

## Settlement

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### A. Planning and coordination

1. **Consider non-state land offerings.** When considering whether to market state land, DNR should consider land offerings planned or proposed by other entities, such as the City and Borough of Yakutat (CBY), Native corporations, the University of Alaska, or the Mental Health Trust; and the availability of land for settlement on the local market.
2. **Competition.** Although the DNR will coordinate its offerings with other landowners, it may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.
3. **Local plans.** DNR will comply with provisions of borough or municipal comprehensive plans and ordinances regarding the location and density of land development unless local requirements are inconsistent with a major overriding state interest.
4. **Coordinate with the City and Borough of Yakutat.** Within the City and Borough of Yakutat (CBY), DNR should coordinate land offering programs with similar programs of the CBY in order to achieve common objectives. To this end, DNR would consider developing a joint land offering plan with the local governments. This plan would consider CBY's plans for road extensions and levels of services in different areas. The land offering 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.

### B. Isolated parcels of state land

DNR has acquired and will continue to acquire isolated parcels of land through foreclosure, escheat, and other methods. The following guidelines apply to management, classification, and possible conveyance of these parcels. Land management actions conducted according to the following guidelines do not require a plan amendment:

1. **In or near previous state land offering.** If the parcel is in or immediately adjacent to a previous DNR land offering, DNR should consider whether it is appropriate for retention for Settlement and offer it for auction or lease. If not, DNR can classify it for materials sites, roads, schools, parks, or other public facilities.
2. **Parcels near other state land.** If the parcel adjoins or is surrounded by other state land, manage it according to the management intent and guidelines applicable to the adjacent lands.
3. **Parcels not near other state land.** Evaluate isolated parcels of state land through interagency review to determine their highest and best use. DNR should consider these parcels for a variety of uses such as commercial recreation leasing, mining, retention in state ownership, exchange, transfer to the adjacent land owner, or sale.

### C. Retain lands for public safety and to protect and enhance other resources

1. **Protect life and property.** The state will retain public lands and coordinate with the local governments to discourage development in areas of flooding, shifting stream channels, unstable ground, significant avalanche risk, or other hazards.
2. **Protect recreational and heritage resources.** DNR will retain appropriate areas for outdoor recreation, trails, campsites, boat launches, and heritage resource sites. Areas for both intensive and dispersed uses should be retained.

### **D. Criteria for designing land offerings**

1. **Retain land for community and public uses.** DNR should retain appropriate greenbelts, public-use corridors, water supply areas, buffer areas, materials sites, roads, parks, and other public facilities, as well as other open spaces to help create an efficient, aesthetic, and environmentally sound land use pattern in developing areas.
2. **Consider cost of public services.** In accordance with AS 38.04.010, DNR will attempt to guide year-round settlement to areas where services exist or can be provided with reasonable efficiency. State land offerings located beyond the range of existing schools or other necessary public services are appropriate primarily for seasonal recreational use. Public services should not be expected in remote areas. No remote land offerings are proposed in this plan.
3. **Ensure access.** DNR should ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved within land offerings. (See also Public and Private access and Trail Management Guidelines in this chapter.) DNR should use field assessment, and where appropriate obtain road grade profiles, to ensure that access routes are feasible.

Identified access routes will be described in land offering brochures. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects. DNR will ensure actual physical access is available or can be developed (road, air, or water) to any new state subdivision project.

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 into account site limitations such as slope, drainage, soils, erosion, and other features to ensure that sites offered are buildable in an economic manner that does not have unacceptable significant adverse impacts to the environment. All state subdivisions must be reviewed and approved as required by DEC regulations.
5. **Easements.** Easements are one means that may be used to acquire rights for public access through private land. Easements should be large enough to meet the intended public purpose, but as small as possible so as to minimize conflict with private property rights. Easements generally will not be used to retain a public interest in lands within a subdivision. Instead, DNR will generally retain public interest 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.

### **E. Authorizing residential structures to support commercial activities**

When authorizing residential facilities to support commercial activities, (for example, set net fisheries camps or aquatic farming caretaker facilities), DNR will evaluate in writing at least the following points:

1. **Alternative sites.** Evaluate whether more feasible and prudent alternative locations exist that would have fewer significant adverse impacts;
2. **Total number and concentration of sites.** Evaluate whether:
  - a. spacing between activities is sufficient to minimize adverse impacts among various users (such as noise, scenic or habitat degradation, or access obstruction);
  - b. the number of authorizations in a particular area should be limited due to habitat, recreation, or other concerns;
  - c. similar uses should be concentrated to avoid proliferation and retain areas for other beneficial uses.

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3. **Suitability of the development plan.** Evaluate the overall development plan to determine whether:
  - a. the overall development plan is appropriate for the intended use including the number and size of facilities, type of structures, and acreage;
  - b. temporary, semi-permanent (movable), or permanent structures are most appropriate relative to the intended use, duration of use, location, and other considerations;
  - c. employee accommodations are included in development plans to prevent proliferation of unauthorized land use. Separate land use authorizations will not be issued to employees of an authorized commercial operator;
  - d. a plan should be required for the method and location of stored equipment in the off-season (which may be a centralized core area) to minimize impacts (including visual and safety consideration) to animals and other users (such as recreationists) during the off-season;
  - e. occupancy should be limited to the season of primary use, including necessary setup and shutdown, to discourage residential or other unauthorized use of the site;
4. **Protection of other resources.** Determine measures necessary to protect state resources, such as requiring:
  - a. operating or seasonal stipulations to minimize impacts to fish and wildlife habitat (refer to the mapped fish and wildlife habitat resource atlas for the Yakataga Area Plan);
  - b. a plan for garbage disposal methods that minimize the state's liabilities regarding solid waste;
  - c. appropriate provisions from #2 on the back of Land Use Permit Application 102-1084A (Rev. 7/92) regarding vehicle use, disturbance of natural drainage systems, disturbance of vegetation, interference with other activities, cleanliness of sites, and mineral exploration.
5. **Performance standards.** Determine whether performance standards such as the following should be required:
  - a. a performance guarantee (deposit, surety bond, cd, etc.) sufficient to cover costs of remote site rehabilitation and removal of improvements, including vehicles, if the lessee or permittee fails to perform;
  - b. insurance sufficient to cover reasonable liability to protect the public and its resources;
  - c. whether re-authorization should be dependent on proof that past use of the site was for the intended commercial use (such as by fish tickets).

### **F. Commercial set net support facilities**

Authorizations for commercial set net support sites will be issued only to holders of DFG limited entry commercial set net fishing licenses for the area. The sale or revocation of the commercial fishing license should be cause for revocation of the associated land use authorization.

### **G. Big game hunting guide camps**

Authorizations for big game hunting guide camps will be issued only to guides currently registered with DFG and the Department of Commerce and Economic Development.

### **H. Commercial recreation facilities**

Refer to Recreation section for guidelines on commercial recreation.