

Lower Kuskokwim Site Specific Plan

Public Review Draft

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

1 STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
2 DIVISION OF MINING, LAND & WATER

3
4 **Public Review Draft**
5 **Lower Kuskokwim Site Specific Plan**
6 **Land Classification Order SC-24-002**
7

8 **Introduction**
9

10 The Alaska Department of Natural Resources (ADNR) has received an application for a public
11 utility easement, serialized as ADL 234172, to install a fiber optic cable on portions of
12 unclassified tide, submerged, and shorelands. 11 AAC 55.040(i) requires that land classification
13 precede disposing of or issuing authorizations on state land.
14

15 The role of state land use plans has been established by state statute (AS 38.04.005). It is the
16 policy of the State of Alaska "...to establish a balanced combination of land available for both
17 public and private purposes. The choice of land best suited for public and private use shall be
18 determined through the inventory, planning, and classification processes...." This Site Specific
19 Plan (SSP) is the result of those processes.
20

21 The Lower Kuskokwim Site Specific Plan boundary extends from Akiak in the northeast, west to
22 Nunapitchuk, and south to the 3-mile limit of Kuskokwim Bay where it abuts the northwest
23 corner of the Bristol Bay Area plan above Quinhagak. While most land use plans are prepared
24 for areas with large amounts of uplands, this plan is primarily focused on tide, submerged, and
25 shorelands, mainly because there is very little state land in that region.
26

27 **Submerged Lands, Tidelands, Uplands and Shorelands as Described in This Plan**

28 Tidelands span the area from mean high water to mean lower low water; submerged lands reach
29 from mean lower low water to a line three miles seaward from mean lower low water.
30 Shorelands include the lands below ordinary high water in non-tidal areas.
31

32 The intent of this plan is to designate and provide management intent for the submerged and
33 shorelands under all navigable waterbodies. While it is not practical to state the management
34 intent for each individual waterbody due to the volume of navigable rivers and lakes in the
35 planning area, the SSP does provide general management intent and designations for most of the
36 waterbodies within the planning area. In some cases, specific designations are identified for a
37 particular waterbody because of the size, uniqueness, or particular values and functions of a river
38 or lake. The SSP also contains an inventory and analysis of resources and uses for state land in
39 the planning area and provides management guidelines for use of state land. These management
40 guidelines form the basis for classification of approximately 426,700 acres of state-owned tide,
41 submerged, and shorelands.
42
43

1 This plan establishes the land use designation for state lands and describes general management
2 guidelines for major resources and land uses within the planning area, as well as more specific
3 guidelines for the development and use of resources for specific management units. While this
4 plan provides general management intent for state lands, the plan does not make decisions about
5 specific land use authorizations. These decisions are made through the application review
6 process. Land use authorizations must, however, be consistent with the plan, and existing laws
7 and regulations.
8
9

10 **Background Information**

11 **Location**

12 **Geographic**

13
14 The Lower Kuskokwim Site Specific Plan (LKSSP) boundary is located within the Yukon–
15 Kuskokwim Delta, and includes the communities of Akiak, Kwethluk, Bethel, Nunapitchuk,
16 Napakiak, Napaskiak, Oscarville, Eek, and Tuntutuliak.
17
18

19 **Borough/Municipality**

20 Unorganized borough.
21

22 Incorporated Cities within the planning area include Akiak, Nunapitchuk Kwethluk, Bethel,
23 Napaskiak, and Eek.
24

25 **USGS Map Coverage**

26 Baird Inlet A-1, Baird Inlet A-2, Baird Inlet B-1, Baird Inlet B-2, Baird Inlet C-1, Baird Inlet C-
27 3, Baird Inlet D-1, Baird Inlet D- 2, Bethel A-8, Bethel B-8, Bethel C-7, Bethel C-8, Bethel D-6,
28 Bethel D-7, Bethel D-8, Kuskokwim Bay D-1, Kuskokwim Bay D-2
29

30 **Legal Description**

31 The areas subject to this plan are more clearly defined as all State land and water within:
32

33 T 001 N, 074 W, SM, Sections 2-11, 14-23, and 26-35

34 T 001 N, 075 W, SM, Sections 1-36

35 T 001 N, 076 W, SM, Sections 1-29 and 32-36

36 T 001 N, 077 W, SM, Sections 1-24

37 T 001 N, 078 W, SM, Sections 1, 12-13, and 24

38 T 001 S, 075 W, SM, Sections 1-35

39 T 001 S, 076 W, SM, Sections 1-36

40 T 001 S, 077 W, SM, Sections 1-4, 9-16, 21-28, and 33-36

41 T 002 N, 073 W, SM, Sections 4-9, 15-22, and 27-34

42 T 002 N, 074 W, SM, Sections 1-2 and 7-36

43 T 002 N, 075 W, SM, Sections 2-36

44 T 002 N, 076 W, SM, Sections 1-36

45 T 002 N, 077 W, SM, Sections 1-36

46 T 002 N, 078 W, SM, Sections 1, 12-13, 24-25, and 36

- 1 T 002 S, 075 W, SM, Sections 2-11 and 13-36
- 2 T 002 S, 076 W, SM, Sections 1-36
- 3 T 002 S, 077 W, SM, Sections 1-4 and 7-36
- 4 T 003 N, 072 W, SM, Sections 6-7
- 5 T 003 N, 073 W, SM, Sections 1-12, 16-21, and 28-33
- 6 T 003 N, 074 W, SM, Sections 1-2, 11-14, 23-26, and 35-36
- 7 T 003 N, 075 W, SM, Sections 2-11, 14-23, and 26-35
- 8 T 003 N, 076 W, SM, Sections 1-5 and 7-36
- 9 T 003 N, 077 W, SM, Sections 7-36
- 10 T 003 N, 078 W, SM, Sections 12-13, 24-25, and 36
- 11 T 003 S, 075 W, SM, Sections 1-36
- 12 T 003 S, 076 W, SM, Sections 1-36
- 13 T 003 S, 077 W, SM, Sections 1-28, 30, and 36
- 14 T 004 N, 072 W, SM, Sections 6-7, 18-19, and 30-31
- 15 T 004 N, 073 W, SM, Sections 1-36
- 16 T 004 N, 074 W, SM, Sections 1-13, 23-26, and 35-36
- 17 T 004 N, 075 W, SM, Sections 1-12, 14-23, and 26-35
- 18 T 004 N, 076 W, SM, Sections 1-3, 10-15, 23-27, and 32-36
- 19 T 004 S, 075 W, SM, Sections 1-18, and 21-24
- 20 T 004 S, 076 W, SM, Sections 1-18, and 20-23
- 21 T 004 S, 077 W, SM, Sections 1 and 12
- 22 T 005 N, 072 W, SM, Sections 2-11, 14-23, and 26-35
- 23 T 005 N, 073 W, SM, Sections 1-36
- 24 T 005 N, 074 W, SM, Sections 1-36
- 25 T 005 N, 075 W, SM, Sections 1, 12-14, 22-27, and 32-36
- 26 T 006 N, 071 W, SM, Sections 6-7 and 18-19
- 27 T 006 N, 072 W, SM, Sections 1-24 and 26-35
- 28 T 006 N, 073 W, SM, Sections 1-36
- 29 T 006 N, 074 W, SM, Sections 1-5, 8-17, 20-29, and 32-36
- 30 T 007 N, 070 W, SM, Sections 3-10
- 31 T 007 N, 071 W, SM, Sections 1-12, 14-23, and 30-31
- 32 T 007 N, 072 W, SM, Sections 1-36
- 33 T 007 N, 073 W, SM, Sections 1-36
- 34 T 007 N, 074 W, SM, Sections 1-2, 12-13, 24-25, and 36
- 35 T 007 N, 075 W, SM, Sections 5-6
- 36 T 007 N, 076 W, SM, Sections 1-6
- 37 T 008 N, 069 W, SM, Sections 3-10 and 15-18
- 38 T 008 N, 070 W, SM, Sections 1-22 and 27-34
- 39 T 008 N, 071 W, SM, Sections 1-36
- 40 T 008 N, 072 W, SM, Sections 1, 12-13, 23-26, and 31-36
- 41 T 008 N, 073 W, SM, Sections 3-10, 15-22, and 27-36
- 42 T 008 N, 074 W, SM, Sections 1-28, 30, and 33-36
- 43 T 008 N, 075 W, SM, Sections 1, 5-8, 12-13, 17-20, 24-25, and 29-32
- 44 T 008 N, 076 W, SM, Sections 1-36
- 45 T 008 N, 077 W, SM, Sections 1-14, 22-27, and 34-36
- 46 T 009 N, 067 W, SM, Sections 4-9

- 1 T 009 N, 068 W, SM Sections 1-12, 16-21, and 28-33
- 2 T 009 N, 069 W, SM Sections 1-36
- 3 T 009 N, 070 W, SM, Sections 7-36
- 4 T 009 N, 071 W, SM, Sections 7-36
- 5 T 009 N, 072 W, SM, Sections 6-36
- 6 T 009 N, 073 W, SM, Sections 1-36
- 7 T 009 N, 074 W, SM, Sections 1-36
- 8 T 009 N, 075 W, SM, Sections 1-36
- 9 T 009 N, 076 W, SM, Sections 1-3, 10-30, and 33-36
- 10 T 010 N, 067 W, SM, Sections 16-21 and 28-33
- 11 T 010 N, 068 W, SM, Sections 13-36
- 12 T 010 N, 069 W, SM, Sections 13-36
- 13 T 010 N, 072 W, SM, Sections 6-7, 16-21, and 28-33
- 14 T 010 N, 073 W, SM, Sections 1-36
- 15 T 010 N, 074 W, SM, Sections 1-36
- 16 T 010 N, 075 W, SM, Sections 1-36
- 17 T 010 N, 076 W, SM, Sections 1-2, 11-14, 23-26, and 35-36

18
19 See attached maps.

20
21

22 **Title and Land Status**

23
24

24 **Classification**

25 This plan classifies all state-owned land and water within the plan boundary. State land is
26 classified under the authority of AS 38.04.065, AS 38.05.300, and 11 AAC 55.010 - .280,
27 according to the management intent stated in this plan. See attached Land Classification Order
28 (LCO) SC-24-002.

29
30

30 **Title Status**

31 The State of Alaska holds title to the tide and submerged lands within the plan boundary under
32 the Submerged Lands Act of 1953 and the Equal Footing Doctrine.

33
34

34 **Mineral Status**

35 Open to mineral entry except for those portions of the planning area closed to mineral entry
36 under Mineral Closing Order 474.

37
38

38 **Adjacent Landowners, Native Corporations, or Borough:**

39 The planning area is within the unorganized borough.

40
41

41 The Alaska Native Claims Settlement Act (ANCSA) Regional Corporation for the LKSSP area is
42 Calista, Incorporated. The Alaska Native Claims Settlement Act (ANCSA) Village Corporations
43 are Atmautluak Limited, Iqfijouaq Company, Napaskiak Incorporated, Nunapitchuk Limited,
44 Oscarville Native Corporation, and Tuntutuliak Land, Limited. Federally recognized tribes
45 within the planning boundary are The Native Village of Atmautluak, The Native Village of Eek,

1 The Native Village of Napaskiak, The Native Village of Nunapitchuk, The Traditional Council of
2 Oscarville, and The Native Village of Tuntutuliak.

3

4 **Third Party Interests**

- 5 ADL 206694 City of Bethel, Municipal Entitlement
6 ADL 220770 City of Bethel, Municipal Tideland Conveyance
7 ADL 21966 Northern Commercial Co., Tidelands Sale Prestatehood
8 ADL 39295 Kodiak Island Borough, Public and Charitable Sale, Bethel Heliport
9 ADL 229145 Napaskiak Tribal Council, Public Utility Easement
10 ADL 227853 Alaska Village Electric Cooperative, Public Utility Easement
11 ADL 229216 City of Nunapitchuk, Public Utility Easement
12 ADL 232391 City of Eek, Public Utility Easement
13 ADL 228630 Village of Napaskiak, Public Access Easement
14 ADL 231839 Knik Construction Company, Inc., Tidelands Lease
15 ADL 229349 Akiachak Native Community, Management Agreement
16 ADL 62648 Department of Transportation and Public Facilities, Public Access Easement
17 ADL 62527 Department of Transportation and Public Facilities, Public Access Easement
18 ADL 222703 Department of Transportation and Public Facilities, Public Access Easement
19 ADL 55879 Department of Transportation and Public Facilities, Public Utility Easement
20 ADL 221653 Department of Transportation and Public Facilities, Management Right, Akiachak
21 Airport Lease
22 ADL 223666 Department of Transportation and Public Facilities, Management Right, Bethel
23 Airport
24 ADL 224034 Department of Transportation and Public Facilities, Management Right, Kasigluk
25 Airport Lease
26 ADL 224074 Department of Transportation and Public Facilities, Management Right,
27 Tuntutuliak Airport Lease
28 ADL 224127 Department of Transportation and Public Facilities, Management Right, Eek
29 Airport Lease
30 ADL 224245 Department of Transportation and Public Facilities, Management Right,
31 Nunapitchuk Airport Lease
32 ADL 228440 Department of Transportation and Public Facilities, Management Right,
33 Atmautlauk Airport Lease
34 ADL 225632 Department of Transportation and Public Facilities, Public Easement Avigation
35 and Hazards
36 ADL 221009 Department of Transportation and Public Facilities, Public Easement Avigation
37 and Hazards
38 ADL 200520 Department of Transportation and Public Facilities, Public Easement Avigation
39 and Hazards
40 ADL 231482 ADNR Material Sale Site

41

42 **Trespass**

- 43 ADL 231975 Faulkner Walsh Constructors Abandoned Derelict Vessel
44 ADL 231976 Faulkner Walsh Constructors Abandoned Derelict Vessel
45 ADL 231977 Faulkner Walsh Constructors Abandoned Derelict Vessel
46 ADL 231978 Faulkner Walsh Constructors Abandoned Derelict Vessel

- 1 ADL 231980 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 2 ADL 231981 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 3 ADL 231983 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 4 ADL 231970 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 5 ADL 231974 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 6 ADL 231991 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 7 ADL 231957 Faulkner Walsh Constructors Abandoned Derelict Vessel
- 8 ADL 231969 David Ausdahl Abandoned Derelict Vessel
- 9 ADL 231953 David Ausdahl Abandoned Derelict Vessel
- 10 ADL 231955 David Ausdahl Abandoned Derelict Vessel
- 11 ADL 231956 David Ausdahl Abandoned Derelict Vessel
- 12 ADL 231984 Unknown Trespass Abandoned Derelict Vessel
- 13 ADL 231985 Unknown Trespass Abandoned Derelict Vessel
- 14 ADL 231987 Bruce Crow Abandoned Derelict Vessel
- 15 ADL 231986 Unknown Trespass Abandoned Derelict Vessel
- 16 ADL 231990 Unknown Trespass Abandoned Derelict Vessel
- 17 ADL 231958 Unknown Trespass Abandoned Derelict Vessel
- 18 ADL 231959 Unknown Trespass Abandoned Derelict Vessel
- 19 ADL 231973 Unknown Trespass Abandoned Derelict Vessel
- 20 ADL 231979 Alaska Logistics, LLC Abandoned Derelict Vessel
- 21 ADL 231982 Alaska Logistics, LLC Abandoned Derelict Vessel
- 22 ADL 231971 Alaska Logistics, LLC Abandoned Derelict Vessel
- 23 ADL 231972 Alaska Logistics, LLC Abandoned Derelict Vessel
- 24 ADL 231951 Gilbert Industries, Inc. Abandoned Derelict Vessel
- 25 ADL 231952 Daniel Herzer Abandoned Derelict Vessel
- 26 ADL 231954 Francis Reich Abandoned Derelict Vessel
- 27 ADL 231950 Ward Sattler Abandoned Derelict Vessel
- 28 ADL 232433 Lee Wilson Abandoned Equipment
- 29 ADL 231988 Verna Southern Abandoned Derelict Vessel
- 30 ADL 231989 Verna Southern Abandoned Derelict Vessel

31

32 **Climate**

33

34 The state of the Bering Sea influences the Yukon–Kuskokwim Delta’s climate, where there is a
 35 strong inland gradient in coastal temperature. Seasonal weather changes are often drastic within
 36 the region and have consequences for marine life. The Bering Sea is subject to circulation
 37 patterns from both the north and south, which brings in strong winds that influence ice
 38 movement, but keep air temperatures relatively mild. The region is cold and windswept during
 39 long winters, but comes to life when the days lengthen, the ice on the rivers goes out.
 40 Precipitation across the delta is variable, averaging 15–40 inches at lower elevations, and up to
 41 75 inches at higher elevations. The average annual temperature varies from 25° to 39°F.

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45

1 **Resource Inventory**

2
3 **Topography**

4 The Yukon–Kuskokwim Delta is the result of deposition of heavy sediment loads from the
5 glacial Yukon and Kuskokwim rivers. Within the lowlands, permafrost underlies much of the
6 landscape, except for major river terraces, alluvial fans, and active floodplains. Abundant
7 thermokarst lakes, meandering streams, and highly productive brackish marshes and wet
8 meadows characterize this flat coastal plain. Isolated basalt hills and volcanic cinder cones less
9 than 400 feet high punctuate the landscape. Low escarpments, meander scars, oxbow lakes,
10 sloughs, and multiple channels and islands are found throughout the planning area.

11
12 **Minerals**

13 The planning area is split between the Bethel and Aniak Mining Districts. There are currently no
14 active mining operations within the plan boundary.

15
16 **Soils**

17 Much of the soils within the planning area are poorly developed. Soil infiltration is impeded by
18 discontinuous permafrost. Soils present tend to have a thick, organic surface layer and are
19 saturated. Lowland soils are more developed and consist of loess, sand, and gravelly alluvium
20 derived from mountainous regions as well as higher amounts of organic matter. Soil orders
21 present in the area are Gelisols, Histosols, Inceptisols, and Entisols. Fibristels, Hemistels,
22 Histoturbels, and Aquiturbels.

23
24 **Vegetation**

25 Vegetation near water bodies in the plan area include wet sedge meadows, sedge-shrub
26 meadows, and sedge-moss meadows. Peat mounds and other low uplands support low and dwarf
27 scrub dominated by ericaceous shrubs, tussock-forming sedges, other hydrophytic plants, and
28 mosses. Sites with better drainage and higher local relief support low ericaceous scrub with
29 mosses, lichens, low willows, and forbs. Dense stands of grasses grow on beds of drained thaw
30 lakes.

31
32 **Habitat**

33 The planning area falls within the southern portion of the West Alaska biogeographic region.
34 Within the larger biographic region, the Yukon-Kuskokwim Delta is categorized as wet maritime
35 tundra. Maritime tundra is dominated by prostrate heath-scrub type communities interspersed
36 with grass and forb meadows, with willows and alders present in the protected swales. Grass and
37 forb meadows composed of mesic, graminoid communities are dominated by tussock-forming
38 sedges in some areas, or by bluejoint, which forms meadows with codominant herbaceous
39 species. Dwarf scrub communities of the maritime tundra are composed of low shrubs, grasses,
40 and lichens. Tall scrub communities are dominated by willows.

41
42 The coastal areas are flat, treeless, and extremely wet. Sedge or sedge-tussocks can dominate
43 these areas due to the wet soils. In the better-drained areas upriver and to the east, white spruce,
44 willows, alder, and paper birch may occur. Grasses grow on drier microsites and spruce-
45 hardwood forests occur in up-river valleys. In the transitional area between arctic and subarctic

1 tundra, diversity of tundra plants is high due to the historical connection to Asia and the presence
2 of both acidic volcanic rock and limestone.

3
4 The waterways, riparian zones, and their resources sustain large and diverse populations of fish
5 and wildlife throughout the planning area. For aquatic species, both anadromous and resident
6 fish, water provides migratory routes, spawning and rearing habitats, overwintering habitat, and
7 refugia. Terrestrial wildlife also derives many benefits from freshwater aquatic habitats and
8 riparian areas, including water itself, shelter, nesting and breeding areas, and important seasonal
9 or daily transportation and migration corridors. Lakes and ponds with no surface connection to
10 another water body are more likely to contain unique biota due to temporal isolation.

11
12 Riparian zones provide several functions directly related to aquatic habitats. They contribute
13 large woody debris, provide leaf litter for primary consumer production, filter sediments and
14 pollution, reduce wind, and regulate water temperature through shading and heat retention. They
15 also provide streambank and floodplain integrity and stability via vegetative root systems.
16 Although the functional boundary of a riparian area adjacent to a waterbody varies in relation to
17 local flow regime, elevation, soils, and vegetation, the overall importance of riparian zones for
18 fish and wildlife is certain.

19
20 The importance of freshwater aquatic species, such as fish, is apparent. Alaska's resident and
21 anadromous fish use distinct microhabitats and often move between them with regular
22 periodicity. This movement can occur seasonally, annually, or be associated with different life
23 stages. For example, depending on species and life stage, fish use different habitats as juveniles
24 (i.e., for rearing) than they do as adults for spawning. Shifts in use can also be related to water
25 temperature, water level, and photoperiod. As temperatures decrease in the fall, for example,
26 Alaska's freshwater fishes usually move from summer habitats to overwintering areas that offer
27 different habitats.

28 29 **Marine Mammals**

30 All marine mammals are protected under the Marine Mammal Protection Act. NOAA Fisheries
31 has jurisdiction over approximately 119 marine mammal species, while the U.S. Fish and
32 Wildlife Service has jurisdiction over polar bears, walruses, sea otters, manatees, and dugongs.
33 Marine mammals protected under the Endangered Species Act that have a listed range into
34 Kuskokwim Bay include Bearded Seals, Fin Whales, Humpback Whales, North Pacific Right
35 Whales, Ringed Seals, Sperm Whales, and Stellar Sea Lions. Other marine mammals with a
36 listed range inside the planning area include beluga whale, Dall's porpoise, harbor porpoise,
37 harbor seal, killer whale, minke whale, Pacific white-sided dolphin, ribbon seal, and spotted seal.

38
39 Harbor seal, spotted seal, and ribbon seal may be found within the Kuskokwim Bay. Harbor seals
40 are one of the most common marine mammals found on the United States East and West coasts.
41 The range of the Bristol Bay harbor seal stock is the stock most likely to be found in the planning
42 area. They feed on fish, shellfish, and crustaceans within marine, estuarine, and occasionally
43 fresh waters. Harbor seals can be found hauled out, often in groups, on drifting glacial ice, reefs,
44 rocks, and beaches.

1 Spotted seals within the planning area belong to the Alaska stock, the only stock found in United
2 States waters. They feed primarily on fish and crustaceans and can be found hauled out on the
3 edge of sea ice during winter, small ice floes during spring, and coastal areas during summer and
4 fall.

5
6 Ribbon seals in the area belong to the Alaska stock, the only stock found in United States waters.
7 They spend a lot of their time in the open ocean but use the Bering Sea ice front during spring for
8 whelping (birthing), and some seals move north as the ice recedes from May to mid-July to
9 continue use of the sea ice edge.

10
11 The Bering Sea stock of harbor porpoise is the population most likely to be found within the
12 planning area. While they occasionally appear within deeper waters, they are frequently found
13 within waters less than 328 ft deep. Harbor porpoise feed primarily on schooling fishes such as
14 mackerel and herring; however, they will also eat squid and octopus.

15
16 Dall's porpoise found in the planning area are part of the Alaska stock. Dall's porpoise prefer
17 waters deeper than 656 ft and can be found inshore, nearshore, or offshore in waters as deep as
18 8,202 ft. Dall's porpoise dive to depths up to 1,640 ft to prey on schooling fish such as hake,
19 herring, and anchovies. They also prey on mid- and deep-water fish, cephalopods, and
20 crustaceans.

21
22 The Bristol Bay stock of beluga whales is most likely to be found in the southern portion of the
23 planning area year-round; however, beluga whales from the Eastern Bering Sea, Eastern Chukchi
24 Sea, and Beaufort Sea stocks are known to overwinter within the Bering Sea and may be found
25 near the Proposed Action area. Beluga whale distribution is dependent upon many factors,
26 including ice cover, tidal conditions, access to prey, temperature, and human interaction. Beluga
27 whales feed on a wide variety of prey depending on availability, including salmon, eulachon,
28 cod, herring, smelt, flatfish, octopus, squid, crabs, shrimp, clams, and snails.

29
30 The Eastern North Pacific Alaska Resident stock and Gulf of Alaska, Aleutian Islands, and
31 Bering Sea Transient stock of killer whale are most likely to be found within Kuskokwim Bay.
32 Resident killer whales differ from transient killer whales in terms of morphology, ecology,
33 genetics, and behavior. Resident killer whales feed exclusively on fish, and transient killer
34 whales eat primarily marine mammals and squid.

35
36 The Alaska stock of minke whale is the population most likely to be found within the plan
37 boundary. In the northern part of their range, minke whales are thought to be migratory, typically
38 traveling in groups of two to three. They are opportunistic predators that prey on a variety of
39 species, including crustaceans, plankton, and small schooling fish.

40
41 The North Pacific stock of Pacific white-sided dolphin is the population most likely to be found
42 within the planning area. Pacific white-sided dolphins live in the open ocean and can also be
43 found in nearshore waters. They feed on squid and small schooling fish such as capelin, sardines,
44 and herring.

1 **Fisheries**

2 The Alaska Department of Fish and Game oversees the state fishery management areas
3 throughout the state. The planning area falls within the state’s Kuskokwim Management Area
4 (KMA), which includes sport, commercial, subsistence, and personal use fisheries. Other state-
5 managed fisheries within the KMA include subsistence herring. The Kuskokwim River is a
6 natural habitat for all five salmon species, whitefish, sheefish, and burbot. More than 20 fish
7 species have been documented in the plan area. Pacific salmon, sheefish, broad and humpback
8 whitefish, Arctic grayling, northern pike, and burbot are major targets of subsistence, sport,
9 and/or commercial fisheries.

10
11 Fishing efforts in state fisheries are primarily focused on salmon. The KMA is composed of three
12 active commercial salmon fishing districts, all of which occur within the action area: District 1,
13 District 4, and District 5. Sockeye, Chinook, chum, pink, and coho salmon have been harvested
14 within the KMA. In recent years, Chinook and chum salmon returns within the Kuskokwim
15 River have been inconsistent. Chinook salmon runs in 2012, 2013, and 2014 were the lowest
16 three on record. Escapement made a slight rebound, reaching a nearly average run total in 2019,
17 only to significantly decline again in 2020 and 2021. Chum salmon return numbers remained
18 near average between 2007 and 2019. However, 2020 numbers were well below average, and
19 2021 was the lowest on record. Sockeye salmon abundance in 2021 was mixed throughout the
20 Kuskokwim River drainage and ranged from average to below average. Reliable coho salmon
21 return numbers are not available for the region, but available data suggests that returns have been
22 average to below average since 2016.

23
24 Listed as a Species of Conservation Need, Alaska Blackfish are only found in Alaska (central
25 and western regions) and eastern Siberia. They are important prey for mink, otter, and loons, and
26 are harvested as subsistence foods extensively on the Yukon-Kuskokwim Delta. They live in
27 bogs, swamps, sloughs, and wetlands in summer, and migrate into deeper lakes in winter. They
28 have a modified esophagus capable of gas absorption and can tolerate extremely low oxygen
29 levels by gulping air. They can also tolerate freezing water temperatures.

30
31 **Birds**

32 On the Yukon-Kuskokwim Delta, the combination of lakes, streams, tidal flats, wet tundra, and
33 sedge flats supports abundant populations of waterfowl and shorebirds, including more than 20
34 species of waterfowl and 10 species of shorebirds that breed here. The maritime tundra of the
35 Yukon-Kuskokwim Delta of western Alaska is one of the nation’s most important nesting areas
36 for geese. The Yukon Kuskokwim Delta is home to 50 percent of the world’s black brant, much
37 of the world’s population of emperor geese, all North America’s nesting cackling geese, and a
38 high density of nesting tundra swans. The threatened Spectacled Eider breeds here. Additionally,
39 scaup, common eider, spectacled eider, northern pintail, green-winged teal, northern shoveler,
40 Bristle-thighed Curlew, Bar-tailed Godwit, black turnstone, red knot, semipalmated sandpiper,
41 and dunlin can be found within the Yukon Kuskokwim Delta. Most of the world’s Bristle-
42 thighed Curlews breed in western Alaska’s hilly transitional zone between low-lying maritime
43 and alpine tundra. This habitat is particularly important in sustaining existing healthy populations
44 of this species.

1
2 **Subsistence**

3 The planning area is located within the Kuskokwim area for subsistence fishing and the
4 Kuskokwim Management Area (KMA), which includes sport, commercial, subsistence, and
5 personal use fisheries.
6

7 The Kuskokwim is a significant salmon fishery and serves as the running grounds for chinook,
8 chum, sockeye, pink, and coho salmon. The Kuskokwim River subsistence salmon fishery is one
9 of the biggest subsistence fisheries in the state, with more than 1500 households currently fishing
10 and many more involved in processing. For the Kuskokwim Management Area, 2010 to 2014
11 surveys identified that salmon contributed 40 percent of the total subsistence resource harvest
12 within Kuskokwim River communities, broken up as 65 percent within middle and upper river
13 communities and 25 percent within lower river communities. While subsistence salmon is the
14 predominate fishery on the river, and subsistence salmon fishing defines the summer activities of
15 most Kuskokwim River communities, Kuskokwim salmon have also been sold commercially
16 since 1913.
17

18 Licenses and permits have never been required for subsistence salmon fishing in the Kuskokwim
19 area. However, statewide eligibility criteria require individuals to be Alaskan residents for the
20 preceding 12 months before harvesting salmon for subsistence uses. Salmon utilized for
21 subsistence can be harvested by set and drift gillnets, beach seines, fish wheels, and rod and reel.
22 Generally, there are no restrictions on the number of salmon allowed to be taken by individual
23 fishers or households for subsistence in the Kuskokwim area. However, subsistence closures
24 during commercial fishing openings in the lower river region, as well as rolling subsistence
25 closures and openings river-wide, do occur in the Kuskokwim area.
26

27 **Recreation**

28 Tourism within the Yukon Kuskokwim Delta is limited. This is partially due to high costs
29 associated with transportation as well as limited accommodations, tourism-centric infrastructure,
30 and inconsistent and unreported weather that can restrict air travel. Despite this, the region offers
31 many forms of recreation and ecotourism, including access to the Yukon Delta National Wildlife
32 Refuge, the largest wildlife refuge in the United States; fishing; and events such as the
33 Kuskokwim 300 sled dog race.
34

35 **Historic and Cultural Resources**

36 The Alaska Heritage Resources Survey (AHRs) is an inventory of all reported historic and
37 prehistoric sites within the State of Alaska and is maintained by the Office of History and
38 Archaeology (OHA). The AHRs is used to protect cultural resource sites from unwanted
39 destruction. There are approximately 172 cultural sites within, or immediately adjacent to, the
40 plan boundary that have been recorded in the Alaska Heritage Resources Survey.
41

42 **Land Use and Economic Conditions**

43
44 **Access**

1 The planning area is not accessible to the rest of the state by road. The existing road network is
2 generally limited to intra-community travel, with water and air serving as the primary modes of
3 inter-community transportation.

4
5 Marine waters within the area experience varying levels of marine-based vessel traffic. Marine
6 vessels are typically associated with freight, fishing, transportation, and fuel delivery. Due to a
7 lack of interconnecting roads, the region’s local communities rely on barges for local commerce
8 and shipment of items not feasible to transport by air.

9
10 During summer months, when the rivers are navigable, shallow-draft barges and landing craft are
11 used to deliver cargo to villages within the Yukon Kuskokwim Delta. Small populations and
12 shallow waters make it difficult for large amounts of cargo to be transported at once. Goods are
13 typically delivered to a central city or village (Bethel), then distributed to smaller, outlying
14 communities. Marine infrastructure along the river systems is basic; in many locations, barges
15 and landing craft pull directly onto the shore for offloading.

16
17 The Port of Bethel handles an average of 9,000 tons of cargo annually. The port is owned and
18 operated by the City of Bethel. Barges as large as 400 ft long can be accommodated on the
19 primary dock face. The petroleum facility can berth a 380-ft barge, and it handles the bulk fuel
20 throughout the region. The Kuskokwim area commercial salmon industry also relies on the port
21 for most of its infrastructure and processing requirement.

22
23 Much of the Yukon Kuskokwim Delta has rivers, lakes, and other waterways that can be used by
24 float planes. As of 2023, Bethel, and Napaskiak have FAA registered seaplane landing areas.
25 Nearly all the communities within the planning area have an Alaska Department of
26 Transportation and Public Facilities or other government-controlled public airport, as well as
27 numerous additional Federal Aviation Administration-registered public and private runways.
28 Oscarville relies on the Napaskiak airport for passenger, mail, and cargo air services.

29 30 **Historical and Present Uses and Activities**

31
32 The Yukon Kuskokwim Delta area is the heart of the area traditionally inhabited by the Yup’ik
33 people. The area has large areas of relatively undisturbed ecosystems that support a diverse array
34 of species. The area is almost entirely intact, with minimal development around several small
35 communities along the rivers and coast. The Kuskokwim River system and surrounding
36 landscape provide important fisheries, waterfowl habitat, and plant communities that provide
37 major sources of subsistence resources for local communities. The river provides a major
38 transportation route for the region as ground transportation within the area is difficult.

39
40 With a population of approximately 3500 people, the City of Bethel is the hub community for the
41 Kuskokwim River drainage. It serves many needs of the smaller villages along the Kuskokwim
42 and Yukon Rivers. The Bethel waterfront is the commercial hub utilized by the visitors and
43 residents alike. Although many of the villagers travel by airplane, most travel is by boat on the
44 Kuskokwim River.

1 The federal government is the majority landowner in the area, with the USFWS managing
2 approximately 74% of the Yukon Kuskokwim Delta ecoregion. Private landowners, including
3 Alaska Native corporations hold approximately 24% of the land in the area; while the State of
4 Alaska owns approximately 2% of the land, with most of that land being tide and submerged
5 lands acquired under the Tide and Submerged Lands Act of 1953 and the Equal Footing
6 Doctrine.

7 8 **Local Government and Zoning**

9 City Governments within the planning area include the City of Eek, the City of Napakiak, the
10 City of Napaskiak, the City of Bethel, the City of Nunapitchuk, the City of Kwethluk and the
11 City of Akiak.

12
13 While Bethel and Eek have comprehensive plans that outline community issues, goals, and
14 growth, Bethel is the only community within the planning area that has listed ordinances and
15 zoning.

16 17 **Economic Conditions in the Subject Area**

18 Socioeconomic resources affected by the Proposed Action are primarily within the Bethel
19 Census Area. Communities located within the planning area that are part of the Bethel Census
20 area includes Tuntutuliak, Eek, Napaskiak, Bethel, Oscarville, Atmautluak, and Nunapitchuk.

21
22 A majority of Bethel’s economy originates from regional services such as government
23 administration, transportation, freight, and social services. One of the few non-government
24 sources of revenue for the region is commercial fisheries. The Coastal Villages Region Fund is a
25 non-profit group that allocates revenue from fishing rights from the federal government to create
26 jobs, build infrastructure, and fund education.

27
28 Aside from Bethel, the economies of the remaining communities are based on subsistence. The
29 principal industry is local government jobs. However, other employment opportunities exist such
30 as retail. Communities near the planning area have mixed economies in which households rely
31 on cash income and subsistence resources.

32 33 34 **Areawide Management Guidelines**

35 ADNR will use the following guidelines when considering issuing authorizations and
36 conveyances or making management decisions on state land throughout the plan area. These
37 guidelines will also apply to emerged islands and navigable waterbodies when they are
38 determined to be state-owned.

39 40 **General Guidelines**

- 41 • State land will be managed to protect access and public resources. The types of resources
42 to be protected include, but are not limited to, habitat, recreation, water quality,
43 watersheds, and trails.
- 44 • All authorizations for use of state land within the planning area will be consistent with
45 the management intent in this plan.
- 46 • State land will remain open to mineral entry unless specifically closed.

- 1 • In considering authorizations for the use of state land, ADNR will adjudicate applications
- 2 to:
- 3 ○ minimize damage to streambeds, fish and wildlife and their habitats, vegetation,
- 4 trails, and other resources;
- 5 ○ minimize conflicts between resource conservation and use; and
- 6 ○ protect the long-term value of the resource, public safety, and the environment.
- 7 • If authorizations from other agencies are required, ADNR will consider issuing a permit
- 8 or lease contingent upon issuance of these other authorizations.
- 9 • Protect significant cultural resources through the following actions:
- 10 ○ The Office of History and Archology (OHA) within the Department of Parks and
- 11 Outdoor Recreation (DPOR) reviews authorizations, construction projects or land
- 12 uses for potential conflict with cultural resources. The office determined if there
- 13 may be an adverse effect on heritage resources and makes recommendations to
- 14 mitigate these effects.
- 15 ○ Cooperating with concerned government agencies, Alaska Native corporations,
- 16 statewide or local group, and individuals to develop guidelines and
- 17 recommendations on how to avoid or mitigate identified or potential conflict.
- 18 ○ Require the establishment of buffers (50’ or greater) around significant cultural
- 19 resources as part of the overall protection process when using state lands.
- 20
- 21

22 **Unit Specific Management Guidelines**

23
24 This section presents specific land management guidelines for each of the seven management
25 units within this plan. This plan designates state lands in categories that are generally consistent
26 with current use patterns and the most significant resources in the planning area. Guidance by
27 unit is organized in a Resource Allocation Table (RAT).

28 **Organization of the Resource Allocation Table**

- 29
- 30
- 31 • Unit number and geographic description.
- 32 • Land Use Designations which describe the general management direction for specific
- 33 parcels (units) of state land.
- 34 • Management Intent, which consists of an explanation of how specific units of state land
- 35 are to be managed. Management intent language gives additional specificity to the
- 36 general management direction provided by the land use classifications.
- 37 • Parcel specific management direction for state land.
- 38

39 A land use designation recognizes uses or resources that are of major importance within a
40 management unit. Unit designations are based on readily available resource information; current
41 and projected use patterns; and input from the public, organizations, agency staff, and other
42 sources. Activities and authorizations identified in units as “designated uses” may take
43 precedence over other uses that are authorized subsequent to designation.

1 The designations in the RAT convert to classifications identified under Title 11 of the Alaska
2 Administrative Code. Multiple designations may be applied to a single unit. ADNR will manage
3 activities in the unit to encourage, develop, or protect the uses or resources for which the unit is
4 designated; however, all state land is intended for multiple use and should be managed in a
5 manner that is consistent with this mission. Although some uses are designated, other uses may
6 still be allowed in a given unit. ADNR will manage state land according to these designations
7 and the equivalent land use classifications.
8
9

10 **Designations Used in this Plan**

11
12 State tidelands are to be managed to: 1) protect sensitive tideland resources; 2) maintain
13 opportunities for commercial, recreational, and subsistence harvest; and 3) ensure the
14 continuation of important recreational activities. They will also be managed to allow for
15 shoreline development in areas adjacent to communities where residential or
16 commercial/industrial uses are considered appropriate by the local unit of government or
17 appropriate land manager, or at specific sites where some form of development occurs or is
18 planned.
19

20 **General Use – Gu**

21 This designation is applied to land that contains a variety of resources, none of which is
22 sufficiently high value to merit designation as a primary use, or is large enough to accommodate
23 a variety of uses with appropriate siting and design considerations. General use may also apply
24 where there is a lack of resource, economic, or other information with which to assign a specific
25 land use designation, and/or where there is a lack of current demand implying that development
26 is unlikely within the planning period. Uplands with this classification are available for
27 conveyance to municipalities, unless stated otherwise in the unit’s management intent, but cannot
28 be sold to individuals. Land designated General Use is to be retained by the state during the
29 planning period unless affected by a municipal entitlement selection, and is only to be conveyed
30 to a municipality if the adjudicatory decision determines that this conveyance is consistent with
31 the requirements of AS 29.65. Tidelands with this designation cannot be conveyed except to
32 municipalities under AS 38.05.820 and AS 38.05.825.
33

34 The General Use designation would apply to tidelands, shorelands, and submerged lands not
35 designated in tideland management units or tidelands resource management zones for specific
36 habitat, harvest, economic, or recreation functions. These areas are generally considered to
37 appropriate for a wide variety of uses such as set net sites, mariculture facilities, or other typical
38 uses of tidelands. Most tidelands and submerged lands within the planning area are recognized to
39 contain important subsistence, recreational, or commercial fisheries. Areas not specifically
40 identified with a designation on the plan maps, not otherwise classified in this plan, or that are
41 acquired by the state subsequent to the approval date of this plan, are designated General Use
42 (unless circumstances of the acquisition dictate otherwise). Lands designated General Use
43 converts to a classification of Resource Management.
44

45 **Habitat - Ha**

1 State tidelands designated Habitat (Ha) will be managed to protect sensitive habitats and areas
2 important for fish and shellfish habitat, marine mammal concentration sites, wildlife movement
3 corridors, and subsistence areas. Habitat designations are often applied to estuarine areas, the
4 mouths of anadromous streams, special management areas that contain a rich diversity and
5 concentration of fishery and wildlife resources, and to certain rocks and islands used for marine
6 mammal rookeries and haulouts.

7
8 They are also used as a co-designation with Public Recreation and Tourism-Dispersed for
9 tidelands and tide and submerged lands adjacent to federal conservation system units. The
10 Habitat designation is also applied to areas within Critical Habitat Areas (CHAs). Development
11 authorizations may be granted in areas designated Habitat, but their sensitive fisheries or wildlife
12 resources must be protected. Development authorizations within CHAs must meet the specific
13 standards identified in AS 16.20.530. Land designated Habitat is to be retained by the state. Land
14 designated Habitat converts to a classification of Wildlife Habitat Land.

15 16 **Public Recreation and Tourism-Dispersed - Rd**

17 State tidelands designated Public Recreation and Tourism-Dispersed (Rd) applies to areas that
18 are widely used for recreation by either commercial recreation operators or the public, and are
19 usually associated with the use of fisheries or the viewing of a unique or scenic area. Use
20 patterns are dispersed over a large area, and few public facilities are provided other than boat
21 launches, docks, and mooring buoys.

22
23 This designation is applied as a co-designation with Habitat in the for tidelands and tide and
24 submerged lands adjacent to federal conservation system units. Development authorization may
25 be granted in areas designated Rd but must ensure that public trust doctrine resources and public
26 recreation values are maintained. Prior to issuing an authorization, DNR should consult with
27 federal agency staff. Land designated Public Recreation and Tourism-Dispersed is to be retained
28 by the state. Land designated Public Recreation and Tourism-Dispersed convert to a
29 classification of Public Recreation Land.

30 31 **Waterfront Development - Wd**

32 State tidelands adjacent to communities will be managed to accommodate that development
33 considered appropriate in local land use plans or zoning maps and are designated Waterfront
34 Development (Wd). The Wd designation is applied in tidelands with intensive commercial or
35 industrial uses, where such uses can be expected, or where tidelands are adjacent to uplands with
36 a residential land use pattern, or where such uses can be anticipated. Tidelands may be conveyed
37 to municipalities, but not to private individuals. Land designated Waterfront Development
38 converts to a classification of Waterfront Development Land.

39 40 **Classification**

41
42 To implement the plan on state lands, ADNR must classify state lands to reflect the intent of land
43 use designations made by this plan. State law requires that land classification precede most
44 conveyance or leasing of state uplands or tidelands. According to state statute, classification
45 means, the designation of lands according to their apparent best use. It identifies the primary use
46 for which the land will be managed, but all other uses are initially presumed as compatible with

1 the primary use. For this reason, all plan classifications are intended for multiple uses. In some
2 instances, more than one designation is identified; these are termed co-designations and indicate
3 that two (or more) uses are considered to be compatible within a specific management unit of
4 state land. Compatibility of uses should be able to be achieved through separation, or siting and
5 design techniques that should reduce or preclude the undesirable effects of a particular use.
6

7 Following is a list of land classifications, and their associated definitions in Alaska regulations
8 (the Alaska Administrative Code – AAC), which apply to state lands in the planning area as a
9 result of plan adoption. ADNR will manage state lands and resources consistent with these
10 classifications and with the management directions given in the Resource Allocation Table for
11 specific management units of state land.
12

13 **11 AAC 55.160. Public Recreation Land**

14 Land classified public recreation is land that is suitable for recreation uses, waysides, parks,
15 campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts
16 along bodies of water or roadways.
17

18 **11 AAC 55.200. Resource Management Land**

19 Land classified resource management is either: 1) land that might have a number of important
20 resources, but for which a specific resource allocation decision is not possible because of a lack
21 of adequate resources, economic, or other relevant information; or for which a decision is not
22 necessary because the land is presently inaccessible and remote and development is not likely to
23 occur within the next 10 years; or 2) land that contains one or more resource values, none of
24 which is of sufficiently high value to merit designation as a primary use.
25

26 **11 AAC 55.230. Wildlife Habitat Land**

27 Land classified wildlife habitat is land which is primarily valuable for: 1) fish and wildlife
28 resource production, whether existing or through habitat manipulation, to supply sufficient
29 numbers or diversity of species to support commercial, recreational, or traditional uses on an
30 optimum sustained yield basis; or 2) a unique or rare assemblage of a single or multiple species
31 of regional, state, or national significance.
32

33 **11 AAC 55.215. Waterfront development land**

34 Land classified waterfront development is tideland, submerged land, or shoreland that is suitable
35 to be used for commercial or industrial activities such as fish processing, aquatic farming,
36 mineral and log transfer facilities, or commercial recreation.
37
38
39

1 Resource Allocation Table

2

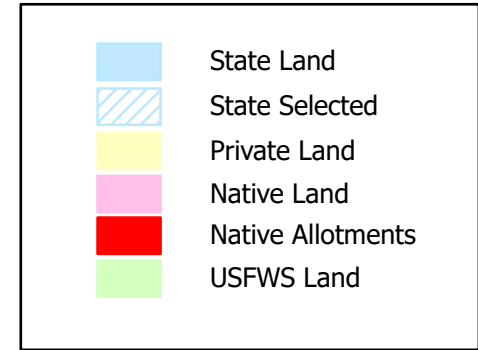
Unit #	Designation(s)	Map	Acres	Management Intent	Resources and Uses
L-01	Ha, Rd	Map 1-2	423,356	<p>This unit is to be managed for a variety of uses, including protection of fish and wildlife habitats, harvest opportunities, dispersed recreation, and commercial fishing. Protect the continued use of a waterway by the public for purposes of trade, travel, and commerce. Retain in state ownership.</p> <p>Intensive development is not intended within this unit. Authorizations related to recreation, public safety, utilities, communication lines, and other projects providing a public benefit may be appropriate, subject to protections for habitat, harvest, and recreation values.</p> <p>Tidelands adjacent to the Yukon Delta National Wildlife Refuge are to be managed to protect sensitive habitat values, fisheries and wildlife resources, and the public recreation resources of the National Wildlife Refuge.</p> <p>ADNR shall consult with ADF&G, USFWS, and NOAA regarding critical or sensitive habitats and threatened or endangered species prior to issuing an authorization.</p> <p>There are numerous emerged islands within the unit that are undergoing determination. If the islands are determined to be state land, the Ha, Rd designation is extinguished and replaced with Gu.</p> <p>Protect known heritage sites and cultural resources.</p> <p>Retain RS 2477 routes.</p>	<p>This large unit contains most of the tide, submerged, and shorelands within the plan boundary.</p> <p>This is highly productive maritime habitat that hosts a wide variety of species. Multiple threatened and endangered marine mammals including Bearded Seals, Fin Whales, Humpback Whales, North Pacific Right Whales, Ringed Seals, Sperm Whales, and Stellar Sea Lions occur throughout Kuskokwim Bay. Small crangonid shrimp are found in the southern Kuskokwim and Eek Channels, Kuskokwim Bay, the southern portion of the Kuskokwim River, and up towards the Northeastern Fish Camp Island. Pacific herring and capelin are found in the southern portion of the plan boundary in the Kuskokwim Bay, Eek Channel and Kuskokwim Channel. Opossum shrimp are distributed throughout the southern Kuskokwim and Eek Channels, the Kuskokwim Bay, and can be found around the Northeastern Fish Camp Island. Fishing for Tanner and King Crab is concentrated in the southern portion of the plan boundary in the Kuskokwim Bay, Eek Channel and Kuskokwim Channel. All species of Salmon are widely distributed throughout the unit.</p> <p>Subsistence use salmon set net and drift net points exist in the northeastern section of the unit. Nunapitchuk Community subsistence activities occur in the northern section of the unit and Kwigillingok Subsistence Community subsistence activities occur in the southwestern part of the unit along the Kuskokwim River</p> <p>Known fall and spring concentrations of geese, and known molting, fall and spring concentrations of ducks are widely distributed throughout the unit.</p> <p>The Alaska Heritage Resources Survey (AHRs) indicates cultural resources within the unit.</p>
L-02	Wd	Map 1-2 Map 1-3	3,260	<p>The unit is to be managed to accommodate tideland commercial and industrial uses. Material extraction is an allowed use.</p> <p>It is unlikely that all of the area within this unit will be used for future commercial and industrial tideland uses. A fairly large area of tidelands is designated Waterfront Development given the uncertainty of the exact location of future facilities needed to support this local communities.</p>	<p>This unit is comprised of seven smaller units adjacent to the communities of Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, and Eek. Prior and existing uses include the placement and operation of private, commercial and community structures and infrastructure.</p> <p>All of the subunits are within anadromous waters.</p>

Unit #	Designation(s)	Map	Acres	Management Intent	Resources and Uses
				<p>Authorizations for activities or development that would significantly interfere with the continued use of a waterway by the public for purposes of trade, travel, and commerce are not allowed.</p> <p>Adjudicators should consult with ADF&G prior to issuing authorizations to identify sensitive habitats.</p> <p>Protect known heritage sites and cultural resources.</p> <p>Retain RS 2477 routes.</p>	<p>The Alaska Heritage Resources Survey (AHRS) indicates cultural resources within the unit.</p>

1

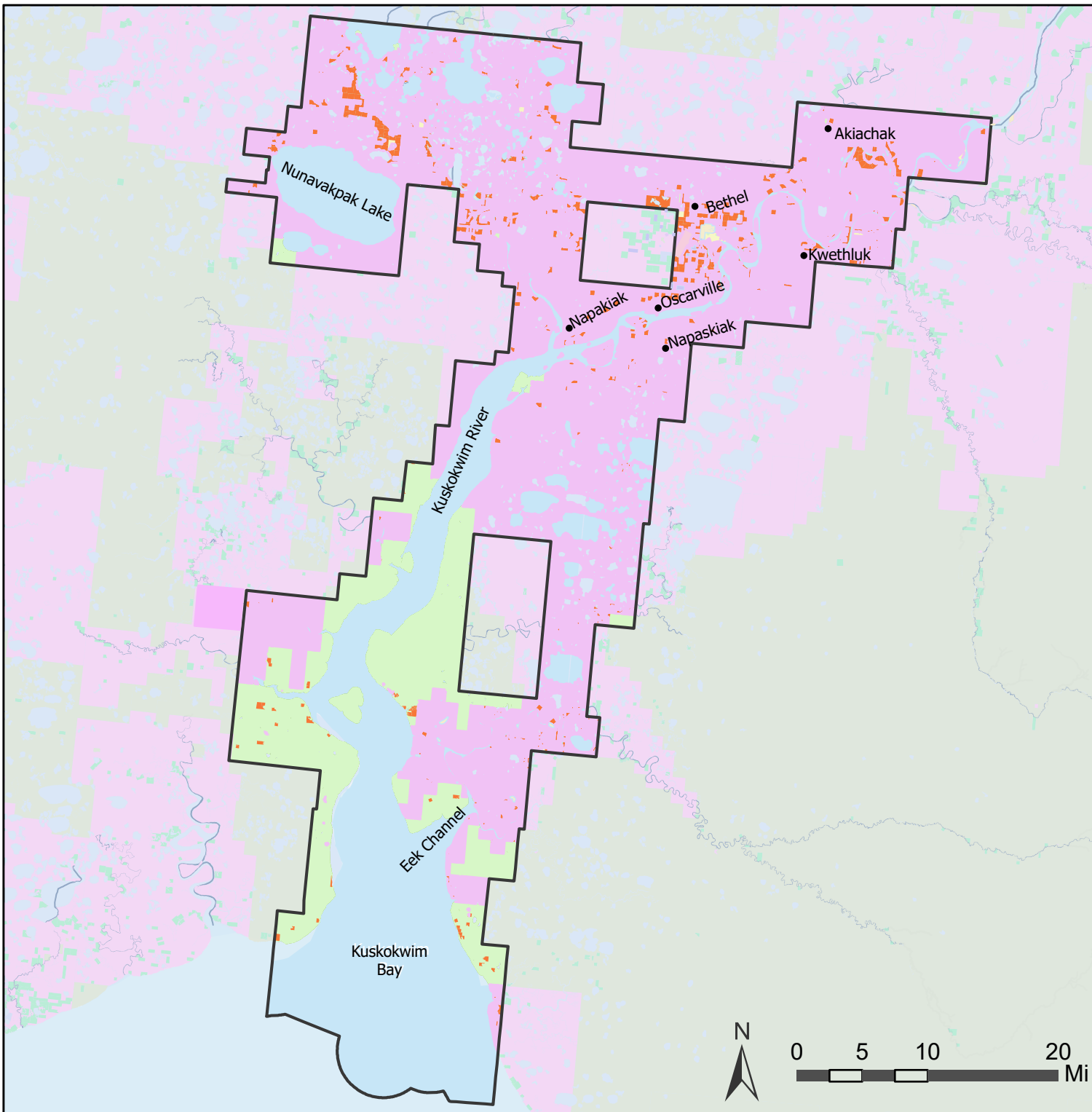
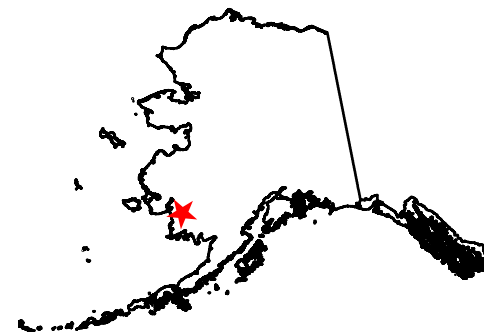
Lower Kuskokwim Site Specific Plan Land Status

Map 1-1



Land use designations only apply to land owned by the Alaska Department of Natural Resources, as indicated by the management units on this map. There are other parcels contained within these units but the designation does not apply to these non-state lands. This map is for graphic representation only and is intended to be used only as a guide.

Created: April 18
RA, DNR, DMLW, RADS
Projected Coordinate System: NAD 1983
UTM Zone 6 North



Lower Kuskokwim Site Specific Plan

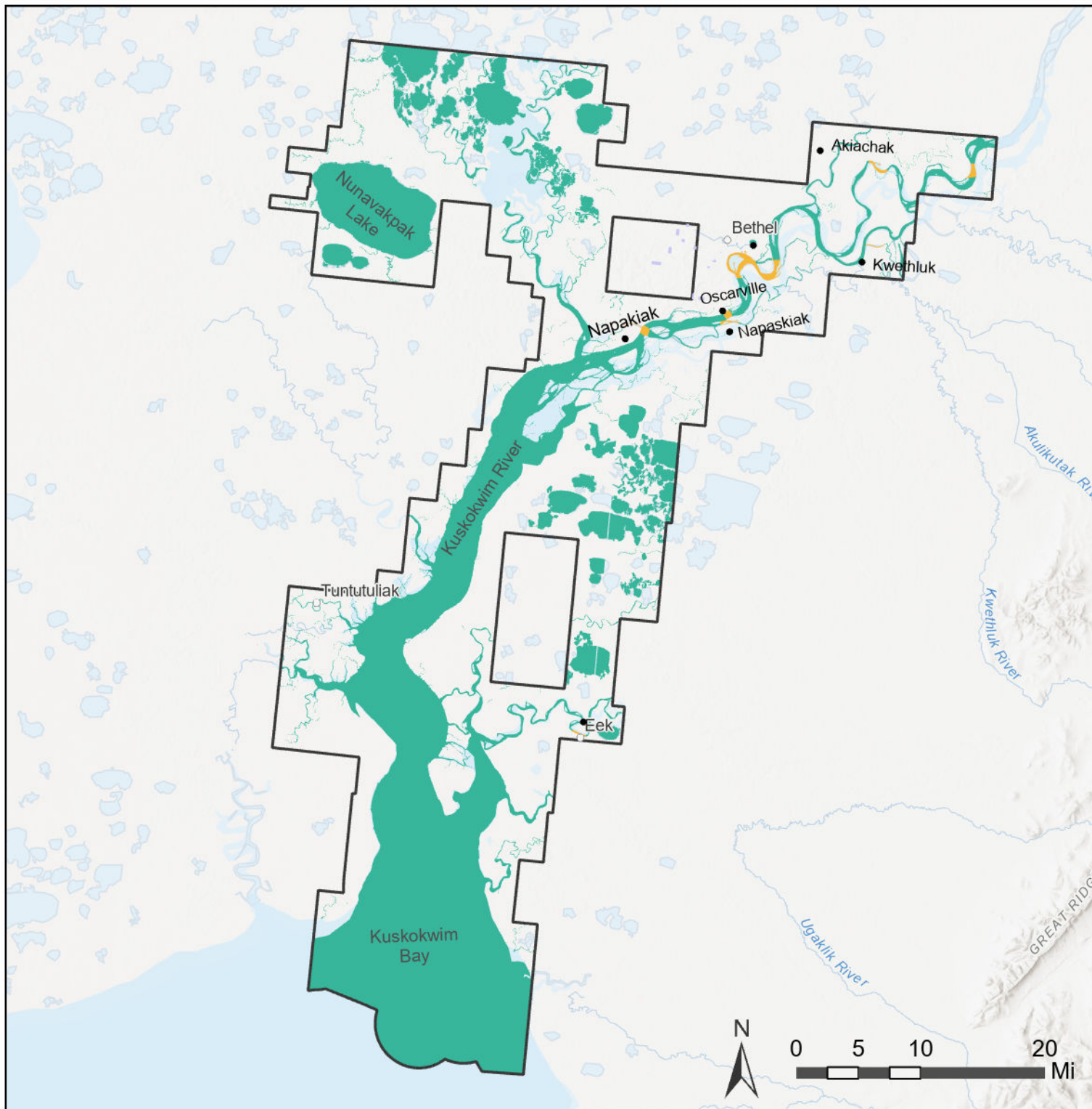
Map 1-2

Management Units



Land use designations only apply to land owned by the Alaska Department of Natural Resources, as indicated by the management units on this map. There are other parcels contained within these units but the designation does not apply to these non-state lands. This map is for graphic representation only and is intended to be used only as a guide.


Created: April 18
RA, DNR, DMLW, RADS
Projected Coordinate System: NAD 1983
UTM Zone 6 North

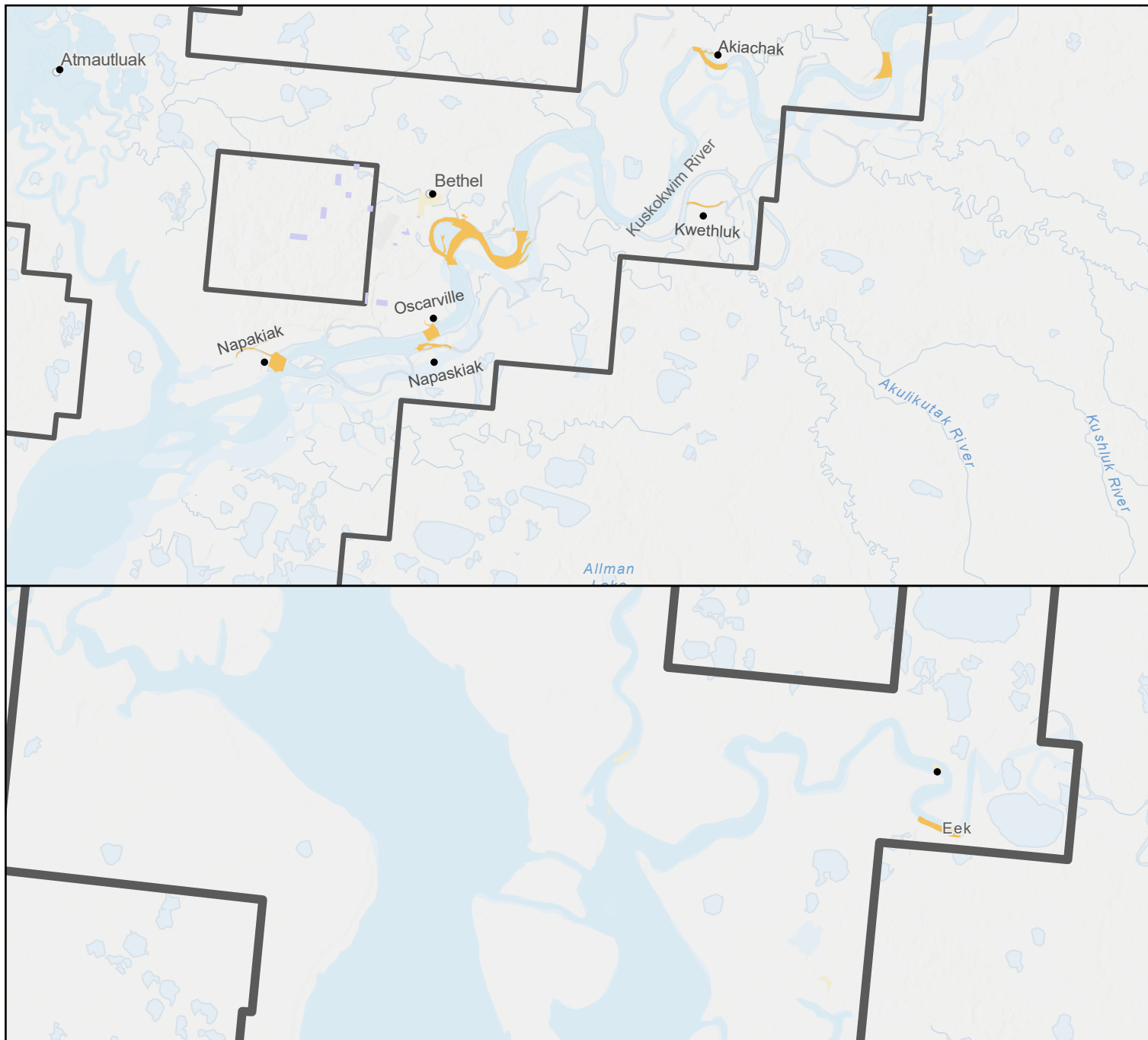


Lower Kuskokwim Site Specific Plan

Map 1-3

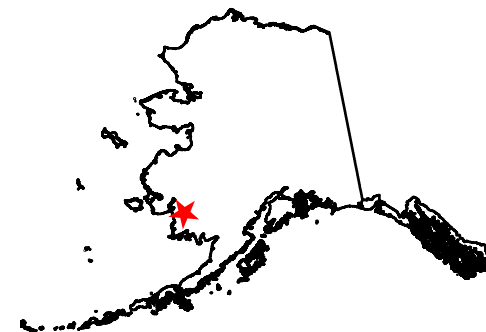
Management Unit

 L-01 Waterfront Development (Wd)



Land use designations only apply to land owned by the Alaska Department of Natural Resources, as indicated by the management units on this map. There are other parcels contained within these units but the designation does not apply to these non-state lands. This map is for graphic representation only and is intended to be used only as a guide.

Created: April 18
RA, DNR, DMLW, RADS
Projected Coordinate System: NAD 1983
UTM Zone 6 North



1 **Appendix A**
2 **Glossary**

3
4 **AAC.** Alaska Administrative Code

5
6 **Access.** A way or means of approach. Includes transportation, trail, easements, rights of
7 way, and public use sites.

8
9 **Adequate.** Sufficient for a specific need or requirement.

10
11 **ADF&G.** Alaska Department of Fish and Game

12
13 **ADNR.** Alaska Department of Natural Resources

14
15 **ADOT/PF.** Alaska Department of Transportation and Public Facilities

16
17 **Anadromous waters.** A river, lake or stream that is specified under AS 16.05.871(a) as
18 important for the spawning, rearing, or migration of anadromous fishes; or is not so specified
19 but has been determined to contain or exhibit evidence of anadromous fish. The anadromous
20 designation applies from the waterbody’s mouth to its uppermost specified point, including
21 all sloughs and backwaters adjoining the listed water, and that portion of the streambed or
22 lakebed covered by ordinary high water. Anadromous waters are shown in “The Atlas and
23 Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes”
24 (referred to as the Anadromous Waters Catalog (AWC)) compiled by ADF&G and adopted
25 by regulation.

26
27 **AS.** Alaska Statutes

28
29 **AWC.** Anadromous Waters Catalog, see “Anadromous waters”

30
31 **Buffer.** An area of land between two activities or resources managed and used to reduce the
32 effect of one activity upon another. These areas are usually vegetated or are required to be
33 re-vegetated if the original vegetation has been removed.

34
35 **Classification.** Land classification identifies the primary purpose for which state land will
36 be managed, subject to valid existing rights and multiple uses. (11 AAC 55.040(c)). Land
37 classifications are converted from plan designations through a Land Classification Order.
38 Other land uses may be authorized by the Department that do not conflict with the land use
39 plan (11 AAC 55.040(c)).

40
41 **Classification Order.** See “Land Classification Order”

1 **Closed to mineral entry.** Areas where the staking of new mineral claims is prohibited
2 because mining has been determined to conflict with significant surface uses in the area.
3 Existing mineral claims that are valid at the time of plan adoption are not affected by mineral
4 closures.

5
6 **Co-designation.** When more than one land use designation is identified in a management
7 unit. These two (or more) designations reflect uses or resources that are of equal importance,
8 are considered compatible within a specific management unit, and apply to the entirety of the
9 management unit. (See also “Land use designation”)

10
11 **Commissioner.** The Commissioner of the Alaska Department of Natural Resources

12
13 **ADEC.** Alaska Department of Environmental Conservation

14
15 **Department.** Alaska Department of Natural Resources or DNR

16
17 **Designated use.** An allowed use of major importance in a particular management unit.
18 Activities in the unit will be managed to encourage, develop, or protect this use. Where a
19 unit has two or more designated uses, the management intent statement and guidelines for the
20 unit; the general guidelines; and existing statutes, regulations, and procedures, will direct
21 how resources are managed to avoid or minimize conflicts between designated uses.

22
23 **Designation.** See “Land Use Designation”

24
25 **Dispersed recreation.** Recreational pursuits that are not site specific in nature, such as
26 hunting, fishing, recreational boating or wildlife viewing. The designation of “Public
27 Recreation-Dispersed” is used to indicate such uses where public recreation within a
28 management is especially great or significant. These types of uses are allowed on nearly all
29 state general domain land and are those uses that are permitted as Generally Allowed Uses in
30 11 AAC 96.020.

31
32 **Disposal.** Refers to the conveyance of state land or an interest in state land to another entity.
33 Disposal, as used in this plan, is meant to convey this general meaning.

34
35 **DPOR.** Division of Parks and Outdoor Recreation, a division of DNR

36
37 **Easement.** Generally, an interest in land owned by another that entitles its holder to a
38 specific limited use. Easements may be issued within areas that are designated by the plan to
39 be retained.

40
41 **Fish and wildlife.** Any species of aquatic finfish and amphibian, reptile, bird or mammal in
42 any stage of their life cycle found in or which may be introduced into Alaska, except
43 domestic birds and mammals. The term “area(s)” in association with the term “fish and
44 wildlife” refers to both harvest and habitat areas.

1 **Generally allowed use (GAU).** An activity conducted on state land managed by the
2 Division of Mining, Land and Water that is not in a special category or status. For the most
3 part these uses are allowed for 14 days or less, and a permit is not required (11 AAC 96.020).
4

5 **Guideline (or Management Guideline).** A course of action to be followed by ADNR
6 resource managers or required of land users when the manager permits, leases, or otherwise
7 authorizes the use of state land or resources. Guidelines also range in their level of
8 specificity from giving general guidance for decision making or identifying factors that need
9 to be considered, to setting detailed standards for on-the-ground decisions. Some guidelines
10 state the intent that must be followed and allow flexibility in achieving it.
11

12 **Habitat.** Areas that serve as a concentrated use area for a single or multiple species of fish
13 and wildlife during a sensitive life history stage or are highly important to the maintenance or
14 management of a single or multiple species of fish or wildlife. This designation, when used,
15 applies to localized areas having particularly valuable or sensitive habitat within the planning
16 boundary. The “Ha” designation does not preclude human uses that are compatible with the
17 following fish and wildlife categories. Also refers to the plan designation of Habitat or the
18 land classification of Wildlife Habitat Land.
19

20 **Land Classification Order.** An order approved by the Commissioner of the Department of
21 Natural Resources that classifies state land into specific land use categories (AS 38.04.065
22 and AS 38.05.300). The Land Classification Order in this Site Specific Plan classifies all
23 state lands within the planning area according to the land use designations assigned to
24 individual land parcels in the Resource Allocation Tables contained in this plan.
25

26 **Land use designation.** A category of land allocation determined by a land use plan.
27 Designations identify the primary use or uses of state land. See page 7, which sets out how
28 the land use designations of this plan will be classified according to 11 AAC 55. Referred to
29 in this plan as Designation. Designations are applied to state general domain land, but not
30 usually to Legislatively Designated Areas (LDAs). A designation is only applied where the
31 authorizing statute indicates that Title 38 (Public Land) authorities are to be retained for
32 certain aspects of LDA management or if the LDA is not completely removed from the
33 general public domain.
34

35 **Lease.** A Department of Natural Resources authorization for the use of state land according
36 to terms set forth in AS 38.05.070-105. The State Pipeline Coordinator’s Section holds
37 authority for surface authorizations that pertain to pipeline infrastructure as defined under in
38 AS 38.35.
39

40 **Management intent statement.** The statements that define the department’s near and long-
41 term management objectives and the methods to achieve those objectives. As most often
42 used in the plan, it refers to the management objectives and methods to achieve those
43 objectives for a management unit. Management intent statements function to provide more
44 specific guidance than that provided by a plan designation or land classification and are to be
45 interpreted as intended to be consistent with that designation or classification.

1
2 **Materials.** “Materials” include but are not limited to common varieties of sand, gravel, rock,
3 peat, pumice, pumicite, cinders, clay and sod. Materials may also refer to the designation of
4 Materials or the land classification of Materials Land.

5
6 **Mineral entry.** Acquiring exploration and mining rights under AS 38.05.185-38.05.275.

7
8 **Mining.** Any structure or activity for commercial exploration and recovery of minerals,
9 including, but not limited to resource transfer facilities, camps, and other support facilities
10 associated with mineral development. The term “mining” does not refer to offshore
11 prospecting.

12
13 **Mining claim.** Rights to deposits of minerals, subject to AS 38.05.185-38.05.275, in or on
14 state land that is open to claim staking may be acquired by discovery, location and recording
15 as prescribed in AS 38.05.185-38.05.275. The locator has the exclusive right of possession
16 and extraction of the minerals lying within the boundaries of the claim, subject to
17 AS 38.05.185 -38.05.275.

18
19 **Minor Change.** A minor change to a land use plan is not considered a revision under
20 AS 38.04.065. A minor change is a change that does not modify or add to the plan’s basic
21 intent, and that serves only to clarify the plan, make it consistent, facilitate its
22 implementation, or make technical corrections (11 AAC 55.030).

23
24 **Multiple use.** Means the management of state land and its various resource values so that it
25 is used in the combination that will best meet the present and future needs of the people of
26 Alaska, making the most judicious use of the land for some or all of these resources or
27 related services over areas large enough to provide sufficient latitude for periodic
28 adjustments in use to conform to changing needs and conditions; it includes:

- 29
30 a) the use of some land for less than all of the resources, and
31 b) a combination of balanced and diverse resource uses that takes into account the short-
32 term and long-term needs of present and future generations for renewable and
33 nonrenewable resources, including, but not limited to, recreation, range, timber, minerals,
34 watershed, wildlife and fish, and natural scenic, scientific, and historic values
35 (AS 38.04.910).

36
37 **Native-owned land.** Land that is patented or will be patented to a Native corporation.

38
39 **Native-selected land.** Federally owned land that is selected by a Native corporation but not
40 yet patented.

41
42 **Navigable.** Used in its legal context, it refers to lakes and rivers that meet federal or state
43 criteria for navigability. Under the Equal Footing Doctrine, the Alaska Statehood Act, and
44 the Submerged Lands Act, the state owns land under navigable waterbodies.

1 **Navigable Water.** Means any waterbody of the state that is navigable in fact for any useful
2 public purpose and as specifically described in AS 38.05.965(13).
3

4 **Ordinary high-water mark (OHW).** The mark along the bank or shore up to which the
5 presence and action of the non-tidal water are so common and usual, and so long continued
6 in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated
7 by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or
8 other distinctive physical characteristics (from 11 AAC 53.900(23)).
9

10 **Permanent use.** A use that includes a structure or facility that is not readily removable.
11 Permanent facilities are improvements that do not need to be removed and usually involve
12 the construction of a foundation for the improvement.
13

14 **Permit.** A Department of Natural Resources authorization for use of state land according to
15 terms set forth in 11 AAC 96.
16

17 **Primary use.** The primary intended use of state land or water, which is indicated through a
18 primary land use designation. In this plan there may be two compatible uses within a
19 management unit. When this occurs, it is represented by a co-designation. These types of
20 uses are most often expressed through a land use designation (see “Designation”) in this plan.
21

22 **Public Trust Doctrine.** A doctrine that requires the state to manage tidelands, shorelands,
23 and submerged lands for the benefit of the people so that they can engage in such things as
24 commerce, navigation, fishing, hunting, swimming, and ecological study. (See also
25 Appendix C)
26

27 **Public use.** Any human use of state land, including commercial and non-commercial uses.
28

29 **Recreation.** Any activity or structure for recreational purposes, including but not limited to
30 hiking, camping, boating, anchorage, access points to sport hunting and fishing areas, and
31 sightseeing. “Recreation” does not refer to subsistence hunting and fishing. See the term
32 Subsistence.
33

34 **Resource management.** A land designation or classification used for lands which are
35 presently inaccessible or remote and may have a number of resources; where the lack of
36 adequate resource, economic or other relevant information combined with the unlikelihood of
37 resource development within the next 20 years makes a specific resource allocation decision
38 unnecessary; or where a number of uses can be accommodated in a given area. In previous
39 land use plans, this designation was referred to as General Use.
40

41 **RS 2477.** RS 2477 stands from Revised Statute 2477 from the Mining Act of 1866, which
42 states that “The public right-of-way for the construction of highways over public lands, not
43 reserved for public use, is hereby granted.
44

45 **Right-of-way.** The legal right to cross the land of another.

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Shall. Same as “will.”

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

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

Site Specific Plan (SSP). A land use plan under AS 38.04.065, a Site Specific Plan is a planning document prepared in the absence of a regional plan, that states the management intent for each resource in the planning area, addresses impacts on adjacent land uses, and contains the following: a summary of existing land uses and ownership patterns; a discussion of resource potential and land uses on state lands and water; land classifications that set out primary uses; consideration of mineral potential, existing or potential conflicts; and, management guidelines and stated management intent, representing department polices to guide the actions of the department when making land use decisions, directing land management and ensuring compatibility among competing land uses (11 AAC 55.030(e)). Until land has been classified, a disposal or transfer of state land or an interest in state land will not be allowed (11 AAC 55.040(i)). This Site Specific Plan was adopted to meet the legal requirement for classification of state land prior to the proposed Ambler Road project, which would be a disposal of interest.

State land. A generic term meaning all state land, including all state-owned and state-selected uplands, all shorelands, tidelands and submerged lands. See also definitions of state-owned land and state-selected land as well as definitions for shorelands, tidelands, and submerged lands. ‘State Land’ excludes lands owned by the University of Alaska, the Mental Health Trust Authority, or by state agencies that have acquired through deed.

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

State-selected land. Federally owned land that is selected by the State of Alaska, but not yet patented nor Tentatively Approved (TA) by the Bureau of Land Management.

Submerged Lands. Land covered by tidal waters between the line of mean lower low water and seaward to a distance of three geographic miles or as may hereafter be properly claimed by the state. (AS 38.05.965) (See definition of Tidelands)

1
2 **Subsistence.** Subsistence is defined in Alaska state laws as the “non-commercial customary
3 and traditional uses of fish and wildlife.” See AS 16.05.940, especially subsections 30 and
4 31 (sport fishing), 32 (subsistence hunting), and 33 (subsistence uses) for further information.

5
6 **Suitable.** Land that is physically capable of supporting a resource development.

7
8 **Sustained Yield.** Means the achievement and maintenance in perpetuity of a high level of
9 annual or regular periodic output of the various renewable resources of state land consistent
10 with multiple use. (AS 38.04.910(12))

11
12 **Tidelands.** Lands that are periodically covered by tidal waters between the elevation of
13 mean high water and mean lower low water. (AS 38.05.965)

14
15 **Uplands.** Lands above mean high water.

16
17 **Wetlands.** Includes both freshwater and saltwater wetlands. “Freshwater wetlands” means
18 those environments characterized by rooted vegetation which is partially submerged either
19 continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt
20 content and not exceeding three meters in depth. “Saltwater wetlands” means those coastal
21 areas along sheltered shorelines characterized by salt tolerant, marshy plants and large algae
22 extending from extreme low tide which is influenced by sea spray or tidally induced water
23 table changes. Note: This definition may be inconsistent with the federal definition of
24 wetlands as applied by the U.S. Corps of Engineers.

25
26 **Will.** Requires a course of action or a set of conditions to be achieved. A guideline modified
27 by the word “will” must be followed by land managers and users. Deviation from plan
28 designations, management intent, or management guidelines requires a plan amendment
29 consistent with 11 AAC 55.040(f).

1 **Appendix B**

2
3 **STATE OF ALASKA**
4 **DEPARTMENT OF NATURAL RESOURCES**
5 **DIVISION OF MINING, LAND AND WATER**
6
7

8 **Land Classification Order No. SC-24-002**
9

10 I. Name: Lower Kuskokwim Site Specific Plan
11

12 II. The classifications in Part III are based on written justification contained the following
13 plan:
14

15 Site Specific Plan: Lower Kuskokwim
16 Adopted () Revised () Dated _____
17
18

III. Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this Action
See plan maps.		Tide and Submerged Land Act of 1953	None	Wildlife Habitat Public Recreation
		Equal Footing Doctrine		Waterfront Development General Use

19
20 IV. This order replaces and supersedes all existing land classification orders within the Lower
21 Kuskokwim Site Specific Plan boundary.
22

23 V. This order is issued under the authority granted by AS 38.04.065 and AS 38.05.300 to the
24 Commissioner of the Department of Natural Resources. The above-described lands are
25 hereby designated and classified as indicated. Nothing shall prevent the reclassification
26 of these lands if warranted in the public interest.
27
28
29

30 Classified: _____ Date: _____
31 Christianna Colles, Director
32 Department of Natural Resources
33

1 **Appendix C**
2 **Public Trust Doctrine**

3
4 The Public Trust Doctrine provides that public trust lands, waters, and living natural
5 resources in a state are held by the state in trust for the benefit of all the people, and
6 establishes the right of the public to fully utilize the public trust lands, waters, and resources
7 for a wide variety of public uses. Each state has the authority and responsibility for
8 managing these public trust assets to assure the public rights are upheld.

9
10 The Public Trust Doctrine applies whenever navigable waters or the lands beneath those
11 waters are altered, developed, conveyed, or otherwise managed. It also applies whether the
12 trust lands are publicly or privately owned. Shorelands below the ordinary high-water mark
13 are considered public trust lands. In summary, all lands beneath navigable waters, be they
14 shorelands, tidelands, or submerged lands out to the three mile limit are public trust lands.

15
16 The Alaska Constitution contains numerous provisions embracing principles of the Public
17 Trust Doctrine that require the state to exercise authority to ensure that the right of the public
18 to use navigable waters for navigation, commerce, recreation, and related purposes is
19 protected. In Alaska, the Public Trust Doctrine extends beyond those submerged lands in
20 which the state holds title to include all waters that are navigable. The state’s waters are
21 themselves reserved to the people for common use.

22
23 The Alaska Constitution (Article VIII, sections 1, 2, 3, 6, 13, and 14) and Alaska Statutes
24 (38.05.127 and 38.05.128) contain some of the provisions, which are the legal basis for
25 applying the Public Trust Doctrine in Alaska. In Alaska, this doctrine guarantees the public’s
26 right to engage in activities such as commerce, navigation, fishing, hunting, trapping, and
27 swimming, while also providing for the protection of areas for ecological study.

28
29 The Alaska Constitution provides that “free access to the navigable or public waters of the
30 state, as defined by the legislature, shall not be denied any citizen of the United States or
31 resident of the state, except that the legislature may by general law regulate and limit such
32 access for other beneficial uses or public purposes.” The Alaska Supreme Court has
33 concluded “the provisions in Article VIII [of the Constitution] were intended to permit the
34 broadest possible access to and use of state waters by the general public.” *Wernberg v. State*,
35 516 P. 2d 1191, 1198-9 (Alaska 1973). The Alaska legislature has broadly defined the
36 navigable and public waters available for public use in AS 38.05.965. Moreover, the
37 legislature has endorsed a broad interpretation of the Public Trust Doctrine in Article VIII of
38 Alaska’s Constitution in finding that:

39
40 “Ownership of land bordering navigable or public waters does not grant an exclusive right to
41 the use of the water and any rights of title to the land below the ordinary high-water mark are
42 subject to the rights of the people of the state to use and have access to the water for
43 recreational purposes or any other public purposes for which the water is used or capable of
44 being used consistent with the public trust.” Sec. 1, Ch. 82, SLA 1985.

Appendix C: Public Trust Doctrine

1 The legislature has also declared that the right to use state waters does not include the right to
2 enter or trespass upon private lands. Nevertheless, with 99 percent of Alaska in public
3 ownership at statehood, state laws regarding the transfer of land to private parties provide for
4 public access to navigable waters. For instance, AS 38.05.127 implements the state’s
5 constitutional guarantee of access to navigable waters under Article VIII, Section 14. Under
6 the statute, the Commissioner of the Alaska Department of Natural Resources must “provide
7 for the specific easements or rights-of-way necessary to ensure free access to and along the
8 body of water, unless the Commissioner finds that regulating or eliminating access is
9 necessary for other beneficial uses or public purposes.” The State’s responsibilities to
10 implement the Public Trust Doctrine are considered and used throughout this plan. Any
11 management actions will be consistent with the Public Trust Doctrine as defined by the
12 Alaska Constitution, statutes, court decisions, and public involvement.
13