

# Chapter 4

## PLAN IMPLEMENTATION

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# Chapter 4

## PLAN IMPLEMENTATION

This chapter summarizes the actions necessary to implement the policies of this plan not otherwise covered or explained in detail in Chapters 2 and 3. These actions include land classification, mineral closing and leasehold location orders, special use designations, management agreements, operating plans, cooperative agreements, agency involvement and coordination, agency responsibilities for plan implementation, research and studies, and procedures for plan amendment.

## STATE LAND CLASSIFICATION

To implement this plan, including the sale of timber resources within the Forest, state lands must be classified consistently with the management intent and land use designations described in Chapter 3. Land classification designates state owned lands according to the apparent best use determined through the research, public input, and local expertise compiled throughout the planning process. A classification identifies the primary use determined for a unit of land but all classifications are intended for multiple use, consistent with [AS 38.04.910](#). An assignment of one classification does not preclude other uses within that unit unless expressly stated in the management guidelines in or the conditional and prohibited uses identified in Chapter 2 and Chapter 3 of this plan. In the Haines State Forest Resource Management Area each management unit is assigned a single, principal designation.

The land classifications identified in this plan include Forest Land, Public Recreation Land, Wildlife Habitat Land, and Resource Management Land. These classifications are associated with definitions assigned through Alaska Regulation (11 AAC 55). See Appendix H for the definitions associated with the land classifications within the Forest. The lands and resources within the Forest will be managed according to these definitions and with the unit-specific management information provided in Chapter 3 of this plan.

## RELATIONSHIP OF LAND USE DESIGNATIONS IN THIS PLAN TO STATE LAND CLASSIFICATIONS

While land classification is required for the disposal of resources on state land (timber sales), the classification itself does not provide land management directives. Management directives are identified in the management plan through the land use designations and management intent statements assigned to each unit in Chapter 3. When the forest management plan is adopted, it is accompanied by a Land Classification Order (LCO). The LCO codifies the recommended land use designations in this plan as the assigned

1 land classification required by 11 AAC 55, AS 38.04, and AS 38.05. Table 4-1 identifies  
2 the acreage associated with each designation recommended in this plan.

3 **Table 4-1. Acreage Associated with Land Designations**

<b>Symbol</b>	<b>Designation</b>	<b>Acreage</b>
F	Forestry	80,780
Rm	Resource Management	103,320
Pr	Public Recreation – Public Use Site	44,579
Ha	Habitat	57,552

4  
5 Conversion of land use designations in this plan into state land classifications is indicated  
6 in table 4-2. These are intended to identify the allowable uses of a state upland area,  
7 consistent with the definitions described previously and with the management intent  
8 stated in Chapter 3.

9 **Table 4-2. Conversion of Land Use Designations to Land Classifications**

<b>Symbol</b>	<b>Designation</b>	<b>Classification</b>
F	Forestry	Forest Land
Rm	Resource Management	Resource Management Land
Pr	Public Recreation – Public Use Site	Public Recreation Land
Ha	Habitat	Wildlife Habitat Land

10  
11 **LAND CLASSIFICATION ORDER**

12 State land is classified under the authority of AS 38.04.005, AS 38.05.300, and  
13 11 AAC 55.010 -.280 according to the management intent described in this management  
14 plan. Classifications are important for determining whether certain forms of activity can  
15 occur under portions of statute and they provide a general indication of how state land  
16 should be managed.

17 The land classifications for the Haines State Forest are established in Land Classification  
18 Order SE-24-001 (See Appendix F). These classifications supersede and replace all  
19 previous land classifications created by the 2002 revision of the Haines State Forest  
20 Management Plan and/or the Haines-Skagway Land Use Plan that previously affected the  
21 Forest. It does not replace or supersede Special Use Designations predating the approval  
22 of this revision. Land classifications for each subunit are shown on Map 3-2 through 3-  
23 10.

The potential for the reclassification of state land in the future is authorized under 11 AAC 20 55.240. This action will require the revision of LCO SE-24-001 and may require revision of this management plan. An amendment to the plan is required under 11 AAC 55.030(f)(1)(B) if the proposed authorization would modify the basic management intent for one or more subunits or if the authorization would conflict with the plan’s allowed or prohibited uses, policies, or guidelines.

**Table 4-3. Acreages Associated with Land Classifications**

<b>Classification</b>	<b>Acreage</b>
Forest Land	80,780
Resource Management Land	103,320
Public Recreation Land	44,579
Wildlife Habitat Land	57,552

**MINERAL ENTRY AND LEASEHOLD LOCATION ORDERS**

The Forest area not covered by a Mineral Closing Order (see next section) is open to mineral exploration and development except areas where, because of the presence of resources requiring provisional measures to assure their sustainability, mining shall follow Leasehold Location requirements.

Areas classified *Wildlife Habitat* or *Public Recreation* are closed to mineral entry under standard mining statutes but are open to mineral development under the requirements of the Leasehold Location Order.

*Mineral Closing Order*

Mineral Closing Order 771 closes to mineral entry all locatable mineral operations in specific recreation areas, including campgrounds and areas along Chilkoot River Road. The closure affects 110.6 acres. See Appendix C.

*Leasehold Location Order*

A leasehold location order is used to authorize mineral entry and subsequent development in areas where a higher level of review is required of a proposed mineral development. This review generally includes the presence of sensitive historic, cultural, habitat, wildlife, hydrologic, or recreation features or activities in an area that is likely to have mineral development at some time. Mineral Leasehold Location Order 25, included as Appendix D, affects those subunits classified *Public Recreation* or *Wildlife Habitat*.

1 Approximately 101,340 acres are affected by this Order. Mineral development can be  
2 authorized under the Leasehold Location Order but must also be consistent with the  
3 management guidelines in each unit. Stipulations may be imposed on proposed mineral  
4 developments that protect resources or activities identified in the unit guidelines.

### 5 **SPECIAL USE DESIGNATIONS**

6 Special Use Designations (SUD) establish specific requirements for uses of state lands  
7 that would otherwise be permitted under 11 AAC 96.20. Those uses of state land that  
8 require and do not require a permit or other form of authorization are specified in 11 AAC  
9 96. It also provides, under 11 AAC 96.014, that DNR may, through the use of a Special  
10 Use Designation, establish special permit requirements and requirements for receipt of  
11 authorization. Special Use Designations are confined to specific geographic areas and  
12 specify conditions or standards that must be satisfied by the affected use(s). Uses not  
13 typically requiring a permit are identified in 11 AAC 96.020. Two SUDs were created in  
14 the 2002 revision of the HSRMA management plan, ADL 106858 and ADL 106929.  
15 The decision documents describing the scope and effects of these SUDs are included as  
16 appendices in this plan. SUDs are static documents. Once signed, the parameters of an  
17 SUD are promulgated in Alaska Administrative Code (regulation). Generally, changes to  
18 an SUD require replacement of the decision document and proposing changes to the  
19 promulgating regulations, entailing a cycle of public process separate from management  
20 plan amendment.

21 Due to this static nature, SUDs sometimes contain references that appear inconsistent  
22 with other sources. For the purposes of implementation, ADNR considers an SUD to be  
23 correct and effective, even as sections of Alaska Statute, Administrative Code, or other  
24 documents may be edited over time. The SUD documents included in the HSRMA  
25 management plan refer to 11 AAC 96.010 as the authorizing regulation. Since 2002, the  
26 AAC section describing and authorizing Special Use Lands has been relocated to  
27 11 AAC 96.014.

28 Note: A small portion of subunit 3i is affected by ADL 106859, an SUD created in the  
29 2002 amendment of the Northern Southeast Area Plan. See NSEAP appendix D for more  
30 information.

#### 31 *Special Use Designation ADL 106858*

32 Included as Appendix E, this SUD affects certain types of commercial recreation  
33 activities and recreational facility types. Uses affected by this Special Use Designation  
34 must, to receive authorization, meet the specific conditions of the SUD and the general  
35 standards for permitting such uses under 'Recreation' in Chapter 2. The uses that are  
36 affected by the SUD are described more fully in the unit descriptions of Chapter 3.

1 This SUD is intended to implement the management intent and management guidelines  
2 of specific units, and DNR authorizations are to be consistent with these management  
3 intent statements and guidelines. Information gathered through the annual submittal of  
4 'summary of operation reports' by commercial recreation operators is to be periodically  
5 reviewed to ensure that DNR authorizations are consistent with these statements and  
6 guidelines. The authorizations or the SUD can be revised if the management intent for  
7 recreational activities in the units is not being met. The SUD must also be reviewed at the  
8 end of each five-year use period. The purpose of this review is to determine whether the  
9 SUD has been effective in meeting the management intent and guidelines for specific  
10 subunits or if changes in the authorizations granted by DNR or to the SUD itself are  
11 necessary to bring commercial recreation activities into compliance with the Forest Plan.

12 This SUD works in combination with a similar Special Use Designation used in the  
13 Northern Southeast Area Plan. The designation in the Area Plan affects general state land  
14 outside the Forest.

15 *Special Use Designation ADL 106929*

16 Included as Appendix B, this SUD establishes a non-motorized area in the Mt. Ripinski  
17 area near the townsite of Haines. The affected area is identified on the map accompanying  
18 the Special Use Designation. In addition, the SUD prohibits the use of commercial  
19 'Personal Watercraft' on those portions of Chilkat and Chilkoot Lakes within the Forest.

20 **MANAGEMENT AGREEMENT**

21 Appendix G contains a management agreement between the Division of Mining, Land,  
22 and Water (DMLW), Division of Forestry & Fire Protection (DFFP), and Division of  
23 Parks and Outdoor Recreation (DPOR). The agreement affects the state land containing  
24 the campground at the southern end of Chilkoot Lake, the navigable waters of Chilkoot  
25 River between the lake outlet and Lutak Inlet (including certain tidelands), and a 200'  
26 buffer along the west side of Chilkoot River Road right-of-way. The purpose of the  
27 Management Agreement is to permit the DPOR to manage recreational activity within the  
28 area designated and to establish DPOR's enforcement authority to impose criminal  
29 sanctions, if necessary.

30 **FIVE-YEAR TIMBER SALE SCHEDULE**

31 The periodical, Five-Year Sale Schedule (Schedule), presents the proposed harvest  
32 activities over a five-year period. The Schedule will meet the statutory requirement for  
33 public review of the "Five Year Schedule of Timber Sales" under AS 38.05.113.

1 The DFFP shall coordinate development of the Schedule(s) with other divisions and  
2 departments of the State contributing to resource management decisions in the HSRMA.  
3 The Schedule will be updated biennially.

#### 4 **COOPERATIVE MANAGEMENT AGREEMENT**

5 DFFP and DMLW have operated under a cooperative management agreement for land  
6 management activities as well as the administration of material sites and sales, mining  
7 permits, and leasehold location orders (See Appendix I.). Most activities involving land  
8 management are authorized under 11 AAC 96.020 and therefore do not require permitting  
9 by DMLW. The exceptions are leasehold location orders, mining plans of operations,  
10 material site designation and sales such as gravel, as well as recreational uses, facilities,  
11 or operations that are affected by Special Use Designations in the Forest Plan. In the  
12 issuance of permits or other authorizations covered under this Agreement, the DMLW  
13 will use the Forest Plan as the basis for its decision-making. Authorities identified in the  
14 Forest Plan, under AS 41.300-315 or other applicable state statute or regulation may be  
15 used by DMLW to implement the management policy of the Forest Plan or fulfill the  
16 responsibilities of the Cooperative Agreement.

#### 17 **RESPONSIBILITIES FOR PLAN IMPLEMENTATION**

18 The responsibilities for implementation of the Forest Plan rest with two Department of  
19 Natural Resources divisions: DFFP and the DMLW. DFFP is generally responsible for  
20 the overall management of the Haines State Forest and, specifically, for the management  
21 of its forest resources. That management includes the administration of timber sales and  
22 enforcement of the Forest Practices Act and related Regulations. DMLW is responsible  
23 for the management of those resources that are not directly related to the management of  
24 the timber resources. These responsibilities include management of land, water, mining,  
25 and recreation activities within the Forest. These responsibilities are defined in a  
26 Cooperative Agreement between the two divisions (See Appendix I). Under this  
27 Agreement, DMLW must consult with the DFFP about decisions it intends to make and  
28 must receive DFFP concurrence with those decisions authorizing land use within the  
29 HSRMA. Specific divisional responsibilities for different resources are identified below.

#### 30 *University of Alaska and Mental Health Trust Authority*

31 DFFP shall provide services requested by the University of Alaska or the Mental Health  
32 Trust Authority for the administration of University or Mental Health Trust lands that  
33 adjoin or are within the HSRMA. Other than those DFFP services requested and  
34 reimbursed by the University or Mental Health Trust, each entity shall have sole  
35 responsibility for the management of land under their authority.

1 *Recreational Facility Development Management*

2 The Forest Plan recommends the construction of roads and in certain subunits recreation  
3 facilities. DFFP will take the lead in the development of these projects and will set  
4 funding priorities. DFFP will coordinate these projects with DPOR, to ensure the  
5 coordinated development of recreation projects on state land adjacent to and within the  
6 Forest and Preserve. DFFP and DPOR may create a management agreement to assist  
7 DPOR in the construction or maintenance of those recreation facilities situated in the  
8 Forest.

9 *Road Construction and Maintenance*

10 Under AS 41.15.315[c], DNR controls access within the Forest, except that the  
11 Department of Transportation and Public Facilities (DOT&PF) is responsible for the  
12 repair and maintenance of public roads and highways. The Haines Highway and its legal  
13 Right-of-Way (corridor) is excluded from the Forest and is managed by DOT&PF. DFFP  
14 is responsible for maintaining or closing all primary haul roads, secondary haul roads,  
15 and spur roads constructed for timber sale operations if appropriate. DNR will review all  
16 DOT&PF plans for road reconstruction or realignment adjoining the Forest to ensure  
17 consistency with the Forest Plan and contribute mitigation measures to address conflicts if  
18 identified.

19 *Gravel and Material Sources, Mining*

20 DFFP shall be responsible for the management of gravel or material pits created as part of  
21 timber harvest operations. DMLW shall be responsible for material sales and subsequent  
22 field inspections in all other instances.<sup>1</sup>

23 DMLW shall administer all placer mining and mine permits, upland mining leases, and  
24 leasehold location orders. DMLW is also responsible for all reclamation reviews required  
25 under AAC 11.097.0200. Mineral exploration or development activities require a plan of  
26 operations, not a land use permit. DMLW shall coordinate with DFFP in the permitting of  
27 mines including plan of operations for exploration, upland mining leases, and mine and  
28 material extraction and reclamation plans in the Forest.

29 *Recreational Operations*

30 DMLW will authorize recreational activities, and specifically those identified in the  
31 Special Use Designations. When issuing permits or other authorizations, DMLW shall use

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<sup>1</sup> Under AS 27.19, pits are required to be reclaimed if they are greater than 5 acres in size or produce 50,000 cubic yards of material per year. Pits not meeting these criteria do not require reclamation. Most pits in the Forest area are less than 5 acres in size.

1 the Forest Plan as the basis for its decision-making. In addition, DMLW must obtain  
2 DFFP concurrence for recommended actions. DMLW may use authorities identified in  
3 the Forest Plan and AS 41.300-315, or other applicable state statute or regulation to fulfill  
4 the responsibilities of the Cooperative Agreement or to implement the requirements of the  
5 Forest Plan.

6 *Water Resources*

7 DMLW is responsible for issuing water rights permits and any other authorizations  
8 involving the use of state water within the Forest. DMLW shall coordinate with DFFP in  
9 the permitting of water rights during the agency review period prior to issuing decisions.

10 *General Land Management*

11 The Cooperative Agreement assigns the responsibility for general land management, not  
12 including the management of forest resources, to DMLW. This responsibility covers all  
13 other aspects of land management not specifically identified previously. For permits or  
14 other authorizations covered under this Agreement, DMLW shall use the Forest Plan as  
15 the basis for decision-making. Authorities identified in the Forest Plan, under AS 41.300-  
16 .315, or other applicable state statutes or regulations may be used to fulfill the  
17 responsibilities of the Cooperative Agreement.

18 “Generally Allowed Uses” on state land authorized under AAC 11.96 do not require  
19 permits. Examples of Generally Allowed Uses include hunting, fishing, hiking, and  
20 grazing. Uses that require a permit are indicated in 11 AAC 96.010. Uses requiring  
21 permits include mining operations affected by a Leasehold Location Order, the allocation  
22 of water resources, and gravel and other types of material extraction. Additionally,  
23 activities that may be permitted as a “generally allowed” use by the public may be  
24 required as a daily use only for commercial users and registration of the use with  
25 associated fees may apply (11 AAC 96.018(a)). Commercial users must apply for these  
26 uses with DMLW.

27 **FUTURE RESEARCH**

28 DFFP studies related to forest management may include the following:

- 29
- 30 • Monitor change, evaluate current conditions, and contribute to periodic growth  
and health analysis of the Forest.
  - 31 • Regeneration surveys.
  - 32 • Stand stocking surveys to evaluate the quantity and quality of regeneration.

- 1           • Second growth evaluation studies to analyze silvicultural benefits, forest health  
2           benefits, and forest management economics.
- 3           • Forest growth and site productivity evaluation.
- 4           • Brush competition surveys and studies.
- 5           • Site preparation studies to evaluate the effects and benefits of various forest  
6           treatments.
- 7           • Collaborative studies with other state and federal agencies on forest health, insect  
8           and disease, assisted migration of tree species, invasive plant species and  
9           treatments, and other ecological studies to improve forest management  
10          application.
- 11          • Evaluation of management applications of a computerized database for forest  
12          modeling.

13          *Fish and Wildlife Research*

14          The Alaska Department of Fish and Game has completed research projects on mountain  
15          goats and their habitat, fish species habitat and extents, moose populations and their  
16          habitat, brown bears and their habitat, and is continuing to collect information on  
17          important fish and game present in the HSFRMA and their habitats. The DFFP cooperates  
18          and if possible, collaborates with ADFG in support of research efforts on these resources  
19          in the Forest. Some projects may include:

- 20          • Monitoring the effects of logging methods on wildlife populations.
- 21          • Applying management strategies for second growth stands that would increase  
22          their value to wildlife for forage and shelter.
- 23          • Monitoring the effects of human resource use of the Forest on wildlife resources.
- 24          • Assessing the value of applying prescribed fire as a possible habitat enhancement  
25          technique.

26          **PLAN MODIFICATION AND PROCEDURES FOR APPEAL**

27          *Agencies' Involvement in Plan Modification*

28          DNR will amend and modify the Forest Plan in collaboration with state agencies, which  
29          are; the Department of Natural Resource's DPOR, DMLW, and DFFP, and the Habitat

1 and Restoration Division of the ADFG. DNR may request the participation of other State  
2 and Federal agencies, as well as local Governments, to contribute to plan amendment or  
3 modification.

4 *Procedures for Plan Modification or Amendment*

5 The land use designations, policies, and management guidelines of this plan may be  
6 changed if conditions warrant. The procedures for area plan changes, specified in 11  
7 AAC 55.030, have been adapted to and are to be applied to the amendment or  
8 modification process for the Forest Plan. There are three types of changes that may be  
9 made to the Forest Plan: Amendment, Special Exception, and Minor Change.

10 Amendment. An Amendment permanently changes the Forest Plan by adding to or  
11 modifying the basic management intent for one or more of the plan's units or subunits or  
12 by changing its allowed or prohibited uses, policies, or guidelines.

13 Special Exception. A Special Exception does not permanently change the provisions of  
14 the Forest Plan and cannot be used as a basis for modifications to its management intent,  
15 policies, or guidelines. Instead, it is intended to allow a one-time, limited-purpose  
16 variance of the plan's provisions, without changing the plan's general management or  
17 guidelines. A special exception might be made if complying with the plan would be  
18 excessively burdensome or impractical or if compliance would be inequitable to a third  
19 party, and if the purposes and spirit of the plan can be achieved despite the exception.

20 Minor Change. A minor change to a land use plan is not considered a revision under  
21 AS 38.04.065. A 'minor change' is a change that does not modify or add to the plan's  
22 basic intent, and that serves only to clarify the plan, make it consistent, facilitate its  
23 implementation, or make technical corrections.

24 *Requests for Plan Modification or Amendment and Appeal Procedures*

25 Amendments and Special Exceptions. Requests for amendments or special exceptions  
26 are to be submitted to the State Foresters' Office of DFFP. The DNR Commissioner must  
27 approve amendments. The Coastal Regional Manager can approve special exceptions  
28 with a written finding. The finding identifies the extenuating circumstances that require a  
29 special exception, describes the course of action to be followed, and explains the basis for  
30 the determination so the intent of the Forest Plan remains unaffected. Decisions of the  
31 Coastal Regional Manager involving special exceptions may be appealed to the DNR  
32 Commissioner.

33 Minor Changes. Requests for minor changes are submitted to the Area Office of DFFP.