

Eastern Tanana Area Plan

Public Review Draft

August 2014



Department of Natural Resources
Division of Mining, Land & Water
Resource Assessment & Development Section

38.05. This plan focuses on the management of the general domain state land, although plan designations (and land classifications) are provided for four of the five LDAs within this plan boundary.

Alaska Statute (AS 38.04.065) requires the Commissioner of the Department of Natural Resources (DNR) to “adopt, maintain, and when appropriate, revise regional land use plans that provide for the use and management of state-owned land.” To ensure that these lands are properly managed, the Department of Natural Resources has developed this plan for all state lands, both uplands and shorelands in the planning area.

The planning process provides a means of openly reviewing resource information and public concerns before making long-term decisions about public land management. The planning process resolves conflicting ideas on land use and informs the public about what choices were made and why. Decisions are made on a comprehensive basis, rather than case-by-case, providing consistency and consideration of the wide diversity of resources and uses within the planning area. This process provides for more efficient use and protection of the area’s resources.

What the Plan Will Do

The ETAP will form the basis for the management of land and waters that is state-owned or selected by the state. When adopted, ETAP is the basis for DNR decision making for state land and resources. The plan will help ensure that state resource management takes into account the sustained yield of renewable resources, that development is balanced with environmental concerns, and that public access to state land is provided. The plan encourages cooperation with other landowners to better address conflicts caused by checkerboard land ownership patterns. Finally, the plan documents the state’s intent for land management so that both public and private interests know how the state intends to manage lands over the period the plan is in effect.

What the Plan Won’t Do

While the plan provides an overall basis for state decision making, it is important to recognize that there are limits on its authority and constraints on what it can and cannot apply to. The following are some important aspects of land management that are not addressed in this plan **and are beyond the authority to the area plan to regulate:**

Non-DNR Lands. This plan does not apply to federal, municipal, private, University of Alaska, Alaska Department of Transportation and Public Facilities, or Mental Health Trust lands.

Fish and Wildlife. Management, maintenance, and protection of fish and wildlife resources are the responsibility of the Department of Fish and Game. Allocation of fish and game stocks and regulation of harvest methods, means, and timing are the responsibility of the state board of Fisheries and Game.

Generally Allowed Uses (GAU). The area plan does not regulate activities that do not require a written authorization on state land, such as hiking, camping, boating, hunting, and fishing. GAU are identified in 11 AAC 96.020 and the conditions for GAU are provided in 11 AAC 96.025.

Legislatively Designated Areas. The plan does not apply to state parks, refuges, public use areas, and other areas that are legislatively designated with the exception of providing designations (and subsequent plan classifications after adoption of the plan) for LDAs that are not totally reserved from the public domain.²

Decisions on Specific Applications. While this plan provides general management intent for state lands, the plan does not make decisions about specific land-use authorizations. These decisions are made through the application review process. Land-use authorizations must, however, be consistent with the plan, and existing laws and regulations.

Actions by Agencies Other Than DNR. The plan does not provide management intent for prescribing actions and policies for agencies and governments other than DNR.

How This Plan is Used

This plan is intended to manage state lands and resources within the planning area, and is the expression of how DNR will pursue this management. Much of the use of this plan is by the DNR Division of Mining, Land and Water. Adjudicators are to use this plan when reviewing and making decisions on authorizations for use of state land, including permits, leases, sales, conveyances, and rights-of-way. The DNR Division of Forestry and Division of Parks and Outdoor Recreation also use this plan in the administration of their programs and activities.

Public Participation in Planning Process

The Eastern Tanana Area Plan is the product of a five year planning process conducted by the Division Mining, Land and Water (DMLW) of the Department of Natural Resources (DNR); other divisions within DNR; state and federal agencies (primarily ADF&G); local governments (primarily Fairbanks North Star Borough); interest groups, and the public. A first round of public meetings occurred in the spring of 2009 and focused on a description of the planning process and planning area, and on issue identification and scoping. A second round of public meetings is to be held in the fall of 2014. These meetings will focus on the

² See “Land Use Designation” in the glossary for a further description of authorities.

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3 **Coordination and Public Notice**
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5 **Goals**
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7 **Coordination with Non-state Landowners.** Coordinate the use of state land with that of
8 private and other public landowners to provide for the optimal use, development, and
9 protection of area resources.
10

11 **Public Participation.** Provide local governments, state and federal agencies, adjacent
12 landowners, and the general public with meaningful opportunities to participate in the
13 process of making significant land use decisions.
14
15

16 **Management Guidelines**
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18 **A. Notice for Decisions Requiring Public Notice (Under AS 38.05.945).** As required by
19 statute, public notice will be given for decisions involving the sale, lease, or disposal of (or
20 interests in) land, property, or resources. Notice will be given to parties known or likely to
21 be affected by an action proposed by the state or an applicant to the state.
22

23 **B. Coordination with Local Plans and Zoning Ordinance.** The comprehensive plan and
24 zoning map of the North Star and Denali Borough should be reviewed by DNR prior to
25 issuing permits, leases, or other forms of use authorizations.
26

27 **C. Avoiding Conflicts with Adjacent Upland Owners.** Before DNR issues a land use
28 authorization on shorelands, DNR should encourage applicants to use areas that will reduce
29 the likelihood of possible land use disagreements with upland owners where comments have
30 been solicited as part of project review. DNR will consider comments from private
31 landowners and others before making a decision. DNR will retain the right to issue a land
32 use authorization over the objection of adjacent landowners.
33

34 **D. Authority of State Plans.** State plans only affect state lands and federal lands that have
35 been selected by the state for conveyance. They do not affect Borough, other state lands not
36 affected by Title 38, other federal lands, or private lands.
37

38 Boroughs have developed and will continue to develop local comprehensive plans for
39 specific parts of the two boroughs. These are intended to identify preferred land use patterns
40 and development stipulations. DNR reviews these plans in the course of developing
41 management plans or area plans, and often makes use of their recommendations. However,
42 while community comprehensive plans can make recommendations for state lands within
43 their planning areas, they cannot establish land use designations or other planning
44

1 (2 million acres) exist within the planning area, which the state has not yet received a
2 tentative approval or patent, with much of this associated with the Eielson Air Force Base
3 and the Fort Wainwright Military Reservation in the Fairbanks region and the Fort Greely
4 Military Reservation in the Delta region. There are additional areas of selections but they
5 tend to be scattered throughout the various regions and are significantly smaller in size than
6 those associated with the military reservations. It is unclear how much of this selected land
7 the state will receive, and this will not be known until the adjudication of the remaining
8 selections of both the state and Native corporations are finalized by the BLM, which is not
9 expected for some time. The state exercises ANILCA 906(k) authority over the area of
10 federal land affected by state selections, which requires that DNR concurrence for actions
11 that occur on federal land selected by the state.
12

13 The management requirements of this area plan do not apply to non-state lands, which
14 includes, in the context of this plan, University of Alaska lands, Mental Health Trust
15 Authority lands, federal lands not selected or topfiled by the state, and other state-owned
16 lands directly administered by the ADOT/PF, Alaska Railroad, and ADF&G².
17
18

19 Organization of Chapter

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21 The chapter is organized into the following sections:
22

- 23 • *Land Use Designations*, which describe the general management direction for
24 specific parcels (units) of state land.
- 25 • *Management Intent*, which consists of an explanation of how specific units of state
26 land are to be managed. Management intent language gives additional specificity to
27 the general management direction provided by the land use designations.
- 28 • *Plan Duration and Flexibility*, which indicates the planning period and requirements
29 for plan amendment.
- 30 • *Regional Setting*.
- 31 • *Regional and parcel specific management* direction for state land.
32
33

34 Land Use Designations

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36 A land use **designation** recognizes uses or resources that are of major importance in a
37 particular management unit. Unit designations are based on current and projected future use
38 patterns and the most significant resources identified in each unit. DNR will manage
39 activities in the unit to encourage, develop, or protect the uses or resources for which the unit
40

² Certain LDAs are administered by both ADF&G and DNR, with DNR responsible for uses not related to the management of fish and game.

1 Applications for uses of state land within the planning area will be considered by the
2 Regional Manager for the Department of Natural Resources, Division of Mining, Land and
3 Water, Northern Region, Fairbanks, Alaska.

4
5

6 **Classification Order**

7

8 State land is classified under the authority of AS 38.04.005, AS 38.05.300, and
9 11 AAC 55.010 -.280 according to the management intent set forth in this area plan.

10

11 Land Classification Order NC-10-004 classifies all state land within the plan area. See
12 Appendix B. Additionally, state land under contract for conveyance remains classified
13 Settlement Land until this land is conveyed out of state ownership.

14

15 This Land Classification Order supersedes and replaces all previous classifications and
16 classification orders affecting the planning area of the Eastern Tanana Area Plan with a
17 single exception. It does not affect the classification orders pertinent to the Tanana Valley
18 State Forest.

19

20 The potential for the reclassification of state land in the future is authorized under 11 AAC
21 55.240, but this action will require the revision of LCO NC-10-004 and may require, in some
22 cases, the revision of this area plan. An amendment to the area plan is required under
23 11 AAC 55.030(f)(1)(B) if the proposed authorization would modify the basic management
24 intent for one or more of the subunits or if the authorization would conflict with the plan's
25 allowed or prohibited uses, policies, or guidelines.

26

27 Also refer to the following section, "Applicability of Plan Designations/Classifications to
28 State Lands not identified in the Plan Text or Plan Maps." This section describes how lands
29 inadvertently omitted in the Area Plan or acquired by the state subsequent to this revision are
30 to be treated in terms of plan designation and classification.

31

32 Table 4-3 provides estimates of the acreage by classification and co-classification for upland
33 and shoreland units of state land.

34

35

1 **Shoreland.** Land belonging to the state that is covered by navigable, nontidal water up to the
2 ordinary high water mark as modified by accretion, erosion or reliction. (See definition of
3 Navigable.) Shorelands are generally lake bottoms or the beds of navigable rivers and
4 streams. (See Figure 1-1, Chapter 1.)
5

6 **Should.** States intent for a course of action or a set of conditions to be achieved. Guidelines
7 modified by the word “should” state the plan’s intent and allow the manager to use discretion
8 in deciding the specific means for best achieving the intent or whether particular
9 circumstances justify deviations from the intended action or set of conditions. Includes the
10 concept of ‘feasible and prudent.’ Any deviation from a management intent statement or
11 management guideline in an authorization requires an explanation for the variation in the
12 written decision. See also “Will’.
13

14 **State land.** A generic term meaning all state land, including all state-owned and state-
15 selected uplands, all shorelands, tidelands and submerged lands. See also definitions of state-
16 owned land and state-selected land as well as definitions for shorelands, tidelands, and
17 submerged lands. Refer to Figure 1-1 in Chapter 1 for a graphical depiction of these areas.
18 ‘State Land’ excludes lands owned by the University of Alaska, the Mental Health Trust
19 Authority, or by state agencies that have acquired through deed.
20

21 **State-owned land.** Land that is patented or will be patented to the state, including uplands,
22 tidelands, shorelands, and submerged lands.
23

24 **State-selected land.** Federally owned land that is selected by the State of Alaska, but not yet
25 patented nor TAed (Tentative Approval) by the Bureau of Land Management.
26

27 **Subsistence.** Subsistence is defined in Alaska state laws as the “non-commercial customary
28 and traditional uses of fish and wildlife”. See AS 16.05.940, especially subsections 30 and
29 31 (sport fishing), 32 (subsistence hunting), and 33 (subsistence uses) for further information.
30

31 **Suitable.** Land that is physically capable of supporting a particular type of resource
32 development.
33

34 **Sustained Yield.** Means the achievement and maintenance in perpetuity of a high level of
35 annual or regular periodic output of the various renewable resources of state land consistent
36 with multiple use. (AS 38.04.910(12))
37

38 **TBAP.** Tanana Basin Area Plan. Refers to the area plan that preceded this revision.
39 Adopted in 1985 and revised in 1991.
40

41 **Temporary use.** A use that is one year or less in duration requiring a state permit. Any
42 structure associated with the use must be readily removable.
43