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2 **Implementation and Recommendations**

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1 Chapter 4

2 Implementation and Recommendations

3 Introduction

4

5 This chapter includes information and recommendations necessary to implement plan goals,
6 management intent, and guidelines. Information is included on the following:

7

- 8 • State Land Classification
- 9 • Relationship of Land Use Designations in the Plan to State Land Classifications
- 10 • Public Trust Doctrine
- 11 • Leasing of State Land
- 12 • Classification Order
- 13 • Applicability of Plan Designations/Classifications to State Lands not Identified in the
14 Plan Text or Plan Maps
- 15 • Survivor Designations and Classifications
- 16 • State Land Selections
- 17 • Mineral and Leasehold Location Orders
- 18 • Special Use Designations
- 19 • Types of Plan Changes

20

21

22 State Land Classification

23

24 To implement the plan on state lands, ADNR must classify state lands to reflect the intent of
25 land use designations made by this plan. State law requires that land classification precede
26 most conveyance or leasing of state uplands or tidelands. According to state statute
27 classification means, the designation of lands according to their apparent best use. It
28 identifies the primary use for which the land will be managed, but all other uses are initially
29 presumed as compatible with the primary use. For this reason, all plan classifications are
30 intended for multiple uses. In this plan most management units are assigned a single,
31 principal designation.

32

33 In some instances, more than one designation is identified; these are termed co-designations
34 and indicate that two or more uses are considered to be compatible within a specific
35 management unit of state land. The Resource Management (Rm) designation is used

1 occasionally in this plan, typically applying to the large management units where two or
2 more uses are judged to be compatible within specific portions of the management unit.
3 Compatibility of uses should be able to be achieved through distance separation, or siting and
4 design techniques that should reduce or preclude the undesirable effects of a particular use.
5

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

11
12 **11 AAC 55.050. Agricultural Land.** Land classified agricultural is land that, by reason of
13 its climate, physical features, and location, is suitable for present or future agricultural
14 cultivation or development and that is intended for present or future agricultural use.

15
16 **11 AAC 55.070. Forest Land.** Land classified forest is land that is or has been forested and
17 is suited for forest management because of its physical, climatic, and vegetative conditions.
18

19 **11 AAC 55.095. Heritage Resources Land.** Land classified heritage resources is land
20 where there is active preservation of, or research for, significant historical, prehistoric,
21 paleontological, or other cultural values or where there is reason to believe that these values
22 exist.
23

24 **11 AAC 55.120. Material Land.** Land classified material is land that is suitable for the
25 extraction of common varieties of sand, gravel, stone, peat, clay, and other similar materials.
26

27 **11 AAC 55.130. Mineral Land.** Land classified mineral is land where known mineral
28 resources exist and where development is occurring or is reasonably likely to occur, or where
29 there is reason to believe that commercial quantities of minerals exist.
30

31 **11 AAC 55.160. Public Recreation Land.** Land classified public recreation is land that is
32 suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or
33 boating access sites, trail corridors, or greenbelts along bodies of water or roadways.
34

35 **11 AAC 55.170. Reserved Use Land.** (a) Land classified reserved use is land that:

- 36
37 1) is reserved for transfer to another governmental or non-governmental agency that is
38 performing a public service;
39 2) is reserved for transfer through land exchanges; or
40 3) has been designated for a public facility.
41

42 (b) Nothing in this section requires classification of land identified for a future land exchange
43 under AS 38.50.
44

1 **11 AAC 55.200. Resource Management Land.** Land classified resource management is
2 either:

- 3
- 4 1) land that might have a number of important resources, but for which a specific
5 resource allocation decision is not possible because of a lack of adequate resource,
6 economic, or other relevant information; or for which a decision is not necessary
7 because the land is presently inaccessible and remote and development is not likely to
8 occur within the next 10 years; or
 - 9 2) land that contains one or more resource values, none of which is of sufficiently high
10 value to merit designation as a primary use.
- 11

12 **11 AAC 55.202. Settlement Land.** An upland area classified settlement is land that is, by
13 reason of its physical qualities and location, suitable for year-round or seasonal residential or
14 private recreational use or for commercial or industrial development.

15

16 **11 AAC 55.205. Transportation Corridor Land.** Land classified Transportation Corridor
17 is land that is identified for the location of easements and rights-of-way under
18 AS 38.04.065(f), including transportation, pipeline, or utility corridor purposes, or is under
19 consideration for a right-of-way lease.

20

21 **11 AAC 55.230. Wildlife Habitat Land.** Land classified wildlife habitat is land which is
22 primarily valuable for:

- 23
 - 24 1) fish and wildlife resource production, whether existing or through habitat
25 manipulation, to supply sufficient numbers or diversity of species to support
26 commercial, recreational, or traditional uses on an optimum sustained yield basis; or
 - 27 2) a unique or rare assemblage of a single or multiple species of regional, state, or
28 national significance.
- 29
- 30

31 **Relationship of Land Use Designations in the Plan to State** 32 **Land Classifications**

33

34 The classifications contain no specific land management directives; those directives are
35 expressed through the use of land use designations in the plan and described in detail for
36 individual Regions and management units included in Chapter 3. However, the designations
37 used in the area plan must be converted into land classifications outlined in state regulation
38 (11 AAC 55) that reflect the intent of the plan.

39

40 Since plan designations are central to the management of state land in this area plan,
41 knowledge of the amount of area associated with particular designations is important,
42 allowing a comparison between the designated uses. Table 4-1 identifies the acreage
43 associated with the designations recommended in this plan. Descriptions of each of the

1 following designations are also provided at the beginning of Chapter 3. Note: Acreages
2 associated with plan classifications are given in Table 4-3.

3

4

Table 4-1: Acreages Associated with Land Designations and Co-designations

Symbol	Designation	Acreage
Ag	Agriculture	9,042
F	Forestry	71,505
F/Ha	Forestry/Habitat	153,405
F/Rd	Forestry/Public Recreation-Dispersed	6,967
Ha	Habitat	224,114
Ha/Hv	Habitat/Harvest	8,218
Ha/Hv/Rd	Habitat/Harvest/Public Recreation-Dispersed	368,035
Ha/Rd	Habitat/Public Recreation-Dispersed	96,199
Hr	Heritage Resources	640
Hr/Ha	Heritage Resources/Habitat	5,680
Ma	Materials	2,505
Mi	Minerals	29,405
Pr	Public Facilities-Retain	2,705
Rd	Public Recreation-Dispersed	657,752
Rd/Ha	Public Recreation-Dispersed/Habitat	1,787,246
Rd/Ha/Se	Public Recreation-Dispersed/Habitat/Settlement	246,930
Rd/Se	Public Recreation-Dispersed/Settlement	180,125
Rm	Resource Management	1,153,219
Rp	Public Recreation-Public Use Site	1,865
Rs	Reserved Use	638
Sc	Settlement-Commercial	950
Se	Settlement	192,419
Se, Ag	Settlement/Agriculture	1,635
Tc	Transportation Corridor	267
Tc/Ma	Transportation Corridor/Materials	31,121
Total		5,232,585

5

6

7 NOTES: 1) Shoreland acreage is generally combined with that of upland units, although in
8 this plan there is one instance where shorelands are segregated from that of the adjoining
9 uplands. A separate management units exist for those portions of the Gulkana River included
10 in the Gulkana River Shorelands and Waters Special Use Lands (ADL 229819). This portion
11 of the Gulkana is designated Public Recreation-Dispersed and Habitat; 4,480 acres are
12 associated with this shoreland unit. Shoreland acreage is combined with the adjacent upland
13 management units for all other units.

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

5
 6 **Table 4-2: Land Designations – Conversion to Classifications**

Symbol	Designation	Classification
Ag	Agricultural	Agricultural Land
F	Forest	Forest Land
Ha	Habitat	Wildlife Habitat Land
Hr	Heritage Resources	Heritage Resources Land
Hv	Harvest	Wildlife Habitat Land
Ma	Materials	Material Land
Mi	Minerals	Mineral Land
Pr	Public Facilities-Retain	Reserved Use Land
Rd	Public Recreation-Dispersed	Public Recreation Land
Rm	Resource Management	Resource Management Land
Rp	Public Recreation-Public Use Site	Public Recreation Land
Rs	Reserved Use	Reserved Use Land
Sc	Settlement-Commercial	Settlement Land
Se	Settlement	Settlement Land
Tc	Transportation Corridor	Transportation Corridor Land

7
 8

9 **Public Trust Doctrine**

10
 11 See the Management Intent for Navigable Rivers section at the end of Chapter 3.

12
 13

14 **Leasing of State Land**

15
 16 Under the authority of AS 38.05 and 11 AAC 58.300-.340, state land within the planning
 17 area is available for surface leasing, provided that the project is consistent with the land’s
 18 classification and with the management intent set forth in this area plan.

19
 20

21 Applications for uses of state land within the planning area will be considered by the
 22 Regional Manager for the Department of Natural Resources, Division of Mining, Land and
 23 Water, Southcentral Region, Anchorage, Alaska.

23
 24

Classification Order

State land is classified under the authority of AS 38.04.005, AS 38.05.300, and 11 AAC 55.010 -.280 according to the management intent set forth in this area plan. Land classification orders, as used in area plans, convert the land use designation in the area plan to land use classifications, which are required under statute. Classifications are important to the determination of whether certain forms of activity can occur under portions of statute and they provide a general indication of how state land is to be managed. However, they do not provide the basis for the management of state land. The plan designations, management intent, and management guidelines of an area plan perform that function.

Land Classification Order SC-19-001 classifies all state land within the plan area. See Appendix B. Additionally, state land under contract for conveyance remains classified Settlement Land until this land is conveyed out of state ownership.

This Land Classification Order supersedes and replaces all previous land classifications and classification orders affecting the planning area of the Copper River Basin Area Plan. It does not replace or supersede Special Use Designations predating the approval of this revision.

The potential for the reclassification of state land in the future is authorized under 11 AAC 55.240, but this action will require the revision of LCO SC 19-001 and may require, in some cases, the revision of this area plan. An amendment to the area plan is required under 11 AAC 55.030(f)(1)(B) if the proposed authorization would modify the basic management intent for one or more of the subunits or if the authorization would conflict with the plan's allowed or prohibited uses, policies, or guidelines.

Also refer to the following section, "Applicability of Plan Designations/Classifications to State Lands Not Identified in the Plan Text or Plan Maps." This section describes how lands inadvertently omitted in the Area Plan or acquired by the state subsequent to this revision are to be treated in terms of plan designation and classification.

Table 4-3 provides estimates of the acreage by classification and co-classification for upland and shoreland units of state land.

Table 4-3: Acreages Associated with Land Classifications and Co-classifications

Classification	Upland Acreage	Shoreland Acreage ¹
Agricultural land	9,042	
Forest Land	71,505	
Forest Land/Public Recreation Land	6,967	

¹ This estimate is for the portions of the Gulkana River included in the Gulkana River Shorelands and Waters Special Use Lands (ADL 229819). Shoreland acreage is combined with the adjacent upland management units for all other units.

Classification	Upland Acreage	Shoreland Acreage¹
Forest/Wildlife Habitat Land	153,405	
Heritage Resources Land	640	
Materials Land	2,505	
Mineral Land	29,405	
Public Recreation Land	659,617	
Public Recreation/Wildlife Habitat Land	1,788,446	4,480
Public Recreation/Wildlife Habitat/Settlement Land	246,930	
Resource Management Land	1,153,219	
Reserved Use Land	3,343	
Settlement Land	193,369	
Settlement/Public Recreation Land	180,125	
Transportation Corridor Land	267	
Transportation Corridor/Material Land	31,121	
Wildlife Habitat Land	232,332	
Wildlife Habitat/Public Recreation Land	464,234	
Totals	5,228,105	4,480

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

This section deals with those lands that are not designated in the Copper River Basin Area Plan or classified in the Land Classification Order. Such lands include those state lands inadvertently omitted in the CRBAP and those lands that may be acquired by the state in the future but not designated or classified in the Area Plan. The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The purpose of this section is to give direction regarding the designation of these lands by the Department when future issues of parcel classification and management arise. If state land is identified subsequent to the adoption of this plan that is not state selected land identified herein, and the requirements of this section are followed, a formal plan amendment or revision of the Land Classification Order is not required.

The following guidelines of plan designation/classification and potential disposal out of state ownership are to apply:

- **Parcels in or near Existing Communities.** If the parcel is in or is immediately adjacent to an existing community or past state land offering, the designation of Settlement and classification of Settlement Land apply. Such land can be considered for disposal use unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other similar public use. Unsold lots identified for disposal in existing

1 subdivisions and lots that return to state ownership will be available for lease, sale, or
2 conveyance. Tracts identified for community purposes in existing subdivisions will
3 not be sold but may be conveyed to municipalities or homeowner associations if they
4 are not needed for state purposes and community purposes will be protected.

- 5 • **Parcels near other State Land.** If the parcel adjoins or is surrounded by other state
6 land, the designation of the area(s) applies. It is to be managed according to the
7 management intent and guidelines applicable to the adjacent lands. If there are two
8 different designations of the abutting parcels, the designation of the larger parcel shall
9 apply. Such lands can be considered appropriate for disposal if they are designated
10 Settlement unless it is appropriate as a site(s) for schools, material sites, roads, parks,
11 or other similar public use. They may also be conveyed to a municipality even if it is
12 suitable for these public uses as long as the proposed uses are for comparable
13 municipal (public) use.
- 14 • **Parcels not near Other State Land.** Parcels not near other state land or that occur
15 within areas designated Resource Management are to be designated and classified
16 Resource Management. These lands are to be managed according to the management
17 intent and guidelines applicable to the adjacent lands. Disposal of these lands to the
18 adjacent landowner may be appropriate but will require reclassification to Settlement
19 Land.
- 20 • **Newly Acquired State Lands.** Lands that were acquired proactively through
21 exchange, purchase, or other methods will be managed and classified consistent with
22 the purposes for which they were acquired. If the purpose of the acquired land cannot
23 be determined with precision, the designation of abutting or surrounding land will
24 apply to the newly acquired parcels of state land. If there are no abutting or
25 surrounding lands, then the designation of Resource Management land will apply.
- 26 • **Other Lands.** If the designation/classification of a parcel of acquired or omitted state
27 land cannot be adequately determined, the parcel is to be designated and classified
28 Resource Management.

31 **Survivor Designations and Classifications**

32
33 This revision of the Copper River Basin Area Plan replaces and supersedes all previous plan
34 designations and land classifications (termed ‘survivor’) that affected the CRBAP planning
35 area. It does not replace or supersede Special Use Designations predating the approval of
36 this revision. Areas not reclassified in this plan remain subject to the requirements of
37 11 AAC 55.040(g).

1 **State Land Selections**

2
3 **State Land Selections**

4
5 Under the Statehood Act, Alaska is entitled to approximately 103 million acres of federal
6 land. The selections made by the state in the planning area occurred under the General Grant
7 and Community Grant programs, and much of the original state selections of federal land
8 have been either conveyed to the state through patent or are in TA (Tentative Approval)
9 status, which gives management authority to the state. However, there is a large number of
10 state selections remaining that must be adjudicated by the U.S. Bureau of Land Management,
11 and it is uncertain as to when the adjudication of state selections will occur. Many of these
12 selections are within areas also selected by Native corporations and until BLM adjudication
13 has been completed land ownership patterns in this planning area will remain uncertain. The
14 areas noted as state-selected land on the plan maps or plan text indicates those areas of
15 federal land selected for eventual conveyance to the state. Areas of state selections on the
16 plan maps include, in addition to state selections proper, ANILCA top filed selections and
17 areas subject to Public Land Orders.

18
19 There may be areas of state selections that this plan has not identified. In these instances,
20 land conveyed to the state is to be considered classified under this plan and land
21 classification order. In those instances where a plan designation has not been specifically
22 assigned to a state selection, classifications are to be assigned according to the standards
23 described in the previous section, Applicability of Plan Designations/Classifications to State
24 Lands Not Identified in the Plan Text or Plan Maps. Land designated or classified according
25 to these requirements does not require a formal plan amendment or change to the LCO.

26
27 Because the CRBAP plan maps indicate the status of state land and state land selections to a
28 specific date (2021), ADNR adjudicators must review the status of state land at the time of an
29 adjudicatory decision. It would be imprudent to rely upon the land status information
30 contained in this plan given the changing character of state land selections. Consult ADNR
31 Alaska Mapper for the most recent state selection information.

32
33
34 **ANILCA Top Filed Lands**

35
36 There are certain areas that are top filed by the state under the provisions of Sec. 906 of the
37 Alaska National Interest Lands Conservation Act (ANILCA). These are selections made by
38 the state that become valid when Native regional or village ANCSA (Alaska Native Claims
39 Settlement Act) selections are relinquished. It is uncertain how many of these state
40 selections will become valid during the planning period because the amount of Native
41 selections, in terms of acreage, greatly exceeds that allowed under the corporation's selection
42 entitlement and the adjudication process of the Bureau of Land Management (BLM) has
43 slowed appreciably. BLM is currently adjudicating all prioritized Native village and regional
44 corporation selections so the corporations and state can receive their land. The category of

1 “State-Selected Land” on region plan maps includes areas of ANILCA top filed selections in
2 addition to areas of state-selected land.

3
4 The same caution in the use of plan maps for ANILCA top filed lands as for state land
5 selections exist (see above), and the same procedures for classification are to be followed for
6 areas of top filed lands that ultimately become state land but were not identified on the plan
7 maps. See ‘State Land Selections’ above.

10 **Public Land Orders**

11
12 Public Land Orders (PLO) of the U.S. Bureau of Land Management withdraw federally
13 owned land for a specific federal use. PLOs may be rescinded if the specific use no longer
14 occurs, or the affected area is no longer needed for a federal purpose. These withdrawals
15 may, depending on a variety of considerations, be conveyable to the state and all of the major
16 PLOs have been top filed by the state. Many of the PLOs within the planning area are
17 associated with Village or Regional Native Corporation (Ahtna, Inc.) selections, withdrawals
18 for national parks and wild and scenic rivers, and d-1 withdrawals under the Alaska Native
19 Claims Settlement Act. Areas affected by PLOs coincide with areas of state selections on
20 Regional Plan Maps. This plan assumes that all such PLOs that are lifted should be
21 conveyed to the state unless affected by hazardous materials.²

22
23 See Appendix F: Significant Public Land Orders in the Planning Area.

26 **Mineral and Leasehold Location Orders**

27
28 Alaska Statute 38.05.185 requires the Commissioner of ADNR to determine that mineral
29 entry and location is incompatible with significant surface uses in order to close state-owned
30 lands to mineral entry. This plan retains all existing mineral closing orders, which are listed
31 in Appendix D, and recommends an additional mineral order to close lands classified as
32 Settlement to mineral entry.

35 **Special Use Designations**

36
37 Special Use Designations are used whenever it is necessary to establish specific requirements
38 for uses of state lands that would otherwise be permitted under 11 AAC 96. This section of
39 administrative code specifies those uses that require or do not require a permit for the
40 authorization of a use on state land. There are three special purpose sites that have been
41 created administratively. The Tangle Lakes Archeological District (ADL 228296), the

² Unless the area of federal land affected by hazardous materials is remediated.

1 Gulkana River Special Use Area (ADL 229819), and the Thompson Pass Special Use Area
2 (ADL 226446).

3
4 These special purpose areas encompass the principal recreational, habitat, and heritage
5 resources that require special management within the planning area. This area plan does not
6 provide management guidance for these areas, or for the other legislative and
7 administratively designated special purpose sites, since all state land must be classified prior
8 to disposal and certain of the facilities that often occur in LDAs (communication and some
9 form of utilities) require leases, which constitute disposals of an interest in state land.

10
11
12 **Types of Plan Changes**

13
14 The various kinds of changes allowed in 11 AAC 55.030 are:

15
16 “A revision to a land use plan is subject to the planning process requirements of
17 AS 38.04.065. For the purposes of this section and AS 38.04.065, a ‘revision’ is an
18 amendment or special exception to a land use plan as follows:

19
20 An ‘amendment’ permanently changes the land use plan by adding to or modifying the basic
21 management intent for one or more of the plan’s subunits or by changing its allowed or
22 prohibited uses, policies, or guidelines. For example, an amendment might close to new
23 mineral entry an area that the plan designated to be open, allow a land use in an area where
24 the plan prohibited it, or allow land to be opened to homestead entry in an area that the plan
25 designated for retention in public ownership.

26
27 A ‘special exception’ does not permanently change the provisions of a land use plan and
28 cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time,
29 limited-purpose variance of the plan’s provisions, without changing the plan’s general
30 management intent or guidelines. For example, a special exception might be used to grant an
31 eligible applicant a preference right under AS 38.05.035 to purchase land in a subunit
32 designated for retention in public ownership. A special exception might be made if
33 complying with the plan would be excessively burdensome or impractical or if compliance
34 would be inequitable to a third party, and if the purposes and spirit of the plan can be
35 achieved despite the exception.

36
37 A minor change to a land use plan is not considered a revision under AS 38.04.065. A
38 ‘minor change’ is a change that does not modify or add to the plan’s basic intent, and that
39 serves only to clarify the plan, make it consistent, facilitate its implementation, or make
40 technical corrections.”

