. A special exception might be made if complying with the plan would be excessively burdensome or impractical or if compliance would be inequitable to a third party, and if the purposes and spirit of the plan can be achieved despite the exception.
2. A minor change to a land use plan is not considered a revision under AS 38.04.065. A “minor change” is a change that does not modify or add to the plan's basic intent, and that serves only to clarify the plan, make it consistent, facilitate its implementation, or make technical corrections.

