

## Settlement

### Background

State lands within the planning area designated Settlement (Se) or Settlement-Commercial (Sc) are relatively limited. Settlement designation of a particular unit was based on whether it had reasonable access by road, water, or air, consisted of topography that would be suitable for development, and posed minimal conflict with recreation, scenic values, important fish and wildlife resources, or resource development. A summary of the results of the plan's settlement evaluation follows.

*Shuyak Island.* Most of the state land on this island is part of the State Parks system. No land is designated for settlement.

*Afognak Island.* Most of the state land on Afognak is either part of the State Parks system, or set aside for the same purposes through conservation easements or management agreements. The exception is unit A-02, which adjoins that portion of Afognak State Park near Izhut Bay but has not been reserved for park purposes under management agreements for which the management intent is to be compatible with the park. No land on Afognak Island is designated for settlement.

*Marmot Island.* Because of habitat values and low suitability for settlement, there is no state land designated for settlement on this island.

*Raspberry Island.* Most state land on Raspberry Island is designated General Use or Habitat, reflecting the presence of steep and generally inaccessible terrain in the western part of this island and an area considered essential for habitat for the Roosevelt Elk Herd. Only three units have suitable terrain and access and are designated Settlement: management unit A-08 near the mouth of Bear Creek and units A-09 and A-10, situated on the coast at the eastern end of the island.

*Woody Island.* There are three units (K-29, K-30, and K-31) of state land on Woody Island, east of the City of Kodiak, with reasonable access and suitable terrain that are appropriate for Settlement designation. These units, however, are to be conveyed to the Kodiak Island Borough after conveyance of this land to the state. The Kodiak Island Borough requested DNR to designate these units Settlement on an interim basis.

*Sitkalidak, Sundstrom, Aiaktalik, and Trinity Islands.* Because of habitat values and low suitability for settlement, there is no state land designated Settlement on these islands.

*Kodiak Island.* Units designated Settlement or Settlement-Commercial on Kodiak Island are those that have reasonably suitable topography, and are accessible by the road system, by boat, or in some instances, both. Areas considered appropriate for settlement occur on the Kupreanof Peninsula in the northwestern part of the Island; a few areas near and south of the

City of Kodiak; along the road system near Middle, Kalsin, and Isthmus Bays; and on the Shearwater Peninsula. Except for the few units near the City of Kodiak and along the road system, all of these units are generally remote and are accessed by boat or airplane.

There are large areas of state land in the north and central parts of Kodiak. Large parts of these areas are designated General Use, a multiple use designation which allows settlement if indicated in the management intent of a unit. Areas designated General Use are usually even more inaccessible and remote and are generally unsuitable for development because of adverse topography, drainage, and the presence of extensive areas of wetlands. Thus areas designated General Use in the planning area may be less likely to be used for settlement purposes and it is not intended that these areas will be developed during the planning period.

## Goals

**Private Land Ownership.** Provide suitable public land for transfer to private ownership for settlement purposes. DNR will attempt to satisfy three settlement categories within the planning area:

1. **Seasonal residences for recreation.** DNR will offer land suitable for seasonal recreation use. This land will be provided as demand warrants, subject to the availability of funding. This category of land disposal is intended to provide land, often in remote locations, for recreational needs. No public facilities and services are intended to be provided.
2. **Year-round residences for community expansion.** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and work is, or will be, in the area of the disposal. It also includes land disposals of commercial and industrial land to accommodate the expansion needs of communities. This land will be provided as demand warrants, subject to the availability of funding.
3. **Industrial or commercial development.** DNR will sell, lease, or protect for future use suitable land for private commercial and industrial uses. If DNR sells the land, the timing of this disposal will depend on market demand and adequate funding.

**Community, Social, and Aesthetic Values.** In designing future disposals, DNR will maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and minimize undesired impacts on those values while considering the needs and demands of all state residents.

**Fiscal Impacts.** Land disposals should be sited and planned to minimize the costs of infrastructure and other services resulting from settlement. Disposals should be focused on areas of existing settlement, areas along the road system or that can be easily accessed by water transport, and/or where service requirements may be provided by local government or community organizations.

**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.

## Management Guidelines

### A. Planning and Coordination

1. **Competition.** The state may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.
2. **Local Plans.** DNR will comply with provisions of the Borough comprehensive plan and zoning ordinance regarding the location and density of land development except to the extent that local requirements are inconsistent with a major overriding state interest.
3. **Coordination with Local Governments.** Where DNR and a municipality both have land, state land offering programs should be coordinated with similar programs of local government to best achieve common objectives. To this end, DNR would consider developing a joint disposal plan for state and municipal lands with any municipality that is interested. This plan would consider the municipality's fiscal planning for road extension priorities and its plans for levels of services in different areas. If a municipality has a comprehensive land use plan, that plan will provide direction for settlement areas.
4. **Pacing.** Settlement offerings may be phased over 20 years, the life of this plan. The timing and extent of disposals will depend upon anticipated demand, availability of funding, the rate of community expansion, and the particular land requirements of such expansion. Another factor may be whether the disposal will generate a demand for services that cannot be reasonably expected to be met by local government or community organizations.
5. **Areas Designated General Use.** The large areas of state land in the north and central parts of the Kodiak Region designated General Use allow for settlement if this use is indicated as appropriate in a unit's management intent statement. Most general use areas are inaccessible and remote and generally unsuitable for development because of adverse topography, drainage, and the presence of extensive areas of wetlands. Settlement during the planning period in areas designated General Use is considered generally inappropriate except in those areas that adjoin units designated Settlement and/or that are necessary to the development of a residential land disposal.

**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 Kodiak Area Plan 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, the size and location of the area 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 or existing settlements, and are accessible from the road system or by water. 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. Areas of this type are designated Settlement or Settlement-Commercial and include management unit K-68 near the City of Kodiak, and management units K-38A, K-39A, and K-41B along the road system near Middle Bay, Kalsin Bay, and Isthmus Bay.
- b. **Remote Settlement Areas.** These settlement areas are further away from communities and the road system, are accessed by water or air, and can be small or large in size. Generally, they are more challenging to access and develop than other types of management units, and are most suitable for residential or recreational use. Areas of this type are designated Settlement and include units A-08, A-09, A-10 on Raspberry Island, units K-01, K-03, K-04, and K-09 on Kupreanof Peninsula, and K-57B on the Shearwater Peninsula.

The Ugak Bay Land Sale Area (K-57B) on the Shearwater Peninsula was previously established for settlement purposes under Land Classification Order SC-81-046. It is a very large remote settlement area that contains a variety of vegetation and terrain types, much of which is very steep and is generally not conducive to settlement. Only portions of the unit are suitable for dispersed settlement, generally coinciding with the flatter areas within the unit. The Cooperative Management Agreement for the Terror Lake hydroelectric project (see Appendix B) affects this unit and must be consulted prior to the creation of land disposals.

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 that the units are established. Both types of land offerings should be made available:
  - a. **Presurveyed Units.** In this type of land offering, the state identifies an area of suitable land, surveys and plats units, and then offers them for sale. These are also referred to as “subdivision” sales. They can include a large number of units or just a few, and the size of the units, 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 Units.** In this type of land offering, eligible applicants are allowed to identify a unit of land within a specified area by staking it, and the unit is surveyed prior to actual sale. Staking is usually subject to certain restrictions such as unit size limits and setbacks from sensitive areas in order to protect other resources within the staking area. Staking land offerings should only occur in the single large unit of state land on the Shearwater Peninsula, K-57B.

### C. Protection, Management, and Enhancement of Other Resources

1. **Protect Life and Property.** DNR will retain public lands and coordinate with local governments to discourage development in areas of flooding, unstable ground, or other hazards. Public lands within a 100-year floodplain should remain in public ownership. The 100-year floodplain area is that area designated "100 Year Floodplain" in FEMA floodway/floodplain management mapping, or the area designated as a 100 year floodplain in detailed hydrologic studies prepared by other government agencies or prepared by a hydrologist or other competent professional.<sup>15</sup>
2. **Protect and Manage Valuable Environmental Areas.** The state will provide in land disposals a publicly owned open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands.

These areas should 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 protected to provide adequate terrestrial habitat.

3. **Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important recreation value will be designed to protect riparian habitat and protect access to and along the stream for fishing, hiking, camping, and other recreational activities. Disposals near streams that have important fish or wildlife habitat or wildlife value will be designated to insure the protection of the habitat or wildlife.

In certain limited cases, it may be appropriate to provide land for private use, but such an action must be in the overall best interests of the state. Before lands are disposed of in stream corridors, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with a stream corridor.

4. **Protect and Enhance Scenic Features.** The state will generally 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 be preserved. Such lands include islands in bays unless land disposals can be designed to prevent negative effects on the scenic and recreational values of the area.

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<sup>15</sup> The Kodiak Island Borough is not a participant in the National Flood Insurance Program and as a result there is no flood mapping data for the Borough.

5. **Mineral Closing Orders.** Generally, state upland units designated Settlement do not coincide with patterns of historical or potential mining activity in the planning area. Since little potential conflict can be expected to exist, this plan does not create any new Mineral Orders or Leasehold Location Orders. However, Mineral Orders (Closing) are recommended for use at the time that an area is being considered for disposal for purposes of settlement or other forms of development that would be inconsistent with mining activity. The timing of the closure is at the discretion of the Department, but should be early enough in the process to avoid the inadvertent staking of mining claims. The current Mineral Closing Orders affecting existing areas of settlement or proposed settlement will be retained. The largest area affected by this Order is the Ugak Bay Land Sale Area (unit K-57B) on the Shearwater Peninsula. See discussion on mineral orders in the Subsurface section of this Chapter for more detail.
6. **Timber Harvest.** 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. Land conveyed out of state ownership for the purpose of settlement, or another form of active land use, shall not be used for commercial timber harvest and sale. Subdivisions or disposals of state land by DNR shall preclude the sale of merchantable timber harvested on lots or units conveyed out of state ownership. The format used to impose this restriction is at the discretion of the Regional Manager, DMLW. This guideline is not intended to preclude the cutting of trees or other vegetation as part of the process of land clearing or site development.
7. **Protect and Enhance Recreational, Educational, and Cultural Opportunities.** DNR should determine the need for and retain appropriate areas for outdoor recreation, hunting, fishing, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

#### **D. Design.**

1. **Provide State Land for Important Environmental and Resource Development Purposes.** DNR, as a general policy, will retain appropriate green belts, public-use corridors, water supply areas, riparian and coastal buffer areas, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas.
2. **Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-round settlement to 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. Wildfire management costs that result from settlement will be considered and minimized to the extent feasible.

3. **Ensure Access.** DNR shall ensure that legal, practical public access (roads, trails, 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 ADOT/PF. DNR will ensure that actual physical access is available or can be developed (road, air, or water) to each new state land offering. Section line or other easements should not be relied on for access without field inspection of the practicality of such routes, where topography or other conditions might make the practicability of the section line location suspect. Identified access routes should be described in the land-offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.
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 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. DNR should review the subdivision requirements of the Kodiak Island Borough prior to the initiation of subdivision design.
5. **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 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 access interest being protected is very limited, such as for local pedestrian access that is not part of an integrated neighborhood or community trail system.

**E. Other Guidelines Affecting Settlement.** For details of these guidelines, see the following sections of this chapter:

Coordination and Public Notice  
 Fish and Wildlife Habitat and Harvest Areas  
 Forestry  
 Cultural Resources  
 Material Sites  
 Recreation, Tourism, and Scenic Resources  
 Shorelines, Stream Corridors and Coastal Areas  
 Public Access Easements, Neighborhood Trails, and Public Access