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## **Appendices**

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

3 **17(b) Easement.** Easement across Native corporation land reserved through the Alaska  
4 Native Claims Settlement Act (ANCSA). Uses of the easements are limited to transportation  
5 purposes and other uses specified in the act and in conveyance documents. Information on  
6 17(b) easements may be found at the DNR website:  
7 <http://dnr.alaska.gov/mlw/trails/index.htm>

8  
9 **AAC.** Alaska Administrative Code

10  
11 **Access.** A way or means of approach. Includes transportation, trail, easements, rights of  
12 way, and public use sites.

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

15  
16 **ADF&G.** Alaska Department of Fish and Game

17  
18 **ADNR.** Alaska Department of Natural Resources

19  
20 **ADOT/PF.** Alaska Department of Transportation and Public Facilities

21  
22 **Agriculture.** Land that is agricultural or that, by reason of its climate, physical features, and  
23 location, is suitable for present or future agricultural cultivation or development and that is  
24 intended for present or future agricultural use. Also refers to the plan designation of  
25 Agriculture or the land classification of Agricultural Land.

26  
27 **Agricultural Land Disposal.** A disposal of land for the purpose of promoting, for com-  
28 mercial or personal use, the production of useful plants and animals. Housing and other  
29 improvements that are reasonable required or related to agricultural production are  
30 considered appropriate uses (AS 38.05.321).

31  
32 **Anadromous waters.** A river, lake or stream that is specified under AS 16.05.871(a) as  
33 important for the spawning, rearing, or migration of anadromous fishes; or is not so specified  
34 but has been determined to contain or exhibit evidence of anadromous fish. The anadromous  
35 designation applies from the waterbody’s mouth to its uppermost specified point, including  
36 all sloughs and backwaters adjoining the listed water, and that portion of the streambed or  
37 lakebed covered by ordinary high water. Anadromous waters are shown in “The Atlas and  
38 Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes”  
39 (referred to as the Anadromous Waters Catalog (AWC)) compiled by ADF&G and adopted  
40 by regulation.

- 1 **ANCSA.** Alaska Native Claims Settlement Act (1971)  
2  
3 **ANILCA.** Alaska National Interest Land Conservation Act (1980)  
4  
5 **Area Plan.** A plan approved by the Commissioner of the Department of Natural Resources  
6 under the authority of AS 38.04.065 that establishes the land and resource management  
7 policies for state land within a planning area. Such plans also assign land use designations to  
8 individual parcels of state land, which are subsequently converted to land use classifications  
9 in a Land Classification Order. When used in this plan, the term ‘Area Plan’ refers to the  
10 North Slope Area Plan.  
11  
12 **AS.** Alaska Statutes  
13  
14 **ASLS.** Alaska State Land Survey  
15  
16 **Authorized Use.** A use allowed by DNR by permit or lease.  
17  
18 **AWC.** Anadromous Waters Catalog, see “Anadromous waters”  
19  
20 **Best Interest of the State.** As used in this plan, refers to a decision made by the Department  
21 that, after considering the merits of a proposed use or activity, that the use or activity has a  
22 unique and important value or interest to the state and that this value or interest is higher than  
23 competing values and interests. This is not to be confused with, nor does it refer to a ‘Best  
24 Interest Finding’, a written decision required under AS 38.05.035(e) when land, or an interest  
25 in land, is being conveyed out of state ownership.  
26  
27 **Best Interest Finding.** Refers to the written decision required under AS 38.05.035(e) when  
28 land, or an interest in land, is being conveyed out state ownership.  
29  
30 **Borough.** Refers to the North Slope Borough.  
31  
32 **Buffer.** An area of land between two activities or resources managed and used to reduce the  
33 effect of one activity upon another. These areas are usually vegetated or are required to be  
34 re-vegetated if the original vegetation has been removed.  
35  
36 **Classification.** Land classification identifies the primary purpose for which state land will  
37 be managed, subject to valid existing rights and multiple uses. (11 AAC 55.040(c)). Land  
38 classifications are converted from plan designations through a Land Classification Order.  
39 Other land uses may be authorized by the Department that do not conflict with the land use  
40 plan (11 AAC 55.040(c)).  
41  
42 **Classification Order.** See “Land Classification Order”  
43  
44

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

5  
6 **Commissioner.** The Commissioner of the Alaska Department of Natural Resources

7  
8 **Department.** Alaska Department of Natural Resources or DNR

9  
10 **Designated use.** An allowed use of major importance in a particular management unit.  
11 Activities in the unit will be managed to encourage, develop, or protect this use. Where a  
12 unit has two or more designated uses, the management intent statement and guidelines for the  
13 unit; the Chapter 2 guidelines; and existing statutes, regulations, and procedures, will direct  
14 how resources are managed to avoid or minimize conflicts between designated uses.

15  
16 **Designation.** See “Land Use Designation”

17  
18 **Developed recreational facility.** Any structure or facility that serves either public or private  
19 recreational needs.

20  
21 **Director.** The division director of the state division responsible for managing state land.  
22 Most often, director refers to the Director of the Division of Mining, Land and Water; for  
23 lands administered by DPOR, director refers to the Director of DPOR; for lands administered  
24 by the DOF, Director of Forestry; for lands administered by DOAg, the Director of  
25 Agriculture.

26  
27 **Dispersed recreation.** Recreational pursuits that are not site specific in nature, such as  
28 hunting, fishing, recreational boating or wildlife viewing. The designation of ‘Public  
29 Recreation-Dispersed’ is used to indicate such uses where public recreation within a  
30 management is especially great or significant. These types of uses are allowed on nearly all  
31 state general domain land and are those uses that are permitted as Generally Allowed Uses in  
32 11 AAC 96.020.

33  
34 **Disposal.** Refers to the conveyance of state land or an interest in state land to another entity.  
35 ‘Disposal’, as used in this plan, is meant to convey this general meaning. The Terms “Land  
36 Disposal” or “Agricultural Land Disposal” describe particular types of disposal. See also  
37 “Land Disposal” and “Agricultural Land Disposal”. Such disposals are evidenced by  
38 conveyance documents, including either a patent or Quit Claim Deed. The issuance of an  
39 easement or lease does not utilize these forms of conveyance documents.

40  
41 **DMLW.** Division of Mining, Land and Water, a division of DNR

42  
43 **DOAg.** Division of Agriculture, a division of DNR

44  
45 **DOF.** Division of Forestry, a division of DNR

- 1 **DPOR.** Division of Parks and Outdoor Recreation, a division of DNR  
2
- 3 **DR&R.** Dismantlement, Removal, and Restoration  
4
- 5 **Easement.** Generally, an interest in land owned by another that entitles its holder to a  
6 specific limited use. Easements may be issued within areas that are designated by the plan to  
7 be retained.  
8
- 9 **Feasible.** Means capable of being accomplished in a successful manner within a reasonable  
10 period of time, taking into account economic, environmental, technical, and safety factors.  
11
- 12 **Feasible and Prudent.** Means consistent with sound engineering practice and not causing  
13 environmental, social, or economic problems that outweigh the public benefit to be derived  
14 from a proposed action.  
15
- 16 **Fish and wildlife.** Any species of aquatic finfish and amphibian, reptile, bird or mammal in  
17 any stage of their life cycle found in or which may be introduced into Alaska, except  
18 domestic birds and mammals. The term “area(s)” in association with the term “fish and  
19 wildlife” refers to both harvest and habitat areas.  
20
- 21 **FLUP.** Forest Land Use Plan. FLUPs are prepared by the Division of Forestry and precede  
22 state timber sales.  
23
- 24 **FRPA.** See “Forest Resources Practices Act”  
25
- 26 **Forestry.** Land that is or has been forested and is suited for long-term forest management  
27 because of its physical, climatic, and vegetative conditions. Also refers to the plan design-  
28 ation of Forestry or the land classification of Forest Land.  
29
- 30 **Forest Resources and Practices Act.** That section of Alaska Statute (AS 41.17.010-.955)  
31 that deals with the use, management, and protection of forest resources within the State of  
32 Alaska. More formally described as the Alaska Forest Resources and Practices Act.  
33
- 34 **Generally allowed use (GAU).** An activity conducted on state land managed by the  
35 Division of Mining, Land and Water that is not in a special category or status. For the most  
36 part these uses are allowed for 14 days or less, and a permit is not required (11 AAC 96.020).  
37
- 38 **Goal.** A statement of basic intent or general condition desired in the long term. Goals are  
39 not usually quantifiable and do not have specified dates for achievement.  
40
- 41 **Guideline (or Management Guideline).** A course of action to be followed by DNR  
42 resource managers or required of land users when the manager permits, leases, or otherwise  
43 authorizes the use of state land or resources. Guidelines also range in their level of  
44

1 specificity from giving general guidance for decision making or identifying factors that need  
2 to be considered, to setting detailed standards for on-the-ground decisions. Some guidelines  
3 state the intent that must be followed and allow flexibility in achieving it.  
4

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

13 **High value resident fish.** Resident fish populations that are used for recreational, personal  
14 use, commercial, or subsistence purposes (from AS 41.17.950(10)).  
15

16 **ILMA or ILMT.** See “Interagency Land Management Agreement/Transfer”  
17

18 **Improvements.** Buildings, wharves, piers, and other similar types of structures permanently  
19 fixed to the uplands or submerged lands that were constructed and/or maintained by the  
20 applicant for business, commercial, recreation, residential, or other beneficial uses or pur-  
21 poses. In no event shall fill be considered a permanent improvement when placed on the  
22 submerged lands solely for the purposes of disposing of waste or spoils. However, fill  
23 material utilized for beneficial purposes by the applicant shall be considered a permanent  
24 improvement (11 AAC 62.840). DNR practice is to apply this requirement to shorelands  
25 since similar conditions exist.  
26

27 **Instream flow.** An instantaneous flow rate of water through a stream during specified  
28 periods of time, from a designated location upstream to a designated location downstream.  
29

30 **Instream flow reservation.** The legal water reservation for instream uses such as fish,  
31 wildlife, recreation, navigation, and water quality.  
32

33 **Interagency Land Management Agreement/Transfer (ILMA/ILMT).** An agreement  
34 between DNR and other state agencies that transfers some land management responsibility to  
35 these other agencies.  
36

37 **Land Classification Order.** An order approved by the Commissioner of the Department of  
38 Natural Resources that classifies state land into specific land use categories (AS 38.04.065  
39 and AS 38.05.300). The Land Classification Order in this Area Plan classifies all state lands  
40 within the planning area according to the land use designations assigned to individual land  
41 parcels in the Resource Allocation Tables contained in Chapter 3 of the Area Plan.  
42  
43

1 **Land disposal.** Same as Land offering, defined below; except that land disposal areas  
2 referenced in Chapter 3 may include lots reserved for lease or sale for public, commercial, or  
3 industrial facilities. Differs from an agricultural land disposal; the latter conveys agricultural  
4 rights only.

5  
6 **Land offering.** Transfer of state land to private ownership as authorized by AS 38.04.010,  
7 including fee simple sale and sale of agricultural rights. They do not include leases, land use  
8 permits, water rights, rights-of-way, material sales, or other disposals of interest in lands or  
9 waters. (See also, “Land disposal”.)

10  
11 **Land use designation.** A category of land allocation determined by a land use plan. Desig-  
12 nations identify the primary use or uses of state land. Chapter 4 sets out how the land use  
13 designations of this plan will be classified according to 11 AAC 55. Referred to in this plan  
14 as ‘Designation’. Designations and co-designations are applied to state general domain land,  
15 but not usually to Legislatively Designated Areas (LDAs). A designation is only applied  
16 where the authorizing statute indicates that Title 38 (Public Land) authorities are to be  
17 retained for certain aspects of LDA management or if the LDA is not completely removed  
18 from the general public domain. Where it is necessary for multiple designations, up to three  
19 co-designations are allowed per unit.

20  
21 **Leasable minerals.** Leasable minerals include deposits of coal, sulfur phosphates, oil shale,  
22 sodium potassium, oil and gas.

23  
24 **Lease.** A Department of Natural Resources authorization for the use of state land according  
25 to terms set forth in AS 38.05.070-105. The State Pipeline Coordinator’s Section holds  
26 authority for surface authorizations that pertain to pipeline infrastructure as defined under in  
27 AS 38.35.

28  
29 **LDA or Legislatively Designated Area.** An area set aside by the state legislature for special  
30 management actions and retained in public ownership. Examples are State Game Refuges  
31 and State Recreation Areas. Does not include sites that have been administratively desig-  
32 nated for a special purpose, such as a state recreation site of less than 640 acres.

33  
34 **Leasehold Location Order.** The order used by the Department to manage the leasing of  
35 state land for locatable minerals. In this plan, a leasehold location order (#34) is used to  
36 manage mineral development in certain areas designated Settlement and not otherwise closed  
37 to mineral entry. See [http://dnr.alaska.gov/mlw/factsht/mine\\_fs/upland.pdf](http://dnr.alaska.gov/mlw/factsht/mine_fs/upland.pdf) for more detail.

38  
39 **Locatable minerals.** Minerals that are subject to location under the mining laws of the  
40 United States on January 3, 1959, and that are described in AS 38.05.185. These include  
41 both metallic and non-metallic minerals.

42  
43 **Management intent statement.** The statements that define the department’s near and long-  
44 term management objectives and the methods to achieve those objectives. As most often  
45 used in the plan, it refers to the management objectives and methods to achieve those

1 objectives for a management unit. Management intent statements function to provide more  
2 specific guidance than that provided by a plan designation or land classification and are to be  
3 interpreted as intended to be consistent with that designation or classification.

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

8  
9 **MCO.** See “Mineral Closing Order”

10  
11 **Mineral Closing Order (MCO).** Mineral closing orders close state lands (mineral estate) to  
12 mineral entry. All state lands are open for the prospecting and production of locatable  
13 minerals unless the lands are specifically closed to mineral entry. The Commissioner of the  
14 Department of Natural Resources may close land to mineral entry if a finding has been made  
15 that mining would be incompatible with **significant surface use** on state land  
16 (AS 38.05.205). A significant surface use of the land has been interpreted by DNR to  
17 include not only residential and commercial structures, but may also include fish and wildlife  
18 habitat, recreational, and scenic values where there is very high sensitivity, use, or value.

19  
20 **Mineral entry.** Acquiring exploration and mining rights under AS 38.05.185-38.05.275.

21  
22 **Mineral Opening Order.** An order approved by the Commissioner that opens state land to  
23 mineral entry.

24  
25 **Mineral Order.** An order approved by the Commissioner that either closes or opens land to  
26 mineral entry. The use of this term is fairly recent. Previously the Department issued min-  
27 eral opening orders or mineral closing orders. Reference in this plan is to ‘mineral closing  
28 order’ since this is the instrument that was used by the Department to close areas within the  
29 planning area and since graphic representations applicable at the time of review make  
30 reference to ‘Mineral Closing Orders’.

31  
32 **Mining.** Any structure or activity for commercial exploration and recovery of minerals,  
33 including, but not limited to resource transfer facilities, camps, and other support facilities  
34 associated with mineral development. The term “mining” does not refer to offshore pros-  
35 pecting.

36  
37 **Mining claim.** Rights to deposits of minerals, subject to AS 38.05.185-38.05.275, in or on  
38 state land that is open to claim staking may be acquired by discovery, location and recording  
39 as prescribed in AS 38.05.185-38.05.275. The locator has the exclusive right of possession  
40 and extraction of the minerals lying within the boundaries of the claim, subject to  
41 AS 38.05.185 -38.05.275.

1 **Minor Change.** A minor change to a land use plan is not considered a revision under  
2 AS 38.04.065. A minor change is a change that does not modify or add to the plan’s basic  
3 intent, and that serves only to clarify the plan, make it consistent, facilitate its imple-  
4 mentation, or make technical corrections (11 AAC 55.030).

5  
6 **Multiple use.** Means the management of state land and its various resource values so that it  
7 is used in the combination that will best meet the present and future needs of the people of  
8 Alaska, making the most judicious use of the land for some or all of these resources or  
9 related services over areas large enough to provide sufficient latitude for periodic adjust-  
10 ments in use to conform to changing needs and conditions; it includes:

11  
12 a) the use of some land for less than all of the resources, and

13 b) a combination of balanced and diverse resource uses that takes into account the short-  
14 term and long-term needs of present and future generations for renewable and  
15 nonrenewable resources, including, but not limited to, recreation, range, timber, minerals,  
16 watershed, wildlife and fish, and natural scenic, scientific, and historic values  
17 (AS 38.04.910).

18  
19 **Native-owned land.** Land that is patented or will be patented to a Native corporation.

20  
21 **Native-selected land.** Federally owned land that is selected by a Native corporation but not  
22 yet patented.

23  
24 **Navigable.** Used in its legal context, it refers to lakes and rivers that meet federal or state  
25 criteria for navigability. Under the Equal Footing Doctrine, the Alaska Statehood Act, and  
26 the Submerged Lands Act, the state owns land under navigable waterbodies.

27  
28 **Navigable Waters.** Mean waters that, at the time the state achieved statehood, were used, or  
29 were susceptible of being used, in their ordinary condition as highways for commerce over  
30 which trade and travel were or could have been conducted in the customary modes of trade  
31 and travel on water (“navigable in fact”); the use or potential use does not need to have been  
32 without difficulty, extensive, or long and continuous. “Navigable Waters” include rivers,  
33 lakes, creeks, streams, sloughs, anabranches, bays, sounds, estuaries, inlets, straits, passages,  
34 canals, seas or oceans, or any other body of water or waterway within the territorial limits of  
35 the state or subject to its jurisdiction, that is navigable in fact for any useful public purpose,  
36 including but not limited to water suitable for commercial navigation, floating of logs, and  
37 public boating. “Navigable Waters” include all downstream distributaries, deltas and braided  
38 channels containing the flowing waters of any navigable in fact waters. “Navigable Waters”  
39 include all waters, within the territorial limits of the state or subject to its jurisdiction, which  
40 are subject to the ebb and flow of the tides. Those “Navigable Waters” in their liquid state  
41 remain navigable in their frozen state.

42  
43 **NRO.** Northern Regional Land Office of the Division of Mining, Land and Water, Alaska  
44 Department of Natural Resources.

1 **NSAP.** North Slope Area Plan

2  
3 **NSB.** North Slope Borough

4  
5 **Objective.** A concise statement of what we want to achieve, how much we want to achieve,  
6 when and where we want to achieve it, and who is responsible for the work. Objectives are  
7 derived from goals.

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

14  
15 **Permanent use.** A use that includes a structure or facility that is not readily removable.  
16 Permanent facilities are improvements that do not need to be removed and usually involve  
17 the construction of a foundation for the improvement.

18  
19 **Permit.** A Department of Natural Resources authorization for use of state land according to  
20 terms set forth in 11 AAC 96.

21  
22 **Planning period.** Refers to the length of time that the plan covers, which is 20 years.  
23 However, the area plan, and the land use classifications that derive from the plan, remain  
24 valid until the area plan is revised.

25  
26 **Policy.** An intended course of action or a principle for guiding actions; in this plan, ADNR  
27 policies for land and resource management include goals, management intent statements,  
28 management guidelines, land use designations, implementation plans and procedures, and  
29 various other statements of DNR's intentions.

30  
31 **Pollutant.** A substance that contaminates the natural environment including air, water, or  
32 land.

33  
34 **Pollution.** The introduction of harmful materials into the environment.

35  
36 **Prohibited use.** A use not allowed in a management unit because of conflicts with the  
37 management intent, designated primary or secondary uses, or management guideline. Uses  
38 not specifically prohibited nor designated as primary or secondary uses in a management unit  
39 are allowed if compatible with the primary and secondary uses, the management intent  
40 statements for the unit, and the plan's guidelines. Changing a prohibited use to an allowable  
41 use requires a plan amendment.

1 **Public Trust Doctrine.** A doctrine that requires the state to manage tidelands, shorelands,  
2 and submerged lands for the benefit of the people so that they can engage in such things as  
3 commerce, navigation, fishing, hunting, swimming, and ecological study. (See also  
4 Appendix C.)  
5

6 **Public use.** Any human use of state land, including commercial and non-commercial uses.  
7

8 **Public Waters.** Waters that are not navigable in fact, but are or could be used for  
9 recreational, commercial, mining, trapping, fishing, hunting, landing and takeoff of aircraft,  
10 industrial or other public purpose in any season in a frozen or liquid state. “Public Waters”  
11 may be meandered or unmeandered and include small lakes, perennial streams, perennial  
12 creeks, mudflats, and small sloughs. “Public Waters” include waters in which anadromous  
13 fish species pass and from which fish or shellfish are or could be taken for human  
14 consumption. Those “Public Waters” in their liquid state remain public in their frozen state.  
15

16 **Recreation.** Any activity or structure for recreational purposes, including but not limited to  
17 hiking, camping, boating, anchorage, access points to sport hunting and fishing areas, and  
18 sightseeing. “Recreation” does not refer to subsistence hunting and fishing. See the term  
19 ‘Subsistence’.  
20

21 **Region.** A spatial unit used in area plans to describe major geographic areas within the plan  
22 boundary. Often regions occupy state lands that are contiguous or are generally close to each  
23 other and that may have similar resource and use characteristics. In this plan, there are four  
24 regions that encompass state general domain land and one that covers areas affected by  
25 Legislatively Designated Area designations.  
26

27 **Remediation.** The act of remedying something, in particular of reversing or stopping  
28 environmental damage.  
29

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

38 **Retained land.** Uplands, shorelands, and waters that are to remain in state ownership.  
39 Certain plan designations indicate whether state land is to be retained on a general basis.  
40 (See the section, ‘Designations Used in This Plan’ in Chapter 3 for more information.)  
41 Retained land may also exist within specific areas and, if so, this intent applies to individual  
42 management units. (See the Resource Allocation Tables in Chapter 3 for more information.)  
43 Easements granted under AS 38.05.850 are not considered to be ‘retained land’ within the  
44 context of this plan and as described in the section ‘Disposal or Retention in State  
45 Ownership’ in Chapter 2.

1 **RS 2477.** RS 2477 stands from Revised Statute 2477 from the Mining Act of 1866, which  
2 states that “The public right-of-way for the construction of highways over public lands, not  
3 reserved for public use, is hereby granted. Information on RS 2477s can be accessed at the  
4 DNR website: <http://dnr.alaska.gov/mlw/trails/index.htm>  
5

6 **Right-of-way.** The legal right to cross the land of another.  
7

8 **Riparian Areas.** Areas adjacent to streams, rivers, and lakes. Standards for the  
9 management of riparian areas are contained in the Shorelands and Stream Corridors section  
10 of Chapter 2; see especially Management Guideline I.  
11

12 **Settlement.** The sale, leasing, or permitting of state lands to allow private recreational,  
13 residential, commercial, industrial, or community use. May also refer the designation of  
14 Settlement or the land classification of Settlement Land.  
15

16 **Shall.** Same as “will.”  
17

18 **Shoreland.** Land belonging to the state that is covered by navigable, nontidal water up to the  
19 ordinary high-water mark as modified by accretion, erosion or reliction. (See definition of  
20 Navigable.) Shorelands are generally lake bottoms or the beds of navigable rivers and  
21 streams. (See Figure 1-1, Chapter 1.)  
22

23 **Should.** States intent for a course of action or a set of conditions to be achieved. Guidelines  
24 modified by the word “should” state the plan’s intent and allow the manager to use discretion  
25 in deciding the specific means for best achieving the intent or whether circumstances justify  
26 deviations from the intended action or set of conditions. Includes the concept of ‘feasible  
27 and prudent.’ Any deviation from a management intent statement or management guideline  
28 in an authorization requires an explanation for the variation in the written decision. See also  
29 “Will.”  
30

31 **Small Waters.** Waters that due to their small catchment area, small surface area, small  
32 width, small depth, lack of anadromous or other fish population, lack of shellfish population  
33 or other limitations render them unsuitable for significant public purposes. “Small Waters”  
34 mean isolated small lakes or ponds (normally with a surface area of less than 10 acres), small  
35 headwater streams or creeks with small catchment areas, intermittent streams or creeks,  
36 ditches, swales, springs, flushes, surface runoff, and ephemeral waters. “Small Waters”  
37 include wetlands (areas that are inundated or saturated by surface or ground water at a  
38 frequency and duration sufficient to support, and that under normal circumstances do  
39 support, a prevalence of vegetation typically adapted for life in saturated soil conditions such  
40 as swamps, marshes, bogs, muskeg, and similar areas).  
41

42 **Spill and Contaminated Sites.** Areas impacted by a release of oil or hazardous substances,  
43 and are regulated under 18 AAC 75.  
44

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

7  
8 **State-owned land.** Land that is patented or will be patented to the state, including uplands,  
9 tidelands, shorelands, and submerged lands.

10  
11 **State-selected land.** Federally owned land that is selected by the State of Alaska, but not yet  
12 patented nor Tentatively Approved (TA) by the Bureau of Land Management.

13  
14 **Submerged Lands.** Land covered by tidal waters between the line of mean lower low water  
15 and seaward to a distance of three geographic miles or as may hereafter be properly claimed  
16 by the state. (AS 38.05.965) (See definition of Tidelands and Figure 1-1, Chapter 1.)

17  
18 **Subsistence.** Subsistence is defined in Alaska state laws as the “non-commercial customary  
19 and traditional uses of fish and wildlife”. See AS 16.05.940, especially subsections 30 and  
20 31 (sport fishing), 32 (subsistence hunting), and 33 (subsistence uses) for further information.

21  
22 **Suitable.** Land that is physically capable of supporting a resource development.

23  
24 **Sustained Yield.** Means the achievement and maintenance in perpetuity of a high level of  
25 annual or regular periodic output of the various renewable resources of state land consistent  
26 with multiple use. (AS 38.04.910(12))

27  
28 **Temporary use.** A use that is one year or less in duration requiring a state permit. Any  
29 structure associated with the use must be readily removable.

30  
31 **Tidelands.** Lands that are periodically covered by tidal waters between the elevation of  
32 mean high water and mean lower low water. (AS 38.05.965) (See Figure 1-1, Chapter 1.)

33  
34 **Top filed (also Top Filing).** A future state selection for lands which were not available on  
35 the date of filing. These selections automatically become effective without further action by  
36 the state on the date the lands become available for state selection.

37  
38 **Unsuitable.** Land that is physically incapable of supporting a resource development (usually  
39 because that resource doesn't exist in that location).

40  
41 **Uplands.** Lands above mean high water. (See Figure 1-1, Chapter 1.)

42  
43 **USFWS or U. S. Fish and Wildlife Service.** United States Fish and Wildlife Service, a  
44 division of the U.S. Department of Interior.

1 **Viewshed.** A viewshed is an area of land, water, or another environmental element that is  
2 visible to the human eye from a fixed vantage point. Viewsheds tend to be areas of scenic or  
3 historic value that are readily visible from public areas such as roadways, rivers with  
4 important recreation functions, or regional trails.

5  
6 **Water Resources.** Refers to the plan designation of Water Resources or the land class-  
7 ification of Water Resources Land.

8  
9 **Water-dependent.** Means a use or activity which can be carried out only on, in, or adjacent  
10 to water areas because the use requires access to the waterbody.

11  
12 **Water-related.** Means a use or activity which is not directly dependent upon access to a  
13 waterbody, but which provides goods or services that are directly associated with water-  
14 dependence and which, if not located adjacent to water, would result in a public loss of  
15 quality in the goods or services offered.

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

25  
26 **Will.** Requires a course of action or a set of conditions to be achieved. A guideline modified  
27 by the word “will” must be followed by land managers and users. Deviation from plan  
28 designations, management intent, or management guidelines requires a plan amendment  
29 consistent with 11 AAC 55.040(f). (See Chapter 4 - Types of Plan Changes.)

30  
31 **Working Forest.** A “working forest” refers to actively managed forest lands that provide  
32 wood for personal and commercial use, while protecting fish and wildlife habitat, providing  
33 the public with recreation and other multiple use of state land, and maintaining public  
34 benefits such as clean air, land, and water.



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STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER

**Appendix B**  
**Land Classification Order No. NC-19-001**

I. Name: North Slope Area Plan (NSAP)

II. The classifications in Part III are based on written justification contained in one of the following plans:

Area Plan: **North Slope**  
Adopted ( x ) Revised ( ) Dated \_\_\_\_\_

Management Plan:  
Adopted ( ) Revised ( ) Dated \_\_\_\_\_

Site Specific Plan:  
Adopted ( ) Revised ( ) Dated \_\_\_\_\_

III. Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this Action
See plan maps	X	GS, CG	CL 617 CL 618 CL 622 CL 1608 & CL 613 NC-02-002, NC-08-003, NC-82-032, NC-82-034	

IV. This order replaces and supersedes all existing land classification orders within the plan boundary of the NSAP.

V. This order is issued under the authority granted by AS 38.04.065 and AS 38.05.300 to the Commissioner of the Department of Natural Resources. The above described lands are hereby designated and classified as indicated. Additionally, state land under contract for conveyance remains classified Settlement Land until this land is conveyed out of state ownership. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

The date of issuance for this decision shall be \_\_\_\_\_

Classified: \_\_\_\_\_ Date: \_\_\_\_\_  
Commissioner, Department of Natural Resources



## 1 Appendix C

### 2 Public Trust Doctrine

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

8  
9 The Public Trust Doctrine applies whenever navigable waters or the lands beneath those  
10 waters are altered, developed, conveyed, or otherwise managed. It also applies whether the  
11 trust lands are publicly or privately owned. Shorelands below the ordinary high-water mark  
12 are considered public trust lands. In summary, all lands beneath navigable waters, be they  
13 shorelands, tidelands, or submerged lands out to the three mile limit are public trust lands.

14  
15 The Alaska Constitution contains numerous provisions embracing principles of the Public  
16 Trust Doctrine that require the state to exercise authority to ensure that the right of the public  
17 to use navigable waters for navigation, commerce, recreation, and related purposes is  
18 protected. In Alaska, the Public Trust Doctrine extends beyond those submerged lands in  
19 which the state holds title to include all waters that are navigable. The state's waters are  
20 themselves reserved to the people for common use.

21  
22 The Alaska Constitution (Article VIII, sections 1, 2, 3, 6, 13, and 14) and Alaska Statutes  
23 (38.05.127 and 38.05.128) contain some of the provisions, which are the legal basis for  
24 applying the Public Trust Doctrine in Alaska. In Alaska, this doctrine guarantees the public's  
25 right to engage in activities such as commerce, navigation, fishing, hunting, trapping, and  
26 swimming, while also providing for the protection of areas for ecological study.

27  
28 The Alaska Constitution provides that "free access to the navigable or public waters of the  
29 state, as defined by the legislature, shall not be denied any citizen of the United States or  
30 resident of the state, except that the legislature may by general law regulate and limit such  
31 access for other beneficial uses or public purposes." The Alaska Supreme Court has  
32 concluded "the provisions in Article VIII [of the Constitution] were intended to permit the  
33 broadest possible access to and use of state waters by the general public." *Wernberg v. State*,  
34 516 P. 2d 1191, 1198-9 (Alaska 1973). The Alaska legislature has broadly defined the nav-  
35 igrable and public waters available for public use in AS 38.05.965. Moreover, the legislature  
36 has endorsed a broad interpretation of the Public Trust Doctrine in Article VIII of Alaska's  
37 Constitution in finding that:

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

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

19