

DIRECTOR'S DECISION

Lake Clark, Kenai Fjords, and Resurrection Bay Special Use Lands Designations

Location

All state lands within the Special Use Lands boundary on Maps D.1, D.2, and D.3 located in the Appendix in the Kenai Area Plan.

Proposed Actions

1. Tidelands and submerged lands adjacent to National Parks, Preserves, and Refuges in the planning area are designated as Special Use Lands under 11 AAC 96.010(b). These two areas are 1) tidelands in and adjacent to Kenai Fjords National Park and the Alaska Maritime Wildlife Refuge, and 2) tidelands in and adjacent to Lake Clark National Park and Preserve and Tuxedni National Wildlife Refuge.
2. Tidelands and submerged lands in Resurrection Bay are designated as Special Use Lands under 11 AAC 96.010(b).

Special Use Lands are designations placed on land identified as having special resource values needing protection. The result of this designation is to require a permit for certain activities that would otherwise be considered "generally allowed" under 11 AAC 96 in order to protect those special resource values. These three tideland areas are designated as Special Use Lands because of their outstanding public recreation, tourism, and wildlife habitat values. The Special Use Lands will be protected from activities that may damage the resources for which they were designated (see "Background Information" section below). The total acreage of these tidelands is about 700,000 acres.

Authority

AS 38.05.020 and AS 38.05.035 and 11 AAC 96.010(b)

Background Information

Kenai Fjords. The tidelands in and adjacent to Kenai Fjords National Park and the islands in the Alaska Maritime National Wildlife Refuge have high public recreation and tourism values, in addition to high habitat values. The dominant features of this region are steep, glacier-covered mountains rising abruptly out of the ocean. Tour boats and commercial flightseeing companies operate in this region, providing customers with views of the scenery and wildlife. Sport fishers, kayakers, campers, mountaineers, and boaters also use the region extensively. Many of the small bays in the area provide safe anchorages. The habitat values in these tidelands include fish spawning, rearing, feeding, and migration grounds, as well as habitat for seabirds, seals, sea lions, and bald eagles.

Lake Clark. The tidelands in and adjacent to Lake Clark National Park and Preserve and the Tuxedni National Wildlife Refuge support large seabird colonies and saltmarshes used extensively by brown bears, as well as fish spawning, rearing, feeding, and migration grounds. Both

commercial and sport fisheries occur within the subject area. The area also supports ducks and geese, bald eagles, and seabirds. A few commercial lodges and private cabins are located on private land adjacent to these tidelands.

Resurrection Bay. The tidelands in Resurrection Bay have extremely high public recreation, tourism, and wildlife values, and support activities such as fishing, sightseeing, wildlife viewing, kayaking, sailing, overnight mooring, and beachcombing. Thousands of visitors and tourists frequent the bay in the many commercial sightseeing and fishing boats based in Seward. Resurrection Bay is an important recreation area for both tourists and local residents because of its incredible scenery, protected waters, and abundant wildlife. The majority of this recreational use is low impact, short-term, and transitory. Most of the uplands adjacent to Resurrection Bay are in the State Park System or are recommended to be added to the system.

Management Objective

The uplands surrounding these Special Use Lands are almost all in State Parks (or recommended to be added to the State Park System) or in a National Park, Preserve, or Refuge. The scenic quality of the uplands will be preserved through guidelines established by the Alaska State Parks and by the National Park Service. The Special Use Lands designation creates a complementary system for management of the adjacent tidelands. The designation is designed to evaluate a project based on the best interest of the state with consideration given to the adjacent land manager's goals and objectives.

Emerging Issues

As the use of Kenai Fjords and Resurrection Bay increases, potential future conflicts that may be addressed by the Special Use Lands designation are increased demand for use of anchorages, and operations that require the use of both state-owned tidelands and uplands in National Parks, Preserves, Refuges or State Parks to be economically feasible.

Potential future conflicts in the Lake Clark area include increased human/bear contact, bear habituation to human food sources, and impacts on important bear habitat. Management pressures are likely to increase as the various users of these two areas compete for space during the summer season.

Purpose of the Special Use Lands designation

Under a Special Use Lands designation, DNR may in the future initiate additional public process to require permits for activities that are currently "generally allowed" in this area (see "Proposed Actions" above for more information on generally allowed uses). While the Special Use Lands Designation does not establish new regulations or restrictions at this time, please see Chapter 3, Regions 3 and 10, "Management Intent for Multiple Units" in the Kenai Area Plan for new restrictions on authorizing overnight use of commercial floating facilities in Resurrection Bay, Aialik Bay, and Northwestern Lagoon. This restriction is not part of the Special Use Lands designation because commercial overnight use of floating facilities is not a generally allowed use, but is rather an activity that requires an authorization. Additional guidelines for managing the Special Use Lands will be developed through additional public process after the adoption of the

Kenai Area Plan. However, this draft of the Kenai Area Plan provides an opportunity for public review and comment on the proposed Special Use Lands.

DNR will develop the specific stipulations for the Special Use Lands by working with affected users, landowners, and other agencies. This process will only be initiated when an additional guideline may be effective in minimizing conflicts. A Special Use Lands designation provides DNR with a management tool that enables land managers to quickly respond to proposed or initiated uses that are incompatible with the public recreation and habitat values for which these tidelands are designated in this plan. The designation will also be used to minimize conflicts between tideland uses and uses on adjacent park, refuge, or preserve uplands while maintaining DNR's authority over the state-owned tidelands.

Some generally allowed uses of State lands have the potential to damage the resources for which the Special Use Lands were designated. Although no generally allowed uses have been identified at this time as requiring a permit, some uses may require a permit in the future to ensure that certain activities are done in a manner consistent with the management intent for the Special Use Lands.

Decision

A Special Use Lands designation will be adopted at this time for the Kenai Fjords, Lake Clark, and Resurrection Bay areas. The Special Use Lands designation will not preclude any future land management action deemed to be in the public interest. The development of restrictions and regulations for the Special Use Lands designation will be developed through additional public process after the adoption of the Kenai Area Plan. Other changes or modifications to the Special Use Lands designation will be subject to public review and comment.

Under 11 AAC 96.010(a)(2) and 11 AAC 96.010(b), the lands described herein and shown on the attached maps are hereby designated as Special Use Lands for habitat, public recreation, and tourism purposes. These lands will be known as the Kenai Fjords Special Use Lands, the Lake Clark Special Use Lands, and the Resurrection Bay Special Use Lands. I find that this designation is consistent with the Department of Natural Resources management authority and that it is in the best interest of the state.


Commissioner, Department of Natural Resources

1/11/2000
Date