

# CHAPTER 2

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# CHAPTER 2

## AREAWIDE LAND MANAGEMENT POLICIES

### Introduction

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This chapter presents land management policies for each of the major resources affected by the plan: fish and wildlife, forestry, materials, mineral resources, recreation and tourism, and water. The chapter also presents management policies for several specific land management concerns: protection of fish and wildlife habitat, public and private access, timber harvest, settlement, shoreline and stream corridors, and trail management. This chapter also addresses types of land uses including: aquatic farming, forestry, fish and wildlife harvest, floating facilities, settlement, transportation and trails management, shoreline use and waterfront development.

These policies apply to state land throughout the planning area regardless of the land use designation.

This chapter consists of goals and management guidelines. Goals are the general condition the department is trying to achieve, and guidelines are specific directives that will be applied to land and water management decisions as resource use and development occurs.

### DEFINITIONS

For definitions of terms commonly used in this chapter, see *Appendix A, Glossary*.

### GOALS

The following goals are for state lands in the planning area. Goals are general conditions that DNR attempts to achieve through management actions. The goals are listed alphabetically. No single goal has a priority over the others.

**Economic Development.** Provide opportunities for jobs and income by managing state land and resources to support a vital, self-sustaining local economy.

**Fiscal Costs.** Minimize the needs for, and the fiscal cost of, providing government services and facilities such as schools and roads.

**Public Health and Safety.** Maintain or enhance public health and safety for users of state land and resources.

**Public Use.** Provide and enhance diverse opportunities for public use of state lands, including uses such as hunting, fishing, boating and other types of recreation.

**Quality of Life.** Maintain or enhance the quality of the natural environment including air, land and water, and fish and wildlife habitat and harvest opportunities; and protect heritage resources and the character and lifestyle of the community.

**Settlement.** Provide opportunities for private ownership and leasing of land currently owned by the state.

**Sustained Yield.** Maintain the long-term productivity and quality of renewable resources including fish and wildlife, and timber.

## MANAGEMENT INTENT

Management intent for state land is expressed through statements of management emphasis identified on a parcel specific basis. These statements are based on resource and use inventory, existing and potential trends, existing authorizations, existing plans and public participation.

## GENERAL FRAMEWORK OF THE PLAN

**A.** State land within the planning area will be managed to allow for multiple use unless legislatively designated or a parcel of state land is less than 640 acres and managed under a management agreement by another state agency.

**B.** State land will also be managed to protect access and public resources. Types of resources to be protected include, but are not limited to habitat, recreation, water quality, anchorages, watersheds, scenery and trails.

**C.** State land will remain open to mineral entry unless specifically closed (see the Mineral Resources section in this chapter for a list of areas that are proposed for closure to new mineral entry).

**D.** Activities and authorizations in units with identified primary designated uses may take precedence over other uses. Although there may be a priority for use in certain units, other uses may also be allowed. Other uses may be allowed if they do not foreclose the area for its priority use. This plan emphasizes minimizing land use conflicts through plan guidelines and intent rather than through prohibitions. All other uses are initially presumed 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 (11 AAC 55.040 (c)).

**E.** This plan designates state lands in categories that are generally consistent with current use patterns and the most significant resources in the planning area.

**F.** This plan honors the intent of existing settlement agreements with the Mental Health Trust Authority and the University of Alaska. These settlement agreements shall prevail over the area plan, if inconsistencies exist.

## **GUIDELINES BY ACTIVITY OR RESOURCE VALUE**

The following guidelines are specific directives that will be applied to management decisions. DNR will use these guidelines when considering issuing authorizations and conveyances or making management decisions on state lands. These guidelines will also apply to lands that are currently state selected and topfiled when they are tentatively approved or patented into state ownership.

Chapter 2 guidelines apply to all state land covered by the Northern Southeast Area Plan unless the plan explicitly exempts some units or designations from a guideline or the resource or use for which a guideline is intended does not exist in the unit in question.

## **GENERAL**

**A.** All authorizations for use of state land within the planning area will be consistent with the management intent in this plan.

**B.** In considering authorizations for use of state land, DNR will adjudicate applications to:

- 1) minimize damages to streambeds, fish and wildlife habitat, vegetation, trails, anchorages, and other resources;
- 2) minimize conflicts between resources and uses; and
- 3) protect the long-term value of the resource, public safety, and the environment.

**C.** If authorizations from other agencies are required, DNR will consider issuing a permit or lease contingent upon issuance of these other authorizations.

## **OTHER STATE LAND**

Parcels that are donated or acquired after the plan is adopted will be designated for the uses for which they were acquired or donated without an amendment to the plan. Lands that come into state ownership through other means will be classified after consultation with state resource agencies without an amendment to the plan.

## **Aquatic Farming**

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### **GOAL**

**Economic Opportunities and Community Development.** Provide opportunities to increase income and diversify the state's economy through the use of state tidelands and submerged lands for aquatic farming.

### **MANAGEMENT GUIDELINES**

**Background.** Alaska Statute (AS 38.05.083) provides that state tidelands and submerged lands may be used, under lease, for aquatic farming or related hatchery operations. It also mandates regulations that specify the criteria for the approval or denial of leases and for limiting the number of sites for which leases may be used in an area in order to protect the environment and natural resources of a site.

State regulations (Aquatic Farmsite Leases, 11 AAC 63) require the Department to make a best interest finding before issuing a lease. The proposed operation must be in the overall best interest of the state before an authorization may be issued. Factors that are to be considered in this decision are identified in 11 AAC 63.050 (b) and include: whether the proposed aquatic farm will conflict with other uses; whether it is compatible with land management policies in adopted federal, state, and local plans, land classifications, or zoning; whether public access will be assured, including the upland owner's right of reasonable access; whether the proposed use is consistent with the Public Trust Doctrine; and whether other social, economic, and environmental effects of the proposed aquatic farming will occur.

All proposed aquatic farms must undergo review under the Alaska Coastal Management program, and must be consistent with the policies of this program. Proposed operations must also secure an Aquatic Farm Lease issued by the Department. This specifies operation, siting, environmental, and habitat criteria that must be satisfied for lease issuance. Authorizations (Aquatic Farm Operation Permit) must also be acquired from the Alaska Department of Fish and Game (ADF&G), to ensure the protection of habitat and public uses of fish and wildlife, and from the Alaska Department of Environmental Conservation, for the protection of water quality. Water quality in the growing area must meet both the requirements of the National Shellfish Sanitation Program incorporated by reference in 18 AAC 34.170 and state water quality standards. In addition, all aquatic farm operations must be consistent with the General Permit (currently 91-7M) of the U.S. Corps of Engineers relating to aquatic farm structures.

Extensive operational, siting, and maintenance requirements are specified in the General Permit. If the conditions of the General Permit are not satisfied, the Corps requires that an authorization under Section 10 of the River and Harbors Act of 1899 be obtained.

The combination of state and federal permitting and regulatory requirements provides a comprehensive basis for the approval of proposed aquatic farm operations, and a public review process of all proposed operations. Additional operational, siting, habitat, or environmental requirements are therefore generally unnecessary in this plan to effectively manage aquatic farming operations. The subsequent management guidelines designate areas considered inappropriate for aquatic farming operations within the planning area and coordinate the siting of aquatic farming facilities with the U.S. Forest Service where the state tidelands or submerged lands adjoin the Tongass National Forest.

**A.** All aquatic farming operations must meet the requirements of applicable local, state, and federal regulations and statutes before the Department will issue an Aquatic Farmsite Lease. The latter includes the Aquatic Farm Operation Permit issued by ADF&G, a Coastal Zone Consistency Certification issued by the Division of Governmental Coordination and the General Permit relating to aquatic structures issued by the U.S. Corps of Engineers. Other permits may also be necessary.

**B.** In managing State tidelands and submerged lands adjacent to federal conservation units, specifically the Tongass National Forest, DNR will take into consideration the management intent for the uplands identified in the Tongass Land and Resource Management Plan. Activities, including aquatic farming operations, that are incompatible with the management intent will generally not be authorized unless the conditions of the other local, state, and federal permits or authorities are met, unless there is an overriding state interest, and unless there is no feasible and prudent alternative. DNR will consult with the U.S. Forest Service when determining compatibility of activities.

Generally, leases should not be issued for areas adjoining TLRMP prescriptions of Wilderness or LUD II, or adjacent to a National Monument where the operation involves a caretaker facility, requires structures for storage and operational needs or the presence of personnel on a frequent basis, or if the uses or structures of the aquatic farming operation are inconsistent with the management intent of the TLRMP prescriptions. Leases in state tidelands adjacent to these prescriptions may be authorized if the operation is of low impact, is not inconsistent with the wilderness or primitive character of the adjoining uplands, and is determined to be in the best interest of the state under AS 38.05.070 and 11 AAC 63.

**C.** Aquatic farming will be allowed on state tidelands or submerged lands where there is no significant conflict and the objectives of statute and this management plan are met. The siting of aquatic farming facilities may be more difficult on tidelands designated for log transfer or storage, mineral transfer or access, fish and wildlife habitat, intensive storage areas adjacent to proposed land sales or existing residential areas,

anchorage, or developed recreation. These areas will be available for aquatic farming if the Department determines in the "best interest" finding that: **1)** it is practicable to operate an aquatic farming operation so that it is compatible with the other uses of the immediate area; and **2)** the proposed activity is consistent with the management intent of the statute and this management plan. Specific stipulations related to siting, operations, and maintenance may be imposed by the Department in addition to those otherwise required in order to achieve site and use compatibility. In no case will aquatic farming be allowed to foreclose access to mineral, timber, important fish and wildlife resources, or recreation use areas.

**D.** Where practical the Department will consolidate aquatic farming operations at specific sites with sufficient area rather than allowing their proliferation in many bays.

**E. Other Guidelines Affecting Aquatic Farming.** Other guidelines will affect aquatic farming management practices. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Recreation, Tourism, and Scenic Resources
- Shorelines, Stream Corridors and Coastal Areas

## Coordination and Public Notice

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### GOALS

**Coordination with Non-state Landowners.** Coordinate the use of state land with that of private and other public landowners to provide for the optimal use, development, and protection of area resources.

**Public Participation.** Provide local governments, state and federal agencies, adjacent landowners, and the general public with meaningful opportunities to participate in the process of making significant land use decisions.

### MANAGEMENT GUIDELINES

**A. Notice for Decisions Requiring Public Notice (Under AS 38.05.945).** As required by statute, public notice will be given for decisions involving the sale, lease, or disposal of (or interests in) land, property, or resources. Actions not involving a disposal of interest will require public notice in accordance with Division of Mining, Land and Water (DMLW) procedures. Notice will be given to parties known or likely to be affected by an action proposed by the state or an applicant to the state, including upland property owners of adjoining state tidelands or submerged lands.

**B. Avoiding Conflicts with Adjacent Upland Owners.** Before DNR issues a land use authorization on tidelands, submerged lands, or shorelands, DNR will require applicants to use areas that will reduce the likelihood of possible land use disagreements with upland owners (such as unvegetated gravel bars and tidal areas). DNR will carefully consider comments from private landowners and others before making a decision. DNR will retain the right to issue a land use authorization over the objection of adjacent landowners.

**C. Other Guidelines Affecting Coordination or Public Notice.** Several other guidelines may affect coordination or public notice. See in particular the following sections of this chapter:

- Aquatic Farming
- Fish and Wildlife Habitat and Harvest Areas
- Floating Facilities
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas



## Cultural Resources

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### GOAL

**Cultural Resources.** The Alaska Historic Preservation Act establishes the state's basic goal: to preserve, protect, and interpret the historic, prehistoric, and archaeological resources of Alaska.

### MANAGEMENT GUIDELINES

**A. Cultural Resources Identification.** Identify and determine the significance of all cultural resources on state land through the following actions:

- 1) cultural resources surveys conducted by the Department of Natural Resources personnel;
- 2) research about cultural resources on state land by qualified individuals and organizations; and
- 3) cooperative efforts for planned surveys and inventories between state, federal, and local or Native groups.

**B. Cultural Resources Protection.** Protect significant cultural resources through the following actions:

- 1) reviewing construction projects or land uses for potential conflict with cultural resources; and
- 2) cooperating with concerned government agencies, Native corporations, statewide or local groups, and individuals to develop guidelines and recommendations on how to avoid or mitigate identified or potential conflict.

**C. Cultural Surveys Prior to Land Offerings.** Cultural surveys or inventories should be conducted prior to the design of land offerings. The Division of Parks and Outdoor Recreation Office of History and Archaeology (OHA) determines which areas have high potential to contain important cultural sites and, if information available is adequate, to identify and protect these sites.

**D. Cultural Resources in Timber Management Areas.** The Office of History and Archaeology (OHA) will review proposals for timber management activities through the interagency review process for the five-year Schedule of Timber Sales and Forest Land Use Plans for individual sales. Areas of known historic, archaeological, or paleontological sites should not be disturbed. Timber operations shall not occur within 300 feet of the boundaries of known sites unless the OHA determines, in consultation with the Division of Forestry, that certain activities can occur without significantly

impacting the cultural resource. The OHA shall, within the limits of staffing and funding, assess the extent and significance of the cultural resource and work with Division of Forestry to develop site-specific mitigation measures to protect the cultural sites while allowing timber management.

**E. Cultural Resources Adjacent to Recreation Facilities.** Recreation facilities that might subject cultural sites to vandalism because of the increased public use should not be placed adjacent to the cultural sites.

**F. Heritage sites should be reported when found.** The Alaska Heritage Resources Survey (AHRS) is an inventory of all reported historic and prehistoric sites within the State of Alaska and is maintained by the Office of History and Archaeology (OHA). The AHRS is used to protect cultural resource sites from unwanted destruction. By knowing of possible cultural remains prior to construction, efforts can be made to avoid project delays and prevent unnecessary destruction of cultural sites. While over 22,000 sites have been reported within Alaska, this is probably only a very small percentage of the sites which may actually exist but are as yet unreported. The AHRS is not complete or static, so heritage sites, when found, should be reported to the OHA.

**G. Other Guidelines Affecting Cultural Resources.** Other guidelines will affect cultural resources. See in particular the following sections of this chapter:

- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Recreation, Tourism, and Scenic Resources
- Shorelines, Stream Corridors and Coastal Areas
- Trail and Public Access Management

## **Fish and Wildlife Habitat and Harvest Areas**

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### **GOALS**

**Ensure Access to Public Lands and Waters.** Ensure access to public lands and waters to promote or enhance the responsible public use and enjoyment of fish and wildlife resources.

**Mitigate Habitat Loss.** When resource development projects occur, avoid or minimize reduction in the quality and quantity of fish and wildlife habitat.

**Contribute to Economic Diversity.** Contribute to Alaska's economy by protecting the fish and wildlife resources which contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport and non-consumptive uses.

### **MANAGEMENT GUIDELINES: HABITAT AREAS**

**A. Mitigation.** When issuing permits and leases or otherwise authorizing the use or development of state lands, the Departments of Natural Resources, Environmental Conservation, and Fish and Game will recognize the requirements of the activity or development and the benefits it may have to habitat when determining stipulations or measures needed to protect fish, wildlife, or their habitats. The costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.

All land use activities will be conducted with appropriate planning and implementation to avoid or minimize adverse effects on fish, wildlife, or their habitats.

The departments will enforce stipulations and measures, and will require the responsible party to remedy any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party's failure to comply with applicable law, regulations, or the conditions of the permit or lease.

When determining appropriate stipulations and measures, the departments will apply, in order of priority, the following steps. Mitigation requirements listed in other guidelines in this plan will also follow these steps:

- 1) Avoid anticipated, significant adverse effects on fish, wildlife, or their habitats through siting, timing, or other management options.
- 2) When significant adverse effects cannot be avoided by design, siting, timing, or other management options, the adverse effect of the use or development will be minimized.

3) If significant loss of fish or wildlife habitat occurs, the loss will be rectified, to the extent feasible and prudent, by repairing, rehabilitating, or restoring the affected area to a useful state.

4) DNR will consider requiring replacement with, or enhancement of, fish and wildlife habitat when steps 1 through 3 cannot avoid substantial and irreversible loss of habitat. ADF&G will clearly identify the species affected, the need for replacement or enhancement, and the suggested method for addressing the impact. Replacement with or enhancement of similar habitats of the affected species in the same region is preferable. DNR will consider only those replacement and enhancement techniques that have either been proven to be, or are likely to be, effective and that will result in a benefit to the species impacted by the development. Replacement or enhancement will only be required by DNR if it is determined to be in the best interest of the state either through the AS 38.05.035(e) or permit review process.

**B. Allowing Uses in Fish and Wildlife Habitats (Ha).** The areas designated Habitat (Ha) in Chapter 3 of the plan were defined using the best available information when the plan was written. Most of the areas designated "Ha" are tidelands and submerged land areas; relatively few upland parcels are given this designation. Many upland parcels with sensitive habitat were given an Undeveloped Recreation (Ru) designation since that formed the principal use of the parcel. Management intent language is included for these parcels indicating the need to protect the habitat or wildlife resource and most such parcels are designated to be retained by the state. Some are recommended for inclusion in the state marine park system.

In the designation of habitat areas on tidelands, data sources were sometimes of a generalized nature. Because of this and in order to be conservative in the delineation of habitat areas, large tideland areas were identified. The wildlife and fishery information identified for specific parcels in Chapter 3 occupy either part or all of the area of a parcel.<sup>1</sup>

The resource that was used to make the determination that an area should be designated "Ha" is identified in the parcel descriptions contained in Resource Allocation Tables in Chapter 3 under the column, "Resources and Uses". In some cases, there is only a single resource but in other instances, several resources exist, with these resources sometimes occupying differing portions of the parcel. The spatial distribution of habitat resources is described in the management intent language, if known. Parcels are to be managed to protect the resource(s) identified in these tables.

Since there is a distinct seasonality associated with the critical life periods of certain terrestrial mammals, marine mammals and fish, seasonality shall be taken into

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<sup>1</sup> Note to DNR adjudicators: Accordingly, there may be portions of a parcel that do not contain the resource(s) that is/are identified in the specific parcel descriptions under the "Resources and Uses" column in Chapter 3.

consideration during project review and approval. Seasonality and critical life cycle stages are identified in ADF&G publications.<sup>2</sup> Thus, it may be possible that uses and facilities may be appropriate within areas designated "Ha" if the seasonality criteria are satisfied by including mitigating measures in project design.

Tideland and upland uses that are not consistent with the types of uses associated with the approved designation or are not authorized in the management intent statement for a specific parcel and that, if permitted, *would* result in the degradation of the resource(s) associated with areas designated "Ha", are to be initially considered incompatible with the plan's management intent and, specifically, with the "Ha" designation. Degradation of the resource might result from actions involving one or more of the following factors: dredging, filling, significant compaction of vegetation and sediment, alteration of flow patterns, discharge of toxic substances, or disturbance during sensitive periods. If there is a question as to whether a use would be appropriate or whether it would degrade a listed resource, DNR shall consult with ADF&G in making the determination of initial incompatibility.

Non-designated uses that cause significant adverse impacts to the resources identified within a given "Ha" parcel *may* be allowed *if*:

- ADF&G determines through new information or more detailed analysis that the area is not "Ha" as defined in the plan; or
- If DNR and ADF&G concur that the non-designated use can be made compatible and significant adverse impacts to the "Ha" area avoided with appropriate design, siting, and operating stipulations; or
- The use (project) receives a conclusive consistency determination under the ACMP and significant adverse impacts are mitigated under Guidelines A and/or through stipulations developed for the ACMP determination.

**C. Allowing Uses Outside of Designated Fish and Wildlife Habitat Areas.** Outside of crucial fish or wildlife habitats, habitat-altering uses will be sited consistent with the ACMP's 6 AAC 80.130 (a-d), the management guidelines in this chapter, and the management intent and guidelines in Chapter 3.

**D. Habitat Manipulation.** Habitat restoration through water control, timber management practices, removal of pollution sources, or other measures may be used to improve habitat for certain fish and wildlife species where ADF&G determines that it is beneficial to the species or habitat and DNR determines that it is compatible with other primary uses.

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<sup>2</sup> These publications include the following: ADF&G Regional Habitat Guides, Salmon Holes and Halibut Hills, and NOAA's Oil Spill Response Atlas. Note to DNR adjudicators: In the event that information is not contained in these publications, consult other pertinent publications and ADF&G to determine seasonality.

**E. Hatchery and Aquatic Farm Source Waters.** To preserve the quality of an existing hatchery's water supply, uses should not be located on state land where they would risk reducing water quality below that needed by the hatchery or aquatic farm.

**F. Water Intake Structures.** When issuing water rights for waters providing fish habitat, DNR will require that practical water intake structures be installed that do not result in entrainment or impingement of fish and will maintain instream flows needed to sustain existing fish populations. The simplest and most cost-effective technology may be used to implement this guideline.

Water intake structures should be screened, and intake velocities will be limited to prevent entrapment, entrainment, or injury to fish. The structures supporting intakes should be designed to prevent fish from being led into the intake. Other effective techniques may also be used to achieve the intent of this guideline. Screen size, water velocity, and intake design will be determined in consultation with ADF&G and are regulated by ADF&G (5 AAC 94.250) if the intake structure is in fish habitat.

**G. Alteration of the Riverine Hydrologic System.** To the extent feasible, channelization, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact on important riverine habitat will be avoided.

**H. Threatened and Endangered Species.** All land use activities will be conducted consistent with state and federal Endangered Species Acts to avoid jeopardizing the continued existence of threatened or endangered species of animals or plants; or to provide for their continued use of an area and to avoid modification or destruction of their habitat. Specific mitigation recommendations should be identified through inter-agency consultation for any land use activity that potentially affects threatened or endangered species. In Alaska, eight species are under the jurisdiction of the U.S. National Marine Fisheries Service, U.S. Fish and Wildlife Service, or Alaska Department of Fish and Game as threatened (T) or endangered (E) in accordance with the state and federal Endangered Species Acts, as amended. However, only one of the seven species, the humpback whale, is commonly found within the planning area. The U.S. Fish and Wildlife Service (USFWS) reviewed petitions to list the Queen Charlotte goshawk as endangered and the Alexander Archipelago wolf as threatened under the Endangered Species Act. Neither listing was found to be warranted at the time of the review, but both remain USFWS species of concern.

Species	Status
Northern right whale ( <i>Eubalena glacialis</i> )	E
Aleutian Canada goose ( <i>Branta canadensis leucopareia</i> )	T
Stellar Sea Lion ( <i>Eunetopias jubatas</i> )	T
Short-tailed albatross ( <i>Diomedea alabatus</i> )	E
Humpback whale ( <i>Megaptera novaeangliae</i> )	E
Fin whale ( <i>Balaenoptera physalus</i> )	E
Gray whale ( <i>Eschrichtius robustus</i> )	E

The Fish and Wildlife Enhancement Office of the U.S. Fish and Wildlife Service or National Marine Fisheries Service should be consulted on questions that involve endangered species.

**I. Eagles.** Activities that potentially affect bald eagles will be consistent with the state and federal Endangered Species acts and the Bald Eagle Protection Act of 1940 as amended. Applicable standards are drawn from a cooperative agreement signed by the U.S. Forest Service and the U.S. Fish and Wildlife Service (USFWS), or such subsequent standards that may be promulgated. The USFWS may not determine them to be adequate in all circumstances. In addition, meeting the guidelines does not absolve the party from the penalty provisions of the Bald Eagle Protection Act; therefore, the USFWS should be consulted when activities may affect bald or golden eagles.

**1) Siting Facilities to Avoid Eagle Nests.** Facilities determined by the U.S. Fish and Wildlife Service to cause significant disturbance to nesting eagles will not be allowed within 330 feet of any bald eagle nest site, whether the nest is currently active or not.

**2) Activities Disturbing Nesting Eagles.** Activities the U.S. Fish and Wildlife Service determines likely to cause significant disturbance to nesting eagles will be prohibited within 330 feet of active bald eagle nests between March 15 and August 31. Temporary activities and facilities that do not alter eagle nesting habitat or disturb nesting eagles, as determined by the USFWS, may be allowed at other times.

**J. Soil Erosion.** Soil erosion will be minimized by restricting soil disturbance along water bodies and by stabilizing disturbed soil as soon as possible.

**K. Fish and Wildlife Enhancement on State Lands.** Fish and wildlife enhancement activities on state lands, whether by ADF&G or other parties, will be consistent with the management intent for those lands. Enhancement activities likely to attract significant public use, including sport fishing use, will be designed and located to minimize

the impact of additional public use on the existing recreation resources, including anchorages, campsites, and existing and intended wilderness values.

**L. Grounding of Floating Facilities.** Floating tideland facilities will not ground at any tide stage unless ADF&G determines there will be no significant impact to the habitat values, or the applicant demonstrates to the satisfaction of DNR that there is no feasible and prudent alternative and DNR determines it is in the state's best interest.

**M. Protection of Fish and Wildlife Resources - Transportation Facilities.**

Important fish and wildlife habitats such as those described as riparian areas, wildlife movement corridors, important wintering areas, and threatened or endangered species habitat should be avoided in siting transportation routes unless no other feasible and prudent alternatives exist. Location of routes and timing of construction should be determined in consultation with the Department of Fish and Game (ADF&G).

**N. Cumulative Impacts.** ADF&G should periodically assess the cumulative effects of changes in the use and development of state land on the various fish and game species in the planning area. In doing so, ADF&G may solicit the advice of other appropriate fish and wildlife agencies. In the case of declining health or population of a species or significant changes to use patterns, ADF&G should advise DNR of the land and waters critical to the species and recommend permit and lease stipulations necessary for its protection.

## **MANAGEMENT GUIDELINES: HARVEST AREAS**

**A. Allowing Uses Within Designated Harvest Areas (Hv).** Considerations similar to those identified in the Habitat portion apply to areas designated Harvest (Hv). The areas designated "Hv" in Chapter 3 of the plan were defined using the best available information when the plan was written. In the designation of these areas, data sources were of a generalized nature, oftentimes at the 1:250,000 scale. Because of this and in order to be conservative in the delineation of harvest areas, large tideland areas were identified. In some cases, there is only a single harvest resource but in other instances, several resources exist, with these resources sometimes occupying differing portions of the parcel.<sup>3</sup> The spatial distribution of harvest resources is described in the management intent language, if known.

Parcels designated harvest are to be managed to ensure minimal disturbance to the harvest resources identified for a given area.

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<sup>3</sup> Note to DNR adjudicators: Accordingly, there may be specific portions of a parcel that may not contain the harvest resource(s) that is/are identified.



Since there is a distinct seasonality associated with the critical life periods of certain marine mammals and fish, seasonality shall be taken into consideration during project review and approval. Seasonality and critical life cycle stages are identified in ADF&G publications.<sup>4</sup> Thus, it may be possible that uses and facilities may be appropriate within areas designated "Hv" if the seasonality criteria are satisfied by including mitigating measures in project design.

The resource(s) used to make the determination that an area should be designated "Hv" is/are identified in the parcel descriptions contained in the Resource Allocation Tables in Chapter 3 under the column, "Resources and Uses". In some cases, there is only a single resource but in other instances, several resources exist, with these resources sometimes occupying differing portions of the parcel. The spatial distribution of harvest resources is described in the management intent language, if known.

Tideland and upland uses that are not consistent with the types of uses associated with the approved designation or are not authorized in the management intent statement for a specific parcel, and uses that if permitted *would* result in the degradation of the resource(s) associated with areas designated "Hv" or "Ha/Hv" are to be initially considered incompatible with the plan's management intent and with the "Hv" and "Ha/Hv" designations. If there is a question as to whether a use would be appropriate or whether it would degrade a listed resource, DNR shall consult with ADF&G in making the determination of initial incompatibility.

Uses may be permitted if the proposed use avoids the resource or if, through stipulations, it can be made to have minimal adverse impact on the harvest activity for which the area was designated. In instances when the proposed use cannot avoid the harvest area or cannot mitigate significant impacts through design, siting, or operation stipulations, the use may be permitted if the following conditions are satisfied:

- ADF&G determines through new information or more detailed analysis that the area is not "Hv" or "Ha/Hv" as defined in the plan; or
- the use is of sufficient public importance or lacks a feasible and prudent alternative consistent with the guideline of the plan and ACMP policies; or
- the use (project) receives a conclusive consistency determination under the ACMP and significant adverse impacts are minimized through stipulations developed for the ACMP determination.

**B. Allowing uses in Other than Designated Harvest Areas.** Within the plan boundary essentially all tidelands and submerged lands are used for some form of community or commercial harvest at some time during the year. Essentially, where one fishery leaves off, another picks up. As a consequence, the whole of the planning area

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<sup>4</sup> These publications include the following: ADF&G Regional Habitat Guides, Salmon Holes and Halibut Hills, and NOAA's Oil Spill Response Atlas. Note to DNR adjudicators: In the event that information is not contained in these publications, consult other pertinent publications to determine seasonality.

is fully utilized by fisheries for one species or another. Maps depicting the areas used for harvest (sport, commercial and subsistence) are identified in the NOAA publication, Environmental Sensitivity Index: Southeast Alaska, (1992), especially the maps titled "Human Use of Biological Resources". More detailed information on harvest areas is included within publications and reports of the ADF&G, especially their subsistence division. These reports should be consulted for site specific decisions.

Areas not within designated "harvest" areas in Chapter 3 are designated General Use (Gu). Under that portion of the "Gu" definition (see *Definitions*, Chapter 3) applying to intertidal and submerged lands, all lands of this type are recognized to contain important fisheries for one or more subsistence, recreational and commercial harvest fisheries. Accordingly, the following standards shall apply to uses that would alter harvest activities:

The standards of the section describing "Allowed Uses Within Designated Harvest Areas" apply to the intertidal and submerged lands included within areas designated Gu, Ru, Ha and Rd. In addition, where coastal zone district management plans designate subsistence zones under 11 AAC 80.120 (c), the standards of 11 AAC 80.120 (d) shall also apply. Where district plans do not apply or exist, uses that would alter harvest activities will be sited consistent with 6 AAC 80.120(a). These standards apply to those areas affected by the state and district ACMP standards. All of the planning area is affected by state ACMP standards as well as by district standards within the Sitka Coastal Plan area.

**C. Activities Adjacent to Designated Harvest Areas.** Uses adjacent to intensively used commercial, recreation, community, or subsistence harvest areas will not preclude access to harvest activities during the harvest or use season.

## **MANAGEMENT GUIDELINES: SPECIAL MANAGEMENT AREAS — TIDELANDS & AND SUBMERGED LANDS; OTHER**

**A. Activities in Intensive Purse Seine and Gill Net Areas.** If there are feasible and prudent alternatives, tideland facilities will not be located where they would obstruct drift and seine use of the shoreline in intensive purse seine and gill net areas.

**B. Activities in Traditional Use Commercial Herring Areas.** Activities should be conditioned to minimize disruption of the harvest within traditional herring fishery areas including the sac roe and wild kelp harvest fishery areas.

**C. Anchorages.** See Management Guidelines for Floating Facilities.

**D. Special Management Areas – Tidelands and Submerged Lands.** Special management areas for tidelands and submerged lands apply where large areas of marine waters and tidelands must be managed in a coordinated manner. These areas

are significantly larger than a typical tidelands tract, and do not properly fit into the definition of a "parcel" as used in this plan. There are two such areas; both occur in the Southern Region. These areas are depicted on Map 2-1. Management intent language and guidelines are identified for these areas, similar to tidelands parcels. These are contained in the section termed 'Management Summary, Special Management Areas' in the general description of management intent for the Southern Region.

**E. Other Guidelines Affecting Fish and Wildlife Habitat.** Other guidelines may affect the protection and management of fish and wildlife habitat. See the following sections of this chapter:

- Aquatic Farming
- Coordination and Public Notice
- Floating Facilities
- Forestry
- Instream Flow
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Subsurface Resources

Map 2-1.  
SPECIAL MANAGEMENT AREAS  
Tidelands and Submerged Lands

**Return to front page and click on link for  
Map 2-1. to view**

## Floating Facilities

### GOALS

**Economic Development Opportunities.** Provide opportunities to increase personal income and diversify the state's economy by accommodating residential uses needed to support commercial and industrial developments, including opportunities for commercial and industrial development to support tourism, development, upland resource extraction, and provide services for community needs.

**Settlement Opportunities.** Provide a range of options for using state land for float-home purposes.

**Public Access:** Public access shall be maintained along the coastline in any authorization for floating facilities issued by the Department.

### DEFINITIONS

**Floating Facilities (General):**<sup>5</sup> A general phrase used to encompass the types of "occupied" floating residential facilities further described below. These facility types do not include commercial fishing vessels engaged in commercial fishing activities. Residential floating facilities require an authorization if moored or anchored within a bay or cove in one location for a period of 14 days or more. Moving the floating facility at least two miles starts a new 14-day period. Commercial floating facilities require authorization before occupying state tidelands.

Facility Types	Definition
<b>Floathomes</b>	Floathouses, houseboats, barges and boats, powered or not, that are intended for non-commercial residential use. A floathome is generally for single family use and not associated with economic development activities.
<b>Floatlodge</b>	A floating residential facility providing overnight accommodations for commercial recreation services to the public.
<b>Floating Camp, Floating Caretaker Facility</b>	Single or multi-family floating residential facilities used as housing, or that are necessary to contain equipment or processing to support facilities for economic development activities such as commercial timber harvest, mineral exploration or aquatic farming operations, or associated with public activities.

<sup>5</sup> Not included in this definition are numerous other types of unoccupied facilities and structures authorized by DNR on state tidelands including but not limited to such things as floats, docks, buoys, and barge ramps. Management guidelines for unoccupied floating structures or facilities that support commercial recreation activities are covered in the Recreation, Tourism, and Scenic Resources section of this Chapter.

## MANAGEMENT GUIDELINES

**A. Siting, Development, and Operational Standards: General.** Floating facilities will be sited, designed and operated consistent with the requirements of the U.S. Corps of Engineers General Permit for floathomes (currently 89-4) and all successor general permits or with an individual Corps permit; federal and state water quality standards; coastal zone standards under ACMP 6 AAC 80.130; and ADF&G habitat protection regulations. If necessary, DNR may impose additional stipulations to ensure environmental or habitat protection, use compatibility, or to meet the objectives of this plan.

**B. Siting: Floating Facilities Inside Municipalities.** Within the corporate boundaries of municipalities, DNR will regulate floating facility siting consistent with the Alaska Coastal Management Plan (ACMP), including the district coastal zone management plan if approved, and the local comprehensive plan or zoning. If there is no district coastal zone management plan, comprehensive plan, or zoning, or if these plans/ordinances do not cover floating facilities, DNR will work with the local government and facility owner(s) to locate suitable areas.

**C. Siting: Floathomes Adjacent to Residential Areas.** Floating facilities will not be authorized adjacent to upland residential uses unless the local government designates areas adjacent to such uses for floathomes or floatlodes in an approved comprehensive plan or if these uses are an allowed or conditional use in the zoning ordinance. However, a short-term authorization, not to exceed two years, may be given on an individual basis to the upland owner if the floathome is to be occupied while the upland owner is constructing a residence on his/her upland parcel.

**D. Siting: Floating Facilities within or near Sensitive Uses, Habitats, or Resources<sup>6</sup>.** To protect existing habitats, resources and uses, floating facilities should not be authorized in the following areas: designated habitat or harvest areas<sup>7</sup>, anchorages, areas designated recreation (Rd, Ru), or areas adjacent to an upland subdivision (except for those floathomes that are currently permitted and except as authorized under item #C, above). In addition, they should not be permitted near an authorized aquatic farming operation (except for associated caretaker residences), near known cultural or historic sites, or near a public use cabin or sensitive Forest Service research site.

Floating facilities are also not generally considered appropriate adjacent to areas designated LUD II, National Monument or Wilderness in the Tongass Land and Resource Management Plan. However, appropriate commercial, governmental or research facilities may be authorized if, at the discretion of DNR, the facility is determined to be of low impact, not inconsistent with the wilderness or primitive character of the adjoining uplands, and determined to be in the best interest of the state.

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<sup>6</sup> See Footnote 5.

<sup>7</sup> Where it would be inconsistent with the resources that are to be managed for a particular parcel as given in the Resource Allocation Tables in Chapter 3.

Further, they should not be authorized where the use is prohibited in the management intent statement for a particular parcel in this plan.

Floating facilities may be authorized in these areas by DNR if it is determined that the permitting of a floating facility is in the best interest of the state, the use conforms to the standards stated in Management Guideline **A**, and the use is found consistent with the Alaska Coastal Management Program.

**E. Area Occupied by Floating Facility.** All floating facilities, including attached floats and anchors, shall occupy the smallest area of tideland or submerged land practicable, consistent with the requirements of the proposed use.

**F. Form of Authorization of Floating Structures.** Floating facilities may be authorized through the use of a permit. Permits are currently issued for a five-year duration and may be renewed. Renewal may be authorized by DNR for another like duration if the floating structure meets the requirements of the initial permit and any other stipulations that DNR may impose to conform the use to the then current standards or regulations. Commercial structures may also be allowed by, or be converted to, a lease when the use, in the opinion of the Department, is of a permanent nature.

**G. Authorization of Temporary Floating Camps.** Floating camps and related facilities should be temporary, with full occupancy restricted to the time when resource development is occurring. To the extent practicable, camps and associated facilities should be consolidated to minimize impacts and limit their proliferation. Temporary floating camps shall not be sited in sensitive habitat, resource, or use areas, described more specifically in Management Guideline D, and may not be sited in other areas unless they are a designated use or support a designated use in the plan. Authorizations for floating camps should terminate when the upland use, which created the need for the floating camp, has ended or when the need for the supporting floating facility ends. Authorization for this type of use should be by permit.

**H. Public Notice.** The adjacent upland owner(s) shall be notified by DNR during permit review of a proposed floating facility. This shall be in addition to the general public notice requirements of the department.

**I. Anchoring of Floating Facilities.** In order to protect public access to and along public tidelands, shore ties that would conflict with public access should not be authorized if floating facilities can be safely moored through the use of anchors or rock bolts. In addition, shore ties above Mean High Water will not be used where there is no authorization from the upland owner.

**J. Other Guidelines Affecting Floating Facilities.** Other guidelines will affect floating facilities. See in particular the following sections of this chapter:

Coordination and Public Notice

Fish and Wildlife Habitat and Harvest Areas

Material Sites

Recreation, Tourism, and Scenic Resources (*Management Guideline C*)



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## Forestry

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### GOALS

**General.** The state's forest management goal for Southeast Alaska is to provide raw material for a viable timber industry in a way that is compatible with the conservation and sustained yield of all renewable resources that are important to present needs, consistent with the need to preserve future options. The strategy is to use the limited supply of state timber distributed throughout the planning area to support small to mid-size, wood product businesses in Southeastern Alaska communities in order to provide steady jobs for residents by producing value-added products.

**Economic Opportunities.** Provide for economic opportunities and stability in the forest products industry by allowing the use of state uplands for timber harvest and state tidelands and submerged lands for log storage and transfer sites, and beach log salvage.

**Community Development and Expansion.** Support communities by providing timber to help establish a small to medium scale value added timber industry.

### MANAGEMENT GUIDELINES

The timing, location, harvest amounts and methods of timber harvests are controlled by state statutes and regulations. The Alaska Land Act (AS 38.05.110-123) and Regulations (11 AAC 71) provide policy and guidance for management of state forest resources. The Forest Resources and Practices Act (AS 41.17) and Regulations (11 AAC 95) provide additional policy and guidance for managing forest related activities.

Area plans adopted under AS 38.04.065 determine whether forest harvest is an appropriate use of state lands. Area plans, such as this plan, designate the main uses for state lands, set guidelines to ensure that multiple uses occur compatibly, and classify the land according to its main uses. Land must be classified before it and any interests in the land can be sold (11 AAC 55.040(i)).

Proposed timber sales throughout the state must be included in two consecutive annual five-year Schedule of Timber Sales published by the DNR Division of Forestry (DOF), with certain exceptions.<sup>8</sup> These annual sale schedules identify the location, timing, and volumes of proposed timber harvests on state forestland managed by DNR. Small sales of 10-160 acres are, as a matter of DNR policy, also listed in the five-year sale schedule at least once.

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<sup>8</sup> Note: Although there are no parcels within the planning area that are designated Forestry or General Use with a management intent statement authorizing timber harvest, all state land is multiple use. In the event DNR determines that timber harvest is appropriate on a specific tract of state land through approval of the Five-Year Sale Schedule and a Forest Land Use Plan, the standards of this section apply.

Site-specific guidelines for forest management activities are addressed through a Forest Land Use Plan (FLUP) prior to offering timber for harvest (AS 38.05.112). A Forest Land Use Plan is required for all sales greater than 10 acres. All timber sales must be in the overall best interest of the state. When a written Best Interest Finding is required under AS 38.05.035, it is made part of the FLUP.

**A. Multiple Use Management.** Unless particular uses are specifically prohibited, all lands designated primarily Forestry are intended to be managed for multiple use consistent with AS 41.17.060 and the primary Forestry designation. The relative importance of other beneficial uses will be specified in the management statements and controlled by the management intent guidelines for each management unit in this area plan.

In some area plans, the management intent for a parcel indicates that timber harvest may be appropriate within areas designated General Use or Settlement. Typically, in this area plan, the General Use designation applies to parcels of significant size where a diversity of resources and possible uses exist. However, there are no areas within parcels designated General Use that are explicitly identified as appropriate for timber harvest.<sup>9</sup> When used with the Settlement designation, this implies that timber harvest may occur concurrent with the subdivision process or prior to actual settlement, since the Settlement designation is sometimes used where development is not expected to occur for at least 10-20 years into the future. In the latter instance, it is intended that timber harvest will support eventual subdivision development, especially in the design and location of roads.

## **B. Timber Harvest**

**1.** All timber harvest activities must be compatible with the general management guidelines of this section and with the management intent statements and land use designations identified in specific management units of this plan found in Chapter 3.

**2. Timber Harvest Stipulations.** All timber harvest operations will be conducted in accordance with the stipulations in the Forest Land Use Plan, the Alaska Forest Resources and Practices Act (AS 41.17 & 11 AAC 95), the Alaska Land Act (AS 38.05 & 11 AAC 71), and other pertinent state guidelines and laws.

**3. Forest Land Use Plans (FLUPs).** Although this area plan establishes areas of potential timber harvest, it does not make specific timber harvest decisions. Before timber harvest decisions are made for specific locations in planning area, DOF will

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<sup>9</sup> Although areas within parcels designated General Use are not identified for timber harvest, because of the multiple use requirement of state statute, timber harvest may be an allowed use within these tracts if a DNR Forest Land Use Plan determines that such an activity is in the state's overall best interest. Nonetheless, it is not intended, as a matter of overall policy in this plan, that a systematic program of timber harvest is appropriate within the planning area and, specifically, it is not intended that such a program is suitable on lands designated General Use.

prepare a Forest Land Use Plan (FLUP), as required under AS 38.05.112, and a Best Interest Finding, required under AS 38.05.035. FLUPs will contain site-specific guidelines for timber harvest. Negotiated timber sales will occur in the future within the planning area that are less than 10 acres in size or less than 500 MBF. These sales do not require a Best Interest Finding but may require an FLUP if they are greater than 10 acres in size. In either case, they must still adhere to the area plan's standards, guidelines and management intent statements.

**4. Size and Shape of Timber Harvest Units.** In determining the size, shape, and spacing of timber harvest units, DOF will take into consideration: reforestation; water body types; effects of soil erosion and mass wasting on water quality and fish habitat; terrain; marketing conditions and other economic constraints; harvest equipment capabilities; efficiency; wind firmness of areas that are not cut. DOF will also make allowances for important fish and wildlife habitat and scenic quality.

Harvest units may not exceed 160 acres in size unless approved in an FLUP after consultation with DEC and ADF&G, and public review. The 160-acre limit applies to all harvesting systems except single tree selection. In some subunits, management intent indicates a smaller acreage.

**5. Leave Area Design Criteria.** After consultation with ADF&G as part of the FLUP planning process, leave areas that are identified in the approved FLUP, which may include areas of Old Growth Forest, shall be maintained to make allowances for important fish and/or wildlife habitat. The cumulative benefits of the forestwide protections provided by the TLRMP, as well as the opportunities for coordinated federal/state land management at the site and at regional levels, should be considered in making determinations of the need for and the subsequent design of leave areas. Leave areas provide interconnected habitat for travel, feeding, resting, and escape or avoidance of predators. Where evidence of their use by wildlife is found to occur, natural travel corridors such as ridge points, the forested edge of wetlands, the coastal fringe, portions of Old Growth Forest, and riparian corridors should be considered for inclusion within designated leave areas. To achieve this intent, special management areas (see #G) extending out 300 feet from each bank are designated along anadromous and high value resident fish streams to facilitate wildlife movement, and provide important riparian habitat for fish and wildlife. Special management areas shall be greater where larger widths are specified in the management intent statement for upland tracts in Chapter 3. Buffers not less than 330 feet will be left around each bald eagle nesting tree unless, upon consultation with USFWS, a site specific activity may be conducted within 330 feet of the nesting tree. Wind firmness of residual trees will be taken into consideration when designing leave areas between designated cutting units. Bridge timbers may be taken from leave areas if there is no feasible or prudent alternative.

**6. Harvest Unit Layout.** A mosaic of forest age classes will be created by cutting units and leave areas where feasible and prudent. DNR will lay out units following DOF's Engineering Guide for Southeast Region.

**7. Steep Slopes.** Forest management activities may not be conducted on slopes consistently greater than 67 percent, on an unstable slope, or in a slide-prone area unless approved in an FLUP. DNR shall consult with ADF&G on decisions involving timber harvest in areas steeper than 67 percent. Harvest operations will be designed to prevent mass wasting and to maintain soil productivity, tree regeneration, and fish habitat.

**8. Recreation and Scenic Values.** In determining the size and shape of cutting units, DOF shall make allowance for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry. In these areas cutting units will reflect local topography and, to the extent practical, blend in with the topography and minimize linear borders. The relative importance of scenic quality will be specified in the management statements and controlled by the management intent guidelines for each management unit.

**9. Settlement Areas.** In areas designated Settlement, state commercial timber sales will adhere to the Forest Resources and Practices Act (FRPA) and pertinent state regulations for commercial forestry, and will not be considered a "land use conversion" as described in the FRPA. Such timber harvest shall be in direct support of current or future state subdivision development (see Settlement, D.4). However, the salvage of damage trees (J), including beach salvage (D), is authorized and may occur separately from subdivision development.

**C. Log Transfer Facilities and Sort Yards.** Sort yards and log transfer facilities (LTF) will be constructed, sited, operated, and monitored in order to avoid or minimize the impact on state land and resources. The design, development, and use of these facilities shall be consistent with the *Log Transfer Facility Siting, Construction, Operation, and Monitoring/Reporting Guidelines (October 1985)*, or successors to these standards that may be approved by DNR and ADF&G.

**D. Beach Log Salvage.** Although beach log salvage may be categorically consistent with the Alaska Coastal Management Program, a license is required from the Department before salvage commences. Beach log salvage administered under the provisions of AS 45.50 and 11 AAC 71 shall be consistent with standards developed by the DOF, GP-10, and the Cooperative Agreement with the U.S. Forest Service.

**E. Timber Salvage From Rights-of-Way.** All timber having high value should be salvaged on rights-of-way to be cleared for construction or other purposes.

**F. Sustained Yield of Forest Resources.** Forestland will be managed to guarantee perpetual supplies of renewable resources to serve the needs of all Alaskans for the many products, benefits, and services obtained from them. The annual allowable harvest will be calculated using the area control method.

**G. Protection of Fish and Wildlife Habitat.** Land designated Forestry, or land where timber harvest is an appropriate use, will be managed for multiple use of all resources and to ensure the sustained yield of renewable resources. Prior to harvest, DNR shall consult with and give due deference to ADF&G on the effects of the proposed harvest on fish and wildlife habitat, and make allowance for important fish and wildlife habitat, as provided under AS 41.16.060 and 41.17.098(d). The relative importance of wildlife habitat will be specified in the management intent statements and controlled by the management guidelines for each management unit. Important fish habitat is defined as a water body supporting anadromous or high quality resident fish, as defined in AS 41.17.118(a)(2)(A) and consistent with the meaning of AS 41.17.060. Timber harvests of less than 10 acres in size are considered consistent with this guideline without consultation unless activities are proposed for which ADF&G has due deference as noted here, or in guidelines H or I.

Riparian areas shall be managed in accordance with AS 41.17.118 and 11 AAC 95.185. No harvest activities will be undertaken within 100 feet of an anadromous or high value resident fish stream except as provided by 11 AAC 95.275 & .355. Within 100-300 feet from the stream, harvest may occur but must be consistent with the maintenance of important fish and wildlife habitat required under AS 41.17.118(a), with due deference to ADF&G.

**H. Heritage Sites.** Areas of known historic, archaeological, or paleontological sites should not be disturbed. Timber operations should not occur within 300 feet from the boundaries of known sites unless the state Office of History and Archaeology determines, in consultation with DOF, that certain activities can occur without significantly impacting the cultural resource. On unique sites, a larger buffer may be needed. The Office of History and Archaeology shall, within the limits of staffing and funding, assess the extent and significance of the cultural resource and work with DOF to develop site-specific mitigation measures to protect the cultural site while allowing timber management to occur.

**I. Road Standards for Forestry Management Activities.** DNR will locate, design, and maintain timber mainline and secondary roads for forestry management activities consistent with DOF's Engineering Guide for Southeast Region, and the standards contained in Article 3 of the FPA regulations. Roads will be located, designed, and managed to maximize resource access while minimizing significant impacts to the environment. To the maximum extent possible, roads shall be located outside of important fish habitat and plans for road closures should be part of an overall conservation strategy, consistent with other needs and interests.

**J. Salvage of Damaged Trees.** Trees damaged due to windthrow, insect, or disease conditions may be salvaged on all land use designations unless management intent statements for specific management units in Chapter 3 specifically prohibit salvage harvest. A Forest Land Use Plan, if required, will provide the rationale for conducting the salvage harvest and describe how the management intent statements for each management unit will be achieved.

**K. Other Guidelines Affecting Forestry.** Other guidelines will affect management practices for timber development support facilities and forestry. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Floating Facilities
- Material Sites
- Recreation, Tourism, and Scenic Resources

## **Instream Flow**

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### **GOAL**

**Instream Flow.** Maintain water quantity and quality sufficient to protect the human, fish, and wildlife resources and uses of the region.

### **MANAGEMENT GUIDELINES**

**A. Stream Uses to Consider for In-stream Flow Reservation (General).** Streams and other water bodies may be considered for in-stream flow reservations under AS 46.15.145.

Such reservations are intended to maintain a specified instream flow or level of water at a specified point on a stream or body of water, or a specified part of a stream, throughout the year or for specified times. The purposes of the reservation, defined in statute, include: **1)** protection of fish and wildlife habitat, migration, and propagation; **2)** recreation and park purposes; **3)** sanitary and water quality purposes; and **4)** navigation and transportation purposes.

**B. Priorities.** In-stream reservations of water are not recommended within the planning area, but the need for such reservations should be re-evaluated at the time of the plan revision and for other water bodies with high fisheries values. Further study or major new developments requiring substantial water use may result in evaluation of the need for an instream water reservation.

**C. Process for Determining Reservations.** Requests for instream water reservations will be adjudicated by the Department following the procedures identified in 11 AAC 93.141-147. In general, these procedures require establishing the management objectives of the water body, estimating the quantity of water seasonally available, determining the amount of water already appropriated, and projecting the instream flow requirements for the uses and resources to be protected.

**D. Other Guidelines Affecting In-stream Flow.** Several other guidelines will affect instream flow. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources

## Material Sites

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### GOAL

**Land for State-Owned Materials Sites.** Maintain in state ownership and make available to public and private users, sufficient, suitably located materials sites to meet long-term economic needs of the area for material resources.

### MANAGEMENT GUIDELINES

**A. Preferred Material Sites.** When responding to a request for a material sale or identifying a source for materials, the highest priority should be given to using existing upland material sources. Using materials from wetlands, lakes, tidelands, and active or inactive floodplain rivers or streams should be avoided unless no feasible public upland alternative exists. As a general policy, sales or permits for gravel extraction will not be permitted in known fish spawning areas. Material sites shall be maintained in public ownership.

**B. Maintaining Other Uses and Resources When Siting and Operating Material Sites.** Before materials are extracted, the manager will ensure that the requirements of the permit or lease adequately protect other important resources and uses. The disposal of materials should be consistent with the applicable management intent statement and management guidelines of the plan.

**C. Land Sales in Areas of High Material Potential.** Generally, if a settlement area contains sand and gravel deposits, rock sources or other similar, high value material resources, a pit area should be identified during subdivision design and retained in state ownership for future use.

**D. Screening and Rehabilitation.** Material sites should be screened from roads, residential areas, recreational areas, and other areas of significant human use. Sufficient land should be allocated to the material site to allow for such screening. Rehabilitation of the site shall follow the requirements of AS 27.19.020 and 11 AAC 97.250.

**E. Other Guidelines Affecting Materials.** Other guidelines will affect the use of material resources. See in particular the following sections of this chapter:

- Fish and Wildlife Habitat and Harvest Areas
- Coordination and Public Notice
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources



## Recreation, Tourism, and Scenic Resources

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### GOAL

**Recreation Opportunities.** Lands will be provided for accessible outdoor recreational opportunities with well-designed and conveniently located recreational facilities. In addition, undeveloped lands should be provided for recreation pursuits that do not require developed facilities. These opportunities shall be realized by:

- 1) developing a state park system of recreation areas, trails, waysides, rivers and sites which provide a wide range of year-round outdoor recreation opportunities for all ages, abilities and use preference in close proximity to population centers and major travel corridors;
- 2) providing recreation opportunities on less developed land and water areas that serve multiple purposes such as habitat protection, timber management, and mineral resource extraction;
- 3) assisting communities through cooperative planning, conveyance of state lands, and grants-in-aid for parks and trails within population centers;
- 4) encouraging commercial development of recreational facilities and services through concession contracts, land sales, leases, and permits where public recreation needs can most effectively be provided by private enterprise, while minimizing environmental impacts and conflicts with the existing users of an area;
- 5) protecting recreation resources including public access, visual resources, fish and wildlife important for recreation, and, where appropriate, the isolation and unique wilderness characteristics of the planning area.

### MANAGEMENT GUIDELINES

**A. Coordination with Other Landowners and Users of an Area.** Recreation management, including the location and management of recreation facilities, will take into account the current, and likely, management of lands owned by the U.S. Forest Service, local governments, and private landowners, and compatibility with the existing uses of an area.

**B. Roles of Different Public Land Owners in Providing Public Recreational Opportunities.** Generally, the state's role is to retain and manage land supporting recreational opportunities of regional or statewide significance. The state and federal governments are most capable of providing recreational opportunities that require large

land areas, while local government is generally best suited for providing and managing community recreation opportunities. To recognize local government's role in providing community recreation needs, the state may consider transferring state land designated Undeveloped Recreation (Ru) or state recreation sites within or near existing communities, if the municipality has parks and recreation powers and if this action is in the overall best interest of the state. The selection of these sites shall be agreed to by local government and the state, and shall be contingent on the local government's commitment to develop and maintain the recreation uses, facilities, and values of these areas.

**C. Public Use Sites.** Uses that adversely affect public use sites or areas should not be authorized. Uses that are made available to the public, recreational or other sites (such as airstrip development or docks), may be authorized if consistent with the management intent for the public use site or area and if there is a demonstrated public need.

For sites that receive extensive use and require active management now and in the future, the plan recommends adding the site to the state park system. Generally, these are additions to the state marine park system.

#### **D. Public Recreation Facilities**

**1) Public Use Cabins.** A system of public use cabins should be established in state parks and other state lands. The locations of these facilities shall be consistent with the management intent for the subunits of this plan.

#### **2) Location of Recreation Facilities**

##### **General:**

**a) Preferred Locations.** Recreation facilities, including public use cabins, minimum development campsites, mooring buoys and other low intensity facilities for the general public (i.e., not commercial private facilities), are appropriate at sites that encourage public use at a particular location, direct public use away from inappropriate locations, accommodate competing or conflicting uses, and minimize damage to the environment. Unless the management intent indicates otherwise, tidelands adjacent to the Tongass National Forest are to be managed for habitat or recreational uses that will not adversely impact wildlife.

**b) Inappropriate Locations.** Recreation facilities are not appropriate where the management intent of this plan is to maintain the natural condition of the area free from additional concentration of recreation users or significant evidence of human use. In addition, recreation facilities should not be placed adjacent to cultural resource sites that might subject the sites to vandalism because of the increased public use.

**Specific – Public Mooring Buoys:**

Mooring buoys will not be located: **a)** in existing natural anchorages unless they would increase the capacity or reliability of the anchorage (for example, make it reliable in different wind or wave conditions); **b)** adjacent to frequently used campsites, unless intended as a part of the campsite development; **c)** where they may interfere with commercial fishermen including drift net, purse seine, or set net operations; **d)** in areas that will conflict with state or federal wilderness management objectives; or **e)** in or adjacent to sensitive habitats, such as eelgrass beds, unless they will help preserve the habitat by minimizing the use of anchors.

**E. Private Commercial Recreation Facilities and Operations on State Land.**

Lodges (including floating lodges), tent camps, floats, or other private commercial facilities and operations designed to be run as or to support private commercial recreation facilities may be authorized if the facility or operation fulfills the conditions outlined in this section, conforms to the requirements of AS 38.05.850, AS 38.05.070 and .075 or AS 38.05.073, or a management plan is prepared in accordance with AS 41.21.302(c) authorizing the facility.

**1) Siting, Construction, and Operation.** The facility or operation should be sited, constructed, and operated in a manner that creates the least conflict with natural values and existing uses of the area. The commercial facility and the use it generates should avoid significant adverse impacts on fish and wildlife habitat and existing uses of an area. To the extent practical, floatlodges should be visually and acoustically hidden from main travel routes, frequently used anchorages, regionally important campsites, and frequently used recreation areas. For facilities supporting recreational fish and wildlife harvest, ADF&G should be consulted on the possible effects of increased harvest on fish and wildlife resources, and on established commercial, recreation, and subsistence users.

To protect existing habitats, resources, and uses, floating private commercial recreation facilities should not be authorized in the following areas: designated habitat or harvest areas, anchorages, areas designated recreation (Rd or Ru), or areas adjacent to an upland residential subdivision. In addition, they should not be permitted near an authorized aquatic farming operation, known cultural or historic sites, public use cabins, sensitive Forest Service research sites, or adjacent to areas designated LUD II National Monument or Wilderness in the Tongass Land and Resource Management Plan, or where the use is prohibited in the management intent statement for a specific parcel in this plan.

Private commercial recreation facilities may be authorized in these areas by DNR if it is determined that the permitting of a floating facility is in the best interest of the state and the use is found consistent with the Alaska Coastal Management Program.

**2) Upland Access to Floatlodges.** Where the need for upland access to the floatlodges is anticipated, the floatlodges should be tied where there is legal upland access to the site.

**3) Authorizations for Floatlodges.** Floatlodges shall also meet the requirements for these structures under *Floating Facilities*.

**F. Permits and Leases Adjacent to Recreation Facilities.** Tideland activities may be allowed adjacent to public recreation facilities, including public use cabins, lodges, or fuel stops if the land manager determines that the two uses can be made compatible by design, siting or operating guidelines; or if the land manager determines there is no feasible and prudent alternative for the activity. This guideline also applies to sites reserved for future recreation facilities. The land manager's determination will be made after consultation with the facility manager.

**G. Relationship of Area Plan to US Forest Service Shoreline Outfitter/Guide Analysis and Environmental Impact Statement.** The U.S. Forest Service has prepared a Shoreline Outfitter/Guide Analysis and Environmental Impact Statement. This analysis has implications to the management of state tidelands adjacent to the Hoonah, Juneau, and Sitka Ranger Districts. It acknowledges that the primary access to the National Forest is over saltwater and tidelands. It focuses on the management of commercial outfitters and guides; i.e., those entities providing recreational experiences to those who prefer to use a commercial guide or cannot experience the Tongass independently.

The Analysis is intended to allocate shoreline based recreation capacity for commercial and non-commercial recreation uses at levels consistent with the social and ecological capabilities of the Land Use Designations (LUD) in the Tongass Land and Resources Management Plan (TLRMP). It defines the level of use and the mitigation measures to reduce recreational impacts. Commercial recreation use will be permitted in most areas of the forest. It also identifies areas where large groups may use the forest for either regular (enclave) or occasional (15% of the season) use. Large groups are defined as 75 or less people. These large group areas are likely to have future development such as trails, mooring buoys, docks, and toilets associated with them to mitigate the impacts of larger groups on the forest resources. The areas for regular and occasional large group use are identified on the plan maps included in Chapter 3. Essentially, these points represent the locations where the Forest Service will permit concentrated commercial recreation activity within Admiralty Monument and the National Forest.

In its permitting of tideland activities related to commercial recreational activity within the Outfitter/Guide planning area, DNR will be guided by, and attempt to be consistent with, the recommendations of this Analysis/Environmental Impact Statement. See also Standard 'J' in Shorelines, Stream Corridors, and Coastal Areas of Chapter 2.

**H. Other Guidelines that Affect Recreation, Tourism, and Scenic Resources.**

Other guidelines will affect recreation, tourism, and scenic resources. For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Floating Facilities
- Forestry
- Material Sites
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Subsurface Resources
- Trail and Public Access Management

## Settlement

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### GOALS

**Private Land Use.** Provide suitable public land for private settlement purposes. DNR will attempt to satisfy two settlement categories within the planning area:

**1) Year-round residences for community expansion.** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and work is, or will be, in the area of the disposal. It also includes land disposals of commercial and industrial land to accommodate the expansion needs of communities. This land will be provided as demand warrants, subject to the availability of funding.

**2) Seasonal residences for recreation.** DNR will offer land suitable for seasonal recreation use. This land will be provided as demand warrants, subject to the availability of funding. This category of land disposal is intended to provide land, often in remote locations, for recreational needs. No public facilities and services are intended to be provided.

**3) Industrial or commercial development.** DNR will sell, lease, or protect for future use suitable land for private commercial and industrial uses. If DNR sells the land, the timing of this disposal will depend on market demand and adequate funding.

**Provide for a Variety of Uses.** DNR will provide for a variety of settlement uses on state uplands.

**Community, Social, and Aesthetic Values.** In designing future disposals, DNR will maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and minimize undesired impacts on those values.

**Fiscal Impacts.** Land disposals should be sited and planned to minimize the costs of infrastructure and other services resulting from settlement. Disposals should be focused on areas where organized communities exist and where service requirements may be provided by local government or community organizations.

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## MANAGEMENT GUIDELINES

### A. Planning and Coordination

- 1) **Competition.** The state may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.
- 2) **Local Plans.** DNR will comply with provisions of local comprehensive plans regarding the location and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.
- 3) **Coordination with Local Governments.** Where DNR and a municipality both have land, state land offering programs should be coordinated with similar programs of local government to best achieve common objectives. To this end, DNR would consider developing a joint disposal plan for state and municipal lands with any municipality that is interested. This plan would consider the municipality's fiscal planning for road extension priorities and its plans for levels of services in different areas. If a municipality has a comprehensive land use plan, that plan will provide direction for settlement areas. The disposal plan should demonstrate what community objectives would be met and how the requested capital improvement funds would support municipality-wide priorities for roads and service extensions to benefit current and future residents.
- 4) **Pacing.** Settlement offerings should be phased over 20 years, the life of this plan. The timing and extent of disposals will depend upon anticipated demand, availability of funding, the rate of community expansion, and the particular land requirements of such expansion. Another important factor will be whether the disposal will generate a demand for services that cannot be reasonably expected to be met by local government or community organizations.

**B. Isolated Parcels of State Land.** The state has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The following guidelines apply to management and possible disposal of these parcels.

- 1) **In or Near Existing Communities.** If the parcel is in or immediately adjacent to an existing community or past state land offering, the parcel can be offered for settlement unless it is appropriate as a site(s) for schools, material sites, roads, parks, or other public facilities.
- 2) **Parcels Near Other State Land.** If the parcel adjoins or is surrounded by other state land, it should be managed according to the management intent and guidelines applicable to the adjacent lands.

**3) Parcels Not Near Other State Land.** Parcels, such as mining claims acquired by foreclosure in the middle of a federal conservation system unit, may be considered for exchange to the adjacent property owner.

### **C. Protection, Management, and Enhancement of Other Resources**

**1) Protect Life and Property.** DNR will retain public lands and coordinate with local governments to discourage development in areas of flooding, unstable ground, significant snow avalanche risk, or other hazards. Public lands within a 100-year floodplain should remain in public ownership. The 100-year floodplain area is that area designated "100 Year Floodplain" in FEMA floodway/floodplain management mapping, or the area designated as a 100 year floodplain in detailed hydrologic studies prepared by other government agencies or prepared by a hydrologist or other competent professional.

**2) Protect and Manage Valuable Environmental Areas.** The state will provide in land disposals a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands.

These areas should be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be protected to provide adequate terrestrial habitat.

**3) Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important recreation value will be designed to protect habitat and protect access to and along the stream for fishing, hiking, camping, and other recreational activities.

In certain limited cases, it may be appropriate to provide land for private use, but such an action must be in the overall best interests of the state. Before lands are disposed of in stream corridors, DNR will assess existing and projected public use needs associated with the stream corridor, in consultation with other affected agencies and the public.

**4) Protect and Enhance Scenic Features.** The state generally will retain in public ownership unique natural features such as cliffs, bluffs and waterfalls, and foreground open space for panoramic vistas. Public access to such amenities will be preserved. Such lands include islands in bays unless land disposals can be designed to prevent negative effects on the scenic and recreational values of the area.



**5) Protect and Enhance Recreational, Educational, and Cultural**

**Opportunities.** Project the need for and retain appropriate areas for outdoor recreation, hunting, fishing, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

**D. Design**

**1) Provide Public Land for Communities.** DNR, as a general policy, will retain appropriate green-belts, public-use corridors, water supply areas, riparian and coastal buffer areas, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas.

**2) Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-round settlement to areas where services exist or can be provided with reasonable efficiency.

**3) Ensure Access.** DNR shall ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved within land offerings. Field assessment should be used, and where appropriate, road grade profiles prepared, to ensure that access routes are feasible. DNR will ensure actual physical access is available or can be developed (road, air, or water) to each new state subdivision project.

Section line or other easements will not be relied on for access without field inspection of the practicality of such routes. Identified access routes will be described in the land offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.

**4) Subdivision Design.** Subdivisions will be designed to preserve and enhance the quality of the natural setting and the recreational opportunities that make an area attractive to potential buyers. State subdivision design will take account of site limitations and opportunities such as slope, drainage, soils, erosion, riparian zone and coastal buffer, and other features to ensure that sites offered are buildable and can be developed without the need for extensive public infrastructure. Timber harvests are considered appropriate in areas designated Settlement or Settlement-Commercial if intended to support the costs of subdivision development, access to the subdivision, or ancillary facilities subject to the other requirements of the Forestry standards in this Chapter. Selective harvesting of timber before construction of the subdivision is considered appropriate, if authorized by the Regional Manager, DMLW.

**E. Other Guidelines Affecting Settlement.** For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Cultural Resources
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Shorelines, Stream Corridors and Coastal Areas
- Trail and Public Access Management

## Shorelines, Stream Corridors and Coastal Areas

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### GOALS

**Recreation.** Provide opportunities for a variety of recreational activities within publicly owned stream and tideland corridors, including both wilderness and developed recreational activities.

**Habitat.** Protect riparian fish and wildlife habitats and harvest.

**Water Quality.** Protect water quality to support domestic uses, fish and wildlife production, and recreational activities.

**Provide for Water Dependent and Water Related Uses.** Provide for needed water dependent and water related uses.

**Coastal Use and Maintenance Area.** Maintain areas within 500 feet of the coast for public use on lands to be retained by DNR during the planning period for the purposes of public access, recreation, maintenance of scenic viewsheds, and the conservation of fisheries and wildlife/habitat.

### MANAGEMENT GUIDELINES

**A. Priority of Public Uses in Stream Corridors.** In general, DNR will place a higher priority on protecting public use values in stream corridors than on providing opportunities for private ownership or development of land. Disposals near streams with important recreation value will be designed to protect habitat and access to and along the stream for fishing, camping, and other recreational activities. Similarly, disposals near streams that have important fish or wildlife habitat or wildlife value will be designed to ensure the protection of the habitat or wildlife.

**B. Public Access Adjacent to Water Bodies.** Permits, leases, and plans of operation for commercial and industrial uses, transportation facilities, pipelines and other water dependent uses may be authorized on state uplands adjacent to water bodies if their activities are consistent with the management intent for the area and if they can maintain tideland and stream bank access, and protect important fish and wildlife habitat, public water supplies, and public recreation. Trail and other forms of non-motorized public access are generally considered to be appropriate within these areas.

Where feasible and prudent, there should be setbacks between these activities and adjacent water bodies. The width of this setback may vary depending upon the type and size of the use, but must be adequate to maintain public access to and along riparian areas.

### **C. Retention of State Owned Buffers Adjacent to Water Bodies**

- 1) When the management intent for state land adjacent to water bodies (including tidelands, streams, or lakes) is to permit recreation uses such as fishing, picnicking, hunting, camping, or other similar uses, the state should retain ownership of the adjacent uplands. This approach would also apply if the protection of important habitat or wildlife use area is intended. For anadromous and high value resident fish streams, a minimum of 100 feet on each side of the stream should be retained.
- 2) In state subdivisions, buffers for anadromous streams and streams with important resident fish, should either be retained in state ownership or dedicated to a local government, and managed to maintain important fish and wildlife habitat, public access, and recreation values.
- 3) Publicly owned buffers or tracts adjacent to water bodies may be retained along the full length of the water body or on segments of the water body determined to have high current or future use, public use, or to require habitat protection. If the intent is to provide forested wildlife habitat, the width and configuration of this buffer shall be determined prior to or during preliminary subdivision design by DNR in conjunction with ADF&G.

**D. Retention of Access Easements Adjacent to Water Bodies.** For non-fish streams, an easement should be used if the primary management intent is to protect the public's right to travel or provide access for utilities. The public rights retained in an easement shall be identified and noted in the DNR decision document and on the subdivision plat. In areas that may be sensitive to vehicular travel, the easement should be reserved for pedestrian access only. Access easements may be used in combination with state land that is to be retained for public use or the protection of environmental resources. In these situations, easements may be used to provide access to the areas of state retained sensitive land, or provide access corridors between lots or tracts within the subdivision.

**E. Protection Easements and Setbacks to Non-Fish Water Bodies.** Easements or building setbacks should be used in those instances where public recreation use is judged to be moderate or where sensitive habitat or other environmental resources exist but are not of the same importance as described under C. The purpose of the easement should be noted in the Department decision document, if the information is available at that stage on the project, and on the subdivision plat. Where a protection easement is to be applied, vehicular use within the area of the easement is inappropriate and should not be authorized. Building setbacks may be used in lieu of a protection easement in those instances where it is not appropriate or necessary for the state to retain any easement rights. Building setbacks may also be used in combination with buffers, access easements, and protection easements. Building setbacks used in this fashion provide an added level of protection, while allowing private ownership of the land within the area of the setback.

## **F. Buffer, Easement, and Building Setback Widths**

1) The width of state retained land, access and protection easements, and building setbacks adjacent to water bodies (tidelands, lakes, streams) will vary, whether the area is a retained tract or imposed easement, according to management intent and the specifics of the tract under consideration. In addition, this width may vary along the area of the tideland, stream, or lake that is to be protected. Establishing widths, especially for publicly retained lands, will be based on the following considerations: recreational activities to be accommodated, habitat protection and management objectives, visual quality, use compatibility, prevention of erosion, or retention of a significant hydraulic resource (like a wetland).

2) Although these widths may vary, the following criteria are provided to establish the minimum width that can be expected on various types of buffers, easements, and setbacks. They are specified here in order to establish some consistency in application and ensure a minimum level of protection or public access. Distances are measured from ordinary high water on streams and other inland water bodies and from the line of mean high water adjacent to coastal waters. Because of the linear nature of streams and certain other habitat or hydraulic features, these minimum dimensions will apply to both sides of the feature that is to be protected. For example, the total protected area along a stream with a 100 foot setback would be 200 feet (100 feet each side).

In nearly all instances involving retained state land, it will be preferable to retain a larger width, usually 300 feet on each side. Widths greater than 300 feet may also be warranted, depending on the specific site characteristics and the importance of the habitat or resources to be protected.

a) Riparian buffers on retained public land along anadromous and high value resident fish streams and waters: 100 feet on each side of the anadromous stream or water. (Widths greater than this amount, up to 300 feet, should be authorized if, after consultation with ADF&G, it is determined that larger widths are necessary to protect fisheries, wildlife, or habitat).

b) Buffers on other freshwater water bodies on retained public land: 50 feet on each side of the stream or 50 feet on the edge of lakes.

c) Protection easements used in areas of important environmental features: 50 feet on each side of important environmental features, such as high value wetlands. In instances where a protection easement is included as part of a disposal to local unit of government under their Municipal Entitlement, this width is also 50 feet.

d) Public access or utility easements adjacent to tidelands, lakes, and streams: 50 feet.

e) Building setbacks: 25 feet outside of buffers or easements.

### **G. Standards Adjacent to Anadromous Fish Streams and Water Bodies and Coastal Areas**

**1) Riparian Protection Standard.** Only activities which are or can be made compatible with the objectives of protecting, maintaining, or enhancing anadromous habitat are to be authorized in the zone occurring between 100 and 300 feet away from ordinary high water. Riparian protection shall be provided in this 200 foot zone on each side of the anadromous stream or water body whose purpose is the maintenance of fish and wildlife protection – similar to the requirements for riparian protection adjacent to such water bodies under the Forest Practices Act. Only activities that are consistent with this policy are to be authorized by DNR in its issuance of permits, leases, or other types of development authorizations.

**2) Standards for Coastal Use/Maintenance Area.** A coastal use/maintenance area shall be provided within 500 feet from the mean high water<sup>10</sup> on state uplands to be retained by DNR during the planning period. These areas shall be maintained in their existing natural condition for the purposes of providing public access, recreation, the protection of scenic viewsheds, and the conservation of fisheries and wildlife/habitat. This area applies to areas designated Undeveloped Recreation (Ru), Habitat (Ha), Harvest (Hv), or General Use (Gu). Limited, site specific development may be authorized in these areas by DNR but only if the objectives of this area, identified above, are maintained and only after consulting ADF&G on fisheries and wildlife habitat issues.<sup>11</sup>

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<sup>10</sup> Or 1000 feet from mean high water for intertidal estuaries. The USFWS National Wetland Inventory 1:63,250 maps shall be used to define the spatial boundaries of intertidal estuarine wetlands. Intertidal estuarine wetlands shall be defined to (only) include the following NWI classifications: E2EM1N, E2US4N, and E2AB1N.

<sup>11</sup> Few uses shall be authorized by DNR in these areas and, if authorized, are to occupy a small site area with minimal site disturbance during construction or operations. DNR shall consult with ADF&G before authorizing uses/facilities within this 500 foot area. Examples of possible uses include commercial lodges, public facilities needed for recreation support or to ensure public safety, facilities that require in-water access (e.g. boat ramps, docks, or floats), and log transfer/storage facilities. Beach log and damaged tree salvage, subsistence activities, and reasonable access to mining claims in accordance with the provisions of an approved plan of operations (state or federal) will be allowed. Other permitted activities including power lines, roads necessary to access upland timber harvests, fish camps, guide camps, and the like, may be allowed where feasible alternative locations are not available. This zone does not affect the "Generally Allowed Uses" authorized in state regulation and statute. All authorizations granted by DNR shall ensure that the objectives of the Coastal Maintenance Area are maintained.

**H. Filling or Leasing of Tidelands for Residential Uses or Structures.** No filling or leasing for residential uses or structures shall be allowed. Access improvements on state tidelands and submerged lands for residential uses and structures, such as docks and boat haulouts, shall also not involve the use of fill.

**I. Filling or Leasing of Tidelands for Non-Residential Uses and Structures.** If consistent with the requirements of the Alaska Coastal Management Program or a Coastal District Plan, authorizations may be granted for the filling of state tidelands and submerged lands for those non-residential uses or structures that are water-related or water-dependent, as defined by the Alaska Coastal Management Plan.

**J. Permitting of Commercial Recreation Activity.** DNR should base its permitting of tideland facilities associated with upland commercial recreational activities in the Hoonah, Juneau, and Sitka Ranger Districts on the U.S. Forest Service Shoreline Outfitter/Guide Analysis and Environmental Impact Statement (EIS). The tideland facilities that may be necessary to support large group activities at the locations recommended in this Analysis/EIS are generally considered appropriate and DNR should authorize such facilities. DNR should consider the Forest Service upland recreation management strategy for compatibility before granting tideland authorizations in other areas not identified for large group areas in the Shoreline Analysis/EIS. The location of the large groups areas<sup>12</sup> are identified by symbols on the plan maps of Chapter 3. See also description of #G, 'Relationship of Area Plan to U.S. Forest Service Shoreline Outfitter/Guide EIS' under the section 'Recreation' in this Chapter.

**K. Other Guidelines for Shorelines and Stream Corridors.** For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Cultural Resources
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources
- Trail and Public Access Management

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<sup>12</sup> Definition of Forest Service use sites:

*Enclave:* An area where large groups can occur on a regular basis throughout the full season (spring, summer, and fall) but only one large group can occupy an enclave site at a time. Group size is limited to 75 or less.

*Fifteen Percent of Season – Large Group Sites:* Places where large groups can occur only on an occasional basis, for less than 15% of the primary use season (summer) but only one large groups can occupy a large group site at a time. Group size is limited to 75 or less.

## **Subsurface Resources**

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### **GOALS**

**Opportunities for Mineral Exploration and Development.** Provide opportunities through state land management for exploration and development of both private and public mineral resources to help ensure a stable national minerals supply and minerals development opportunities.

**Economic Opportunities.** Provide economic opportunities and stability by managing the state lands for the economically efficient and environmentally sound:

- transfer of minerals from uplands to transport vessels;
- disposal of tailings;
- development of state land and submerged land mining sites; and,
- siting of infrastructure to support development of mineral resources.

### **MINERAL DEVELOPMENT GUIDELINES**

**A. Mineral Exploration.** By statute, exploration for locatable minerals is allowed on all state lands except those specifically closed to location. A land use permit is required under most circumstances. Hand prospecting and exploration activities generally do not require a permit. DNR may determine that some forms of access will not be allowed in specific areas to avoid resource damage.

**B. Open to Mineral Location.** By statute, all state lands are open to mineral location unless specifically closed. Where an area is open to mineral location, a miner has the right to stake a mining location regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws and regulations and borough ordinances and management intent and guidelines in this plan. Reclamation activities are directed by the Mining Reclamation Act (AS 27.19) and regulations (11 AAC 97). (Note: Mineral entry on Alaska Mental Health Trust Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

**C. Reclamation of Mined Land.** The reclamation of mining operations, including placer mining, must meet the reclamation standards given in AS 27.19. The reclamation law provides a standard that miners must meet during and after mining. The mining operation must be conducted in a manner that prevents unnecessary and undue degradation of land and water resources and requires that reclamation occur "contemporaneously" with the mining operation. Regulation 11 AAC 97 (Mining Reclamation) details the specific requirements that must be followed.



In designated habitat areas, annual reclamation will be required concurrent with mining. Reclamation will be required to restore degraded fish and wildlife habitat and prevent hazards to navigation.

**D. Mining in Fish Habitat.** When DNR issues a permit for mining in or adjacent to designated fish habitat, conditions of the permit will require any necessary measures, such as levees, berms, seasonal restrictions, and settling ponds that will allow the operation to meet water quality standards and statutes and regulations governing the protection of fish. Mining in fish habitat requires permits from DEC and ADF&G. ADF&G permits are not required in marine waters or estuarine areas outside of the intertidal channel of specified anadromous fish streams. The intertidal channel is that portion of the bed and banks below the mean high water level.

**E. Offshore Prospecting Permits (OPP).** Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through authorizations issued by DNR. DNR determines what areas will be offered for offshore prospecting. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. The Alaska Department of Fish and Game has stated that it has initially determined mining in "Ha" and estuarine areas to be a nonconforming use under the ACMP. ACMP procedures will be used to determine whether mining can be made a conforming use and, if mitigation is possible, determine the appropriate mitigating measures needed to protect fish and wildlife resource values.

#### **F. Mineral Closures**

**1) Background.** The decision to apply mineral location closures will be made by the Commissioner of DNR within the standards set by the Alaska Statutes. AS 38.05.185(a) requires that the Commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statute requires that the Commissioner determine that a potential use conflict exists before imposing leasing requirements for development of locatable minerals. The fact that an area is closed to new mineral location will not be cause for denying access across state land. Mineral closures do not affect valid existing mineral locations.

**2) Land Closed to Mineral Entry.** State mining law stipulates that mining must be determined to be in conflict with significant surface uses before an area can be closed to mineral entry. There is little correspondence between the location of state upland tracts and historical or potential mining activity in the planning area. Moreover, any mining activity that might take place within navigable rivers will be controlled through the state permitting process. However, because of the sensitivity of certain uses and areas, mining was determined to be in conflict with the following significant surface uses, and the following areas are to be closed to mineral entry. A total area of 2,300 acres is affected. The Mineral Closing Order is included as Appendix B. (Note: Mineral entry on Alaska Mental Health Trust

Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

**a) Land to be Used for Settlement.** Approximately 450.77 acres are proposed to be closed to mineral entry in those areas recommended for settlement during the planning period. Mining operations are judged to be incompatible with future settlement and settlement related activities.

**b) Land to be Used for State Marine Parks.** Portions of upland tracts proposed to be added to the state marine park system, totaling 1060.0 acres, are recommended to be closed to mineral entry. Mining operations are judged to be incompatible with the recreation activities associated with state marine parks.

**c) Land to be Used for Public Facilities, Uses.** Uplands to be used as historic sites, airports, watersheds, and public buildings/facilities, totaling 53.3 acres are to be closed to mineral entry. Mining activities are inconsistent with the sensitive character of these upland areas.

**d) Land that Serves as Significant Areas of Public Open Space.** Uplands that are considered sensitive in terms of open space or habitat are also proposed to be closed to mineral entry (736.6 acres).

**G. Other Guidelines Affecting Subsurface Resources.** For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Cultural Resources
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Trail and Public Access Management

## **Trail and Public Access Management**

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### **GOALS**

**Public Access.** Maintain, enhance, or provide adequate access to public and private lands and resources.

**Trails.** Maintain, enhance, or provide adequate access within areas of development and between areas of current or future development.

### **MANAGEMENT GUIDELINES: TRAILS**

**A. General.** The following guidelines pertain to the access corridors provided by trails within developed or developing areas and between these areas. Access corridors provide movement areas for people and wildlife. They include the area of movement and, as appropriate, a buffer area adjacent to the corridor sufficient to provide separation from other uses. The width and siting of trail corridors depends upon their function and location.

**B. Requirement for Access Corridors.** The need for public access shall be assessed as part of lease or permit issuance, or prior to disposal of the land estate by the Department. If local access needs are identified through the adjudication and agency review process, access corridors shall be reserved. This will occur through the retention of state land in public ownership or through the creation of a public use easement. Under either approach, the public is to have the right of access within the area of state land or, if an easement, on private land for the purposes identified in the permit, lease, or disposal action.

**C. Ownership Considerations.** The following factors shall be considered by the Department in making the decision to retain the access corridor under state ownership or to provide for public access through an easement:

- 1) If the access (usually a trail within a developed or developing area) is used as a neighborhood collector trail that connects to a public open space system or a trail of regional significance, access should be retained in public ownership.
- 2) If a trail is used as access by neighborhood residents for their own use, it should be dedicated to local government or established as an easement to an entity willing to accept maintenance and management responsibility. This would typically occur when the purpose is to establish access between lots or to improve pedestrian circulation within a subdivision.

- 3) If the access provides a connection to other areas and is considered of regional or statewide significance, it should be retained in public ownership.

**D. Width of Trail Corridors.** The width of the access shall be determined according to its function, location, and whether the access is provided under the authority of AS 38.05.127:

- 1) Within developed or developing areas, trails shall not be less than 20 feet in width for pedestrian movement and not less than 40 feet if motorized movement (other than car or truck) can be expected in addition to pedestrian travel. In areas where topographic conditions restrict development, widths less than 20 feet may be considered. These dimensions apply to access other than those mandated under AS 38.05.127. Where access is provided under the latter, the minimum width shall be 50 feet.
- 2) In all other areas, the width shall vary with terrain, function, need for separation from other uses, and other factors, but shall not be less than 50 feet except as noted below.
- 3) Trails or other access facilities of statewide or regional significance shall not be less than 50 feet in width.

**E. Buffers.** The widths of an access easement may be increased to include an area for a buffer. This area is in addition to the minimum access widths described above in item D. Buffers may be necessary to minimize land use and ownership conflicts, to allow the future siting of public facilities, flexibility in routing, provide an adequate area for wildlife movement, or to adapt a trail to specific public uses or aesthetic or environmental concerns. Where buffers are authorized, they will be maintained in their natural condition unless enhancement is required because of existing site degradation. If the buffer is to function as a wildlife movement corridor, then DNR shall consult with ADF&G in the design of the buffer.

The width of the buffer will depend upon the function of the access corridor and consideration of the above factors. However, there shall be a minimum of an additional 15 feet on either side of the access corridor when buffers are required by the Department.

**F. Application of AS 38.05.127 Requirements ("To and Along").** In the administration of the "to and along" requirements under AS 38.05.127 by the Department, the "to" corridor shall be provided at a distance of approximately one-half mile with a width of 50 feet when state land is leased or sold. The "along" easement will be provided on state uplands along the coast, navigable river, or lake (if greater than 50 acres in size), measured landward from the line of mean high water in coastal areas or ordinary high water in fresh water. These access corridors shall be reserved in all upland lease, disposal, or permitting actions. Exceptions to this policy are intended

to be small in number, and only provided when it is not feasible or prudent to impose the statutory requirement.

**G. Trail Rerouting.** Rerouting of trails may be permitted to minimize land use conflicts or to facilitate the use of a trail if alternate routes provide opportunities similar to the original. If trails are rerouted, provision should be made for construction of new trail segments if warranted by type and intensity of use. Rerouting trails shall be done in consultation with affected private users and public agencies.

**H. Alignment with Crossings.** When it is necessary for power lines, pipelines or roads to cross trail buffers, crossings should be at a 90 degree angle to the buffer. Vegetative screening should be preserved at trail crossings.

**I. Access to Trailheads.** Coastal access across state tidelands to designated trail corridors that begin at the shoreline will be protected.

## **MANAGEMENT GUIDELINES: PUBLIC ACCESS**

**A. Retain access.** Improve or maintain public access to areas with significant public resource values by retaining access sites and corridors in public ownership; reserving rights of access when state land is sold or leased; or identifying, managing and legally validating RS 2477 (Revised Statute Section 2477) rights-of-way. Surveyed section line easements should not be vacated unless alternative, physically usable access can be established.

**B. Access to Non-State Lands.** Reasonable access will be provided across state lands to other public and private lands. Existing legal access will not be precluded unless equivalent access is available.

**C. Management of 17(b)2 Easements.** DNR will identify and assert 17(b) easements in order to provide access to federal and state land. Generally, DNR will not accept management of 17(b) easements unless the state already actively manages a portion of the trail or easement, or state management will best protect public access to state lands.

**D. Access for Development.** When an access route is constructed for resource development over state land, public access to mineralized areas, recreation, fish, wildlife, or other public resources should be retained. If the new resource facility is likely to be of limited duration and provides superior access to the current means of access, the new facility should be retained for access by the public. If the new facility will or should not provide public access, the current means of public access should be retained.

**E. Limiting Access.** Access to state lands may be curtailed at certain times to protect public safety, allow special uses, and prevent harm to the environment, fish and wildlife. Public access may be limited because of the presence of fire management

operations, timber harvest, high soil moisture content when vehicular traffic may cause damage to the base or sub-base, and sensitive populations of fish or wildlife.

**F. Temporary Access.** Temporary access across tidelands (such as on-loading or off-loading of materials from ships or barges) should occur during a high tide period to minimize disturbance.

**G. Siting and Constructing Temporary and Permanent Roads or Causeways.** Temporary and permanent roads or causeways will, to the extent feasible and prudent, be routed to avoid vegetated tideflats, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on water quantity or water quality. If a temporary road is routed through vegetated tidelands, clean fill will be required and construction methods, which facilitate removal of the fill, will be required.

**H. Joint Use and Consolidation of Surface Access.** Joint use and consolidation of surface access routes and facilities will be encouraged wherever it is feasible and prudent to do so. Surface access also should be sited and designed to accommodate future development and avoid unnecessary duplication.

**I. Anchorages.** Activities are allowed in anchorages shown on the land use designation maps in Chapter 3 or depicted in the ADF&G publication, *Southeast Region: Selective Historical Access to Fish and Wildlife* (1991), if they will not significantly diminish the use or capacity of the anchorage. There are other anchorages than those identified in the aforementioned maps. This standard applies to these as well.

**J. Other Guidelines Affecting Public or Trail Management.** A number of other guidelines may affect public and trail access management. See in particular the following sections of this chapter.

- Cultural Resources
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Subsurface Resources