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1 Chapter 4 : Implementation

2 Introduction

3 This chapter provides the basis for the management of uses and resources within the Moose Range and
4 JPUA. It describes the management actions necessary to implement components of the plan. It also
5 explains the relationship between the plan, proposed regulations, and those regulations that will be
6 promulgated after the adoption of the plan. Chapter 4 also describes the relationship between this
7 planning document and other existing State, federal, and Borough plans. The procedures for plan review
8 and amendment are also included.

9 General Management of Moose Range and JPUA Lands

10 DNR will implement the Moose Range and Jonesville Public Use Area Management Plan based on
11 authorities as described in AS 16.20.340-360 (Moose Range) and AS 41.23.280-289 (JPUA), Title 38 of the
12 Alaska Statutes and associated regulations. This plan serves as the basis for the management of uses and
13 resources within the Moose Range and JPUA planning boundary.

14 All State lands will be managed consistent with the purposes provided in AS 16.20.340 and AS 41.23.280
15 and with the more specific guidance provided in this plan. Regulations necessary to implement
16 management guidelines in the plan should be developed after plan adoption.

17 Trail Management Plan

18 DNR should, as time and funding allows, initiate a Trail Management Process (TMP) after the approval of
19 this plan to identify existing trails and assess the level and impact of current use. The TMP should establish
20 trail management objectives for trails that are to be managed and maintained. The TMP should also
21 identify where additional trails are needed to enhance recreational user opportunities or reduce negative
22 effects.

23 Details of the TMP are included in Appendix C.

24 Amendments to Current Area Plans

25 This Moose Range and JPUA Management Plan provides an overall update to the Matanuska Valley Moose
26 Range Management Plan that was adopted in 1986. As two legislatively designated areas, both the Moose
27 Range and the JPUA will be guided by this one management plan. Specific guidance for the JPUA that is
28 consistent with its enabling legislation is provided in both the areawide management guidelines for the
29 Moose Range and more specifically in the Jonesville Subunit management guidelines.

30 Amendment of the Susitna Matanuska Area Plan (SMAP) will be required. The JPUA should be identified
31 as its own LDA within the Moose Range and its northern boundary should be withdrawn from lands

32 managed by the SMAP. The effect of this action is that this management plan becomes the basis for
33 management for those State lands previously managed under the SMAP.

34 State Land Classification

35 To implement the plan on state lands, DNR must classify State lands to reflect the intent of land use
36 designations made by this plan. According to state statute classification means, the designation of lands
37 according to their apparent best use. It identifies the primary use for which the land will be managed, but
38 all other uses are initially presumed as compatible with the primary use. For this reason, all plan
39 classifications are intended for multiple uses. In this plan most management units are assigned a single,
40 principal designation.

41 Following is a list of land classifications, and their associated definitions in Alaska regulations (the Alaska
42 Administrative Code – AAC), which will apply to state lands in the planning area as a result of plan
43 adoption. DNR will manage state lands and resources consistent with these classifications and with the
44 management directions given in Chapter 3 for specific management subunits of State land.

45 **11 AAC 55.055. Coal Land.** Land classified coal is land where known coal resources exist and where
46 development is occurring or is reasonably likely to occur, or where the coal potential has been determined
47 to be high or moderate under 11.AAC 85.010.

48 **11 AAC 55.070. Forest Land.** Land classified forest is land that is or has been forested and is suited for
49 forest management because of its physical, climatic, and vegetative conditions.

50 **11 AAC 55.160. Public Recreation Land.** Land classified public recreation is land that is suitable for
51 recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail
52 corridors, or greenbelts along bodies of water or roadways.

53 **11 AAC 55.230. Wildlife Habitat Land.** Land classified wildlife habitat is land which is primarily valuable
54 for:

- 55 1. fish and wildlife resource production, whether existing or through habitat manipulation, to supply
56 sufficient numbers or diversity of species to support commercial, recreational, or traditional uses
57 on an optimum sustained yield basis; or
- 58 2. a unique or rare assemblage of a single or multiple species of regional, state, or national
59 significance.

60 Relationship of Land Use Designations in the Plan to State Land 61 Classifications

62 State land classifications contain no specific land management directives; those directives are expressed
63 using land use designations in the plan and described in detail for Management Subunits included in
64 Chapter 3. However, the designations used in the area plan must be converted into land classifications
65 outlined in state regulation (11 AAC 55) that reflect the intent of the plan. Since plan designations are
66 central to the management of state land in this plan, knowledge of the amount of area associated with

67 particular designations is important, allowing a comparison between the designated uses. Table 5
 68 identifies the acreage associated with the designations recommended in this plan. Descriptions of each of
 69 the following designations are also provided at the beginning of Chapter 3.

70 Table 5: Acreages Associated with Land Designations and Co-Designations

<i>Symbol</i>	<i>Designation</i>	<i>Acreage</i>
<i>Ha, Rd</i>	<i>Habitat, Public Recreation Dispersed</i>	<i>84,513</i>
<i>Ha, Rd, F</i>	<i>Habitat, Public Recreation Dispersed, Forestry</i>	<i>12,406</i>
<i>Co, Ha, Rd</i>	<i>Coal, Habitat, Public Recreation Dispersed</i>	<i>6,870</i>
<i>Co, Rp</i>	<i>Coal, Recreation-Public Use Site</i>	<i>339</i>
<i>Rp</i>	<i>Recreation-Public Use Site</i>	<i>2,367</i>

71
 72 The conversion of land use designations used by this plan into state land classifications is indicated in
 73 the table below. These are intended to identify the allowable uses of State land consistent with the
 74 classification definitions described previously and with any management intent given in Chapter 3.

75

76 Table 6: Land Designations – Conversion to Classifications

<i>Symbol</i>	<i>Designation</i>	<i>Classification</i>
<i>C</i>	<i>Coal</i>	<i>Coal Land</i>
<i>F</i>	<i>Forest</i>	<i>Forest Land</i>
<i>Ha</i>	<i>Habitat</i>	<i>Wildlife Habitat Land</i>
<i>Rd</i>	<i>Public Recreation-Dispersed</i>	<i>Public Recreation Land</i>
<i>Rp</i>	<i>Public Recreation-Public Use Site</i>	<i>Public Recreation Land</i>

77 Land Classification Order

78 Classification of the lands within the Moose Range and JPUA is required under AS 38.04.065 and AS
 79 38.05.300 and is necessary for certain authorizations issued by DNR. Appendix B includes a Land
 80 Classification Order (LCO). The LCO rescinds all previous classifications within the Moose Range and JPUA
 81 and consolidates and supersedes all the various LCO's that preceded this planning effort.

82

83 Table 7: Acreages Associated with Land Classifications and Co-classifications

<i>Classification</i>	<i>Acreage</i>
<i>Wildlife Habitat/Public Recreation Land</i>	<i>84,513</i>
<i>Wildlife Habitat/Public Recreation/Forest Land</i>	<i>12,406</i>
<i>Coal/Wildlife Habitat/Public Recreation Land</i>	<i>6,870</i>
<i>Coal/Public Recreation Land</i>	<i>339</i>

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

86 This section deals with those lands that are not designated in this Plan or classified in the Land
87 Classification Order. Such lands include those state lands inadvertently omitted in the Moose Range and
88 JPUA Plan and those lands that may be acquired by the state in the future but not designated or classified
89 in this Plan. The state has acquired and will continue to acquire isolated parcels of land. The purpose of
90 this section is to give direction regarding the designation of these lands by the Department when future
91 issues of parcel classification and management arise. If State land is identified after the adoption of this
92 plan that is not state selected land identified herein, and the requirements of this section are followed, a
93 formal plan amendment or revision of the Land Classification Order is not required.

94 The following guidelines of plan designation/classification are to apply:

- 95 • Parcels In or Near Existing Communities. If the parcel is in or is immediately adjacent to an existing
96 community or past State land offering, the designation of Settlement and classification of
97 Settlement Land apply. Such land can be considered for disposal use unless it is appropriate as a
98 site(s) for schools, material sites, roads, parks, or other similar public use. Unsold lots identified
99 for disposal in existing subdivisions and lots that return to state ownership will be available for
100 lease, sale, or conveyance. Tracts identified for community purposes in existing subdivisions will
101 not be sold but may be conveyed to municipalities or homeowner associations if they are not
102 needed for State purposes and community purposes will be protected.
- 103 • Parcels Near Other State Land. If the parcel adjoins or is surrounded by other State land, the
104 designation of the area(s) applies. It is to be managed according to the management intent and
105 guidelines applicable to the adjacent lands. If there are two different designations of the abutting
106 parcels, the designation of the larger parcel shall apply. Such lands can be considered appropriate
107 for disposal if they are designated Settlement unless it is appropriate as a site(s) for schools,
108 material sites, roads, parks, 11 or other similar public use. They may also be conveyed to a
109 municipality even if it is suitable for these public uses as long as the proposed uses are for
110 comparable municipal (public) use.
- 111 • Newly Acquired State Lands. Lands that were acquired proactively through exchange, purchase,
112 or other methods will be managed and classified consistent with the purposes for which they
113 were acquired. If the purpose of the acquired land cannot be determined with precision, the
114 designation of abutting or surrounding land will apply to the newly acquired parcels of State land.
115 If there are no abutting or surrounding lands, then the designation of Habitat/Public Recreation-
116 Dispersed will apply.
- 117 • Other Lands. If the designation/classification of a parcel of acquired or omitted State land cannot
118 be adequately determined, the parcel is to be designated and classified Habitat/Public Recreation-
119 Dispersed.

120 State Land Selections

121 State Land Selections

122 Under the Statehood Act, Alaska is entitled to approximately 103 million acres of federal land. The
123 selections made by the State in the planning area occurred under the General Grant and Community Grant
124 programs, and much of the original State selections of federal land have been either conveyed to the State
125 through patent or are in Tentative Approval (TA) status, which gives management authority to the State.
126 However, there is a large number of State selections remaining that must be adjudicated by the BLM, and
127 it is uncertain as to when the adjudication of State selections will occur. Many of these selections are
128 within areas also selected by Native corporations and until BLM adjudication has been completed some
129 land ownership patterns in this planning area will remain uncertain. Some areas noted as BLM land on the
130 plan maps or plan text indicates those areas of federal land selected for eventual conveyance to the State.

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

138 DNR adjudicators must review the status of State land at the time of an adjudicatory decision. It would be
139 imprudent to rely upon the land status information contained in this plan given the changing character of
140 State land selections. Consult DNR Alaska Mapper for the most recent State selection information.

141 ANILCA Top Filed Lands

142 There are certain areas that are top filed by the state under the provisions of Sec. 906 of the Alaska
143 National Interest Lands Conservation Act (ANILCA). These are selections made by the State that become
144 valid when Native regional or village ANCSA (Alaska Native Claims Settlement Act) selections are
145 relinquished. It is uncertain how many of these State selections will become valid during the planning
146 period because the amount of Native selections, in terms of acreage, greatly exceeds that allowed under
147 the corporation's selection entitlement and the adjudication process of the Bureau of Land Management
148 (BLM) has slowed appreciably. BLM is currently adjudicating all prioritized Native village and regional
149 corporation selections so the corporations and state can receive their land. The category of "BLM Land"
150 on plan maps includes areas of ANILCA top filed selections in addition to areas of state-selected land.

151 The same caution in the use of plan maps for ANILCA top filed lands as for State land selections exist (see
152 above), and the same procedures for classification are to be followed for areas of top filed lands that
153 ultimately become State land but were not identified on the plan maps. See 'State Land Selections' above.

154 Enforcement

155 As funding allows, DNR should identify a Land Manager dedicated to the Moose Range and JPUA and work
156 with the Department of Public Safety (DPS) and local law enforcement agencies to carry out law
157 enforcement responsibilities within the Moose Range and JPUA. DNR may pursue authorizing employees
158 as peace officers with authority in the Moose Range and JPUA; this authority was granted through AS
159 41.23.288.

160 Regulations necessary to implement the plan will be developed after the adoption of the plan.

161 Title 38 Requirements

162 The legislation enacting the Moose Range and JPUA mandated the creation of a plan to act as the basis
163 for management. The legislation does not rescind Title 38 authorities related to public lands management.
164 These authorities apply to the Moose Range and JPUA except where a conflict exists between the enabling
165 legislation, regulations, or specific guidelines contained in the management plan. In these instances, the
166 management plan is the controlling document. This management plan has been written to avoid such
167 conflicts, so it is envisioned that this situation will rarely occur.

168 All lands within the planning area are managed consistent with Alaska Statutes contained in Title 38,
169 applicable regulations in 11 AAC, and existing policies except as they are amended or superseded by this
170 planning document and subsequent regulations.

171 Authority of Management Plan

172 DNR management plans, once adopted, are the legally binding policy for the management of state land
173 and resources, and they direct permitting, leasing, and other decisions made by DNR. Staff must follow DNR
174 management plans when adjudicating authorizations for the use of state land.

175 Plans adopted by the Borough Assembly under MSB 15.24.030 (Comprehensive Plans and Purpose)
176 provide the basis for implementing land use regulations. The Borough could adopt land use regulations to
177 support implementation of this plan once it's been adopted by the Commissioners of DNR and ADF&G.

178 Allowed and Prohibited Uses

179 All uses that are consistent with administrative regulations and the management guidelines of this plan
180 are allowed. Prohibited uses are described in the Unit-Specific Management Guidelines in Chapter 3.

181 Proposed Regulations

182 Regulations will be developed through a public process with an opportunity to review and provide
183 comments on draft regulations. DNR may determine that additional regulations are necessary at some
184 future date for management of the Moose Range and JPUA consistent with this plan, statute, or
185 regulation. Some recommendations in this plan can only be implemented through regulation.

186 Recommendations in this Management Plan that will require regulations include, but are not limited to:

- 187 1. Motorized use in the Western Management Subunit is only allowed on designated, hardened
188 routes with established stream crossings.
189 2. Limit the speed of motorized vehicles and boats in public use sites.
190 3. Restrict horsepower of boats on Slipper Lake.
191 4. Restrictions on camping and discharge of firearms within public use sites.
192 5. Establishment of the days and hours of operation for shooting ranges.

193 Fees

194 This plan supports the institution of a fee program to pay for facilities and management of the Moose
195 Range and JPUA. DNR will recommend to the Legislature that a fee schedule be implemented for
196 development and management of facilities and the ongoing management of the Moose Range and JPUA.
197 A fee schedule should not be implemented until such facilities are developed.

198 Navigable Waterbodies

199 This management plan is based upon the Public Trust Doctrine, which provides for access, movement, and
200 commerce on water bodies that are navigable. Under this doctrine, and the Equal Footing Doctrine applied
201 in the Statehood Act, the state owns and manages all navigable water bodies (including the water column
202 and the bed of the waterbody). Shorelands within the Moose Range and JPUA are under State ownership
203 and management.

204 Coordination with Other Agencies

205 DNR will coordinate activities with other federal, State, and Borough agencies as appropriate and
206 necessary. Every effort should be made to coordinate with ADF&G on projects that may impact wildlife
207 habitat and moose populations in the Moose Range and JPUA.

208 Procedures for Plan Review, Modifications, and Amendment

209 Categories of management intent, policies, implementation actions, and management guidelines of this
210 plan may be changed if conditions warrant. The plan will be updated periodically in response to new data
211 or changing resource conditions or uses.

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

213 “A revision to a land-use plan is subject to the planning process requirements of AS38.04.065. For the
214 purposes of this section and AS 38.04.065, a ‘revision’ is an amendment or special exception to a land use
215 plan as follows:

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

- 222 b. A ‘special exception’ does not permanently change the provisions of a land-use plan and cannot
223 be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited-
224 purpose variance of the plan’s provisions, without changing the plan’s general management
225 intent or guidelines. For example, a special exception might be used to grant an eligible applicant
226 a preference right under AS 38.05.035 to purchase land in a subunit designated for retention in
227 public ownership. A special exception might be made if complying with the plan would be
228 excessively burdensome or impractical or if compliance would be inequitable to a third party, and
229 if the purposes and spirit of the plan can be achieved despite the exception.
- 230 c. A minor change to a land-use plan is not considered a revision under AS38.04.065. A ‘minor
231 change’ is a change that does not modify or add to the plan’s basic intent, and that serves only to
232 clarify the plan, make it consistent, facilitate its implementation, or make technical corrections.
233 Authority: AS 38.04.065, AS 38.04.900, AS 38.05.020, AS 38.05.300.”