

CHAPTER 3

MANAGEMENT POLICIES FOR REGIONS, MANAGEMENT UNITS, AND NAVIGABLE WATERBODIES

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CHAPTER 3

MANAGEMENT POLICIES FOR REGIONS, MANAGEMENT UNITS, AND NAVIGABLE WATERBODIES

Introduction

This chapter provides land management policy for each of the four regions, navigable waterbodies, and over 40 management units in the plan area. The narrative and tables in this chapter also describe resources and uses on state lands. Land management prescriptions in this plan do not apply to non-state lands.

How this Chapter Presents Information and Management Policy

For each region, the following elements are used to provide information and establish management policy:

1. Regional Summary

Describes the location, land ownership pattern, acreage, physical features, access, resources and uses for each region. This section also provides a summary of management constraints and considerations based on existing plans, legislative designations, and other issues that significantly affect the management of state lands.

2. Management Intent

Management intent is established at various levels of specificity and geographic context. This element provides management intent for the entire region, certain areas within the region, and groups of management units within the region.

3. Resource Allocation Summary Tables

Provides information and establishes management intent at the management unit level. These tables have columns that provide the following for each unit:

Unit Number - Where resources, uses, or special characteristics of a certain area of land warrants special attention, a management unit is created, and a number is assigned for each unit. Unit numbers have a letter prefix that is common among management units that are in the same vicinity or region (for example, "C-01," "C-02" for units in the

vicinity of Chicken).

Unit Location / Unit Name - Each unit has a name that provides a brief description or general location.

Designations - These two-letter land-use designations indicate the primary and co-primary uses and resources for each unit. Land use designations are described in more detail later in this chapter. With very few exceptions, this plan only uses a primary designation in order to identify the principal theme of state land management and to minimize confusion in interpreting this intent.

Acreage - The approximate acreage of each unit is listed in this column. The acreages for smaller management units were taken from surveys, patents and plats. The acreages for larger management units were calculated from maps developed in the GIS mapping program.

Management Intent - Provides guidance to land managers and the public regarding the use of land within each unit.

Other Resources and Uses - This column describes the resources and uses that currently exist within the unit. Where applicable, additional information is provided.

4. Maps of Regions and Management Units

Maps for each region show unit numbers for each unit. Note that some of the roads and trails shown on these maps do not have legal public access.

The maps in this chapter are not legal documents and only represent generalized land status. They are a graphic representation of official state and federal land records, current to January of 2003. For complete information, refer to the official records of the Department of Natural Resources, the U.S. Bureau of Land Management, and Doyon, Ltd. The official government records are located in their respective public information offices and on the web. Consult Doyon, Ltd. for the most current land status pertaining to their holdings.

Certain lands within the planning area were withdrawn by the federal government through Public Land Orders (see the *Federal Public Land Orders* section in Chapter 4). These orders are listed on the maps for the four regions. For more specific information on the location of these Public Land Orders, refer to the federal Master Title Plats published by the Bureau of Land Management, and available online at: <http://www.dnr.state.ak.us/cgi-bin/Iris/landrecords>.

Information Regarding Land Use Designations

Primary Designated Uses (also called *Primary Designations*) help determine how best to manage state lands, how uses will be authorized, and which uses may or may not be authorized. Primary designated uses are applied to state lands and identify uses or resources that are of

major importance. These lands will be managed to encourage these uses and their conservation or development. The designations are based on resources or uses listed by unit in the Resource Allocation Summary Tables in this chapter.

Under AS 38.05.300 and 11 AAC 55.010, all designations are intended for multiple use. Uses other than those receiving primary designations for a given unit may still be authorized if they are not incompatible with the primary uses or resources for which a unit is designated. If DNR determines that a proposed use is incompatible with a primary designation, the proposed use will not be authorized, or will be authorized in a manner that minimizes the incompatibility. Activities exempt from this guideline include *Generally Allowed Uses* listed under 11 AAC 96.020. Primary designated uses cannot take precedence over disposals of interest that have already occurred. Such disposals include property rights such as mining leases, land leases, and rights-of-way that, once issued, are protected by the Constitution. A primary designation, however, may take precedence over uses authorized by permits that were issued on a revocable-at-will basis.

When the plan assigns a designation to a unit, the designation is accompanied by region-wide management guidelines and by management intent specific to that unit. These three pieces of information (designations, management guidelines, and management intent) promote the most beneficial use(s) and set conditions for allowing non-designated uses. Further explanation of management guidelines and management intent follows in this chapter.

The acreage of land under each of the various land use designations applied in this plan and their corresponding land classifications is summarized in Chapter 4, Implementation and Recommendations. Land use designations must be converted to land classifications under Alaska statute.

Co-designated Uses

Where a unit has two or more designated uses, DNR will avoid or minimize conflicts between designated uses by applying the management intent statement for the unit, areawide guidelines found in Chapter 2, statutes, regulations, and procedures.

Designations Are Based on Resource and Use Inventories

The best available information has been analyzed and mapped for the following resources and uses:

- fish and wildlife habitat and harvest;
- recreation areas and facilities;
- mineral potential and material sites;
- access and transportation; and
- heritage resources.

Land Use Designations Used In This Plan

General Use

Gu Land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use, or, because of the size of the management unit, a variety of uses can be accommodated with appropriate siting and design considerations. General Use may also apply where there is a lack of resource, economic, or other information with which to assign a specific land use designation, and/or the lack of current demand implies that development is unlikely for the duration of the plan. Uplands in this classification are available for conveyance to municipalities unless stated otherwise in the unit's management intent, but cannot be sold to individuals. Areas not specifically identified with a designation on the Plan Maps; not otherwise classified in this plan; or that are acquired by the state subsequent to the approval date of this plan, are designated General Use. Shorelands are not available for conveyance.

Habitat

Ha This designation applies to areas of varied size for fish and wildlife species during a sensitive life-history stage where human disturbance or alteration of the habitat could result in a permanent loss of a population or sustained yield of a species. This land will remain in state ownership.

Mining

Mn A resource designation for Mining generally is not applied as a surface land use designation. The problems in locating and measuring subsurface resources make it difficult and misleading to apply this category in the same way designations are used for surface resources, such as timber. However, a primary surface designation of Minerals is used where intensive mineral exploration or development is currently taking place or is highly likely in the near term (5 to 10 years). The Department's policy for mineral development is determined by whether the management unit is open or closed to new mineral locations. All state land is open for new mineral locations except where previously closed under AS 38.05.185.

Public Facilities - Retain

Pr These sites are reserved for a specific infrastructure to serve state interests. These management units are classified Reserved Use Land and are not selectable by municipalities under state law (except under AS 38.05.810), and may not be sold to individuals.

Public Recreation -Undeveloped

Ru This designation applies to those areas that offer or have a high potential for dispersed recreation or tourism and where desirable recreation conditions are scattered or widespread rather than localized. Developed facilities are generally not necessary other than trails, trail signs, primitive campsites, and other minor improvements. Land in this designation may be conveyed to municipalities depending on the unit's management intent and the relative value of the recreation resources for which the unit was designated. These lands cannot be sold to individuals.

Resource Management - High Value

Rh Land that may have a number of important resources but a specific resource allocation decision is not possible because of the lack of information; or an allocation decision is not necessary at this time even though the unit may have two or more potential uses that may or may not conflict. Management units with this designation cannot be sold to individuals. They can, however, be conveyed to a municipality unless the unit's management intent states otherwise.

Settlement

Se Uplands suitable for sale, leasing, or permitting of state lands to allow private recreational, residential, commercial, industrial, or community use. This designation will generally be used for areas appropriate for land offerings for residential or residential and commercial uses. Unsettled or unsold land in the unit will be managed for uses compatible with settlement. This may include uses such as selling additional lots, laying out new subdivisions, Native allotment reconveyances, identifying greenbelts through subdivisions, reserving materials sites for subdivision roads and building lots, placing easements on access routes, or reserving lots for community facilities and open space. This land may be conveyed to municipalities.

Settlement-Commercial

Sc This designation applies to uplands suitable for sale, leasing, or permitting of state lands to allow private commercial, industrial, recreational, or community use. This designation will generally be used for areas appropriate for land offerings for industrial or commercial uses. Unsettled or unsold land in the unit will be managed for uses compatible with eventual commercial or industrial activities. Areas designated Settlement-Commercial should be closed to mineral entry prior to sale. This land may be conveyed to municipalities.

Mineral Entry

Where a management unit is open to new mineral location and has a primary surface designation, such as wildlife habitat or public recreation, the surface designation will not be construed to automatically prevent mineral development. All lands in the planning area are open to mineral entry. DNR area plans usually do not apply mineral resource designations to large areas. The problems in locating and measuring subsurface resources make it difficult and potentially misleading for this plan to apply designations for subsurface resources in the same way they are applied to surface resources.

DNR proposes to subject certain limited areas to leasehold location where significant conflicts could occur between mining activities and wildlife or settlement. The plan includes Mineral Leasehold Location Order 28 to protect mineral licks, affecting portions of land throughout the planning area, particularly in the Middle Fork Region (see *Appendix B*). It also includes Mineral Leasehold Location Order 29 for settlement units in the Walker Fork Region (see *Appendix C*). Chapter 2, *Subsurface Resources*, also includes additional guidelines and a summary of mining and reclamation regulations and statutes as well as a description of the Leasehold Location Orders.

Information Regarding Management Intent

The plan can provide management guidance for a resource without designating it. For example, the plan may address the resource by providing management intent for a specific area or areawide guidelines. In addition, other state, federal, or local regulations will determine the conditions for using undesignated resources.

In some cases, the management intent for a unit discourages specific uses because these uses may create conflicts with designated uses. In this plan, only a few discouraged uses are identified. Discouraged uses may be allowed if DNR determines that the use does not conflict with the management intent, designated uses, and the management guidelines. Discouraged uses include activities that should not be authorized or will not be allowed if there are feasible and prudent alternatives. If DNR determines that the discouraged use conflicts with the management intent or designated uses, and cannot be made compatible by following the management guidelines, DNR would allow it only through a plan amendment.

The plan also identifies prohibited uses. These are uses that have significant conflicts with other uses or resources and will not be permitted without a plan amendment. Prohibitions are rare, because the plan seeks to minimize land use conflicts through plan guidelines and intent rather than through prohibitions.

Management intent statements for each unit refer only to management of state land. While these statements accommodate certain proposed uses on state lands, there is no guarantee that other regulatory agencies will issue permits necessary for the proposed use. All proposed development uses referenced in the plan's management intent statements are assumed to employ best management practices in siting and operating the proposed use.

Conveyance to Municipalities or Retention in State Ownership

New cities or boroughs may be formed during the planning horizon. Certain land use designations, by definition, allow land to be sold or conveyed to municipalities under the municipal entitlement program. Other land use designations and classifications require DNR to retain lands in state ownership.

Land use designations and classifications are general indicators of whether land should be retained in state ownership, or made available for conveyance to municipalities. In this plan, areas affected by the Habitat and Public Facilities – Retain designations are required to be retained by the state. However, some management units have management intent that precludes conveyance even though the designation and classification might otherwise allow conveyance. These include units under management, or proposed for management, by another state agency or division within DNR, such as the Department of Transportation and Public Facilities, Division of Forestry or the Department of Fish and Game. In addition, certain lands with Resource Management – High Value or General Use designations that would otherwise be available for conveyance to municipalities may be retained. When this occurs, the management intent and management guidelines pertinent to those lands specify this action. In no case can

DNR convey the mineral estate to municipalities or individuals. Shorelands must also be retained in state ownership.

Shorelands

DNR will provide reasonable access across state shorelands to upland owners. Upland access across state shorelands, including developed access facilities, may be allowed within all land use designations where DNR determines the proposed facilities are consistent with the management intent and applicable guidelines of the plan. Shoreland designations do not give the public access rights to adjacent private uplands. See the *Navigable Waterbodies* section at the end of this chapter for an explanation of the *Public Trust Doctrine*.

Management Guidelines

Most state lands will be managed for multiple uses. Exceptions are lands that will be offered for private lease or ownership, and recreation sites that are less than 640 acres. The plan establishes management guidelines that allow various uses to occur without serious conflicts. Management guidelines can direct the timing, amount, or specific location of different activities to make the permitted uses compatible. For example, the plan provides guidelines that land disposals must be designed to protect public access and recreational opportunities.

Duration and Flexibility of the Plan

This plan guides land uses for the next 20 years, subject to periodic reviews, for areas with designations involving settlement, industrial or commercial uses, or other forms of economic or community development. The area plan is intended to guide the management of land within these areas until the plan is formally revised. In some instances, areas designated General Use may not be appropriate for development for the duration of the plan, and this is indicated in the management intent language.

The land-use designations shown on the maps in this chapter are intended to allow some degree of flexibility. DNR may permit uses not originally designated if DNR determines they are consistent with the management intent for the unit and consistent with applicable management guidelines.

This plan will not provide direct answers to many of the site-specific issues frequently encountered by state land managers. The plan can, however, clarify the general management objectives for the area and thereby provide the basis for more informed decisions.

Boundaries of land-use designations shown on the following maps may be modified through implementation activities, such as site planning or disposal, as long as modifications adhere to the intent of the plan and follow the procedures described in Chapter 4 under the section *Procedures for Plan Changes*.

Glossary

Definitions of terms used frequently in the plan are found in the *Glossary, Appendix A*.

Map - Planning Area and Regions

back of Planning Area and Regions map

Region 1 : Middle Fork

Regional Summary

Background

Region 1 occupies most of the northwestern portion of the planning area. Its western boundary, which is also that of the planning area, is adjacent to the Yukon - Charley Rivers National Preserve and the eastern limit of DNR's Tanana Basin Area Plan. This region is largely comprised of the eastern portion of the calving season distribution of the Fortymile caribou herd. It also encompasses most of the post-calving season distribution that extends into the planning area. Region 1 includes the historic settlement of Joseph, which is at the confluence of the Middle Fork and Joseph Creek. There are no permanent residents in Joseph or the remainder of the region.

State Lands

In this region, there is a larger proportion of state-selected land than state-owned land. Approximately 714,965 acres are state-selected, and approximately 231,586 acres are state-owned. For the most part, state-owned and state-selected land in this region consists of large blocks of contiguous acreage, but is divided by the Wild and Scenic River corridor along Joseph Creek and the lower Middle Fork. (For more information regarding the National Wild and Scenic River corridors, refer to the *Navigable Waterbodies* section of this chapter.)

Land that is owned by the state occupies the headwaters of Middle Fork, and almost all of the Joseph Creek drainage. State-selected land is interspersed throughout the region. Most of the land selected by the state has also been selected by Doyon, Ltd., the regional ANCSA corporation in this area (see *Land Status map* in the Appendix). Currently, Doyon, Ltd. owns approximately 75,000 acres within this region, in the Slate Creek and lower Independence Creek drainages. Land was selected by the state in this region mostly for its high mineral potential, but also for its habitat values.

Physical Features

The northwestern edge of this region is defined mostly by the ridge along the Mertie Range, which separates the watersheds of the Fortymile and Charley Rivers. With rounded, even-topped ridges separated by broad river valleys, terrain and vegetation are representative of the Yukon-Tanana Upland physiographic province. The region is mostly made up of the Middle Fork drainage, but also includes the drainages of Slate Creek, Independence Creek, and Upper Butte Creek. The north end of the region includes most of Granite Creek and upper Mogul Creek, which drain into the Seventymile River. Prominent peaks are Mount Harper at the westernmost edge of the region, rising to 6,543 feet, and North Peak at 5,745 feet in the north.

Vegetation consists mostly of mixed and pure stands of white spruce and black spruce, with balsam poplar, birch, and aspen occurring mostly in river valleys and on alluvial flats.

Access

While the other regions in the planning area have some degree of accessibility from the Taylor Highway, this region does not. Ground access is provided by the RS 2477 trails (listed below) and other trails. These trails provide access mostly to the northern portion of the region, particularly Joseph, and the headwaters of Independence Creek. Most of the access into and within the region is on the rivers or by air. Landing opportunities exist on ridges, gravel bars, and the airstrip at Joseph.

RS 2477 Trails in the Middle Fork Region:

North Fork of the Fortymile–Big Delta Trail. This trail is a historic trail that connected the Fortymile district with the Fairbanks/Valdez military road. Portions of the trail are also segments of the Washington-Alaska Military Cable and Telegraph System (WAMCATS).

Kechumstuk Winter Trail. Originally, this trail was part of the trail along the Washington-Alaska Military Cable and Telegraph System (WAMCATS). It was used as an access and supply route for Kechumstuk and Chicken and for mining activities in the region.

Resources and Uses

Fish and Wildlife, Habitat, and Harvest. Much of the planning area is part of the range for the Fortymile caribou herd, and all of Region 1 is within that range. Overall, the herd's distribution currently covers an area southeast of the Steese Highway, between the Yukon River and the Alaska Highway, and extends into the Ladue and Sixtymile River drainages in Canada. This is much smaller than the historic range that existed in the early 1900's. A great deal of study and public discourse has taken place in an effort to increase the size of the herd, and game management actions are currently under way to accomplish this. (For further information, see *Habitat Management Needs Assessment for the Fortymile Caribou Herd* and *Fortymile Caribou Herd Management Plan*, developed by the Fortymile Caribou Herd Planning Team.)

To obtain adequate forage and protection from predators during calving season, the cows and calves of the Fortymile herd are concentrated in the highlands of upper Salcha River and Birch Creek, the Charley River, and the North Fork and Middle Fork of the Fortymile River. About half of this calving season distribution extends into the planning area, and occupies most of Region 1. Almost all of the post-calving distribution that extends into the planning area is also within this region.

Dall sheep in this region are concentrated in the higher elevations around Glacier Mountain, Mount Harper and the headwaters of Joseph Creek, where they can access terrain suitable for predator evasion.

This remote region is used for harvest of caribou, sheep, moose, bear, and furbearers, particularly in the upper Middle Fork drainage. Little if any fishing occurs in this area.

Forestry. Vegetation in this region is largely comprised of alpine tundra with a variety of forest types depending on localized factors such as slope, aspect, soils, and fire patterns. These forest communities are characteristic of interior Alaska spruce-hardwood forest, containing white and black spruce, balsam poplar, birch, and aspen in various combinations. For the planning area in general, commercial timber harvest is considered unlikely because of stand characteristics and market proximity. While this region is a considerable distance from the Taylor Highway, it is relatively close to portions of the Tanana Valley State Forest that are just west of the planning area. This may become a factor in commercial harvest feasibility if access is developed to those portions of the state forest and extended into the region.

Heritage Resources. There are sites reported by the Alaska Heritage Resources Survey (AHRs) in this region. Cabins, burial sites, and other remnants represent activity during the late 1800's and early 1900's, which included hunting, trapping, and construction of the WAMCATS line. Alaskan Natives have lived in the area for thousands of years. The village of Joseph was one of the largest settlements of the Upper Tanana people during the late 1800's and early 1900's. Since RS 2477 trails are historic trails, they are also considered heritage resources. Refer to the RS 2477 trails listed in this region. (Note: Few heritage resource surveys have been conducted in this area, and the database for the Alaska Heritage Resources Survey is continually being updated.)

Materials. Because of the remoteness of this region and absence of roads, there is no use of materials at this time.

Mineral Resources. The geology of this region is similar to the rest of the planning area, consisting primarily of felsic and mafic intrusive and metamorphic rock, including schist and gneiss. Mining has mostly focused on placer deposits of gold-bearing gravel and colluvium. Region 1 continues to be under exploration for minerals and is believed to have excellent potential for hard rock minerals.

Recreation. Because of the remoteness of this region, the level of recreational activity is not as high as the rest of the planning area. The majority of recreation is rafting and boating along Joseph Creek, and on the Middle Fork below its confluence with Joseph Creek. These streams are part of the National Wild and Scenic River system. An airstrip at Joseph provides access to the rivers and surrounding land.

Tourism. Unlike the other regions in the planning area that have a broad range of tourism activities facilitated by the highway system, tourism in this region is a component of harvest and recreational activity.

Management Constraints and Considerations

There are no state management plans or site specific plans for this region.

A portion of the Fortymile National Wild and Scenic River corridor extends into the region along the Middle Fork and up Joseph Creek. Another portion of the corridor very briefly extends into the region along the North Fork. The Bureau of Land Management is responsible for management of these lands, which is guided by the *River Management Plan for the Fortymile River Component of the National Wild and Scenic Rivers System* (1983). There are conflicts between management of the federally owned uplands and the mining activity permitted on the adjacent state-owned shorelands. (For further information on this issue, see the discussion in the *Navigable Rivers* section of this chapter.) Resolution of this issue is outside the scope of this area plan, but it is anticipated that the Bureau of Land Management and the Department of Natural Resources will cooperate in the development of appropriate solutions.

Management Intent for Region 1

Management intent in this section applies to state-owned and state-selected land. Also refer to Chapter 2, *Areawide Land Management Policies*.

Management unit R-01 consists of all lands in Region 1 that are not within the smaller management units, M-01, M-02, and M-03. Refer to the management units listed in the Resource Allocation table and delineated on the maps at the end of this section.

All lands within unit R-01 are designated Resource Management - High Value (Rh). Although this region has a number of important resource values, specific information is very limited on mineral resources, and an allocation decision between uses is not necessary at this time.

Region 1 is to be managed for multiple uses, primarily habitat, recreation, and mining. Activities in this region should avoid or minimize conflicts with caribou calving and other wildlife values. Only activities with minimal impact (i.e., mineral or land surveys conducted by a small ground based crew) should be authorized during the calving season in this region. Calving season for this herd occurs during the month of May. Since the timing of calving season can vary from year to year, the Department of Fish and Game should be consulted.

Management units M-01 and M-02 are identified for the high concentration calving areas indicated in the “Habitat Management Needs Assessment for the Fortymile Caribou Herd,” completed in 2001. These units are designated Habitat (Ha) to protect these areas (see the *Resource Allocation Table* for this region for management intent).

To maintain habitat, recreational and mineral values, and to minimize conflicts between uses, no settlement areas are designated in Region 1. The need for private ownership of land is not anticipated in this region during the planning horizon.

Commercial and residential development should be kept to a minimum in Region 1. Such development should be directed to management units near communities in Regions 2 and 4 that have appropriate land use designations and management intent. Resource development activities, most of which are likely to be related to mining, are appropriate only if the impacts from these uses can be addressed. If construction of a road is necessary for any DNR

authorization, it should use an existing RS 2477 route whenever feasible and prudent.

Management Intent for Mineral Licks in Region 1

Several mineral licks within the planning area are identified in Mineral Leasehold Location Order 28 in Appendix B. Mineral licks near Merry Christmas, Joseph, and Pittsburgh creeks are used annually by a high proportion of the Fortymile caribou herd during May. Access to these licks is of particular importance to pregnant cows. The Utah Creek mineral lick is used primarily by a small, disjunct population of Dall sheep on Glacier Mountain. On a daily basis, up to 30% of that sheep population will use the lick during mid-May through June. Authorizations in the area of these licks will protect or mitigate impacts to the licks and access routes to the licks used by the wildlife. Development will minimize or avoid disturbance to the animals during May for the Merry Christmas, Joseph, and Pittsburgh Creek licks; and during May and June for the Utah Creek lick. In addition to protection of the routes themselves, activities that may divert animals from the routes or otherwise affect usage patterns shall be avoided or mitigated.

Resource Allocation Summary for Region 1 : Middle Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
R 01	Predominant state land base in the Middle Fork Region	Rh	740,000	See <i>Management Intent for Region 1</i> in this chapter.	See <i>Regional Summary</i> for Region 1. This unit consists of all state-owned and state-selected lands in Region 1 that are not within specific management units listed below.
M 01	Upper Middle Fork	Ha	48,494	During the month of May, human activities will be avoided where calving is taking place, and limited to short term activity in unused portions of the calving grounds to minimize disturbance to calving. Refer also to <i>Management Intent for Region 1</i> in this chapter.	This management unit is one of the core calving areas for the Fortymile caribou herd. For further information regarding the herd, refer to <i>Habitat Management Needs Assessment for the Fortymile Caribou Herd</i> (2001).
M 02	Upper Slate Creek	Ha	101,947	During the month of May, human activities will be avoided where calving is taking place, and limited to short term activity in unused portions of the calving grounds to minimize disturbance to calving. Refer also to <i>Management Intent for Region 1</i> in this chapter.	This management unit is one of the core calving areas for the Fortymile caribou herd. For further information regarding the herd, refer to <i>Habitat Management Needs Assessment for the Fortymile Caribou Herd</i> (2001).
M 03	Glacier Mountain	Ha	42,554	See <i>Management Intent regarding Mineral Licks in Region 1</i> in this chapter.	Management unit includes the Glacier Mountain and Mount Eldridge area that is used by a distinct, resident population of Dall sheep, and also is a part of the post-calving season and summer range of the Fortymile caribou herd. A Mineral Leasehold Location Order affects this unit; see <i>Appendix B</i> .

Map - Region 1 : Middle Fork

Chapter 3 – back of Region 1 : Middle Fork map

back of Region 1 : Middle Fork map

Region 2 : North Fork

Regional Summary

Background

This region is the second largest and constitutes most of the northern half of the planning area. The City of Eagle and Eagle Village are situated on the shores of the Yukon River. Most of the land in this region is either owned by the federal government and managed by the Bureau of Land Management or owned by Doyon, Ltd. The State of Alaska or Doyon, Ltd. has selected nearly all of the available federal land. Some land around the City of Eagle and Eagle Village is in private ownership. The eastern boundary of the region is the U.S. - Canada border, and the northern boundary is formed by the southern limits of the Yukon-Charley Rivers National Preserve.

The City of Eagle is a second-class city with a long history as a Han Kutchin Indian settlement and later as a trading post for gold miners and a U.S. army camp. Today, roughly 170 people live in the City of Eagle and another 30 people live in Eagle Village. Many of the structures within the City are part of the Eagle Historic District. The need for additional commercial development and public facilities is very low at this time as the majority of employment is provided by a few retail businesses, the school, mining and seasonal employment such as tourism and BLM fire-fighting. Subsistence activities supplement some food sources.

The City of Eagle and Eagle Village has access to the state road system and Canada only during summer months via the Taylor and Top of the World Highways. In addition, a State-owned 4,500 foot gravel airstrip is available; scheduled commercial flights originate from Fairbanks and Tok. Float planes land on the Yukon River. While there is no dock, a public boat landing is available. During the summer, boat tours are available between Dawson City and Eagle on the Yukon River.

Most residents haul water from the community well, dug by hand in 1909. The school uses its own well and septic system. Several households have individual wells and septic tanks. The City landfill has been closed by the BLM; residents use the landfill in Eagle Village. The City has a small school, electric company and health clinic.

State Lands

Within Region 2, approximately 165,000 acres are in state ownership, and approximately 603,000 acres have been selected by the state. Land in Region 2 was selected for its mineral potential and its habitat and recreational values. A portion of the land owned by the state is located in the southwest corner of the region, and is fragmented by the National Wild and Scenic River corridor along Hutchinson Creek and the North Fork (for more information regarding the National Wild and Scenic River corridors, refer to the *Navigable Waterbodies*

section of this chapter). A small block of state-owned land is at the northern edge of this region, adjacent to the Yukon-Charley Rivers National Preserve. The remainder of state-owned land in this region is near and around the City of Eagle and Eagle Village, interspersed with land owned by Doyon, Ltd., the regional native corporation in this area (see *Land Status map* at the end of Chapter 1). State-selected land is interspersed throughout the region. The majority of the land selected by the state has also been selected by Doyon, Ltd.

Physical Features

This region is composed of rounded low mountains rising to 2,000 – 4,000 feet in altitude, along with plateaus and highlands of rolling topography and gentle slopes interspersed with frequent valleys. They are underlain by a complex geologic matrix of metamorphic, igneous, and sedimentary rocks. The entire area is underlain by discontinuous permafrost.

Region 2 encompasses the main stem of the North Fork, the lower segment of the Middle Fork, O'Brien Creek, Champion Creek, and the Seventymile River. In addition, a short section of the Yukon River weaves into the northeast corner of the planning area from the Alaska-Canada border. Some of the higher peaks in the region include: Glacier Mountain, Mount Eldridge, North Peak, and Wallcutt Mountain. Elevations are upward of 6,200 feet.

The City of Eagle sits above the Yukon River on fairly high ground. Nevertheless, in May 1962, an ice jam caused flooding to an elevation of 35.94 feet, and 70 percent of the town was damaged. On June 12, 1964, an open water flood reached an elevation of 33.85 feet causing damage to 60 percent of the town. The 1937 flood was reported to have caused water depths of up to 5 feet (Eagle - from Corps of Engineers Flood Data for Alaskan Communities available from DCBD or COE websites). According to a report prepared by Arctic Hydrologic Consultants (1984), the maximum annual water surface elevations have been over the top of the bank at the village of Eagle during four events since 1927. On two other occasions during this period, the maximum water surface has apparently had an elevation approximately equal to the top of the bank.

Bank erosion along the Yukon River is a problem as well. The erosion rate is variable; in some years no erosion occurs while in other years as much as 10-15 feet of erosion can occur in localized areas. The erosion appears to occur mainly during spring breakup in years with large discharges of water or ice jams.

Access

Access to and within this region is mainly by road on the Taylor Highway, by boat on the Yukon River and its tributaries, or by aircraft into Eagle or several of the remote ridges and landing strips. In addition, a fairly extensive network of trails exists, many of which have been used since the early part of the last century. Among the four regions in the planning area, Region 2 ranks high with respect to the number of trails that are well documented and have RS 2477 status. This can mostly be attributed to the history associated with Fort Egbert and the

WAMCATS communication line and the Fortymile mining district.

RS 2477 Trails in the North Fork Region:

Eagle-Alder Creek Trail. This trail was established by the Alaska Road Commission (ARC) beginning in 1907 to facilitate the route for miners and prospectors into the Seventymile River district. The trail is described in early ARC documents as 4 miles of wagon road, 16 miles of sled road ending in 40 miles of pack trail.

Eagle–Circle Mail Trail. This trail served as the primary winter mail, travel, and supply route between the communities of Circle and Eagle. Supplies and mail from Fairbanks would be freighted to Circle, and then to Eagle, which would then supply the smaller communities in the Fortymile region.

Mission Creek Trail. This trail was historically used to access mining claims in the upper Seventymile River area.

Teddy’s Fork Trail. This trail was used as a mining transportation within the Fortymile mining district since the turn of the century.

Fortymile Station-Eagle Trail. This trail is part of the old Washington-Alaska Military Cable and Telegraph System and was necessary for the operations of military forts in Alaska.

Fortymile Station-Eagle Trail (Government Supply Route). This trail was historically used as a supply route to the Washington Alaska Military Cable and Telegraph System (WAMCATS) line.

Fortymile Dome–Boundary Creek Trail. This trail is a historic mining access and transportation route. The route is described by quartermaster's clerk John F. Rice in his 1900 account of an 1899 journey from Valdez to Eagle and is depicted on an 1899 USGS reconnaissance map of the Fortymile quadrangle.

Liberty Cabin–Dome Creek Trail. This trail is a historic trail which was a part of an extended system of trails from the Yukon River to the Fortymile River.

Fortymile–Franklin Trail. This trail is a historic trail which was used as a connecting route for the mining operations along the Fortymile River.

Dome Creek–Steele Creek Trail. This trails is a historic trail, which was part of a summer pack trail to Chicken.

Steele Creek–Fortymile Trail. This trail was used as a mining transportation route in the Fortymile mining district since the turn of the century (1899-1900).

North Fork of the Fortymile–Big Delta Trail. This trail is a historic trail that connected the Fortymile district with the Fairbanks/Valdez military road. Portions of the trail are also

segments of the Washington-Alaska Military Cable and Telegraph System (WAMCATS).

Resources and Uses

Fish and Wildlife, Habitat, and Harvest. As seasons progress from spring to fall, the Fortymile caribou herd extends its range into much of the North Fork Region, west of the Taylor Highway. During the post-calving season, the herd's concentration generally moves eastward into the areas around Glacier Mountain and north of Champion Creek. The herd is also distributed throughout the North Fork drainage during summer. Dall sheep use the higher elevations around Glacier Mountain. There are also many raptor nesting sites distributed throughout the watercourses in this region.

Residents of the planning area and nearby communities harvest a variety of resources for subsistence purposes in the North Fork Region, including moose, caribou, sheep, bear, small game, furbearers, plants, and wood. The Taylor Highway corridor and areas accessible from the highway are most heavily utilized. Non-local residents also hunt big and small game in this region, primarily during the fall months.

ADF&G is currently conducting a fish study to determine the extent of anadromous fish in the Seventymile River. If anadromous fish are present in the river, the river will be nominated to catalog it as an anadromous river. In general, the fish and wildlife populations are sparse in this region. In addition, during the past two years, salmon returns on the Yukon River have significantly dropped thereby affecting harvest. Residents of the region occasionally fish for grayling in areas accessible from the Taylor Highway.

Several guided moose hunts occur in the Seventymile River drainage and most of the harvest activities are concentrated around Glacier Mountain and along the highway corridor from just south of the American Summit to the Upper Seventymile River.

Forestry. Vegetation in this region is largely comprised of alpine tundra with a variety of forest types depending on localized factors such as slope, aspect, soils, and fire patterns. These forest communities are characteristic of interior Alaska spruce-hardwood forest, containing white and black spruce, balsam poplar, birch, and aspen in various combinations. Harvest of timber in this region is limited to personal use, for house logs and firewood. Conditions related to market proximity and stand characteristics make commercial timber harvest unlikely, or at least limited to a small scale if it should occur.

Heritage Resources. The North Fork Region is rich in heritage resources of both a historical and paleontological nature. Evidence of the early mining, military presence, trading center, and native Alaskan occupation in this region is widespread. Mining camps, trails, historic cabins, historic and prehistoric native camp sites have been recorded in the Alaska Historic Resources Survey, maintained by the State Historic Preservation Office within the Division of Parks and Outdoor Recreation, DNR. The Eagle Historic District National Historic Landmark includes portions of the City of Eagle, Fort Egbert, part of the Yukon River and surrounding areas. This nationally significant site was the first incorporated city in interior Alaska (1901) and played a

significant role in the turn of the 20th century (Klondike Gold Rush era) development of transportation, communications, and military networks of the state. Several islands in the Yukon River adjacent to the City of Eagle are of historical significance as well. One of these islands, Belle Isle, is reportedly the site of the fur trading post that was Eagle's genesis. Since RS 2477 trails are historic trails, they are also considered heritage resources. Refer to the RS 2477 trails listed in this region.

Materials. There are many sites along the Taylor Highway and the Top of the World Highway that DOT/PF uses for materials. Most of these are within the highway right of way, but there are some sites outside the right of way that DOT/PF has under contract with DNR. Usually, material sites are located fairly close to the road and are spaced as frequently as practical to minimize haul distances for materials. Since they are cleared and level, they are often used for other purposes, both authorized and unauthorized. These characteristics also make the sites desirable for other uses after DOT/PF no longer needs them for materials.

Mineral Resources. The geology of this region is similar to the rest of the planning area, consisting primarily of felsic and mafic intrusive and metamorphic rock including schist and gneiss. It is within the Tintina Gold Belt and has been actively mined since the late 1800's. Mining has mostly focused on placer deposits of gold-bearing gravel and colluvium. Mineral exploration is occurring in Region 2, as it is generally considered to have excellent potential for hard rock minerals. The southern portion of the Yukon-Kandik oil and gas basin extends into this region from the north, and the Seventymile River drainage northwest of Eagle contains known coal deposits. The quality and accessibility of these coal deposits are not economical for commercial extraction, but have historically been used for heating by locals in the area.

Recreation. Local residents of the City of Eagle and Eagle Village recreate in a variety of ways on state land. Telegraph Hill is a popular area because of its proximity to the town and access for hiking, skiing, and snowboarding. Residents use trails for snowmachining and riding all-terrain vehicles. Boating is also popular on the Yukon River. The City of Eagle is a popular take-out point for float trips on the Fortymile River.

Settlement. The City of Eagle and Eagle Village are surrounded by State-owned land that at one time was set aside for community expansion. The demand for saleable land is not great as some private land is on the market. The private land that is available is usually in large acreages of 40 acres or more or small lots in the City area. State land near the City of Eagle and Eagle Village that is designated for settlement could satisfy the current and future demand for land. This land was designated for settlement because of its location, accessibility, suitability for building, and lack of competing uses.

Tourism. The City of Eagle attracts a growing number of tourists because of the quaint historical nature of the town and the organized trips scheduled by some of the larger tour companies. A popular trip is a boat ride on the Yukon Queen from Dawson City, Canada to the City of Eagle then a bus ride to Tok. Independent travelers often make the long drive on the Taylor Highway in a day from Tok. There are no RV campgrounds in the City of Eagle.

Transportation. The Department of Transportation and Public Facilities has resurfaced most of

the Taylor Highway from Tetlin Junction to Jack Wade Junction, and is scheduled to resurface the Top of the World Highway to the Canadian border. There is currently no schedule for work on the Taylor Highway from Jack Wade Junction to Eagle.

Management Constraints and Considerations

There are no state management plans or site specific plans for this region.

In addition to ANCSA corporation owned land and private land, Champion Creek, Hutchinson Creek, O'Brien Creek, the Middle Fork, the North Fork, and the main stem of the Fortymile River are within the National Wild and Scenic River corridor. The Bureau of Land Management is responsible for management of these lands, which is guided by the *River Management Plan for the Fortymile River Component of the National Wild and Scenic Rivers System* (1983). There are conflicts between management of the federally owned uplands and the mining activity permitted on the adjacent state-owned shorelands (for further information on this issue, see the discussion in the *Navigable Rivers* section of this chapter). Resolution of this issue is outside the scope of this area plan. The Bureau of Land Management and the Department of Natural Resources are working to develop appropriate solutions.

Under Alaska Hunting Regulations, Game Management Unit 20 contains the Glacier Mountain Controlled Use Area. This area is closed to any motorized vehicle hunting, including transportation of hunters, their hunting gear, and/or parts of game, from August 5 to September 20. This does not include transportation on the Taylor Highway.

State land near Eagle and Eagle Village is rather limited, and surrounded by private lands (Doyon, Ltd.). Because of this, state land plays a critical role in providing for public uses such as harvest and recreation.

Management Intent for Region 2

Management intent in this section applies to state-owned and state-selected land. Also refer to Chapter 2, *Areawide Land Management Policies*.

Management unit R-02 consists of all lands in Region 2 that are not within the smaller management units near the City of Eagle and Eagle Village. Refer to the management units listed in the Resource Allocation table and delineated on the maps at the end of this section.

All lands within unit R-02 are designated General Use (Gu). This is to maintain flexibility in management, since these lands consist of large amounts of acreage, current levels of demand for their use is relatively low, and a variety of uses can be accommodated with appropriate siting and design considerations.

The North Fork region does not have any lands designated for fish and wildlife habitat and harvest. However, these resources will be recognized and considered when authorizing

activities on state land. The Glacier Mountain area has populations of several important species of wildlife. The harvest in this area is managed by ADF&G.

The management intent for this region is to facilitate the transportation needs related to state maintained roads and airports. There are several materials sites along the Taylor Highway and one site near Eagle Village. These sites are managed by or under contract with the Department of Transportation and Public Facilities. The Northern Region Office will work with ADOT/PF to authorize additional material sites as the present site along the highway no longer meets the need and cannot be expanded beyond the highway right-of-way.

The management units around the City of Eagle that are designated Settlement will be managed to provide for expansion of the community and an opportunity for individuals to purchase mid-sized parcels of land.

Access to state land should be facilitated through authorizations for travel and/or construction of existing and new trails or roads.

The management intent for Region 2 is to preserve scenic values along the Taylor Highway, minimize the number of access points onto the Taylor Highway, and reduce impacts to wildlife and other natural resources.

Commercial development should be kept to a minimum in unit R-02. Commercial and residential development should be restricted to management units near the City of Eagle and Eagle Village that are designated Settlement (Se). Resource development activities, most of which are likely to be related to mining, are appropriate only if the impacts from these uses can be addressed. If construction of a road is necessary for any DNR authorization, it should use an existing RS 2477 route whenever feasible and prudent.

Management Intent for Management units E-18 and E-19

State land within the management units indicated on the Eagle inset map as E-18 and E-19 are designated Settlement (Se) to accommodate the potential need for residential land in the future. Although immediate demand for settlement land in this vicinity is anticipated to be relatively low, sufficient land is designated settlement to allow flexibility in siting, design, lot size and density, and to provide a pool of state land that would be available for private ownership over the long term. These areas are community settlement areas and considered appropriate for land sale programs that offer pre-surveyed parcels. However, programs that offer land for staking may also be implemented in these areas.

Before land can be offered in these areas, DNR is required to prepare a best interest finding in accordance with AS 38.05.035. At that time, the areas are examined more closely to determine which portions are most suitable to offer, and to resolve site specific issues. Public notice is issued, and comments from the public are taken into consideration.

The management intent for conveyance of land is to use a land sales program that has been or

will be established by DNR or the legislature. DNR uses these programs to issue public notice, conduct agency review, solicit public comment, and resolve site specific issues that may not have been addressed by the area plan. This results in a more efficient and cost effective means of land disposal. Land is not to be conveyed in response to individual requests.

Land sales are to be done in phases. Making land available in increments will provide opportunity to examine impacts of each previous disposal, and ensure long-term availability of land suitable for settlement.

When DNR implements a land disposal program, it will ensure that existing access and RS 2477 trails are protected. For guidelines regarding access and trails, refer to the *Public Access* section in Chapter 2.

Prospective purchasers of state land should be made aware that much of the Upper Yukon planning area has historically been used for mining, and that it is considered to have good mineral potential for the future. Although land prepared for sale will be closed to mineral entry prior to conveyance, other lands are open to mineral entry, and mining activity can be conducted. Refer to the Mineral Resources and Settlement sections in Chapter 2 for further guidelines.

Management Intent for Management Units E-20, E-21, and E-22 - Yukon River Shorelands Adjacent to or Near the City of Eagle and Eagle Village

These management units include the shorelands adjacent to or near the City of Eagle and Eagle Village. It is intended that the more centrally situated shoreland unit, E-20, will accommodate uses and structures that support upland water-dependent or water-related uses and facilities, both commercial and recreational. Residential uses that are ancillary to the principal commercial and public uses are also considered appropriate, but floathomes are not allowed. Presently three boat landing sites are being used for public and commercial use. Shoreland units E-21 and E-22 are not intended for intensive development, being more peripherally situated, although development related to adjoining areas in management unit E-20 is considered appropriate. See *Resource Management Table* for more detailed information on these units.

Resource Allocation Summary for Region 2 : North Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
R 02	Predominant state land base in the North Fork Region	Gu	758,961	See <i>Management Intent for Region 2</i> in this chapter.	See <i>Regional Summary</i> for Region 2. This unit consists of all state-owned and state-selected lands in Region 2 that are not within specific management units listed below.
E 01	Eagle	Pr	37	To be retained in state ownership.	Lease for Public and Charitable Use to the City of Eagle (ADL 34008 and OSL 192).
E 02	Eagle	Gu	28	Retain in state ownership.	Reserve Use Request (ADL 67663).
E 03	Eagle Airport	Pr	5	To be retained in state ownership, and managed for airstrip purposes.	Interagency Land Management Agreement (ADL 414009) with DOT/PF for the Eagle Airport.
E 04	Land near Eagle Airport	Pr	103	To be retained in state ownership, and managed for airstrip purposes.	Other State Land (OSL 37 and U.S. Survey 3190) for the Eagle Airport which is managed by DOT/PF.
E 05	Land near Eagle Airport	Pr	41	To be retained in state ownership, and managed for airstrip purposes.	Interagency Land Management Agreement (ADL 414009) for the Eagle Airport.
E 06	Eagle	Pr	35	To be used for future expansion of apron for the Eagle Airport. Unit is to be retained in state ownership.	Management unit is located on the south side of the Eagle Airport, near the west end.

Resource Allocation Summary for Region 2 : North Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
E 07	Eagle	Pr	22	Management unit is proposed to be used for future expansion of apron for the Eagle Airport (long term). Unit is to be retained in state ownership.	Management unit is located on the south side of the Eagle Airport, near the east end.
E 08	Eagle	Gu	8	May be included with unit E-7 under an Interagency Land Management Agreement for the Eagle Airport.	Management unit of state land adjacent to the Eagle Airport.
E 09	Eagle	Gu	105	Residential and/or commercial use is not expected to occur on this management unit in the near term, but because of its level terrain and proximity to the airport, portions may be suitable for such uses if and when there is sufficient demand.	Level terrain south and southwest of Eagle Village.
E 10	Old Eagle school site	Pr	2	To be retained in state ownership.	Other State Land (OSL 439 and U.S. Survey 4060) for school site.
E 11	Eagle materials site	Gu	5	To be managed as a materials site during the time that it is under contract with DOT/PF. During this time, other uses may be authorized if they do not conflict with or cause impediment to fulfillment of the contract. After the contract is either expired or terminated, this management unit may be suitable for other purposes, including but not limited to residential or commercial use. Reclamation work shall take future uses into consideration.	Under contract (ADL 411940) with DOT/PF for materials. Sale of all or any portion of this management unit would require reclassification to Settlement (Se).

Resource Allocation Summary for Region 2 : North Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
E 12	Eagle school disposal site	Pr	1	To be retained in state ownership.	Disposal site for asbestos from old Eagle school. (ADL 416105, ASLS 97-67)
E 13	Eagle	Pr	62	To be retained in state ownership as buffer for asbestos landfill and materials site.	Management unit is located south of Eagle Village, near Buckeye Creek.
E 14	North side of Yukon River at Eagle	Gu	2,116	Manage for dispersed recreation. To be retained in state ownership, and reevaluated at the end of the planning horizon for possible re-designation to Settlement (Se).	Management unit is on the north side of the Yukon River, east of Eagle Bluff.
E 15	Yukon River islands near Eagle	Ru	70	To be retained in state ownership and preserved for historic values.	Islands in the Yukon River east of Eagle. Important to Eagle and Eagle Village for recreational, heritage and scenic values.
E 16	Eagle	Ru	1,120	Manage for dispersed recreation. To be retained in state ownership.	Management unit is located south of the City of Eagle and the Eagle Airport. Much of it consists of low, wet soils, and is used by local residents for recreation.
E 17	Eagle	Gu	3,137	To be managed for dispersed recreation, harvest, and woodcutting.	This unit consists of both high ridges and low flat areas south of Eagle, and is used mostly for recreation.
E 18	Eagle	Se	360	Manage for settlement purposes.	Located adjacent to the Taylor Highway, south of Eagle.

Resource Allocation Summary for Region 2 : North Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
E 19	Eagle	Se	1,120	Portions of this management unit may be appropriate for dispersed settlement offerings, such as “remote staking” or “open to entry” types of programs. Further analysis and siting considerations will be done to determine most appropriate locations prior to land being offered for sale. See also <i>Management Intent for the North Fork Region</i> .	Located west of Eagle. For the most part, this is level but well drained land.
E 20	Yukon Rivers shorelands near Eagle	Rh	713	To be managed to accommodate adjacent upland uses that are water-dependent or water-related, including commercial and public. Residential uses ancillary to a principal commercial or public use are considered appropriate as well. Floathomes are prohibited. See also <i>Management Intent for the North Fork Region</i> .	This unit includes the shorelands adjacent to the City of Eagle and Eagle Village. Presently there are three boat landing sites being used for public and commercial use.
E 21	Yukon River shorelands	Gu	3,000	Management unit is designated General Use in order to classify this section of the Yukon River into Resource Management Land. It is anticipated that more intensive water related uses will occur in shoreland unit E-20, although portions of the shorelands adjacent to unit E-20 may also be appropriate for such more intensive uses.	Consists of shorelands of the Yukon River, extending from the north edge of unit E-20 to the boundary of the planning area. There are no known present structures within the shorelands of this unit.

Resource Allocation Summary for Region 2 : North Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
E 22	Yukon River shorelands	Gu	2,117	Management unit is designated General Use in order to classify this section of the Yukon River into Resource Management Land. It is anticipated that more intensive water related uses will occur in shoreland unit E-20, although portions of the shorelands adjacent to unit E-20 may also be appropriate for such more intensive uses.	Consists of shorelands of the Yukon River, extending from the east edge of unit E-20 to the boundary of the planning area. There are no known present structures within the shorelands of this unit.
E 23	Eagle	Gu	2,090	To be managed for dispersed recreation, harvest and woodcutting.	Located west of the City of Eagle.

Map - Region 2 : North Fork

Chapter 3 – back of Region 2 map

back of Region 2 : North Fork map

Map - Eagle Inset

Chapter – back of Eagle Inset map

back of Eagle Inset map

Region 3 : South Fork

Regional Summary

Background

Region 3 is the largest of the four regions. It comprises most of the south half of the planning area, and is situated south and west of Chicken. The portion of the Taylor Highway between Tetlin Junction and Chicken runs through the center of the region. Mount Fairplay is the most noted feature in this region, because of its proximity to the highway. There are no permanent residents in the region.

State Lands

This region includes the largest contiguous block of state-owned and state-selected land in the planning area. There are approximately 1,587,623 acres in state ownership, and approximately 598,605 acres that are selected. Land in Region 3 was selected for its mineral potential and its habitat and recreational values. Most of the state-owned land is in the eastern portion of the region, with a large block of contiguous acreage on the east side of the Taylor Highway, and state-selected land lies mostly in the upper Mosquito Fork drainage.

Physical Features

Region 3 consists of low mountains and rolling terrain that are characteristic of the Yukon-Tanana Upland physiographic province. It encompasses most of the upper Mosquito Fork, the upper West Fork, the Dennison Fork, and the Ladue River drainages. In addition, the headwaters of the Sixtymile River extend into this region from Canada. Prominent peaks are Mount Veta, at 5,825 feet, and Mount Fairplay, at 5,120 feet. Vegetation consists mostly of mixed and pure stands of white spruce and black spruce, with balsam poplar, birch, and aspen occurring mostly in river valleys and on alluvial flats.

Access

The Taylor Highway bisects this region, and there are several trails and streams that provide access to its remote areas.

RS 2477 Trails:

Kechumstuk-Chicken Trail. Historic trail which served as an access route to the Fortymile area. The northern spur of the trail encompasses part of the Washington-Alaska Military Cable and Telegraph System (WAMCATS) line, where it passes from Kechumstuk Station, and crosses

the divide to Hutchinson Creek.

Kechumstuk Winter Trail. Originally, this trail was part of the trail along the Washington-Alaska Military Cable and Telegraph System (WAMCATS). It was used as an access and supply route for Kechumstuk and Chicken and for mining activities in the region.

Dennison Fork Trail. One of the earliest access and freighting routes for the Fortymile Mining District.

Ladue River Trail. This trail was used for mining access and as a transportation route through the area.

Airstrips:

There are several primitive landing areas on gravel bars and alpine areas. Most of these landing sites were established for mining exploration and operations.

Resources and Uses

Fish and Wildlife, Habitat, and Harvest. Residents of the planning area and from the neighboring communities use much of the South Fork Region for subsistence purposes. Hunting for moose, caribou, bear, and small game, trapping of furbearers, and berry picking are fairly predominant uses of this region. The Ladue River and the East, West, and the Mosquito Forks of the Fortymile River are important wintering range for the Fortymile and Nelchina caribou herds. The quality of range is excellent relative to other caribou ranges in Alaska. The spruce forests in much of this area are at optimum age to support rich mats of lichen and wide spread modification should be avoided. Once these spruce stands are over 150 years old or have been heavily grazed by caribou, prescribed burns or managed logging would enhance the area for wildlife habitat.

Mosquito Flats, which centers on the confluence of Mosquito Fork and Wolf Creek, has been noted as an area that has a concentration of harvest activity. Although most of this harvest area is on federal land, some of it is adjacent to or overlaps onto state land. Another area important for harvest is along the ridge that separates the Fortymile and Ladue River drainages, beginning near Tetlin Junction and extending northeast. The Atwater Creek and Liberty Creek areas have been noted as important for harvest activity. Harvest activity by local and non-local residents is concentrated in the areas accessible from the Taylor Highway, mostly within five miles of the road.

There are no streams in this region that are listed in the Department of Fish and Game's Anadromous Waters Catalog and Atlas at this time. Resident fish species include Arctic grayling, sheefish, and whitefish. The Ladue River has been identified as being productive for whitefish and grayling.

Several raptor and trumpeter swan nesting sites have been identified in the region.

Forestry. Vegetation in this region is largely comprised of alpine tundra with a variety of forest types depending on localized factors such as slope, aspect, soils, and fire patterns. These forest communities are characteristic of interior Alaska spruce-hardwood forests, containing white and black spruce, balsam poplar, birch, and aspen in various combinations. Generally, forests of white spruce, paper birch, and aspen cover most lower slopes. Black spruce forest vegetation grows at higher elevations, on all north-facing slopes and lower south-facing slopes with impeded soil drainage throughout the area. Above the black spruce forest, the vegetation is alpine meadow characterized by sedges on poorly drained sites and by low-growing shrubs on drier sites. Harvest of timber in this region is limited to personal use, for house logs and firewood. Conditions related to market proximity and stand characteristics make commercial timber harvest unlikely.

Heritage Resources. Few heritage sites have been reported by the Alaska Heritage Resources Survey for this region. However, this does not necessarily mean that few exist. The Survey is continually being updated as more areas are studied. Since RS 2477 trails are historic trails, they are also considered heritage resources. Refer to the RS 2477 trails listed in this region.

Materials. There are many sites along the Taylor Highway and the Top of the World Highway that DOT/PF uses for materials. Most of these are within the highway right of way, but there are some sites outside the right of way that DOT/PF has under contract with DNR. There are four of these sites that are under contract in this region. Usually, material sites are located fairly close to the road and are spaced as frequently as practical to minimize haul distances for materials. Since they are cleared and level, they are often used for other purposes, both authorized and unauthorized. These characteristics also make the sites desirable for other uses after DOT/PF no longer needs them for materials.

Mineral Resources. The geology of this region is similar to the rest of the planning area, consisting primarily of felsic and mafic intrusive and metamorphic rock including schist and gneiss. It is within the Tintina Gold Belt and has been actively mined since the late 1800's. Mining has mostly focused on placer deposits of gold-bearing gravel and colluvium. In this region, mineral exploration has mostly occurred in the northwestern portion, and also within the Ladue River drainage to the south. So far, the overall level of mining activity in this region is low compared to the other regions, particularly Region 4.

Recreation. The majority of recreation in Region 3 is associated with harvest, which is dispersed throughout most of the region (see *Fish and Wildlife, Habitat, and Harvest*). A more concentrated form of recreation occurs at the West Fork bridge on the Taylor Highway, which is one of the put-ins for boating in the National Wild and Scenic Rivers System (for further information regarding the Wild and Scenic Rivers, see the discussion in the *Navigable Rivers* section of this chapter). The region is also used for hiking, skiing, camping, snowmachining, and dog mushing by both residents and visitors.

Settlement. There are remnants of settlement activity in the past, most notably Kechumstuk, but there are currently no permanent residents in this region.

Management Constraints and Considerations

This region is less fragmented by National Wild and Scenic River corridors than the other regions. Although Wild and Scenic corridors occur along portions of the Mosquito Fork, Dennison Fork, and Logging Cabin Creek, they do not extend very far into the region. The Bureau of Land Management is responsible for management of these lands, which is guided by the *River Management Plan for the Fortymile River Component of the National Wild and Scenic Rivers System* (1983). There are conflicts between management of the federally owned uplands and the mining activity permitted on the adjacent state-owned shorelands (for further information on this issue, see the discussion in the *Navigable Rivers* section of this chapter). Resolution of this issue is outside the scope of this area plan, and the Bureau of Land Management and the Department of Natural Resources are working to develop appropriate solutions.

The Mount Fairplay area is valued for harvest, mineral values, scenic values, recreation opportunities, and berry picking. It also has a location that is highly favorable for communications facilities. The area around the Mount Fairplay survey bench mark was classified Reserved Use Land under Classification Order NC-92-004, and there are currently three leases for communications facilities that have been issued.

The Ladue River drainage has been under consideration as a segment of a potential route for a railroad line to Canada. A route was identified, and a 300 foot wide strip of land along the Ladue River was classified Reserved Use Land (NC-81-001). Although the application for the right of way was closed (ADL 402805), the classification still exists.

Management Intent for Region 3

Management intent in this section applies to state-owned and state-selected land. Also refer to Chapter 2, *Areawide Land Management Policies*.

Management unit R-03 consists of all lands in Region 3 that are not within the smaller management units near Mount Fairplay. Refer to the management units listed in the Resource Allocation table and delineated on the maps at the end of this section.

All lands within unit R-03 are designated General Use (Gu). This is to maintain flexibility in management, since these lands consist of large amounts of acreage, current levels of demand for their use is relatively low, and a variety of uses can be accommodated with appropriate siting and design considerations.

Region 3 is to be managed for multiple uses, primarily harvest, recreation, and mining. Activities in this region should avoid or minimize conflicts with habitat and harvest.

To maintain habitat and recreation values, and to minimize conflicts between uses, no settlement areas are designated for Region 3. It is not anticipated that the need for private ownership of land will occur in this region for the duration of the plan.

The management intent for Region 3 is to preserve scenic values along the Taylor Highway, minimize the number of access points onto the Taylor Highway, and reduce impacts to wildlife and other natural resources.

Commercial and residential development should be kept to a minimum in Region 3. Such development should be directed to management units near communities in Regions 2 and 4 that have appropriate land use designations and management intent. Resource development activities, most of which are likely to be related to mining, are appropriate if the impacts from these uses can be addressed. If construction of a road is necessary for any DNR authorization, it should use an existing RS 2477 route whenever feasible and prudent.

Management Intent for Mineral Licks in Region 3

The mineral lick within the area identified for Logging Cabin Creek is important to moose (see *Mineral Leasehold Location Order 28*, Appendix B). Mining activity must avoid direct impacts to the mineral licks and the routes that animals use to access them, or mitigate adverse impacts to these resources. If a game trail or mineral lick is affected, mitigation alternatives may include a variety of measures to address lick accessibility. In addition to protection of the routes themselves, activities that may divert animals from the routes or otherwise affect usage patterns shall be avoided or mitigated.

Resource Allocation Summary for Region 3 : South Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
R 03	Predominant state land base in the South Fork Region	Gu	2,172,962	See <i>Management Intent for Region 3</i> in this chapter.	See <i>Regional Summary</i> for Region 3. This unit consists of all state-owned and state-selected lands in Region 3 that are not within specific management units listed below.
F 01	Mount Fairplay	Gu	13,266	Manage for harvest, mineral values, recreation (particularly dispersed recreation, which is primarily hiking and foraging), and scenic values. The development of additional material extraction sites is unlikely, but may occur subject to the requirements of Chapter 2. Management unit to be retained in state ownership. Development, should it occur, is to be sited and developed in a way that minimizes effects upon scenic values and the traditional uses characteristic of this area/management unit. Note: The scenic values that require maintenance (or minimal impact upon) are those viewed from the Taylor Highway. The habitat values within this management unit are not considered to be high, but consultation with ADF&G on wildlife and habitat impacts is recommended. The potential impacts of development upon the resource values described above are to be taken into consideration during the review of the land use permit issued by the Division of Mining, Land, and Water.	This unit excludes the area previously classified Reserved Use Land in Section 24, T22N, R16E. A number of used extraction sites occur adjacent to the Taylor Highway.

Courtesy noticing of certain DNR authorizations may be required for this management unit. The Department should provide courtesy notice for authorizations within this management unit that have a long-term effect on the uses of this area, create significant visual effect from the road for most of the summer season, or create significant environmental impact. Examples of actions that may create this effect include new permanent access or a temporary change that creates a noticeable season-wide change visible from the Taylor Highway, or uses that are likely to displace people from frequently used or traditional hiking, berry picking or similar use areas. Examples of actions that generally do not create these effects include soil sampling, drilling that is temporary and does not leave a significant, permanent new work area, or temporary overland access. In distributing the notice, the department will use practical methods designed to reach the affected public within the planning area. These may include direct mailings to interest groups, communities, or agencies; posting at post offices; newspaper notices; or similar practical means. Failure to give notice under this management intent does not constitute a legal basis for invalidation or delay of the action.

F 02	Mount Fairplay	Gu	5	<p>To be managed for communications facilities. The visual impacts of new installations or changes to current installations, as viewed from the Taylor Highway, are to be taken into consideration in authorizations granted by the Department. The impacts to scenic values are to be kept to a practical minimum.</p> <p>Courtesy noticing of certain DNR authorizations may be required for this management unit. The Department should provide courtesy notice for authorizations within this management unit that have a long-</p>	<p>This management unit is located at the Mount Fairplay survey monument. There are currently three leases for communications facilities that have been issued. It was previously classified Reserve Use Land under Classification Order NC-92-004. This Plan reclassifies this unit to General Use, with a management intent that specifically authorizes the development and use of communication facilities.</p>
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term effect on the uses of this area, create significant visual effect from the road for most of the summer season, or create significant environmental impact. Examples of actions that may create this effect include new permanent access or a temporary change that creates a noticeable season-wide change visible from the Taylor Highway, or uses that are likely to displace people from frequently used or traditional hiking, berry picking or similar use areas. Examples of actions that generally do not create these effects include soil sampling, drilling that is temporary and does not leave a significant, permanent new work area, or temporary overland access. In distributing the notice, the department will use practical methods designed to reach the affected public within the planning area. These may include direct mailings to interest groups, communities, or agencies; posting at post offices; newspaper notices; or similar practical means. Failure to give notice under this management intent does not constitute a legal basis for invalidation or delay of the action.

Map - Region 3 : South Fork

Chapter 3 – back of Region 3 : South Fork map

back of Region 3 : South Fork map

Map - Mount Fairplay Inset

Chapter 3 – back of Mount Fairplay Inset map

back of Mount Fairplay Inset map

Region 4 : Walker Fork

Regional Summary

Background

Region 4 is situated in the center of the planning area, with its eastern edge formed by the international border with Canada. Currently and historically, the level of human activity in this region has been somewhat higher than in the rest of the planning area. This activity has covered a broad range of land uses, including mining, harvest, recreation, and tourism. Because of the region's central location and the presence of the Taylor Highway and the Top of the World Highway, this will most likely continue, and may increase. The region includes the communities of Chicken and Boundary.

Boundary is located on the ridge separating the drainages of the South Fork and main stem of the Fortymile, and has exceptional scenic values. Because its location on the Top of the World Highway is favorable for tourism activity, some degree of growth may occur. It is the first community that travelers encounter when coming from Dawson, and traffic on this route has been increasing. The Boundary Airport is managed by DOT/PF.

Chicken is located near the confluence of the Dennison Fork and Mosquito Fork. Its economy has been based mostly on mining. Tourism has become important to the local economy, and this importance is likely to increase in the future. Under the 2000 U.S. Census, Chicken became a Census Designated Place for the first time, with a population of 17 and a total of six households. During the summer, there are more people in the area because of mining and tourism. There is no state operated school or central water or sewer system.

State Lands

Most of the land in Region 4 is state-owned. There are approximately 597,297 acres that are in state ownership, and approximately 21,501 acres that are selected. The state-owned land in this region is divided into three large blocks of land by the National Wild and Scenic River corridors (for more information regarding the National Wild and Scenic River corridors, refer to the *Navigable Waterbodies* section of this chapter).

Physical Features

Centrally located in the Fortymile River basin, Region 4 consists of low mountains and rolling terrain that are characteristic of the Yukon-Tanana Upland physiographic province. Prominent streams in this region are the main stem of the South Fork, the lower portion of the Mosquito Fork, and the Walker Fork. The highest peaks, found in the western portion of the region are Mount Warbelow, at 5,553 feet, and Taylor Mountain, at 5,059 feet. Most of this region is

mountainous, with the exception of certain areas in the lower Mosquito Fork valley, in areas south of Taylor Mountain, and near the Taylor Highway. Vegetation consists mostly of mixed and pure stands of white spruce and black spruce, with balsam poplar, birch, and aspen occurring mostly in river valleys and on alluvial flats.

Access

Region 4 is the smallest region in the planning area, and most of it is quite accessible. In addition to the Taylor and Top of the World Highways (see *Area Plan Map*), there is an extensive network of trails in the area.

RS 2477 Trails:

Kechumstuk-Chicken Trail. Historic trail which served as an access route to the Fortymile area. The northern spur of the trail encompasses part of the Washington-Alaska Military Cable and Telegraph System (WAMCATS) line, where it passes from Kechumstuk Station, and crosses the divide to Hutchinson Creek.

Kechumstuk Winter Trail. Originally, this trail was part of the trail along the Washington-Alaska Military Cable and Telegraph System (WAMCATS). It was used as an access and supply route for Kechumstuk and Chicken and for mining activities in the region.

Chicken-Fish-McKinley Creeks Trail. Historical transportation and mining access route.

North Fork of the Fortymile–Big Delta Trail. This trail is a historic trail that connected the Fortymile district with the Fairbanks/Valdez military road. Portions of the trail are also segments of the Washington-Alaska Military Cable and Telegraph System (WAMCATS).

Lilliwig Creek Trail. This trail was used to access placer and lode mines on Ingle and Lilliwig Creeks.

Chicken-Franklin Trail. Sometimes referred to as the Chicken-Franklin Landing Strip Trail, it served as the mail and freight route between the mining communities of Chicken and Franklin.

Franklin-Steele Creek Trail. One of the earliest trails to be used for exploration, mining, and supplies.

Fortymile–Franklin Trail. This trail is a historic trail which was used as a connecting route for the mining operations along the Fortymile River.

Jack Wade-Steele Creek Trail. A route used for getting supplies to Jack Wade Creek and Walker Fork during the peak of mining activity on those streams.

Jack Wade Landing-Boundary Trail. This trail connects Jack Wade, Boundary, Chicken, and Franklin.

Boundary-Lassen Landing Strip Trail. A route which runs along the Walker Fork, it was used for mining access and homestead entry.

Walker Fork-Davis Creek-Border Trail. Originally, these trails used for prospecting and mining access connected with the Poker Creek Trail and other trails in Canada.

Canyon Creek-Walker Fork Trail. This route runs northward from Boundary and connects with the Fortymile River.

Steele Creek–Fortymile Trail. This trail was used as a mining transportation route in the Fortymile mining district since the turn of the century (1899-1900).

Highway System:

The Taylor Highway crosses the Fortymile River tributaries at several points, providing convenient points of access to the West Fork, Mosquito Fork, South Fork, and Walker Fork. Although these locations are used mostly for recreational purposes, they also provide access for mining, harvest, and other uses. Access on streams in the area varies, as water level can fluctuate greatly during the summer months.

Airstrips:

The airstrips located at Chicken and Boundary are listed in the official Federal Aviation Administration's Airport / Facility Directory. There are several primitive landing areas on gravel bars and alpine areas, but information regarding serviceability is very limited.

Resources and Uses

Fish and Wildlife, Habitat, and Harvest. The Fortymile caribou herd, which is mostly concentrated in the Middle Fork Region during calving season, moves into this region from the northwest in late summer. They remain during rut and through the winter season. Although the herd remains concentrated mostly in the northwest portion of Region 4, it does cross the Taylor Highway, and this expansion is likely to increase as the herd grows (for further information, see the report *Habitat Management Needs Assessment for the Fortymile Caribou Herd* developed by the Fortymile Caribou Herd Management Planning Team).

The Nelchina caribou herd also winters in this area. Extensive lichen mats are common. The spruce forests in much of this area is at optimum age to support rich mats of lichen and wide spread modification should be avoided. Once these spruce stands are over 150 years old or have been heavily grazed by caribou, prescribed burns or managed logging would enhance the area for wildlife habitat.

Several nesting sites for golden eagles, bald eagles, merlins, and peregrine falcons have been identified in this region.

There are no streams in this region that are listed in the Department of Fish and Game's Anadromous Waters Catalog and Atlas at this time. Resident fish species include Arctic grayling, sheefish, and whitefish.

Important harvest and trapping areas for residents of the planning area and adjacent communities have been identified in the Mosquito Fork, Taylor Creek, Buckskin Creek, Atwater Creek and Liberty Creek drainages, and along the Dennison Fork.

Forestry. Vegetation in this region is largely comprised of alpine tundra with a variety of forest types depending on localized factors such as slope, aspect, soils, and fire patterns. These forest communities are characteristic of interior Alaska spruce-hardwood forest, containing white and black spruce, balsam poplar, birch, and aspen in various combinations. Harvest of timber in this region is limited to personal use, for house logs and firewood. Conditions related to market proximity and stand characteristics make commercial timber harvest unlikely, or at least limited to a small scale if it should occur.

Heritage Resources. There are over 40 heritage sites reported by the Alaska Heritage Resource Survey in this region. Most of them are classified as historical, with the remainder classified as either prehistoric or paleontological. There are a number of representations of the mining era that occurred in the late 1800's and early 1900's, in the form of cabins, roadhouses, barns, and dredges. Many of these sites are concentrated around Chicken, which is a historic district listed on the National Register of Historic Places. These features are a source of local pride, and a major part of the attraction that visitors have to the area. Since RS 2477 trails are historic trails, they are also considered heritage resources. Refer to the RS 2477 trails listed in this region.

Materials. There are many sites along the Taylor Highway and the Top of the World Highway that DOT/PF uses for materials. Most of these are within the highway right of way, but there are some sites outside the right of way that DOT/PF has under contract with DNR. There are 11 of these sites that are under contract in this region. Usually, material sites are located fairly close to the road and are spaced as frequently as practical to minimize haul distances for materials. Since they are cleared and level, they are often used for other purposes, both authorized and unauthorized. These characteristics also make the sites desirable for other uses after DOT/PF no longer needs them for materials.

Mineral Resources. The geology of this region is similar to the rest of the planning area, consisting primarily of felsic and mafic intrusive and metamorphic rock including schist and gneiss. It is within the Tintina Gold Belt and has been actively mined since the late 1800's. Mining has mostly focused on placer deposits of gold-bearing gravel and colluvium. Though mining has occurred throughout the Upper Yukon planning area, the level of past and present mining activity in this region ranks high. The South Fork, Walker Fork, Mosquito Fork and their tributaries are well documented for gold discoveries, and the presence of claims currently located on these streams demonstrates continued interest.

Recreation. Recreation takes many forms in this region, but the area is most widely known for rafting and boating on the South Fork, Mosquito Fork, Dennison Fork, Walker Fork, and tributary creeks. These streams were part of the Fortymile River component that was added to

the National Wild and Scenic Rivers System by the Alaska National Interest Lands Conservation Act (for further information regarding the Wild and Scenic Rivers, see the discussion in the *Navigable Rivers* section of this chapter). The streams' road accessibility mentioned previously, and the range of difficulty they offer (Class I-V) have made them very popular for river trips. Two of the access points, or "put-ins," are within this region, at South Fork and Mosquito Fork, and two of them are just outside the region, at West Fork and the main stem of the Fortymile. The region is also used for hiking, skiing, camping, snowmachining, and dog mushing by both residents and visitors.

Settlement. Almost all of the permanent residents in the region are within or near the communities of Chicken and Boundary. Both permanent and seasonal residents expressed interest in obtaining land for residential use or storage. There is limited private land in the region that is available, and there is no federal land is not available. State land provides an opportunity for private ownership.

Tourism. Tourism is an important part of the local economy in Region 4. While the total number of visitors to the area has gradually increased, a larger portion of those visitors are on tour buses, reflecting a significant shift in visitors' mode of travel. Most of the bus traffic is from tour companies operating out of Dawson in the Yukon Territory.

Transportation. The Department of Transportation and Public Facilities has resurfaced most of the Taylor Highway from Tetlin Junction to Jack Wade Junction, and is scheduled to resurface the Top of the World Highway to the Canadian border. There is currently no schedule for work on the Taylor Highway from Jack Wade Junction to Eagle. If work is performed on this segment, it is possible that a portion would be realigned through the Gilliland Creek drainage (for further information refer to *Location Study Report for Taylor Highway Mile 95 to 160, RS-786(4)*, by DOT/PF).

Management Constraints and Considerations

There are no state management plans or site specific plans for this region.

State land in Region 4 is fragmented by federal land within the National Wild and Scenic River corridors along the South Fork, Mosquito Fork, Walker Fork, and tributary creeks. The Bureau of Land Management is responsible for management of these lands, which is guided by the *River Management Plan for the Fortymile River Component of the National Wild and Scenic Rivers System* (1983). There are conflicts between management of the federally owned uplands and the mining activity permitted on the adjacent state-owned shorelands. (For further information on this issue, see the discussion in the *Navigable Rivers* section of this chapter.) Resolution of this issue is outside the scope of this area plan, and the Bureau of Land Management and the Department of Natural Resources are working to develop reasonable and appropriate solutions.

There is no land in this region that has been patented to Doyon, Ltd.; however, there is land that has been selected by them.

Management Intent for Region 4

Management intent in this section applies to state-owned and state-selected land. Also refer to Chapter 2, *Areawide Land Management Policies*.

Management unit R-04 consists of all lands in Region 4 that are not within the smaller management units near Chicken, Boundary, and Jack Wade Junction. Refer to the management units listed in the Resource Allocation table and delineated on the maps at the end of this section.

All lands within unit R-04 are designated General Use (Gu). This is to maintain flexibility in management, since these lands consist of large amounts of acreage, current levels of demand for their use is relatively low, and a variety of uses can be accommodated with appropriate siting and design considerations.

The management intent for Region 4 is to preserve scenic values along the Taylor Highway and Top of the World Highway, minimize the number of access points onto these highways, and reduce impacts to wildlife and other natural resources.

Commercial and residential development should be kept to a minimum in unit R-04. Residential development (including private recreational development) should be directed to the Remote Settlement Areas. Commercial and residential development should be restricted to management units near Chicken, Jack Wade Junction, and Boundary that are designated Settlement (Se) or Settlement-Commercial (Sc), or units that are designated General Use (Gu) and have management intent allowing development. Resource development activities, most of which are likely to be related to mining, are appropriate if the impacts from these uses can be addressed. If construction of a road is necessary for any DNR authorization, it should use an existing RS 2477 route whenever feasible and prudent. For development in the Remote Settlement Areas (W-01 and W-02), careful consideration should be given to protection of scenic values.

Management Intent for all Management Units Designated Settlement (Se) or Settlement-Commercial (Sc)

The sale of land within this region is to be phased. Making land available in increments will provide opportunity to examine impacts of each previous disposal, and ensure long-term availability of land suitable for settlement. Land disposal programs assist in achieving this management intent.

Land designated Settlement should be offered in the following order of priority:

1. Management units within the Chicken and Boundary areas
2. Settlement areas southwest of Chicken (units W-01 and W-02)

When DNR implements a land sales program, it will ensure that existing access and RS 2477

trails are protected. For guidelines regarding access and trails, refer to the “Public Access” section in Chapter 2.

Snowmachine travel in the area and participation in events sponsored by local snowmachine clubs are likely to increase. When developing a land sales program in this region, DNR should locate offerings far enough from travel routes to minimize potential conflicts with these activities.

Prospective purchasers of state land should be made aware that much of the Upper Yukon planning area has historically been used for mining, and that it is considered to have good mineral potential for the future. State lands are open to mineral entry, and mining activity can be conducted. See the *Subsurface Resources and Settlement* sections in Chapter 2 for further information.

Management Intent for Remote Settlement Areas: Management Units W-01 and W-02

State land within the management units indicated on the region map as W-01 and W-02 are designated Settlement (Se), to accommodate the potential need for residential land in the future. Sufficient areas of land are designated Settlement to allow flexibility in siting, lot size and density, to accommodate needs for open space and local use of resources, and to provide a pool of state land that would be available for private ownership over the long term.

These areas are Remote Settlement Areas and are considered appropriate for land sale programs that offer land through staking. However, pre-surveyed parcels may also be offered in these areas where appropriate (refer also to the description of Remote Settlement Areas in the section on *Settlement* in Chapter 2).

Before land can be offered in these areas, DNR is required to prepare a best interest finding in accordance with AS 38.05.035. At that time, the areas are examined more closely to determine which portions are most suitable to offer, and to resolve site specific issues. Public notice is issued, and comments from the public are taken into consideration.

The management intent for land conveyance is to use a land sale program that has been or will be established by DNR or the legislature. DNR implements these programs to issue public notice, conduct agency review, solicit public comment, and resolve site specific issues that may not have been addressed by the area plan. This results in a more efficient and cost effective means of land disposal. Land in these areas is not to be conveyed in response to individual requests.

Development in W-01 is to be located a minimum of 1200 feet from the right of way of the Taylor Highway, and in a manner that will have minimal impact on scenic values from the highway. Access points onto the Taylor Highway are to be kept to a minimum, and where feasible and prudent, new leases, permits, and conveyances shall be directed to use existing access. For land sales or other DNR authorizations adjacent to federal Wild and Scenic River corridors, consideration should be given to protection of the values for which the corridors were established.

There is a need for a landfill in Region 4. Because of its location and general characteristics, management unit W-01 may contain land that would be appropriate for this purpose. If site analysis by DNR and ADEC confirms suitability and a location could be determined that would minimize conflicts with other uses, this would be an appropriate use within this management unit.

Management Intent for the Boundary Area

State land in this area is to be managed in a way that will retain the historical character of Boundary as much as possible, yet allow for further settlement and economic opportunity. Residential and commercial development, whether by lease, permit, or conveyance is to be in the management units designated for settlement near Boundary. The sizes of the units designated Settlement-Commercial are meant to allow some degree of flexibility in siting, design, lot size and density, and to accommodate possible economic expansion over the duration of the plan. Within these management units, it is intended that new commercial development be located close to existing commercial development, and that the number of access points onto the Top of the World Highway are minimized.

Settlement and Settlement-Commercial designations were applied to management units that are more likely and/or appropriate to have development occur during the planning horizon, and are in close proximity to existing development.

A General Use designation was applied to management units that are less likely to have development occur during the planning horizon and are further from existing development, but have some potential for development in the future. Although the need to develop these units is not expected to arise for the duration of the plan, they are identified in the event that this should happen. These management units would first need to be reclassified through a plan amendment process to Settlement or Settlement-Commercial before portions of them could be conveyed into private ownership.

Management Intent for the Chicken Area

State land near Chicken is to be managed to provide opportunities for residential land, public facilities, and some degree of commercial development. The sizes of the management units designated Settlement Commercial are meant to allow some degree of flexibility in siting, design, lot size and density, and to accommodate possible economic expansion over the duration of the plan. Within these units, new commercial development should be located close to existing commercial development, and that the number of access points onto the Taylor Highway should be minimized.

Settlement and Settlement-Commercial designations were applied to management units that are more likely and/or appropriate to have development occur during the planning horizon, and are in close proximity to existing development.

A General Use designation was applied to management units that are less likely to have development occur during the planning horizon and are further from existing development, but have some potential for development in the future. Although the need to develop these units is not expected to arise for the duration of the plan, they are identified in the event that this should happen. These units would first need to be reclassified through a plan amendment process to Settlement or Settlement-Commercial before portions of them could be conveyed into private ownership.

Management Intent for the Jack Wade Junction Area

Jack Wade Junction is situated at the intersection of the Taylor Highway and Top of the World Highway, and has good potential for commercial development. Management unit J-01 has been designated Settlement-Commercial (Sc), which would allow for commercial uses if or when demand occurs. Management intent for this area is to allow for economic opportunity, and to provide additional options with respect to siting of commercial development.

The size of the management unit designated Settlement-Commercial is meant to allow some degree of flexibility in siting, design, lot size and density, and to accommodate possible economic expansion over the duration of the plan. Development should be clustered to minimize the number of access points onto the Taylor Highway and Top of the World Highway.

Among other factors, the economic potential of this site could be affected by road realignments. Currently, the Department of Transportation and Public Facilities does not plan to realign either of the highways. However, a potential short cut for the Taylor Highway through the Gilliland Creek drainage has been identified (Location Study Report, Taylor Highway Mile 95 to 160, RS-786 [4], DOT/PF, 1989). No portion of the Taylor Highway would be abandoned, but the volume of Chicken-to-Eagle traffic going through Jack Wade Junction could decline if the short cut was constructed.

Management Intent for Mineral Licks in Region 4

The mineral lick within the area identified for Walker Fork is important to moose (see *Mineral Leasehold Location Order No. 28*, Appendix B). Mining activity must avoid direct impacts to the mineral licks and the routes that animals use to access them, or mitigate adverse impacts to these resources. If a game trail or mineral lick is affected, mitigation alternatives may include a variety of measures to address lick accessibility. In addition to protection of the routes themselves, activities that may divert animals from the routes or otherwise affect usage patterns shall be avoided or mitigated.

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
R 04	Predominant state land base in the Walker Fork Region	Gu	568,648	See <i>Management Intent for Region 4</i> in this chapter.	<p>See <i>Regional Summary</i> for Region 4. This unit consists of all state-owned and state-selected lands in Region 4 that are not within specific management units listed below.</p> <p>A previous land classification occurred within this unit in the NE1/4 of the SE 1/4 of Section 31, T27N, R18E, CRM. A parcel of state land was classified Reserved Use for a Public and Charitable Use sale to the Fortymile Miner's Association. (LCO NC 01-002, ADL 416494, MCO 763) The area plan does not supercede or alter this previous classification.</p>
B 01	Boundary	Gu	240	Commercial and/or residential use is not expected to occur in this management unit for the duration of the plan. If such development is proposed during the planning horizon, consideration should be given to protection of scenic values from the Top of the World Highway.	This management unit is situated on the north side of the Boundary Airport and the Top of the World Highway, and consists of north facing slopes. Most of the portion in the S1/2NW1/4 of Section 32 is relatively level, and has access to the Top of the World Highway. Sale of all or any portion of this unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).
B 02	Boundary Airport	Pr	130	To be retained in state ownership, and managed for airstrip purposes.	This management unit is under an Interagency Land Management Agreement with DOT/PF for the Boundary Airport. (ADL 414039, U.S. Survey 8835)

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
B 03	Boundary	Gu	489	Commercial and/or residential use is not expected to occur in this management unit for the duration of the plan. If such development is proposed during the planning horizon, consideration should be given to protection of scenic values from the Top of the World Highway.	This management unit has gradual south facing slopes, but direct access to the Top of the World Highway is limited. There are a public easement (ADL 414351) and RS 2477 trails, including the Canyon Creek-Walker Fork Trail, that cross the east end of the unit, providing access to the Top of the World Highway. Sale of all or any portion of this unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).
B 04	Boundary	Gu	157	Manage for mining, dispersed recreation, and harvest.	Most of this unit has north facing slopes.
B 05	Boundary	Sc	6	Since this management unit is adjacent to existing commercial and residential use, it is considered appropriate for the same types of uses. Refer also to <i>Management Intent for the Boundary Area</i> in this chapter.	This unit is situated on the north side of the Top of the World Highway, between U.S. Survey 3001 and the DOT/PF materials site. It is relatively level, and has direct access to the Top of the World Highway.
B 06	Boundary Materials Site	Gu	36	To be managed as a materials site during the time that it is under contract with DOT/PF. During this time, other uses may be authorized if they do not conflict with or cause impediment to fulfillment of the contract. After the contract is either expired or terminated, this management unit may be suitable for other purposes, including but not limited to residential, commercial, or use as a staging area. Reclamation work shall take potential future uses into consideration.	This management unit is a materials site on the north side of the Top of the World Highway, and is under contract with DOT/PF (ADL 411679). Sale of all or any portion of this unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
B 07	Boundary	Gu	60	Manage for mining, dispersed recreation, and harvest. Leasing may be authorized. Refer also to <i>Management Intent for the Boundary Area</i> in this chapter.	This management unit is located on the south side of the Top of the World Highway and has gradual, south facing slopes. Access is directly onto the highway and the western portion is adjacent to existing residential and commercial use. There are a public easement (ADL 414351) and RS 2477 trails, including the Canyon Creek-Walker Fork Trail, that cross the east end of the unit, providing access to the Top of the World Highway.
B 08	East Boundary	Gu	41	Manage for mining, dispersed recreation, and harvest. Leasing may be authorized. Refer also to <i>Management Intent for the Boundary Area</i> in this chapter.	This unit is situated on the north side of the Top of the World Highway, adjacent to the DOT/PF material site. Much of it is relatively level, and has direct access to the Top of the World Highway.
B 09		Sc	3	Commercial and residential uses are considered appropriate for this management unit.	This unit is adjacent to the Top of The World Highway and contains level areas suitable for development.
B 10		Se	40	Commercial and residential uses are considered appropriate for this management unit.	Unit has some relatively level terrain, and is accessible from the Top of The World Highway.

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
C 01	Chicken	Sc	57	Commercial and residential uses would be considered appropriate for this management unit. Use of this unit for a public facility is appropriate, if compatible with residential or commercial use, or located in a manner that will minimize conflicts. Refer also to <i>Management Intent for the Chicken Area</i> in this chapter.	Management unit is on the west side of the Chicken Airport, and on the south side of the Taylor Highway. Terrain is very level for the most part, and the southern portion is close to the Mosquito Fork.
C 02	Chicken	Gu	118	Refer to <i>Management Intent for the Chicken Area</i> in this chapter.	This unit is on the east side of the Chicken Airport, and on the south side of the Taylor Highway. It is relatively flat, and the eastern portion is skirted by privately owned parcels with commercial uses along the access road to the airport.
C 03	Chicken	Gu	9	Refer to <i>Management Intent for the Chicken Area</i> in this chapter.	This unit is located on the south side of the Taylor Highway, and on the west side of the road leading to the airport.
C 04	Chicken	Sc	210	Commercial and residential uses are considered appropriate for this management unit. Ensure continued access to public land northwest of Chicken.	Located north of the Taylor Highway and west of Chicken Creek, this unit has some areas of relatively level land and south facing slopes. This and other management units on the north side of Chicken are regarded as gateways to areas used for harvest, recreation, and mining. Sale of all or any portion of this unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
C 05	Chicken	Gu	291	Manage for mining, dispersed recreation, and harvest. Residential and commercial use is not expected to occur in this unit for the duration of the plan, but because of its fairly level terrain and proximity to the Taylor Highway, portions may be suitable for such uses if and when there is sufficient demand. Ensure continued access to public land north of Chicken.	Located north of the Taylor Highway and east of Chicken Creek, this unit has some areas of relatively level land and south facing slopes. The Alaska Heritage Resources Survey (AHRs) reports heritage sites located in or near this unit. This and other management units on the north side of Chicken are regarded as gateways to areas used for harvest, recreation, and mining. Sale of all or any portion of this management unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).
C 06	Chicken	Gu	95	To be retained in state ownership. Residential and commercial use is not expected to occur in this unit for the duration of the plan.	This unit is located on both sides of the Taylor Highway on the east side of the valley for Chicken Creek. Most of the unit is relatively steep, and the Walker Fork Trail crosses the southwest portion. The Alaska Heritage Resources Survey (AHRs) reports a historic site and a prehistoric site located in or near this unit.
C 07	Chicken	Se	47	Residential uses are considered appropriate for this management unit. Consideration should be given to protection of scenic values from the Taylor Highway.	Located on both sides of the Taylor Highway and includes southeast slopes of Lost Chicken Hill. The Alaska Heritage Resources Survey (AHRs) reports heritage sites located in or near this unit. Sale of all or any portion of this management unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
C 08	Chicken	Se	414	Commercial and residential uses are considered appropriate for this management unit. Consideration should be given to protection of scenic values from the Taylor Highway.	Located east of Lost Chicken Creek on the north side of the Taylor Highway. Most of the unit consists of steep slopes.
C 09	Chicken materials site	Gu	42	To be managed as a materials site during the time that it is under contract with DOT/PF. During this time, other uses may be authorized if they do not conflict with or cause impediment to fulfillment of the contract. After the contract is either expired or terminated, this unit may be suitable for other uses, including but not limited to residential, commercial, or use as a staging area. Reclamation work shall take potential future uses into consideration.	This unit is a materials site on the north side of the Taylor Highway, and is under contract with DOT/PF (ADL 416030). Sale of all or any portion of this unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).
C 10	Chicken	Gu	101	Manage for mining, dispersed recreation, and harvest. Leasing may be authorized. Residential and commercial use is not expected to occur in this unit for the duration of the plan, but because of its fairly level terrain and proximity to the Taylor Highway, portions may be suitable for such uses if and when there is sufficient demand. If such development is proposed during the planning horizon, consideration should be given to protection of scenic values from the Taylor Highway.	This unit is located east of Lost Chicken Creek on the south side of the Taylor Highway. Portions of this unit have gradual, south facing slopes with direct access to the highway. An unnamed creek crosses the eastern portion of the unit, and the Walker Fork Trail crosses the southern portion. Sale of all or any portion of this management unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
C 11	Chicken	Gu	168	Manage for mining, dispersed recreation, and harvest. Leasing may be authorized. Residential and commercial use is not expected to occur in this unit for the duration of the plan, but because of its fairly level terrain and proximity to the Taylor Highway, portions may be suitable for such uses if and when there is sufficient demand. If such development is proposed during the planning horizon, consideration should be given to protection of scenic values from the Taylor Highway.	Located on the south side of the Taylor Highway. Portions of this unit have gradual, south facing slopes with direct access to the highway. Sale of all or any portion of this management unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).
C 12	Chicken Airport	Pr	14	To be retained in state ownership, and managed for airstrip purposes.	This unit is under an Interagency Land Management Agreement with DOT/PF for the Chicken Airport (ADL 415243).
J 01	Jack Wade Junction	Sc	379	Commercial and residential uses would be considered appropriate for this unit. Refer also to <i>Management Intent for the Jack Wade Junction Area</i> in this chapter.	This unit is located at the junction of the Taylor Highway and the Top of the World Highway. Most of the unit is relatively flat, with direct access to the highways. The Alaska Heritage Resources Survey (AHRs) reports a heritage site in or near this unit. There is a Native Allotment adjacent to the western portion of this unit that is currently under negotiation with the State of Alaska (F12554, U.S. Survey 11428).

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
J 02	Jack Wade Junction materials site	Gu	22	To be managed as a materials site during the time that it is under contract with DOT/PF. During this time, other uses may be authorized if they do not conflict with or cause impediment to fulfillment of the contract. After the contract is either expired or terminated, this management unit may be suitable for other uses, including but not limited to residential, commercial, or use as a staging area. Reclamation work shall take future uses into consideration.	This management unit is a materials site on the north side of Jack Wade Junction, under contract with DOT/PF (ADL 411680). Sale of all or any portion of this unit would require reclassification to Settlement (Se) or Settlement-Commercial (Sc).
J 03	North of Jack Wade Junction	Gu	2,870	<p>Potential development of the management unit for dispersed recreation may be considered. Because of the site and access qualities of this unit, the potential for a low-intensity, dispersed recreation area exists, probably consisting mostly of trails. The development of scenic/safety road pullouts should be considered, either as part of a general road improvement project or as a stand-alone project. Design decisions by DOT/PF should take the recreation potential into consideration. No authorizations for use or development (leases, etc.) are to be issued. Commercial and other forms of development are intended to concentrate in management unit J-01.</p> <p>This unit, including the management intent described above, should be carefully reevaluated at the time of plan revision, if no recreational development occurs.</p>	Management unit occupies a ridge top, and the topography is such that it could accommodate hiking trails and perhaps other low intensity recreational facilities. Good panoramic views exist from the top of the ridge; it is possible to see 360-degree views. This unit is currently used for dispersed recreation. Commercial development and other forms of authorizations in the general Jack Wade area are to occur in unit J-01. The Taylor Highway traverses the middle of the unit, providing excellent access.

Resource Allocation Summary for Region 4 : Walker Fork

Unit Number	Unit Name or Location	Designation	Acres	Management Intent	Resources / Uses / Additional Information
W 01	Walker Fork Region settlement area / southwest of Chicken	Se	30,799	See <i>Management Intent for Region 4</i> and <i>Management Intent for Management units W-01 and W-02</i> in this chapter. Because of its location and topography, a portion of this unit, W-01, may be suitable for a landfill depending on siting considerations and ADEC requirements. For land sales or other DNR authorizations adjacent to federal Wild and Scenic River corridors, consideration should be given to protection of the values for which the corridors were established.	See <i>Regional Summary</i> in the section on Region 4 in this chapter.
W 02	Walker Fork Region settlement area / west of Chicken	Se	13,516	See <i>Management Intent for Region 4</i> and <i>Management Intent for Management units W-01 and W-02</i> in this chapter. For land sales or other DNR authorizations adjacent to federal Wild and Scenic River corridors, consideration should be given to protection of the values for which the corridors were established.	See <i>Regional Summary</i> in the section on Region 4 in this chapter.

Map - Region 4 : Walker Fork

Chapter 3 – back of Region 4 : Walker Fork map

back of Region 4 : Walker Fork map

Map - Boundary Inset

back of Boundary Inset map

Map - Chicken Inset

Chapter 3 – back of Chicken Inset map

back of Chicken Inset map

Map - Jack Wade Junction Inset

Chapter 3 - back of Jack Wade Junction Inset map

back of Jack Wade Junction Inset map

Navigable Waterbodies

Background

The intent of the plan is to designate and provide management intent for the shorelands under all navigable waterbodies and their waters. Since it is not practical to state the individual management intent for each and every navigable waterbody, the plan identifies general types of waterbodies, and some that are assigned unit numbers, management intents, and designations.

The term “shorelands” used below is defined as land belonging to the state which is covered by nontidal water that is navigable under the laws of the United States up to the ordinary high water mark as modified by accretion, erosion, or reliction [AS 38.05.965]. See *Figure 1-1* at the beginning of Chapter 1 for a generalized diagram that illustrates the difference between shorelands, submerged lands, tidelands, and uplands.

Shorelands are not identified on the plan maps within this Chapter. Identification of all such water bodies is impractical on maps of the scale used in this plan. However, navigable water bodies may be identified on DNR maps (titled "Navigability Status") at the 1:250,000 scale at DNR offices.

These maps identify navigable water bodies based upon court decisions, state and federal written determinations of navigability, and other waters that may be navigable, based on certain criteria. "Waters are navigable when they are used or susceptible of use in their natural and ordinary condition as highways for commerce over which trade and travel may be conducted."

Generally, shorelands are navigable if, at the time of statehood, they were unreserved (not subject to a federal withdrawal), and they were used, or were susceptible to use, for travel, trade or commerce. Case law indicates that an inflatable raft can be used as a standard for determining navigability (*Alaska v. Ahtna, Inc.*, 1989). If a waterway can float a fully loaded, medium size inflatable raft weighing 1000 pounds, it is presumed to be navigable. Streams six or more feet in channel width and 5 to 7 inches in depth are presumed navigable. See *DNR Department Order 125* for detailed information on navigability.

Public Trust Doctrine

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

The Public Trust Doctrine applies whenever navigable waters or the lands beneath those waters are altered, developed, conveyed, or otherwise managed. It also applies whether the trust lands are publicly or privately owned. Public trust lands are generally those lands below navigable waters, with the upper boundary being the ordinary high water mark. Tidelands, shorelands of

navigable lakes and rivers, as well as the land beneath oceans, lakes and rivers are usually considered public trust lands.

The Alaska Constitution contains numerous provisions embracing principles of the Public Trust Doctrine that require the state to exercise authority to ensure that the right of the public to use navigable waters for navigation, commerce, recreation, and related purposes is protected. In Alaska, the Public Trust Doctrine extends beyond those submerged lands in which the state holds title to include all waters that are navigable. The state's waters are themselves reserved to the people for common use. The state has enacted laws that provide similar protections as those provided by the Public Trust Doctrine and apply to broader areas.

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

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

Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purposes for which the water is used or capable of being used consistent with the public trust. (sec. 1, ch. 82, SLA 1985)

The legislature has also declared that the right to use state waters does not include the right to enter or trespass upon private lands. Nevertheless, with 99 percent of Alaska in public ownership at statehood, state laws providing that the transfer of land to private parties also provide for public access to navigable waters have had broad effect. For instance, AS 38.05.127 implements the state constitutional guarantee of access to navigable waters under Article VIII, Section 14. Under the statute, the Commissioner of the Alaska Department of Natural Resources must "provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the Commissioner finds that regulating or eliminating access is necessary for other beneficial uses or public purposes."

The State's responsibilities to implement the Public Trust Doctrine are considered and used throughout this plan. Any management actions will be consistent with the Public Trust Doctrine

as defined by the Alaska Constitution, statutes, court decisions, and public involvement.

On a related issue, the Director's Policy File 91-03 *Shorelands Adjacent to Non-State Land* outlines DNR's policy for consulting with adjacent landowners and considering their concerns when uses on adjacent state-owned shorelands are proposed.

For more information on state policies on navigable waters see the following website:

<http://www.dnr.state.ak.us/mlw/nav/index.htm>

Fortymile National Wild and Scenic River Corridor

Located within the planning area is the Fortymile River component of the National Wild and Scenic River system, which was established by the Alaska National Interest Lands Conservation Act (ANILCA)¹, and is administered by the Bureau of Land Management. It consists of a corridor of federal uplands along the main stem of the Fortymile River and some of its tributaries (see *Land Status Map*). Within this corridor, the main stem and certain portions of the tributaries have been determined to be navigable either through federal navigability determinations or state assertions of navigability. Those portions of the Fortymile River system determined navigable constitute shorelands; i.e., areas of state-owned and managed land. Such areas require designation in state area plans. A description of the designations that apply to the Fortymile River system follows.

The basic conflict concerning the Fortymile Wild and Scenic River corridor is the difference in management approach. The Bureau of Land Management views the Fortymile River corridor and its adjacent uplands as components of the Wild and Scenic River system, and associates this area with a corresponding management philosophy. The state has authorized mining activities within certain shorelands of the Fortymile River, and to some this kind of activity is inconsistent with the Wild and Scenic River designation. The area plan cannot resolve this disagreement in management approach, and makes no specific attempt to do so. A potential method of resolving some of the issues of navigability and shoreland / upland management would be through a joint planning process between the state and BLM. Such a process, or something similar, should be further examined.

Management Intent for Specific Rivers and River Types

Certain rivers and lakes, because of their importance for recreation, commerce, and habitat, are given specific designations. The designations applied to the shorelands are identical to those used for uplands.

¹ Under ANILCA all private and state lands are excluded from the boundaries of the Fortymile River Wild and Scenic River designation. See *ANILCA Sec. 606(a)*, which modifies Sec. 15 of the Wild and Scenic River Act, 94 STAT 2416.

Navigable Waters of the Fortymile River System

The Fortymile River system is codesignated ‘Mining’ and ‘Public Recreation – Undeveloped’ within areas of shorelands.² The ‘Mining’³ designation recognizes the importance of the long term mining activities in this area and the ‘Public Recreation’ designation⁴, the use of this system for a variety of recreation uses conducted by both personal and commercial users. The extent of the ‘Mining’ designation generally coincides with areas of historical or actual mining use.⁵

Yukon River within Management Unit E-20

Management unit E-20 consists of shorelands within a segment of the Yukon River adjacent to the City of Eagle and Eagle Village. For management intent and the land use designation for this unit, refer to the section on Region 1 and the Resource Allocation Table in this chapter.

Management Intent for Other Rivers and Lakes

The designation and management intent for water bodies that cross or are surrounded by state-owned, state-selected, and top filed lands are the same as those of the upland tract.

The designation of General Use applies to all other navigable water bodies; i.e., those rivers and lakes that do not meet the previous standard and are not within state-owned, state-selected, or top filed upland management units. When in the best interests of the state, these water bodies are to be managed to allow a diversity of uses, consistent with the uses authorized on adjoining uplands in federal, private, or other state-owned land (i.e., Mental Health, University, and tracts quit claimed to a state agency other than DNR).

² Areas of shoreland asserted by the state as navigable or navigable through state or federal determinations of navigability include: the main stem of the Fortymile River, the North Fork of the Fortymile River to its confluence with Independence Creek, the Middle Fork of the North Fork of the Fortymile River to its confluence with Joseph Creek, the South Fork of the Fortymile River, the Walker Fork of the South Fork of the Fortymile River, the Dennison Fork of the South Fork of the Fortymile River to its confluence with the West Fork, the West Fork of the Dennison Fork of the South Fork of the Fortymile River to its confluence with Logging Cabin Creek, and the Mosquito Fork of the South Fork of the Fortymile River to its confluence with Kechumstuk Creek, and any navigable tributaries associated with these waterbodies.

³ This designation converts to the classification of ‘Mineral Land’. Mining is allowed and is specifically recognized as the primary use for which will be managed. (In this instance, the shorelands will be managed under the co-designations of Mining and Public Recreation – Undeveloped.)

⁴ This designation converts to the classification of ‘Public Recreation’. Recreation of a variety of forms, both personal and commercial as well as motorized and non-motorized, are allowed. (In this instance, the shorelands will be managed under the co-designations of Mining and Public Recreation – Undeveloped.)