

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
SPECIAL USE LAND DESIGNATION
FOR
GULKANA RIVER SHORELANDS AND WATERS
(ADL 229819)**

With Amendments to the Copper River Basin
and Susitna Area Plans and Associated Classification Orders
(SC-86-014A01 and SC-86-030A02)

The Department of Natural Resources (DNR) is establishing a Special Use Land Designation (SULD) to regulate certain activities on State of Alaska shorelands and waters of the Gulkana River and its tributaries and lakes as depicted on Figure 2. This SULD restricts specific uses on state lands and waters within the designated area. This action also amends the Copper River Basin and Susitna Area Plans so the river is managed as a single unit. This designation does not restrict uses outside of the designated area shown on Figure 2. Motorized access to private lands within the SULD will not be affected by this designation.

AUTHORITY

Shorelands and waters of the Gulkana River and its tributaries and lakes will be designated as Special Use Lands. SULDs are areas identified as having special resource values needing protection. This designation restricts some uses that would otherwise be classified “generally allowed” under 11 AAC 96.020. The shorelands and waters of the Gulkana River and its tributaries and lakes will be designated as a SULD because of outstanding public recreation and fish and wildlife habitat values. They will also be designated to address public safety concerns. Through the designation, the area will be protected from activities that may damage these resources or threaten public safety.

BACKGROUND

Ownership of Shorelands

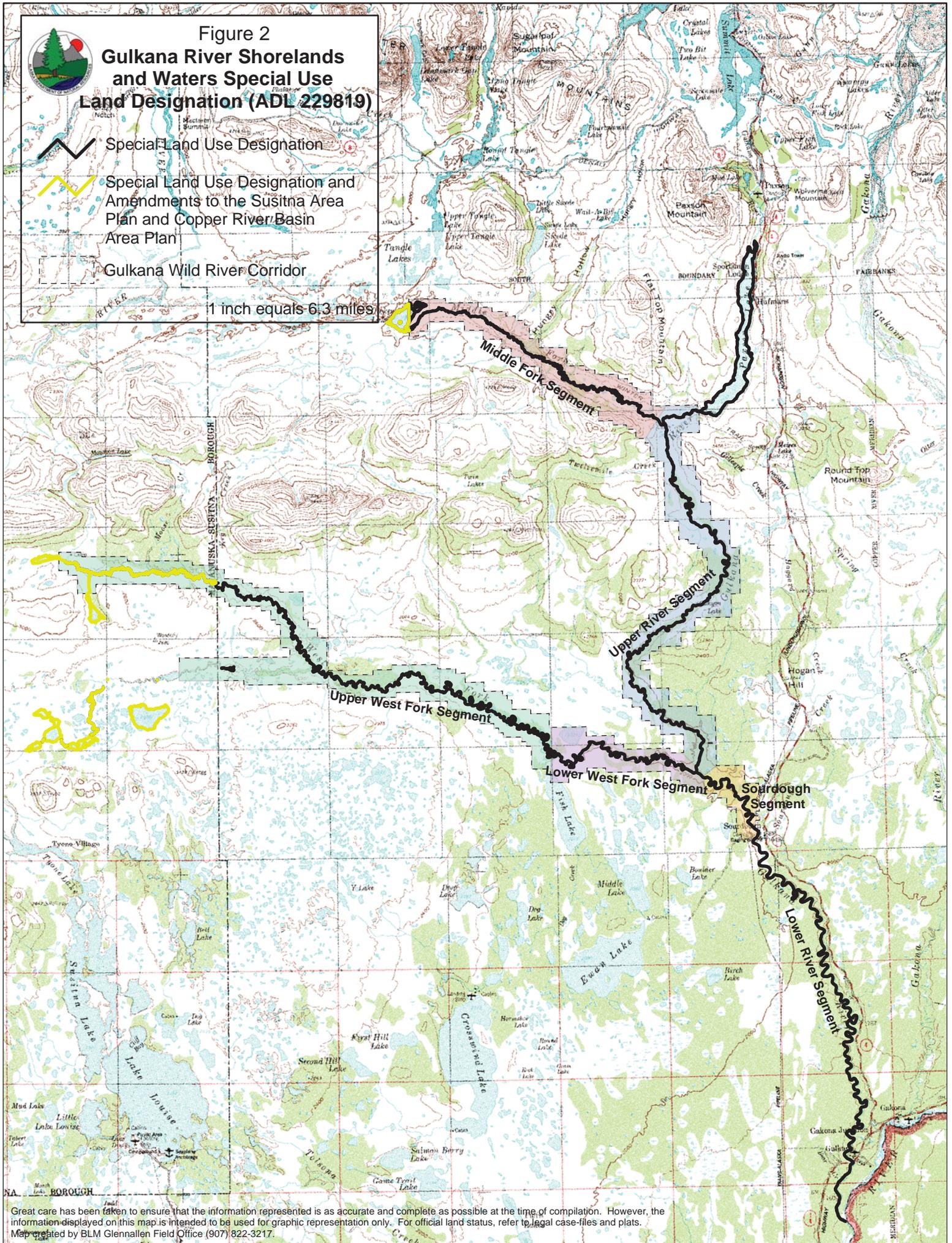
The Gulkana River was designated as a Wild River through the Alaska National Interest Lands Conservation Act Additions, Title VI, Sec. 603 in 1980. In 1989 the 9th Circuit Court found the Gulkana River navigable and therefore state owned. State-owned shorelands adjoin uplands owned by the Bureau of Land Management (BLM), Alaska Department of Transportation and Public Facilities (DOTPF), Gulkana Village Corporation, Ahtna Inc. and a few private landowners. Because there are only a few parcels of DNR-managed uplands adjacent to the river, and these parcels are located on the extreme upper reaches of the river’s tributaries, the SULD does not address uses on DNR managed uplands along the river. Figure 1 depicts the state-owned shorelands and waters.



Figure 2 Gulkana River Shorelands and Waters Special Use Land Designation (ADL 229819)

- Special Land Use Designation
- Special Land Use Designation and Amendments to the Susitna Area Plan and Copper River Basin Area Plan
- Gulkana Wild River Corridor

1 inch equals 6.3 miles



Great care has been taken to ensure that the information represented is as accurate and complete as possible at the time of compilation. However, the information displayed on this map is intended to be used for graphic representation only. For official land status, refer to legal case-files and plats. Map created by BLM Glennallen Field Office (907) 822-3217.

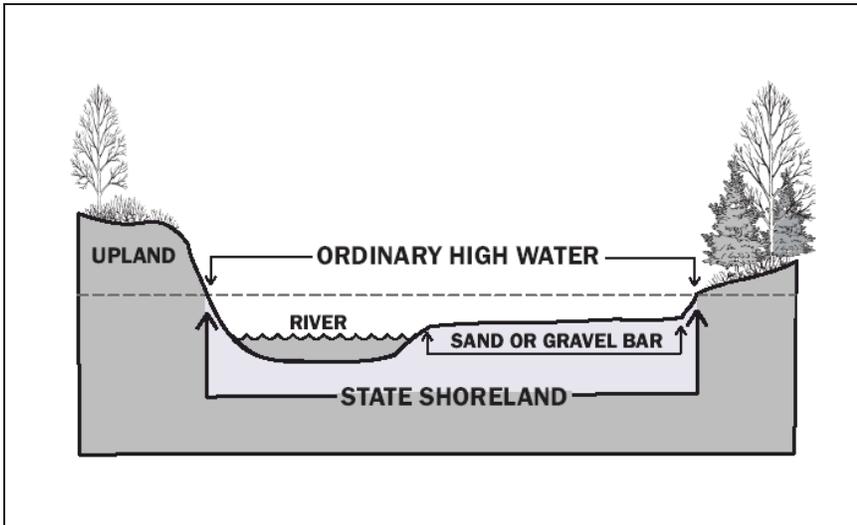


Figure 1

Resource Values

The shorelands and waters of the Gulkana River and Paxson Lake have high public recreation and fish and wildlife habitat values. The Gulkana River is the largest clear water river in the Copper River System. Paxson Lake and the Gulkana River provide outstanding public recreation values including remote camping opportunities, scenic landscapes, fishing and boating. These waters also provide considerable salmon spawning and rearing areas. Lands surrounding the Gulkana River and Paxson Lake are important habitat for wildlife and support large numbers of nesting trumpeter swans. Lands south of Paxson Lake between the Richardson Highway and the river are important caribou habitat.

Use of the Resource

Commercial and non-commercial sport fishers (motorized and non-motorized), whitewater boaters, campers, and bank anglers use this river and lake system extensively. Powerboat use is mainly on the lower river and Sourdough segments of the river. Float use occurs in all segments of the river system and on Paxson Lake. Bank angling is primarily found near access points such as trails, 17(b) easements, and by access from DOTPF rights-of-way (Richardson Hwy. Bridge). Use levels for the river peak during the king salmon season and are relatively low prior to and after the king season. A more primitive experience is available to users who navigate the two major river tributaries (West Fork and Middle Fork) and the main stem of the Gulkana River, particularly outside the king salmon season. The majority of the use of the shorelands and waters is from non-guided users.

Prior State Planning

The 1986 Copper River Basin Area Plan (CRBAP) addressed all state waters and shorelands along the Gulkana River that were in the planning area. The plan designated them Public Recreation and Wildlife Habitat and closed the Gulkana River shorelands to mineral entry and oil and gas leasing. The CRBAP also designated the Gulkana River, upstream from the Copper River, and lands under all navigable waters of the Middle and West forks of the Gulkana as a State Wild and Scenic River as provided by AS 38.04.070. The plan also found the river suitable for legislative designation as a State Recreation River. Although the river was never designated as a Recreation River, it was administratively designated as a State Wild and Scenic River by adoption of the plan by the commissioner of DNR. The Susitna Area Plan (SAP), adopted in 1985, addressed the western-most reaches of the Middle and West forks but did not prescribe any specific management intent for the

river. The plan did, however, designate a large block of land along the eastern portion of the Denali Highway, including portions of the Gulkana River, Public Recreation and Wildlife Habitat.

Memorandum of Understanding (MOU)

Through a 1985 MOU between BLM and the State, DNR has agreed to manage its lands in the Gulkana River area in cooperation with BLM. Consistent with the MOU, BLM and DNR initiated a joint planning effort to revise the Gulkana River Management Plan in 1998.

The SULD described in this document represents the DNR component of this planning process. The draft revision of the 1985 Gulkana River Management Plan, which addresses recreational and other uses on federal uplands within the Gulkana Wild River corridor, represents BLM's component of the planning process. In winter 2004-2005, BLM released a Draft Environmental Assessment for public review and comment that proposed amending their 1983 management plan. BLM's Finding of No Significant Impact has been issued at the same time that DNR's SULD and plan amendments are adopted and issued.

RESTRICTIONS WITHIN THE SULD

Use has increased substantially on the Gulkana River. Survey data indicates that some segments of the river are beginning to show signs of resource degradation and user conflict due to increased use. The following management actions will address these issues.

Fire ring development and resulting litter is an issue addressed through this SULD. Patrols by BLM recreation staff have documented multiple fire rings at existing campsites. Development of new fire rings at campsites reflects the increased use of sites by river users and presents management issues for the State and BLM. Multiple fire rings at campsites increases the amount of charcoal and unburned waste and detracts from the appearance and cleanliness of the sites. The unburned waste is swept into the river during high flow events resulting in litter accumulation in the waters and on state shorelands. If BLM monitoring indicates that Phase I standards for fire rings are being exceeded in a river segment and Phase II management actions are implemented on adjacent BLM administered uplands, DNR will require the use of fire pans on state shorelands within that segment.

The recreational discharge of weapons¹ (i.e. target shooting or "plinking") on the shorelands and waters of the Gulkana River presents a safety concern to the public. In addition to the campgrounds and launch facilities where users congregate, there are numerous users along the river fishing, camping, and boating. The use and discharge of a weapon is not allowed except for the purpose of lawful hunting or trapping, defense of life and property, or for a signaling device in emergencies. Restrictions on the recreational discharge of weapons on state shorelands and waters will increase the safety for the many river users who utilize both developed facilities and the campsites along the river, lakes and tributaries.

Use of chainsaws to cut standing live trees and woody debris in the riverbed for firewood has become an issue for both state and federal land managers. Use of chainsaws has been increasing within the river corridor as use increases, and as a result, more live standing trees and large woody debris from the riverbed are being cut for firewood. The restriction on the use of chainsaws to cut firewood will reduce the volume of wood used for firewood and should result in increased woody debris in the river

¹ Weapons - Includes mechanical, gas, or air operated guns; pistols; rifles; shotguns; revolvers; bow and arrows; slingshots; or crossbows.

and bank stabilization which is important for both fish habitat and retention of fishing holes. To achieve this intent, chainsaws may not be used in the SULD except as authorized by the Director and for administrative purposes.

The highest use period for the Gulkana River coincides with the Fourth of July, and as a result, there is widespread use of fireworks on both state and federal lands. Use of fireworks in this remote setting with few access points is a potential safety concern for river users because of the potential for wildfire. Additionally, the use of fireworks increases the amount of litter on state lands and adjacent uplands. The use of fireworks on state lands and waters is prohibited by this SULD which is intended to reduce these risks.

ISSUES ADDRESSED BY EXISTING STATUTES OR REGULATIONS

Human waste and litter was another major issue identified by all river users. Survey data of Gulkana River users indicates a low tolerance for human waste and litter along the river. This is also a major issue on other rivers statewide as indicated on recent user surveys. Current state laws and regulations address the human waste issue on State of Alaska shorelands. Human waste shall not be disposed of on state-owned shorelands (such as gravel bars and sand bars), in accordance with AS 46.03.800 - 810. On all lands including state, federal and private, human waste may be disposed of in a cathole at least 100 feet away from the ordinary high water mark of streams, rivers, or lakes in accordance with Alaska Department of Environmental Conservation (ADEC) regulation 18 AAC 72.020. Because of trespass laws, human waste may only be disposed of on privately owned uplands with the concurrence of the upland owner. This SULD recommends hauling out human waste and disposing of it in an approved ADEC facility.

PURPOSE

The purpose of this SULD is to implement the state alternatives developed through the ongoing cooperative planning effort between DNR and BLM for the revision of the Gulkana River Management Plan. This designation creates a complementary system for management of the lands and waters within and adjacent to the Gulkana National Wild River corridor and provides for consistency in management between the uplands (managed mostly by BLM) and shorelands and waters (managed by DNR). The designation provides DNR with the ability to manage lands for the best interest of the state and protection of public recreation and resources, with consideration given to the adjacent land managers' goals and objectives.

When adopted as regulation, this designation will restrict some activities on state lands that are classified as "generally allowed" under 11 AAC 96.020. Restriction of these uses will protect the values for which these lands are designated.

AREA PLAN AMENDMENTS

Management Unit 27C in the Copper River Basin Area Plan is amended (SC-86-030A02) to include the navigable upper reaches of the West Fork, south branch of the West Fork, and Middle Fork Gulkana River as depicted on Figure 2. This will provide consistent management intent for all state-owned shorelands and waters along the Gulkana River and its lakes and tributaries. Where the Susitna Area Plan includes the portions of the Gulkana River mentioned above (located in the Talkeetna Mountains Subregion, Subunit 1C), SAP is amended (SC-86-014A01) so that these shorelands and waters become part of Subunit 27C in the CRBAP. All lands in the expanded Unit 27C are designated

public recreation and wildlife habitat and the management intent for this unit contained in the CRBAP applies to these lands with the exceptions listed in the *Recommendations* section below.

RECOMMENDATIONS

All lands in the existing Unit 27C in the CRBAP are currently closed to new mineral entry and mineral leasing. The shorelands added to Management Unit 27C under the plan amendments described above may be considered for mineral closure, but this action will require adoption of a mineral order amendment before they are actually closed to new mineral entry. Due to the low mineral potential in this area, lack of access, and remoteness of the area, DNR does not foresee a need to take this action in the near term. Unlike lands in the existing Unit 27C, additions to the unit will remain open to oil and gas leasing. AS 38.04.065(i), which precludes DNR land use plans from addressing oil and gas leasing, was enacted after the CRBAP was adopted.

If through further monitoring BLM determines that standards for camp encounters have been exceeded, and BLM implements a trip registration or permit system under Phase I or II management actions, DNR may take similar actions for adjacent state shorelands. Such actions would ensure that there is a consistent approach to registration/permits for uses on the uplands and shorelands in the SULD and the Wild River corridor. Such a system would help use-sensitive river users avoid high-use days and reduce campsite competition. Implementation of such a system by DNR will depend on funding and other considerations and will be subject to AS 38.05.020 and 11 AAC 96.014 and additional public notice under AS 35.05.945.

The CRBAP designated the Gulkana River and tributaries as a State Wild and Scenic River. Lands added to Unit 27C in the CRBAP as part of this decision, are designated as a State Wild and Scenic River. Consistent with the CRBAP findings, the river segments added to Unit 27C are also suitable for legislative designation as a State Recreation River.

This SULD recommends hauling out human waste and disposing of it in an approved ADEC facility for three reasons: 1) disposal of human waste in catholes can still present sanitation problems along the Gulkana; 2) most of the lower river uplands are owned by Native Corporations, and 3) the Native Corporation and private landowners will not grant permission for disposal of human waste on their lands. A human waste disposal facility is now located at the boat launch at Sourdough and operated by BLM. Another facility may be built near the takeout at the Richardson Highway sometime in the future.

DNR will continue to work with BLM to identify damage to the resources as well as potential conflicts between motorized and non-motorized users of the Gulkana River and tributaries. If continued monitoring indicates conflicts between user groups or conflicts with wildlife, DNR or ADFG may propose actions to address conflicts, resource damage, or wildlife concerns on state shorelands and waters. This SULD recommends continued cooperation and coordination between DNR, ADF&G and BLM to identify and resolve issues associated with user conflict, resources, and wildlife on the Gulkana River and tributaries.

DNR should also work with BLM, ADF&G, and other stakeholders to identify trails that would be designated for ORV use within the Wild River corridor. This effort, along with measures to restrict users to designated trails, will reduce the number of unmanaged trails and stream crossings that are proliferating in the area. Currently, the use of some unmanaged trails is resulting in trail-generated

sedimentation in the river and damage to stream banks. Consistent with BLM's Finding of No Significant Impact, users of ORVs are also encouraged to park their vehicles out of sight of the river.

DNR should also work with the other stakeholders to develop information materials about the river. BLM brochures currently address the designated Wild River segments, but do not address the lower river segment below Sourdough. Since many river users travel downstream from the Sourdough boat launch, these materials should also address the lower river.

DECISION

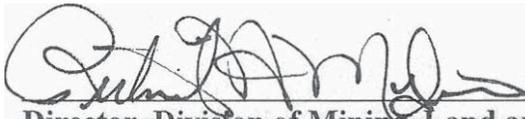
A Special Use Land Designation is adopted as department policy for the shorelands and waters of the Gulkana River and its tributaries and lakes upstream from the confluence with the Copper River. The lands described herein and shown on Figure 2 will be known as the Gulkana River Shorelands and Waters Special Use Land. Consistent with AS 38.04.065 and 11 AAC 55.010-030, this document also amends the 1986 Copper River Basin Area Plan and the 1985 Susitna Area Plan and their associated Classification Orders that apply to the portions of the shorelands and waters of the upper Gulkana River drainage. I find that these actions are consistent with the Department of Natural Resources management authority and that they are in the best interest of the state.

After adoption, this SULD will serve as Department policy. The SULD will be adopted as regulation in accordance with 11 AAC 96.014(a) at some future date. The amendments to the two area plans and classifications orders take effect as specified below.



Southcentral Regional Manager,
Division of Mining, Land and Resources

8-7-06
Date



Director, Division of Mining, Land and Resources
Department of Natural Resources

8/7/06
Date

APPEAL

A person affected by this decision may appeal it, in accordance with 11 AAC 02. The date of issuance of this decision is August 9, 2006 and any appeal must be received by **August 29, 2006** and may be mailed or delivered to Michael Menge, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr_appeals@dnr.state.ak.us. If no appeal is filed by that date, this decision goes into effect as a final order and decision on September 11, 2006. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

STATE OF ALASKA

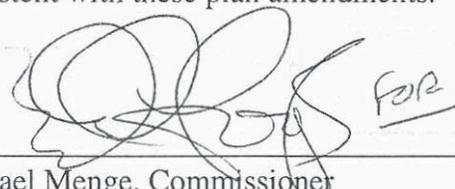
FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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The Commissioner of the Department of Natural Resources finds that the amendments to the 1985 Susitna Basin Area Plan and 1986 Copper River Basin Area Plan that are based on the Gulkana River Shorelands and Waters Special Use Land Designation (ADL 229819) meet the requirements of AS 38.04.065 and 11 AAC 55.010 – 55.030 for land use plans, and I hereby adopt these two plan amendments. The Department of Natural Resources will manage state land in the designated area consistent with these plan amendments.



FOR

Michael Menge, Commissioner
Department of Natural Resources

8/7/06

Date

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

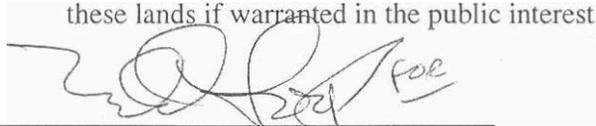
LAND CLASSIFICATION ORDER AMENDMENT
to the
1985 Susitna Basin Area Plan
SC-86-014A01

- I. Name: Susitna Basin Area Plan
- II. The classifications in Part III are based on written justification contained in one of the following plans:

Area Plan: list plan name here
 Adopted () Revised (x) Dated 8/7/06
 Management Plan:
 Adopted () Revised () Dated _____
 Site Specific Plan:
 Adopted () Revised () Dated _____

III. Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this action
See Gulkana River Shorelands and Waters Special Use Lands map (ADL 229819) 10N7W CRM 10N8W CRM 11N7W CRM 11N8W CRM	3,840 acres	Statehood Act (Upper West Fork Gulkana River)	Wildlife Habitat Land	Public Recreation Land Wildlife Habitat Land

IV. 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. Nothing shall prevent the reclassification of these lands if warranted in the public interest.



Michael Menge, Commissioner
Department of Natural Resources

8/7/06

Date

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

LAND CLASSIFICATION ORDER AMENDMENT
to the
1986 Copper River Basin Area Plan
SC-86-030A02

- I. Name: Copper River Basin Area Plan
- II. The classifications in Part III are based on written justification contained in one of the following plans:

Area Plan: list plan name here
Adopted () Revised (x) Dated 8/7/06
Management Plan:
Adopted () Revised () Dated _____
Site Specific Plan:
Adopted () Revised () Dated _____

III. Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this action
See Gulkana River Shorelands and Waters Special Use Lands map (ADL 229819) 13N5W CRM	640 acres (Dickey Lake)	Statehood Act	none	Public Recreation Land Wildlife Habitat Land

- IV. 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. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

8/7/06
Date

Michael Menge, Commissioner
Department of Natural Resources