

18. LAND AND WATER USE

18.1 Introduction

The land use study describes and maps the existing ownership, use, and management status of public and private lands and surface waters in the Bristol Bay drainages study areas (except subsistence uses, which are addressed in Chapter 23). The study objectives include description and mapping of these uses, as well as a description of federal and state land-management regimes and applicable local governmental regulatory powers and plans for land use and coastal management.

The Bristol Bay drainages regional study area for land use encompasses territory in the northern part of the Lake and Peninsula Borough, the Bristol Bay Borough, the Dillingham Census Division, and an area east of the Mulchatna and Nushagak rivers. This regional study area includes the communities of Igiugig, Iliamna, Kokhanok, Levelock, Newhalen, Nondalton, Pedro Bay, and Port Alsworth. Within the regional study area is the central study area, which includes the local drainage areas surrounding the general deposit location and the transportation-corridor study area (the central study area coincides with the mine and transportation-corridor study areas depicted on Figure 1-4 in Chapter 1).

The method of study was to review and analyze relevant existing land use studies, plans, management documents, and land records developed by state, federal, and local governments.

18.2 Results and Discussion

The regional study area encompasses approximately 14.4 million acres. The prevalent land uses are wilderness and natural habitat, low-intensity recreational activities, and subsistence. The major landowners are the state and federal governments, and Alaska Native Claims Settlement Act village and regional corporations. Other landowners include borough and city governments, the state Municipal Land Trustee Program, Alaska Native allotment owners, and various other private landowners. The pattern of land ownership and management is complex and multifaceted, with intermingled land ownership, still-pending land transfers, and overlapping federal, state, local, and private management regimes and activities.

All the state-owned and state-selected lands in the study area are covered by the Bristol Bay Area Plan and are subject to its land use designations and management regimes, except for some management units designated for recreational uses that are also subject to the Nushagak and Mulchatna Rivers Recreation Management Plan. Over three-quarters of state lands in the regional study area, about 4 million acres, are designated for general use. General use areas contain a variety of resources or allow a variety of uses provided they are consistent with the specific management intent of the unit. They may also lack adequate information or sufficient demand for a more specific designation. The remaining lands are designated for dispersed recreation and tourism, settlement, habitat, mineral development, public use sites for recreation

and tourism, public facilities to be retained in state ownership, waterfront development, materials sites, or multiple uses. The Pebble Deposit is on lands designated for mineral development.

Most federal lands in the regional study area are part of the Lake Clark National Park and Preserve, Katmai National Park and Preserve, and the Alagnak Wild River, all of which are managed by the National Park Service and are regarded as recreational lands. The Bureau of Land Management manages the balance of unencumbered federal lands in the study area. In accordance with the resource management plan for this region, the Bureau of Land Management manages these federal lands for multiple uses consistent with applicable protection measures. In the Kvichak, Iliamna West, and Alagnak planning blocks, lands managed by the Bureau of Land Management are open to exploration for and development of leasable and locatable mineral resources. The Bureau of Land Management also manages several unconveyed state and/or Native corporation selections in the central study area, pending the outcome of the selection process.

Most private landholdings, including Native village corporation holdings and Alaska Native Claims Settlement Act Section 14(c)(3) conveyances, are located in or around settlements. The Lake and Peninsula Borough has limited holdings in the area.

Non-federal and non-state lands in the regional study area may be subject to local governmental planning jurisdiction. The Lake and Peninsula Borough has not adopted zoning authority, but it administers subdivision regulations and development permits. It has an ordinance that requires large projects that meet certain conditions to complete a socioeconomic and fiscal assessment prior to permit approval. The borough does not have a land use plan, but it had an approved coastal management program, which provided an avenue for participation in federal and state decisions that affected coastal resources at the time these studies were conducted (the program has since been discontinued). The borough levies a severance tax on extraction of metal ores, coal, timber, and gravel.

The Dillingham Census Area does not have a borough government, but at the time these studies were conducted, it also had an approved coastal management program through the Bristol Bay Coastal Resource Service Area. The western part of the regional study area including the Kaktuli, Mulchatna, and Nushagak drainages, downstream of the Pebble Deposit, was within the service area. The coastal management program had adopted enforceable policies that designated "all non-federal lands and waters within the coastal zone of the Nushagak and Mulchatna watershed" as subsistence and recreational use areas.

The state and the Alaska Native village corporations are the main landowners in the central study area. Under the Bristol Bay Area Plan, the management units on which the Pebble Deposit and other nearby state mining claims are located are designated as appropriate for minerals use.

In the years after the positive results of Northern Dynasty Mines Inc.'s initial mineral exploration activities (2002-2007), the vicinity of Pebble Project saw new mining claims. Some of these claims were filed by Northern Dynasty, but most were filed by other mining-exploration firms. Some of the claims have since been relinquished, although many remain active.