

Appendix E

Generally Allowed Uses on State Land

Fact sheet:



Alaska Department of Natural Resources

Division of Mining, Land and Water • April 2004

GENERALLY ALLOWED USES ON STATE LAND

As provided in 11 AAC 96.020, the following **uses and activities are generally allowed on state land** managed by the Alaska Division of Mining, Land and Water that is not in any special management category or status as listed in 11 AAC 96.014¹. Uses listed as “Generally allowed” do not require a permit from the Division of Mining, Land and Water. Note that this list does not apply to state parks, nor to land owned or managed by other state agencies such as the University of Alaska, Alaska Mental Health Trust, Department of Transportation and Public Facilities, or the Alaska Railroad. Before beginning an activity on state land, the user should check to be sure it is generally allowed in that particular area.

TRAVEL ACROSS STATE LAND:

Hiking, backpacking, skiing, climbing, and other foot travel; bicycling; traveling by horse or dogsled or with pack animals.

Using a highway vehicle with a curb weight of up to 10,000 pounds, including a four-wheel-drive vehicle and a pickup truck, **or using a recreational-type vehicle** off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, including a snowmobile and four-wheeler, on or off an established road easement, if use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion. An authorization is required from the Office of Habitat Management and Permitting for any motorized travel in fish bearing streams. (Curb weight means the weight of a vehicle with a full tank of fuel and all fluids topped off, but with no one sitting inside or on the vehicle and no cargo loaded. Most highway rated sport utility vehicles are within the weight limit as are most ATVs, including a basic Argo.)

Landing an aircraft (such as a single-engine airplane or a helicopter), or using watercraft (such as a boat, jet-ski, raft, or canoe), without damaging the land, including shoreland, tideland, and submerged land.

Driving livestock, including any number of reindeer or up to 100 horses¹, cattle, or other domesticated animals.

ACCESS IMPROVEMENTS ON STATE LAND:

Brushing or **cutting a trail** less than five feet wide using only hand-held tools such as a chainsaw (making a trail does not create a property right or interest in the trail).

Anchoring a mooring buoy in a lake, river, or marine waters, or placing a **float, dock, boat haulout, floating breakwater, or boathouse** in a lake, river, or in marine waters, for the personal, noncommercial use of the upland owner, if the use does not interfere with public access or another public use, and if the improvement is placed within the projected sidelines of the contiguous upland owner's parcel or otherwise has the consent of the affected upland owner. A float or dock means an open structure without walls or roof that is designed and used for access to and from the water rather than for storage, residential use, or other purposes. A boat haulout means either a rail system (at ground level or elevated with pilings) or a line attached from the uplands to an anchor or mooring buoy. A floating breakwater means a structure, such as a log bundle, designed to dissipate wave or swell action. A boathouse means a structure designed and used to protect a boat from the weather rather than for other storage, residential use or other purposes.

¹ These special use areas are listed in 11 AAC 96.014 and on the last page of this fact sheet. Maps of the areas are available online at: www.dnr.state.ak.us/mlw/sua/

REMOVING OR USING STATE RESOURCES:

Hunting, fishing, or trapping, or placement of a crab pot, shrimp pot, herring pound or fishwheel, that complies with applicable state and federal statutes and regulations on the taking of fish and game.

Harvesting a small number of **wild plants, mushrooms, berries, and other plant material** for personal, noncommercial use. The cutting of trees is not a generally allowed use except as it relates to brushing or cutting a trail as provided above.

Using dead and down wood for a cooking or warming fire, unless the department has closed the area to fires during the fire season.

Grazing no more than five domesticated animals.

Recreational gold panning; hard-rock mineral prospecting or mining using light portable field equipment, such as a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger; or **suction dredging** using a suction dredge with a nozzle intake of six inches or less, powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of water per day. An authorization is required from the Office of Habitat Management and Permitting prior to dredging in fish bearing streams.

OTHER IMPROVEMENTS AND STRUCTURES ON STATE LAND:

Setting up and using a camp for personal, noncommercial recreational purposes, or for any non-recreational purpose (such as a support camp during mineral exploration), for no more than 14 days at one site, using a tent platform or other temporary structure that can readily be dismantled and removed, or a floathouse that can readily be moved. Moving the entire camp at least two miles starts a new 14-day period. Cabins or other permanent improvements are not allowed, even if they are on skids or another non-permanent foundation. The camp must be removed immediately if the department determines that it interferes with public access or other public uses or interests.

Brushing or cutting a survey line less than five feet wide using only hand-held tools (such as a chainsaw), or **setting a survey marker** (setting a survey monument—a permanent, official marker—requires written survey instructions issued by the Division of Mining, Land and Water under 11 AAC 53).

Placing a residential **sewer outfall** into marine waters from a contiguous privately owned upland parcel, with the consent of the affected parcel owners, if the outfall is within the projected sidelines of the contiguous upland parcel and is buried to the extent possible or, where it crosses bedrock, is secured and covered with rocks to prevent damage. Any placement of a sewer outfall line must comply with state and federal statutes and regulations applicable to residential sewer outfalls.

Placing riprap or other suitable bank stabilization material to prevent erosion of a contiguous privately owned upland parcel if no more than one cubic yard of material per running foot is placed onto state shoreland and the project is otherwise within the scope of the U.S. Army Corps of Engineers nationwide permit on bank stabilization.

MISCELLANEOUS USES OF STATE LAND:

An event or assembly of 50 people or less, including events sponsored by non-profit organizations or a commercial event.

Entry for **commercial recreation** purposes **on a day-use basis** with no overnight camps or unoccupied facilities that remain overnight, as long as the use has been registered as required by 11 AAC 96.018.

Recreational or other use not listed above may occur on state land as long as that use

- * is not a commercial recreational camp or facility, (whether occupied or unoccupied) that remains overnight;
- * does not involve explosives or explosive devices (except firearms);
- * is not prospecting or mining using hydraulic equipment methods;

- * does not include drilling in excess of 300 feet deep (including exploratory drilling or stratigraphic test wells on state land not under oil or gas lease);
- * is not for geophysical exploration for minerals subject to lease or an oil and gas exploration license;
- * does not cause or contribute to significant disturbance of vegetation, drainage, or soil stability;
- * does not interfere with public access or other public uses or interests; and
- * does not continue for more than 14 consecutive days at any site. Moving the use to another site at least two miles away starts a new 14-day period.

Check for special conditions and exceptions!

All activities on state land must be conducted in a responsible manner that will minimize or prevent disturbance to land and water resources, and must comply with all applicable federal, state, and local laws and regulations. **By acting under the authority of this list, the user agrees to the conditions set out in 11 AAC 96.025** (a copy of these conditions are attached to this fact sheet). A person who violates these conditions is subject to any action available to the department for enforcement and remedies, including civil action for forcible entry and detainer, ejectment, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The department may seek damages available under a civil action, including restoration damages, compensatory damages, and treble damages under AS 09.45.730 or AS 09.45.735 for violations involving injuring or removing trees or shrubs, gathering technical data, or taking mineral resources. (11 AAC 96.145)

Remember that this list does not apply to state parks or Alaska Mental Health Trust lands. In addition, some other areas managed by the Division of Mining, Land and Water are not subject to the full list of generally allowed uses. Exceptions may occur because of special conditions in a state land use plan or management plan for example, a management plan may reduce the number of days that people can camp at a specific site), or by a “special use land” designation (for instance, a special use land designation for the North Slope requires a permit for off-road vehicle use). Special Use Areas are listed in 11 AAC 96.014; more information is available on the department’s website at www.dnr.state.ak.us/mlw/sua/.

Also, be aware that this list does not exempt users from the permit requirements of other state, federal, or local agencies. For example, the Office of Habitat Management and Permitting may require a permit for a stream crossing or a permit might be required by the Department of Fish and Game if the use will take place in a state game refuge.

Finally, this list does not authorize a use if another person has already acquired an exclusive property right for that use. For instance, it does not give people permission to graze livestock on someone else’s state grazing lease, to build a trail on a private right-of-way that the Division of Mining, Land and Water has granted to another person, or to pan for gold on somebody else’s state mining location.

Department staff can help users determine the land status of state-owned land and whether it is subject to any special exceptions or to private property rights.

For additional information, contact the Department of Natural Resources:

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| PUBLIC INFORMATION CENTER 550 W. 7 th Avenue, Suite 1260 Anchorage, AK 99501-3557 (907) 269-8400 TDD: (907) 269-8411 | DIVISION OF MINING, LAND & WATER PUBLIC INFORMATION OFFICE 400 Willoughby Ave., Suite 400 Juneau, AK 99801-1700(907) 465-3400 TDD: (907) 465-3888 | PUBLIC INFORMATION CENTER 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2705 TDD: (907) 451-2770 |
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CONDITIONS FOR GENERALLY ALLOWED USES
(11 AAC 96.025²)

A generally allowed use listed in 11 AAC 96.020 is subject to the following conditions:

- (1) activities employing wheeled or tracked vehicles must be conducted in a manner that minimizes surface damage;
- (2) vehicles must use existing roads and trails whenever possible;
- (3) activities must be conducted in a manner that minimizes
 - (A) disturbance of vegetation, soil stability, or drainage systems;
 - (B) changing the character of, polluting, or introducing silt and sediment into streams, lakes, ponds, water holes, seeps, and marshes; and
 - (C) disturbance of fish and wildlife resources;
- (4) cuts, fills, and other activities causing a disturbance listed in (3)(A)–(C) must be repaired immediately, and corrective action must be undertaken as may be required by the department;
- (5) trails and campsites must be kept clean; garbage and foreign debris must be removed; combustibles may be burned on site unless the department has closed the area to fires during the fire season;
- (6) survey monuments, witness corners, reference monuments, mining location posts, homestead entry corner posts, and bearing trees must be protected against destruction, obliteration, and damage; any damaged or obliterated markers must be reestablished as required by the department under AS 34.65.020 and AS 34.65.040;
- (7) every reasonable effort must be made to prevent, control, and suppress any fire in the operating area; uncontrolled fires must be immediately reported;
- (8) holes, pits, and excavations must be repaired as soon as possible; holes, pits, and excavations necessary to verify discovery on prospecting sites, mining claims, or mining leasehold locations may be left open but must be maintained in a manner that protects public safety;
- (9) on lands subject to a mineral or land estate property interest, entry by a person other than the holder of a property interest, or the holder's authorized representative, must be made in a manner that prevents unnecessary or unreasonable interference with the rights of the holder of the property interest.

List of Special Use Land Designations Excluded from Generally Allowed Uses

- | | |
|--|---|
| • Alyeska Ski Resort | • Lower Goodnews River |
| • Baranof Lake Trail | • Lower Talarik Creek |
| • Caribou Hills | • Marmot Island Special Use Area |
| • Exit Glacier Road | • Nenana River Gorge and McKinley Village Subd. |
| • Glacier/Winner Creek | • North Slope Area |
| • Hatcher Pass Special Use Area | • Nushagak |
| • Indian Cove | • Poker Flat North |
| • Kamishak Special Use Area | • Poker Flat South |
| • Kenai Fjords Coastline | • Resurrection Bay |
| • Kenai River Special Management Area Proposed Additions | • Thompson Pass |
| • Lake Clark Coastline | • Togiak National Wildlife Refuge |

² Register 164, January 2003

Appendix F

Special Management Area Objectives

TABLE OF CONTENTS

| <u>Section</u> | <u>Title</u> | <u>Page</u> |
|-----------------------|--|--------------------|
| 1.0 | INTRODUCTION..... | 1 |
| 2.0 | KNIK RIVER SPECIAL RECREATION MANAGEMENT AREA..... | 1 |
| 3.0 | HAINES BLOCK SPECIAL RECREATION MANAGEMENT AREA | 2 |
| 4.0 | NEACOLA MOUNTAINS AREA OF CRITICAL ENVIRONMENTAL CONCERN | 3 |

ACRONYMS AND ABBREVIATIONS

| | |
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| ACEC | Area of Critical Environmental Concern |
| BLM | Bureau of Land Management |
| FEIS | Final Environmental Impact Statement |
| OHV | Off-Highway Vehicle |
| PRMP | Proposed Resource Management Plan |
| ROS | Recreation Opportunity Spectrum |
| SMA | Special Management Area |
| SRMA | Special Recreation Management Area |
| SRMP | Special Recreation Management Plan |
| SRP | Special Recreation Permit |
| VRM | Visual Resource Management |

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1.0 INTRODUCTION

The following goals and objectives for each of the three special management areas (SMAs) will contribute to the development of their future implementation-level plans. Bureau of Land Management (BLM) will work with all interested stakeholders during the development of these plans. The planning process will include additional opportunities for the public to comment. Per BLM policy, this work normally should be completed within five years of the signing of the Record of Decision for the Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS). SMAs will not encumber either State or Native selected lands, and further planning processes are unlikely to take place until selections are adjudicated.

2.0 KNIK RIVER SPECIAL RECREATION MANAGEMENT AREA

The area of the proposed Knik River Special Recreation Management Area (SRMA) consists of 80,000 acres of State and Native selected lands approximately 30 miles north of Anchorage (Figures 2.3-1 and 2.3-5 in Appendix A). The Knik River flows through these lands and is used by recreational and commercial boaters. Various drainages flowing into the Knik River support anadromous fisheries. Dall sheep are found in the upper reaches, and bear and moose are common in the valley. Dispersed recreation, including hunting, fishing, hiking, and horseback riding is common in the area. Small aircraft pilots practicing take-offs and landings routinely use portions of the valley floor. The area receives heavy off-highway vehicle (OHV) use of all types. Because of the ease of access, these lands are subject to the dumping of stolen vehicles, and are at times used as an unregulated shooting range.

These conditions have created a risk to public health and safety, the potential for habitat damage, and challenges for management of both public and private property. BLM recommends creating a SRMA for BLM lands in the Knik River Area. The community-based Special Recreation Management Plan (SRMP), or implementation-level plan, for the Knik area would be completed with the involvement of the surrounding land managers, the communities, and user and conservation groups, and would consider the various recreational uses (including non-motorized uses) of the lands as well as the area's habitat and wildlife resources. Any SMA designation would not carry forward if lands in this area were transferred out of BLM ownership.

- a. Goals
 - i. *Manage recreation to maintain a diversity of opportunities*
 - ii. *Provide opportunities for commercial recreation consistent with area objectives for recreation management*
- b. Preliminary Management Objectives
 - i. *Manage SRMA to maintain existing recreation opportunities, including maintaining designated Recreation Opportunity Spectrum (ROS) classifications*
 - ii. *Maintain area for designated Visual Resource Management (VRM) classifications*
 - iii. *Develop further guidance for management to OHV use, either by opening, further limiting, or closing areas to OHV use*
 - iv. *Manage recreation activities to maintain the quality of user experience, minimize adverse effects on fish and wildlife resources, reduce refuse and unauthorized dumping, and minimize disturbance to adjacent communities*
 - v. *Work collaboratively with other landowners in the area, recreation users, and adjacent communities to develop management strategies and define enforcement responsibilities*

3.0 HAINES BLOCK SPECIAL RECREATION MANAGEMENT AREA

The Haines Block SRMA comprises 273,000 acres (Figures 2.3-2 and 2.3-4 in Appendix A) of mountainous snow and ice fields. The entire area is selected by the State of Alaska. Several rivers within the Haines Block were evaluated as potential Wild and Scenic Rivers. The area also includes the Ferebee, Nourse, Chilkoot, and Chilkat Glaciers. The Haines Block provides habitat for a variety of wildlife species, including mountain goats, brown bear, and wolverine. The area has become increasingly popular for helicopter-supported commercial recreation operations for activities such as hiking, backcountry skiing, and filming. BLM has an ongoing Special Recreation Permit (SRP) program that reviews and authorizes these activities. BLM recognizes the potential for impacts on the community as well as the wildlife populations from proposed and permitted activities; BLM proposes to develop a community-based SRMP to better manage the resources in this area. This plan would consider the relationships between current recreation uses, wildlife, habitat, and the impacts to the community. The SRMP would be developed with extensive public involvement. Any SMA designation would not carry forward if lands in this area were transferred out of BLM ownership.

- a. Goals
 - i. *Manage recreation to maintain a diversity of opportunities*
 - ii. *Provide opportunities for commercial recreation consistent with area objectives for recreation management*
- b. Preliminary Management Objectives
 - i. *Manage SRMA to maintain existing recreation opportunities, including maintaining designated ROS classifications*
 - ii. *Maintain area for designated VRM classifications*
 - iii. *Develop further guidance for management of OHV use*
 - iv. *Manage commercial recreation activities to maintain the quality of user experience, avoid adverse effects on wildlife resources, and minimize disturbance to adjacent communities*
 - v. *Work collaboratively with other landowners in the area, recreation users, and adjacent communities to develop management strategies and define enforcement responsibilities*

4.0 NEACOLA MOUNTAINS AREA OF CRITICAL ENVIRONMENTAL CONCERN

Located 120 miles southwest of Anchorage, the Neacola Mountains (229,000 acres) rise to 7,900 feet in elevation (Figures 2.3-1 and 2.3-3 in Appendix A). None of the lands within the proposed Neacola Mountains Area of Critical Environmental Concern (ACEC) are selected by the State or Native corporations; these lands will remain in long-term BLM ownership. The southern block is extremely scenic, with changes in elevation from 1,000 feet to nearly 8,000 feet. Rugged mountains, hanging valleys, and ice and snow fields dominate the landscape, interspersed with razor sharp ridgelines. At the core of the proposed ACEC are Blockade Glacier and Lake. Seasonally, Blockade Lake melts enough to reveal “apartment sized” blocks of ice floating in the water. This area contains unrivaled scenic and geologic features associated with the natural landscape of mountain peaks, glaciers and spires. It is these scenic qualities that support the ACEC designation.

- a. Goals
 - i. *Create ACEC to preserve identified values and outstanding natural scenery in an unspoiled setting*
 - ii. *Manage ACEC to maintain visual resource and scenic values*
 - iii. *Manage recreation to maintain existing opportunities*
- b. Preliminary Management Objectives
 - i. *Manage ACEC to maintain existing ROS classifications*
 - ii. *Maintain area for designated VRM classifications*
 - iii. *Develop further guidance for limitations to OHV use*
 - iv. *Work collaboratively with other landowners in the area, recreation users, and adjacent communities to develop management strategies and define enforcement responsibilities*

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