

Settlement

Goals

Private Land Ownership. Provide a pool of state land available for conveyance into private ownership over the long term. The State's goal is to provide individuals a range of options for acquiring title to state land. Generally, state lands offered for private ownership under the state's land disposal program will be sold for current fair market value. DNR can identify and offer lands that have characteristics which make them suitable for year-round residence, seasonal residence, or self-sufficient remote residence, but once the land is sold, the owner will decide how to use the land. DNR can not guarantee that, for instance, land sold to satisfy the demand for seasonal residences will not be used for permanent residences.

Resource and Economic Impacts. Contribute positively to other uses of natural resources and minimize the undesired impacts of land offerings on opportunities for resource use.

Community Land Needs. To accommodate potential needs for community expansion and public facilities, DNR should make land available for both private and public ownership. DNR should sell, lease, or reserve suitable land for future community use. Requirements for these uses are highly specific and disposal decisions will be made on a case-by-case basis as demands arise.

Fiscal Impacts. Minimize future fiscal costs to local or state government for services, wildfire suppression, and infrastructure requirements that result from settlement of state lands.

Community and Social Impacts. Minimize undesired changes in the character of life among nearby communities or residents caused by land disposal projects while considering the needs and demands of all state residents.

Coordination with Local Governments and Landowners. Coordinate state land offering programs with similar programs of local governments and major landowners to best achieve common objectives. Consider availability of land in private ownership when determining the amount, type, and location of state land offerings.

Management Guidelines

A. Planning and Coordination

1. **Long-term Program.** Land sales programs in the planning area will be designed to make land available for at least 20 years to ensure that Alaskans have the opportunity to acquire state land. The pacing of land disposals will be controlled through the statewide land sales program and through the guidelines in Chapter 3.
2. **Local Plans.** DNR will comply with provisions of local comprehensive plans regarding

the pace, location, and density of land development to the extent that local requirements are consistent with the state’s best interest.

B. Types of Settlement Land and Land Offerings. The nature of state land available for private ownership is influenced by both the characteristics of land designated for settlement, and the type of land sales program that makes it available. The Upper Yukon Area Plan identifies and designates certain lands for settlement and provides guidelines for land sales, but does not develop or require a specific land sales program.

1. Settlement Land. Various types of state lands are identified for settlement in order to accommodate a broad range of options for Alaskans to acquire land. In determining the location and extent of lands to be designated for settlement, the state must balance settlement needs with other resource values and land uses. Once an area has been identified for settlement, its size and location may make it more suitable for a certain type of sales program, but that does not necessarily preclude other types of sales.

Two types of settlement areas are identified and designated in this plan:

a. Community Settlement Areas. These areas are relatively small, usually closer to communities, and are accessible from the road system. They are generally suitable in meeting potential needs for community expansion, public facilities, or other purposes that do not require a large amount of acreage. Management units of this type of settlement land, which would be available for residential or commercial use, are designated Settlement or Settlement-Commercial and occur at Jack Wade Junction and near the communities of Chicken, Eagle, and Boundary. These management units are affected by a Leasehold Location Order. See *Appendix C*. At the discretion of the Department, land in these management units may be offered through a land sales program or may be sold in response to individual requests to purchase land. When considering individual requests for the purchase of land, the Department may find it necessary to exercise its discretion by requiring sales to be done through an organized program, so that the impacts of land sales in the area can be more carefully considered.

b. Remote Settlement Areas. These settlement areas are larger in size and further away from communities and the road system. They include a relatively large amount of acreage, making them suitable for meeting the potential need for dispersed land sales. There are two management units that are designated Settlement for this purpose within the Walker Fork Region, and are identified on the Plan Map for that region as management units W-01 and W-02. Land within these management units is only to be sold through a state initiated land sales program. These management units are currently not affected by a Mineral Closing Order.

2. Land Offerings. Specific types of state land offerings are established by the legislature, and are subject to change. Since statehood, there have been many different land sales programs, and it is possible that new programs will be developed in the future. Generally, land offerings can be categorized by the way the parcels are established. Both types of land offerings should be made available:

- a. **Presurveyed Parcels.** In this type of land offering, the state identifies an area of suitable land, surveys and plats parcels, and then offers them for sale. These are also referred to as “subdivision” sales. They can include a large number of parcels or just a few, and the size of the parcels, sometimes called “lots,” can vary. This type of land offering is usually more suitable for smaller, Community Settlement Areas, but may also occur in large Remote Settlement Areas where appropriate.
 - b. **Staked Parcels.** In this type of land offering, eligible applicants are allowed to identify a parcel of land within a specified area by staking it, and the parcel is surveyed prior to actual sale. Staking is usually subject to certain restrictions such as parcel size limits and setbacks from sensitive areas in order to protect other resources within the staking area.
- C. **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, gravel pits, roads, parks, sewer treatment plants, 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.** Isolated parcels, such as property acquired through foreclosure or escheat, which is surrounded by federal land, should be considered for sale or exchange to the adjacent federal land owner.
- D. **Leases for Private Recreation Cabins.** Leases for private (non-commercial) recreational cabins are prohibited.
- E. **Protection, Management, and Enhancement of Other Resources.**
 - 1. **Protection of Life and Property.** The state will, to the extent feasible and prudent, discourage development in areas of flooding, unstable ground, fire risk, significant avalanche risk, and other hazards. The department will achieve this objective by retaining public land, requiring building setbacks, and providing public education.

DNR will discourage development of nonwater-dependent structures in the 100-year floodway by requiring necessary residential building setbacks and by providing available information about flood zones in land disposal brochures when a disposal is in a potential flood hazard area.

In drainages where the 100-year floodway has not been surveyed, the best available information will be used to determine the flood hazard zone that should remain in public ownership.

- 2. Protection and Management of Valuable Environmental Processes.** In areas to be conveyed to private ownership, the state should provide a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, riparian lands, watersheds, and surface and ground water recharge areas. (See policies on these subjects for details, especially *Fish and Wildlife Habitat and Harvest Guideline I, Conflicts with Traditional Uses of Fish and Game*).

Wetlands with important hydrologic, habitat, or recreational values, and adjacent buffer strips, will be retained for open space. Systems of publicly owned open space will 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 retained to provide adequate terrestrial habitat.

- 3. Protection and Enhancement of Scenic Features.** Generally, the state 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 also be preserved. Islands in rivers or lakes will be retained in public ownership for enjoyment and use by the public.
- 4. Protection and Enhancement of Recreational, Educational, and Cultural Opportunities.** Protect the need for and retain appropriate areas for outdoor recreation, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved. (See also *Heritage Resources* guidelines regarding heritage resource surveys for land offerings).
- 5. Protection of Material Sources.** Generally if a designated settlement area contains sand and gravel deposits, rock sources, and other similar high value material resources, a pit area will be identified and retained in public ownership for future use.
- 6. Cumulative Effects.** As land offerings and sales proceed, the impacts from them should be examined to minimize the chances for inadvertent and undesired cumulative effects of the land sales programs.

F. Design and Development.

- 1. Provision of Public Land for Communities.** Protect the need for and retain appropriate greenbelts, public-use corridors, personal-use woodlots, buffer areas, commons, building setbacks, sites for schools, gravel pits, roads, parks, and other public facilities, such as sewer treatment plants and health clinics, and other open spaces to help create a desirable land use pattern in developing areas.
- 2. Cost of Public Services.** In accordance with AS 38.04.010, DNR will attempt to direct year round settlement toward areas where services exist or can be provided with reasonable efficiency. State land that is located beyond the range of existing schools and other necessary public services or that is located where development of sources of employment is improbable will be sited and designed to encourage seasonal use with

sufficient separation between residences so that public services will not be necessary or expected. Wildland fire management costs that result from settlement will be considered and minimized to the extent feasible.

3. **Ensure Access.** The state will ensure that legal, practical public access (landing areas, rivers, trails and road easements, or other options most appropriate to the particular situation) is identified and reserved within land offerings. However, the state is not legally obligated to construct roads. The location of access points onto the road system should be coordinated with DOT/PF.
4. **Personal Use of Nearby Resources.** One of the considerations in deciding the location, size, and design of land disposal projects will be the nearby supply of resources, such as gravel, sand, firewood or houselogs, and the expected demand from people who will own the parcels.

Where it is anticipated that land recipients will want to use timber resources, nearby woodlots may be retained instead of selling individual parcels large enough to meet the personal use demands of the owner. This would provide some nearby public land on which firewood and houselogs can be gathered while keeping open options for other uses of those lands when access develops or new demands are identified.

5. **Subdivision Design.** If subdivisions are offered, they 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.
6. **Boundaries of Settlement Designations.** Boundaries of land use designations shown on the maps in Chapter 3 may be modified through on-the-ground implementation activities (for example, site planning for disposals) if the modifications adhere to the management intent for the units affected.
7. **Easements.** Easements will be used as one means to retain public use rights needed on privately owned lands.

Easements generally will not be used to retain a public interest in lands within a subdivision. Instead, DNR will generally retain such lands in public ownership. Exceptions to this policy may be made where the interest protected is very limited, such as for local pedestrian access that is not part of an integrated neighborhood or community trail system. This policy will minimize confusion between public use and private ownership rights.

- 8. Design of Settlement Areas near Mineralized Areas.** When siting a settlement area near or adjacent to a mineralized area is unavoidable, DNR will take measures to reduce conflicts between existing or future mineral development and settlement. These measures may include retaining buffers that will remain closed to mineral entry in the design of the settlement area. See also, *Subsurface Resources, management guideline E, 'Control of Impacts.'*
 - 9. Water Availability.** The availability of groundwater in the Upper Yukon planning area is limited, and can vary greatly from one location to another. This should be taken into consideration when DNR implements a land sale program in the area.
- G. Other Guidelines Affecting Settlement.** Other guidelines may affect settlement. Sections in this chapter that should also be referred to include but are not limited to:

- Fish and Wildlife Habitat and Harvest
- Forestry
- Heritage Resources
- Materials
- Recreation and Tourism
- Stream Corridors, Shorelands, and Instream Flow
- Subsurface Resources
- Trails and Public Access
- Transportation
- Wetland Management