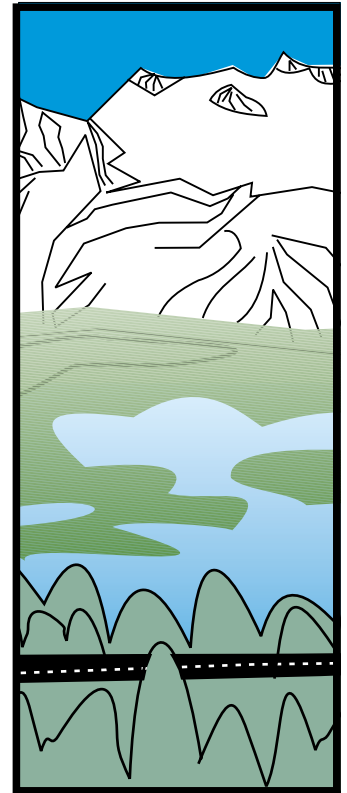


CHAPTER 3: LAND MANAGEMENT POLICIES FOR EACH MANAGEMENT UNIT

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Chapter 3

Land Management Policies for Each Management Unit

Introduction

This chapter presents specific land management policy for each of 12 regions and over 750 management units. Tables and the narrative in this chapter also describe resources and uses on state lands. Land management prescriptions in this plan do not apply to non-state lands. The policies and resource information are presented as follows in this chapter:

Regional Summary - Describes the location, land ownership pattern, acreage, physical features, access, resources and uses for each region. This section also provides a summary of management constraints and considerations based on existing plans, legislative designations, and other issues that significantly affect the management of state lands.

Management Intent - Contains detailed information for specific units or series of units that need more explanation of their management intent than can fit into the regional allocation summary tables located at the end of each region.

Resource Allocation Summary Tables - These tables include the units' numbers, names, designations, acreages, map numbers and resources or uses for which the units are designated.

Unit number - Each parcel of state land has a unit number. Units with a letter immediately after the number (i.e., Unit 380B) indicate that the unit was originally part of another unit in an earlier draft of the plan or the unit is part of a series of units that are similarly situated (such as the “392” series of units that are stream corridors in the Cooper Landing area).

Unit name - Each unit has a name that provides a brief description or location.

Land use designations - These two-letter land-use designations indicate the primary and co-primary uses and resources for each unit. Designations are described in more detail later in this chapter.

Acreage - The approximate acreage in each unit is listed in this column. Smaller units' acreages were taken off surveys, patents and plats. The GIS mapping program used to develop maps calculated the acreage of the larger units.

Map number - Each unit is shown on one or more numbered maps. The maps overlap with adjacent maps in order to provide location features and a regional perspective on land ownership. See Map 3.1 for the location of each map.

Resource or use for which unit designated - This column describes the resources and uses upon which designations are based. Many of these resources are described in more detail under the Region Summary sections of this plan. Information that appears after the forward slash "/" in each cell in this column contains management intent. Information listed before the "/" indicates the resources and uses upon which designations are based.

Other resources and uses - This column summarizes other resources and uses that can be found in units but is not information upon which designations are based.

Land-use Designation Maps Maps for each region show land ownership, unit numbers, and the two-letter land-use designations for each unit. Note that some of the roads and trails shown on these maps do not have legal public access. Travelers should consult the Kenai Easement Atlas (DNR 1993) for additional information on legal access across non-state lands. For complex areas, all maps in this plan can be viewed at a smaller scale by visiting the Kenai Area Plan website located at: www.dnr.state.ak.us/mlw/planning

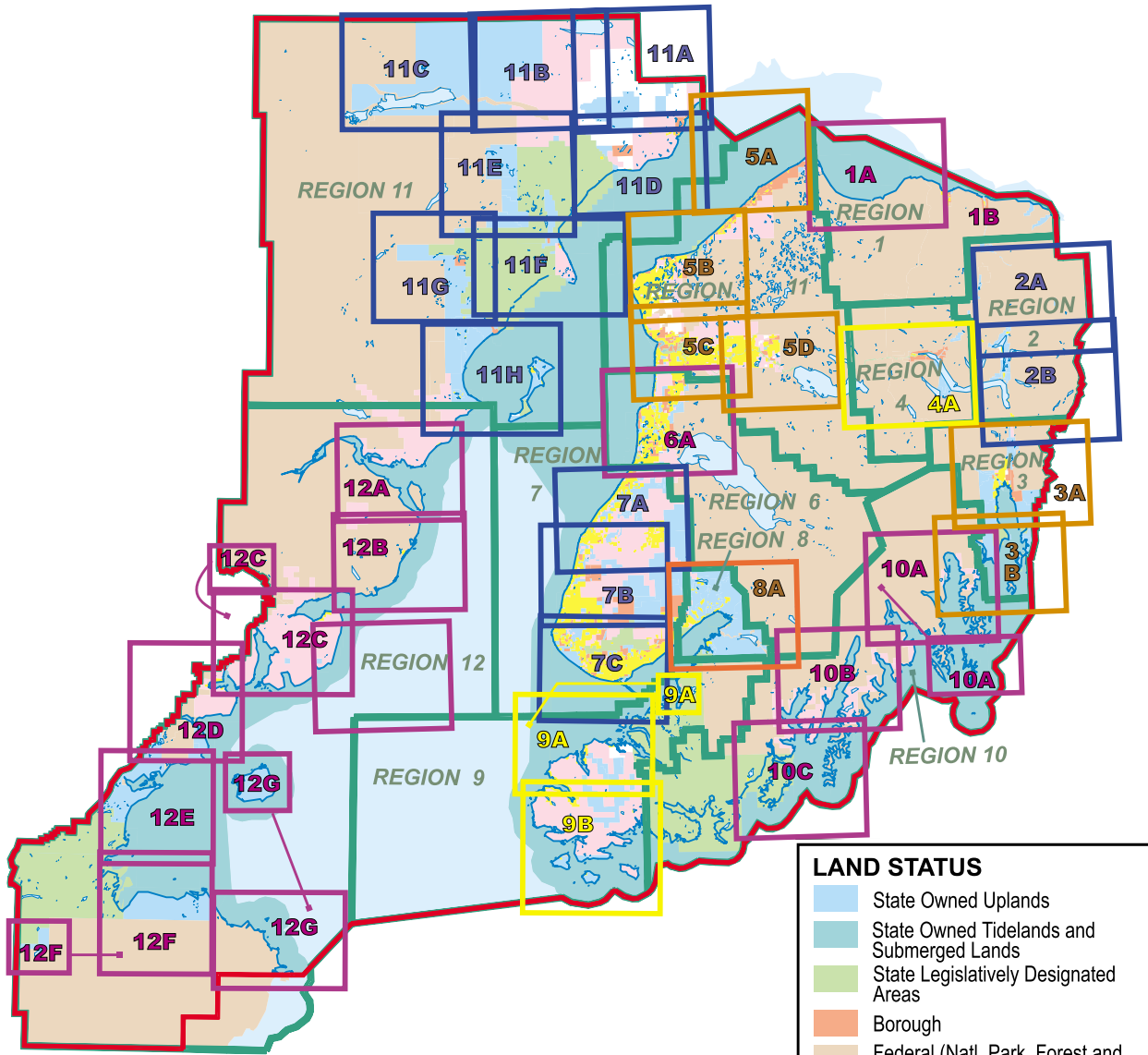
The maps in this chapter are not legal documents. They are a representation of official state, federal, and municipal land records. For complete information, refer to the official records of the Department of Natural Resources, the U.S. Bureau of Land Management, and the Kenai Peninsula Borough. The official records are located in their respective public information offices and on the web.¹

Land Use Designations

Primary Designated Uses (also called *Primary Designations*) help determine how best to manage state lands, how uses will be authorized, and which uses may or may not be authorized. Primary designated uses are applied to state lands and identify uses or resources that are of major importance. These lands will be managed to encourage these uses and their conservation or development. The designations are based on resources or uses listed by unit in the Resource Allocation Summary Tables in this chapter.

¹ Borough selections and relinquishments after 1998 are not reflected on the maps in this plan.

Map 3.1 REGION & MAP LOCATOR



LAND STATUS

- State Owned Uplands
- State Owned Tidelands and Submerged Lands
- State Legislatively Designated Areas
- Borough
- Federal (Nat'l. Park, Forest and Wildlife Refuge and Blm)
- Native Corporation
- Private

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Management intent for most bodies of fresh water are found under the 'Navigable Rivers' section at the end of Chapter 3.



Under AS 38.05.300, all designations are intended for multiple use. Uses other than those receiving primary designations for a given unit may still be authorized if they are not incompatible with the primary uses or resources for which a unit is designated. If DNR determines that a proposed use is incompatible with a primary designation, the proposed use will not be authorized, or will be authorized in a manner that minimizes the incompatibility. Activities exempt from this guideline include *Generally Allowed Uses* listed under 11 AAC 96.020. Primary designated uses cannot take precedence over disposals of interest that have already occurred. Such disposals include property rights such as mining leases, land leases, and rights-of-way that, once issued, are protected by the Constitution. A primary designation, however, may take precedence over uses authorized by permits that were issued on a revocable-at-will basis.

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 management statements, promote the most beneficial use(s) and set conditions for allowing for non-designated uses. Further explanation of management guidelines and management intent follows in this chapter.

The acreage of land under each of the land use designations is listed in Appendix E.

Co-designated 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, Chapter 2 guidelines, and statutes, regulations, and procedures.

Designations are based on resource and use inventories The best available information has been analyzed and mapped for the following resources and uses:

- fish and wildlife habitat and harvest;
- recreation areas and facilities;
- mineral potential and material sites;
- access and transportation;
- heritage resources;
- timber resources, and;
- waterfront development and shoreline use.

In some cases, the plan assigns a designation to ensure a future use that will best serve the public interest, even if that use is not imminent.

Designations Used In This Plan

Agriculture

ag Land, which, by reason of its climate, physical features, and location, is suitable for agricultural cultivation or development including either, improved pastureland or hay land. When agricultural land is disposed of, the land will be subject to covenants that allow only agricultural development.

Coal

co Land where known coal resources exist and where development is reasonably likely to occur, or where the coal potential is high or moderate under 11 AAC 85.010. This land will remain in state ownership.

Forestry

fo Land that is or has been forested and is suited for long-term forest management because of its physical, climatic, and vegetative conditions. This land will remain in state ownership.

Grazing

gr Land that is appropriate for grazing and that is suitable, in the cultivated or uncultivated state, for supporting domestic livestock. These lands will be managed in a manner that supports the sustained production of forage needed for raising livestock while providing for other public uses and minimizing impacts on habitat, recreation, water quality, and other values. This land may be conveyed only to municipalities. It may not be sold to individuals.

General Use

gu Land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use. Land in this classification is available for conveyance to municipalities unless stated otherwise in the unit's management intent. This land may be conveyed to municipalities, but not sold to individuals.

Habitat

ha Valuable habitat is defined as: limited, concentrated-use area 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 species' sustained yield. This land will remain in state ownership.

Harvest

hv Fish and wildlife harvest areas are localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional users; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus for the resource. This land will remain in state ownership.

Heritage

hr Land where there is active preservation of, or research for, significant historical, prehistoric, paleontological, cultural, or educational values or where there is reason to believe that these values exist. This land will remain in state ownership.

Materials

ma Sites suitable for extraction of materials, which include common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders, clay, and sod. This land will remain in state ownership until the material on the site is no longer required for state purposes (such as road construction and maintenance, materials storage, and public state facilities) after which these lands may be conveyed to municipalities. These lands cannot be sold without re-designation and reclassification although some sites may be suitable for settlement after materials resources are exhausted.

Public Facilities - Retain

pr These sites are reserved for a specific infrastructure to serve state interests. These units are classified Reserved Use Land and are not selectable by municipalities under state law (except under AS 38.05.810). Units designated Public Facilities-Retain will be retained in state ownership, while units designated Public Facilities-Transfer may be conveyed to municipalities, but not sold to individuals except under special circumstances described below.

Public Facilities - Transfer

pt These sites are reserved for a specific infrastructure to serve the public at large. These sites will be classified Settlement Land so that a non-state charitable or public entity can acquire the site and develop or operate it consistent with the purposes outlined in the plan. Land with this designation can be sold to individuals if public or charitable entities are not interested in owning the site or the facility.

Public Recreation and Tourism - Dispersed Use

rd Areas that attract recreationists or tourists who range throughout the area. Also, areas that offer high potential for dispersed recreation or tourism because of desirable recreation conditions that are scattered or widespread rather than localized. Developed facilities are generally not necessary other than trails, trail signs, primitive campsites, and other minor improvements. Land in this designation may be conveyed to municipalities depending on the unit's management intent and the relative value of the recreation resources for which the unit was designated. These lands cannot be sold to individuals.

Public Recreation and Tourism - Public Use Site

rp Areas used by concentrations of recreationists or tourists compared to the rest of the planning area; or areas with high potential to attract concentrations of recreationists and tourists. These areas offer localized attractions, or ease of access, or developed facilities. Examples include marinas, cabins, lodges, anchorages, scenic overlooks, road-accessible shore locations that are used for picnicking, sports and fishing. The recreation and tourism uses for which these units are designated may be either public or commercial. This land will remain in state ownership unless otherwise noted in the management intent for the unit. The primary management intent for these sites is to protect the opportunity of the public to use these sites, and their public values for recreation. Many of these sites require additional management attention because of the public use they are now receiving.

Resource Management - High Value

rh Land that may have a number of important resources but a specific resource allocation decision is not possible because of the lack of information; or an allocation decision is not necessary at this time even though the unit may have two or more potential uses that may or may not conflict. Units with this designation cannot be sold to individuals. They can, however, be conveyed to a municipality unless the unit’s management intent states otherwise.

Settlement

se Uplands suitable for sale, leasing, or permitting of state lands to allow private recreational, residential, commercial, industrial, or community use. This designation will generally be used for areas appropriate for land offerings for residential or residential and commercial 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, Native allotment reconveyances, 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 also be conveyed to municipalities.

Shoreline Use

sh Areas of state tidelands or submerged lands where water-related or water-dependent facilities for personal use by the owner of an adjacent upland site may be authorized. Facilities may include small docks, boat ramps, mooring buoys, or other facilities for personal, non-commercial use. Development of facilities for commercial or industrial use will be determined on a site-specific basis. An authorized shoreline facility is considered the private property of the owner who built or maintains it, but this private property right does not extend to the surrounding tidelands, submerged lands, or waters. This land may be available for conveyance to municipalities under AS 38.05.820 and AS 38.05.825.

Transportation

tr Land identified for the location of easements and rights-of-way under AS 38.04.065(f), including transportation, pipeline or utility corridors, or land under consideration for a right-of-way. This designation reflects the need for efficient inter-regional infrastructure, the need for intra-regional access to resources on state and non-state land, and consideration of the impacts of increased access on resource uses. Units with this designation cannot be sold to individuals nor conveyed to municipalities unless the unit’s management intent states otherwise.

Water Resources and Uses

wa Areas of important water sources or watersheds. This land will be retained in state ownership.

Waterfront Development

wd Use of tidelands, submerged lands, or shorelands for water-dependent or water-related facilities, usually for industrial or commercial purposes. Waterfront development includes: piers, wharves, harbors, log storage, log or mineral transfer facilities, seafood processing facilities, commercial recreation facilities, and other resource development support facilities. Approving authorizations in these areas will be conducted in compliance with the Coastal Development standards in the Alaska Coastal Management Act (6 AAC 80.040). This land may be available for conveyance to municipalities under AS 38.05.820 and AS 38.05.825 but cannot be sold to individuals.

Explanation of Mineral Designations

Except where state land is closed to mineral entry, DNR will treat mining as if it were a co-designated use. This is important to note because DNR plans usually do not apply mineral resource designations (such as Minerals Development, Coal, and Oil and Gas) to large areas. The problems in locating and measuring subsurface resources make it difficult and potentially misleading for this plan to apply designations for subsurface resources in the same way they are applied to surface resources. The plan does, however, apply a surface designation for coal to some uplands where resource information indicates access for mineral exploration or development is likely to occur.

DNR proposes to subject limited areas to leasehold location where significant conflicts could occur between mining activities and fish habitat and recreation. Portions of these areas are also proposed to the legislature for closure to new mineral entry. This plan also closes the lower Russian River to new mineral entry. Chapter 2 and *Appendix B* include maps showing the river sections affected by these proposals. Chapter 2, *Mineral Resources* section also includes additional guidelines, and a summary of mining and reclamation regulations and statutes.

Management Intent

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 areawide 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.

The plan also identifies 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 management of state land. While these statements accommodate certain proposed uses on state lands, there is no guarantee that other regulatory agencies will issue permits necessary for the proposed use. All proposed development uses referenced in the plan’s 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 designations, by definition, allow land to be sold or conveyed to municipalities under the municipal entitlement program. Other land use designations and classifications require DNR to retain lands in state ownership.² In this plan, land use designations and classifications are general indicators 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. These include units under management, or proposed for management, by another state agency such as the Department of Transportation and Public Facilities, Division of Forestry or the Department of Fish and Game. They also include units recommended for addition to the State Park System.

In no case can DNR convey the subsurface estate to municipalities or individuals. Submerged lands, tidelands, and shorelands must also 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. See the *Management Intent for Navigable Waterbodies* section at the end of this chapter for an explanation of the Public Trust Doctrine.

Conveyances to Trusts. This plan is also intended to provide guidance on which lands are available for conveyance to future trust settlements or expanded entitlements to entities other than municipalities (such as the past Mental Health Trust and University settlements). However, court settlements and legislative intent may override intent provided in the plan. In general, the surface estate of units with designations and management intent that are available for conveyance to municipalities and individuals may also be available for settlement of trust claims. Conversely, designations and unit intent that are not available to these entities should not be conveyed to trusts. The mineral estate (with the exception of oil and gas) in designations where the surface is identified for retention should also not be conveyed to trusts.

² Land use designations are defined by DNR regulation. Classifications are defined by statute.

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. Tideland designations do not give the public access rights to adjacent private uplands. See the *Management Intent for Navigable Waterbodies* section at the end of this chapter for an explanation of the *Public Trust Doctrine*.

Management Guidelines

Most state lands will be managed for multiple use.³ The plan establishes management guidelines that 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 land disposals must be designed to protect public access and recreational opportunities.

Flexibility of the Plan

This plan guides land uses for the next 20 years, subject to periodic reviews.

The land-use designations shown on the maps in this chapter 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.

This plan will not provide direct answers to many of the site-specific issues frequently encountered by state land managers. The plan can, however, clarify the general management objectives for the area and thereby provide the basis for more informed decisions.

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 *Types of Changes to the Plan*.

Glossary

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

³ Exceptions include lands that will be offered for private lease or ownership and recreation sites that are less than 640 acres.