

Final Decision:

KASILOF RIVER SPECIAL USE AREA

ADL 230992



May 26, 2011



State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Southcentral Regional Land Office

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STATE OF ALASKA
Department of Natural Resources
Division of Mining, Land and Water
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FINAL DECISION:
KASILOF RIVER SPECIAL USE AREA DESIGNATION
ADL 230992

This final decision complements and updates the draft decision dated September 30, 2010, on the proposed Kasilof River Special Use Area designation.

Pursuant to AS 38.05.945, the draft decision was advertised and distributed for agency and public comment for a 70 day comment period beginning October 1, 2010, and ending December 10, 2010. Notice of the draft decision was published in the Anchorage Daily News and the Peninsula Clarion on October 7, 2010, and then again in the Anchorage Daily News and the Mat-Su Valley Frontiersman in November, 2010. Three public meetings were held during the comment period and a total of 163 comments were received.

Under the authority of AS 38.05.020 and based upon the information provided within, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO) has made a final decision to designate the state lands of the lower Kasilof River area as “Special Use Lands” to be now known as the Kasilof River Special Use Area (KARSUA) ADL 230992. Pursuant to 11 AAC 96.014, the SCRO has determined that these lands contain special biological, habitat, and recreational values that warrant additional protections and other special requirements as listed on page 2. This decision provides the rationale for specific management actions for the KARSUA and the basis for the development of regulations under the Alaska Administrative Procedures Act to be listed under the Alaska Administrative Code. Lands contained within the KARSUA will continue to be managed as public domain lands under the authority of Alaska Statute Title 38, and through the principles of multiple use (AS 38.05.285).

MANAGEMENT ACTIONS

1. The SCRO designates the state lands of the lower Kasilof River area as “Special Use Lands” to be known as the Kasilof River Special Use Area (KARSUA) as depicted on Map 1: *Boundary and State Land*. The SCRO determines that these lands contain special biological, habitat, and recreational values that warrant additional protections and other special requirements.
2. The SCRO will manage the state lands within the newly established KARSUA consistent with: the protections and special requirements as listed below; recommendations within this decision; The Kenai Area Plan; and applicable state laws, agency regulations, and department policies.
3. This decision provides the rationale for specific management actions and the rationale for the development of regulations under the Alaska Administrative Procedures Act to be listed under the Alaska Administrative Code.

PROTECTIONS AND SPECIAL REQUIREMENTS

The following protections and special requirements developed through this process have been designed to address the needs within the area. **It is important to note that the following protections and special requirements are not the final regulations for the area.** Specific regulations for KARSUA will need to be adopted through a separate process under the Alaska Administrative Procedures Act. For these to become enforceable regulations, statutory authority must be granted and a Bail Forfeiture Schedule adopted by the Alaska Supreme Court.

The list below is not comprehensive and may be expanded or modified in response to unforeseen resource impacts or other management needs or changes made through the regulatory process:

- Except for lawful hunting activity, a person may not discharge a firearm for the purpose of target or recreational shooting¹ from June 1st through August 15th each year;
- A person may not place or set gear on the beach or tidelands prior to May 1st each year in anticipation of the Kasilof River Personal Use Set Gillnet Fishery;
- Operation of motorized vehicles is limited to the beach and designated trails/areas²;
- A person may not place, drop, or discard waste or refuse (including human waste) on state land, or in state waters, except within approved sanitation facilities³;
- A person may not dispose of fish waste landward of the vegetative line. Fish waste may continue to be disposed of by traditional means, which includes burying it on the beach or placement below the daily high tide line;
- A person may not deface, destroy, disable, or remove state owned or authorized facilities and/or property;
- An authorization is required for the placement of any commercial buoy, dock, boat launch/recovery, or mooring facility below the ordinary high water line of the Kasilof River;
- An authorization is required to stage or camp for a period longer than 21 consecutive days on the beach, seaward of the vegetative line. This is only during the season⁴;
- An authorization is required to stage or camp for a period longer than 14 consecutive days landward of the vegetative line;
- Seasonal⁴ user fees may be proposed to offset costs of managing the KARSUA, including those associated with design, construction, operations, and maintenance of sanitation and other physical improvements necessary to reduce broad-based impacts to the commonly owned natural resources.

¹ See definitions for target or recreational shooting. This does not apply to lawful hunting activity.

² Limitations on the use of motorized vehicles does not apply to aircraft or boat, or on state or borough maintained roads, roadways, private driveways, designated parking, designated trails, beaches and other areas including Fisherman's Road and established trails throughout unit KB (also see management for unit KB for details)

³ Approved sanitation facilities means any state owned or provided toilet or trash facility.

⁴ The terms season or seasonal is from June 01 – August 15.

SCOPE AND AUTHORITY

LOCATION: All state owned and managed lands including uplands, tide and submerged lands, and shorelands located within the Kasilof River Special Use Area boundary as depicted on Map 1: *Kasilof River Special Use Area (ADL 230992) Boundary and State Land*. The area includes approximately 1,010 acres of state owned and managed lands, including approximately 393 acres of uplands and 617 acres of tide and submerged lands, and shorelands.

AUTHORITY: Under the authority of AS 38.05.020 and pursuant to 11 AAC 96.014.

RESPONSIBLE AGENCY: The primary agency with direct management responsibility of the above described state lands is the SCRO within the DMLW, DNR. Under direction from the Regional Manager, the SCRO manages both general and special use state lands within southcentral Alaska and has direct management responsibility for over 75 million acres of uplands, tidelands, submerged and shorelands throughout the southcentral region. The SCRO is the state land manager in the immediate and adjacent area, and has the direct responsibility to accomplish department and divisional missions within its regional boundaries.

MANAGEMENT ALTERNATIVE: The preferred management alternative as outlined in the draft decision is affirmed in this final decision which is the adoption of the Special Use Area, regulations, dedicated staff, funding, and limited statutory enforcement authority. However, except for the adoption of regulations, full implementation of the preferred alternative is dependant upon future budgetary considerations.

SPECIAL USE LANDS: Special Use Lands is a designation placed on certain lands identified as having "...special resource values warranting additional protections or other special requirements" (11 AAC 96.014). The newly established Kasilof River Special Use Area (KARSUA) will:

- protect habitat important for a variety of wildlife including waterfowl, shore birds, fish, and various aquatic resources;
- integrate a system of management designed to manage the area so as to provide for safe and responsible public enjoyment of the area's resource values without limiting overall public use
- use this opportunity to manage and promote this area as one of the State of Alaska's most accessible and highly valuable attractions on the Kenai Peninsula.

It is important to note that special use lands continue to be managed as public domain lands under the principles of multiple use through Alaska Statute Title 38 Authority.

BACKGROUND, RESOURCES, AND PROCESS

BACKGROUND: In response to growing public and agency concerns regarding the impacts from the intense use patterns on state land, especially during the Kasilof River Personal Use Fisheries, and a formal request to do so, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW) Southcentral Regional Land Office (SCRO) initiated the process of designating the lower Kasilof River, and vicinity, a Special Use Area.

With relatively easy road access, increased participation rates, and the concentrated nature of the fisheries, a number of human uses have already impacted this area and will continue to strain the natural resources upon which the health of the fisheries and the species rely. The land, water, fish, and wildlife values within the KARSUA are held in high esteem by a diverse representation of area residents and the general public who use the area for a variety of purposes, principal among them being fishing and recreation.

Designating this area as “*special use*” will create a management structure designed to achieve the following outcomes:

1. Provide for an immediate management response to the uses and natural resource impacts that are degrading the area’s special values and prevent further degradation;
2. Bring an acceptable level of order to the use and enjoyment of the State’s resources;
3. Manage for current and expected increases of use in the area;
4. Create and maintain a safe, healthy environment for both residents and visitors to the area;
5. Create a minimal, efficient management structure to carry out the needs for the Kasilof River Special Use Area;
6. Enhance public awareness and appreciation of the area through public education;
7. Adopt specific regulations designed to protect the resources and values and discourage behavior known to create negative resource impacts; and
8. Enhance compliance by application of enforcement authority.

THE ISSUES: Intense use patterns by Alaskans participating in the Kasilof River personal fisheries and other uses in the area have created a combination of upland and tideland land management issues in this area. The following is a brief summary of the issues identified in the draft decision and through the public review process. These are addressed in detail within the Appendix A: Issue Response Summary.

Issues identified in the draft decision:

- Insufficient sanitation facilities
- Degradation of dunes and associated wetlands

- Parking and extended stays (camping)
- Maintaining and enhancing public access
- Public boat launch/ recovery
- The early setting of set net fishing gear
- Target and recreational shooting during the fisheries
- Water quality
- Disposal of fish waste
- Trespass on adjacent private lands

Main issues identified as a result of the KARSUA public review process:

- Recommended management action
- Draft KARSUA and the administrative process
- KARSUA boundary
- Facilities recommendations
- User fees
- Enforcement authority
- Personal use fisheries

RESOURCES AND THE AREA: Located on Alaska’s Kenai Peninsula, the Kasilof River is a relatively large, partially glacial-fed river stretching almost 20 miles, flowing north, northwest, draining Tustumena Lake before emptying into the Upper Cook Inlet. The Kasilof River is the second most productive freshwater fishery on the Peninsula and the second largest source of Chinook (King) Salmon in the state. The River and adjacent areas are within a short driving distance from most of Southcentral Alaska’s major population centers (180 miles from Anchorage) creating many readily available commercial, recreational and personal use fishing and recreational opportunities for thousands of Alaskans and visitors including boating, hunting, beachcombing, wildlife viewing, picnicking and camping. The lower river system is also used for various commercial activities, namely fishing operations and is directly managed by SCRO through the issuance of authorizations such as permits and leases.

Land Ownership and Access: The various land ownership patterns and the limited available public access to the lower river are some of the challenging factors in this scenario. Therefore, the SCRO is actively working with key land owners such as the Kenai Peninsula Borough (KPB), and the Mental Health Trust Authority (MHT) to help resolve many of the access issues. The Kasilof River, including the lands underlying the mouth and upstream to 13 miles, is a state owned navigable water body as determined through a Recordable Disclaimer of Interest process. The state, through the DNR, DMLW also owns and manages the tide and submerged lands out to a three mile limit.

The state (DNR, DMLW) owns and manages a number of upland areas adjacent to the river that are used extensively by the public and serve as the main access and camping area to accommodate thousands of users of the personal use fisheries. The available state lands directly adjacent to the river mouth allow the public to readily access both sides of the river mouth for the set and dip net personal use fisheries and the areas’ commercial fisheries. The south side of the mouth can be accessed by following Cohoe Beach Road to the end, then by travelling in a northeasterly

direction towards the mouth through unit KS (see Map 1). Through the KARSUA process, the state has acquired a key access area from the MHT (Government Lot 11, SM-0479) which now provides authorized public access and parking. DMLW ownership of this parcel was a very important step in securing long-term public access to the south side of the river mouth. The acquisition of this parcel also provides the SCRO with the opportunity to further improve the area for the public through possibly creating additional parking areas, an educational kiosk, and permanent toilet and disposal facilities.

Most of the state uplands on the north side are School Trust lands, therefore additional requirements do exist for these lands (see Definitions). Access to the north side of the river mouth (unit KN) is via Kasilof Beach Road by following the road towards the beach. There are a number of unimproved and degraded parking areas adjacent to the beach (below the dunes) including a number of trails to the beach. These areas tend to become very muddy and have been heavily impacted by users during the peak season. Public access to the north side of the mouth, other than the beach, is via a 60 foot wide improved public roadway through private land (Tract B, U.S. Survey 83) and is marked by a series of buoys. This public roadway can be used by the general public to access the river mouth, although it does not provide for public parking. Vehicles which park either partly or completely off the roadway are trespassing on private lands. In addition, the congestion caused by the parked vehicles often interferes with the ability of commercial fish processing vehicles to use the roadway.

Another highly used point to access the beach south of the mouth of the river is Fisherman's Road. This unimproved road cuts through KPB lands. Fisherman's Road has historically been used to access the beach for the personal gillnet and the commercial gillnet fisheries, and is in desperate need of upgrade/repair, especially for access to put temporary sanitary facilities in place. In addition, there is an adjacent parcel of state land located to the east (unit KB) of KPB's land which is accessed by Coho Loop Road and does not have any developed beach access.

Public Boat Launch and Recovery: At present no public docks, ramps, or retrieval facilities exist on the lower river. The only developed public boat launch/ take out facility is approximately eight miles upstream of the mouth located at the Kasilof River State Recreation Site, adjacent to the bridge. A small private boat launch and pier on the north-side of the mouth is limited to the commercial fishing fleet during the summer season. There are also a number of private docks in the river less than 3 miles from the mouth that support fish-processing facilities and two private facilities in the lower river. These private facilities mainly cater to guided drift boats. The lower river is also used for moorage by numerous fishing vessels, fish buyers, and processors.

The Fisheries: In 1981, the Alaska Board of Fisheries (BOF) created a personal use dip net fishery around the mouth of the Kasilof River. In 1982, the BOF also created the personal use gillnet fishery in the marine waters adjacent to the mouth. These fisheries, managed by the Alaska Department of Fish and Game (ADF&G), are only available to Alaskan residents and were initiated as an alternative to replace subsistence fishing. In recent years these fisheries have become increasingly popular, due to increased population and recent economic instability. These fisheries provide thousands of Alaskans an economical way to stock their freezers for the coming winter months, while enjoying the social benefits that have become an integral part of the fisheries.

All participants of the Upper Cook Inlet personal use fisheries, including the Kasilof, are required to obtain a permit (or be a member of a household with a permit). Completed permits must be returned to ADF&G following each fishing season. The total limit for the personal use fisheries is 25 salmon for the head of the household and 10 salmon for each additional household member. Management of the set gillnet fishery is the responsibility of the ADF&G Commercial Fisheries Division, and management of the dip net fishery is the responsibility of the ADF&G Sport Fish Division. Both fisheries open and close by regulation and in-season management is only required if the fish counts and biological escapement goals cannot be met or projected.

Sockeye (red) salmon is the primary harvest for both of the personal use fisheries, with a limited number of Chinook (King) salmon taken from the personal set gillnet fishery. The peak Sockeye runs typically occurs around mid-July. A large scale commercial set gillnet fishery (including DMLW, SCRO issued set net leases) are present adjacent to the shoreline beginning approximately one mile north and south of the river mouth. The area is also an extensively used harvest area for the commercial drift gillnet fleet, including the existence of a significant number (over 120) of commercially used mooring sites (buoys) beginning at the river mouth, and extending about 2 miles upstream. The Kasilof River and adjacent state uplands and beaches are also very popular for other opportunities such as boating, hunting, beachcombing, wildlife viewing, picnicking and camping.

Wildlife and Habitat: The Kasilof River and adjacent uplands form an interdependent ecological system rich in important land, water and wildlife resources that Alaskans have grown to appreciate and depend upon. Most of the upland areas adjacent to the Lower Kasilof River are relatively low-lying, located within a designated flood zone. These areas have been affected by damaging flood events as recently as 1995 and 2002. The lowlands of the lower river extend towards the mouth, where wide and exposed mud flats are surrounded by flat marshy land. The lowlands support patches of semi-open black spruce and muskeg, as well as shrub and grass lands. These factors, combined with the highly erodible bluffs of the coastline, make development in the area somewhat difficult. Directly adjacent to the river mouth on both the north and south uplands, sandy beaches exist on the ocean forefront, then salt tolerant plant species (mainly grasses) are found in the slightly higher sandy benches (i.e.: the dunes). An extensive area of wetlands is also found on the southern side of the river mouth. The dunes including the grasses form a natural barrier and aid in protection of the adjacent wetlands and flood plain(s). These wetland areas provide natural water storage and habitat for various species and perform important water quality functions. The beach and dune areas are also heavily used by campers and fisherman during the summer season.

The grasslands and adjacent wetland areas directly adjacent to the mouth support a variety of species, particularly in the southern area of the mouth (unit KS). The area supports duck and geese spring (April – May) and fall (August – November) concentrations, seabird and shorebird nesting areas, and trumpeter swan general distributions. The wetland areas also support nearby known moose wintering and rutting concentrations and calving concentration areas. The Kasilof River and adjacent Tustemena Lake are extremely important systems which support both resident and anadromous fish populations, including habitat for Chinook (King) Salmon, Sockeye (Red) Salmon, Coho (Silver) Salmon and Pink (Humpy) Salmon during their sensitive life cycles (i.e.: spawning and rearing). The system is also home to Dolly Varden Char and Steelhead species.

The Kasilof River area is located within ADF&G Game Management Unit 15. Subunit 15C (the Lower Kenai Controlled Use Area) does not allow anyone using a motorized vehicle (except an aircraft or boat) for moose hunting, including the transportation of moose hunters, their hunting gear, and/or parts of moose from September 11-14 and September 17-20. However, this does not apply to the use of motorized vehicle on a state or borough maintained highway, the graveled portions of Oilwell, Brody and Tustumena Lake Roads, or driveways used for direct access to a primary residence or business per Alaska Hunting Regulations 2010-2011 pg. 76.

Cultural Resources: Prehistoric and cultural resources exist in the area, including the remains of an old Russian fort and an old cannery (third built in Alaska and the first in Cook Inlet, respectively) and graveyards within unit KN. The “Watchman’s Cabin” was located within unit KN, but was relocated by the Kasilof Historical Society to another location nearby for protection and restoration. Other prehistoric and cultural resources are also located within units, KN, KS, KB.

THE PROCESS AND NOTICE: For detailed information pertaining to the public process and noticing see the “KARSUA document and process” section of Appendix A: Issue Response Summary

Research and Development: The draft decision was developed from a wide variety of information and data that was available including public concerns and input that had been collected over the past 15 years. Various electronic and hardcopy sources were used to produce this final decision that is representative of the available information and the public need. This information included, but was not limited to, GIS mapping, casefiles, planning documents, satellite imagery and aerial photos, wetland and shorezone mapping; habitat, fisheries, and use data. This final decision collates all the available information pertaining to land use and ownership and resources.

Public Notice: The draft decision was distributed and advertised for public and agency comment for a 70 day comment period beginning October 1, 2010, and ending December 10, 2010. Notice of the draft decision was published in the Anchorage Daily News and the Peninsula Clarion on October 7, 2010, and then again in the Anchorage Daily News and the Mat-Su Valley Frontiersman in November, 2010, during the extension of the public comment period. The notice was sent to adjacent land owners, native corporations, local government, interest groups and numerous federal, state, and local governmental agencies. The notice was also posted on the DNR public notice webpage, the KARSUA website and U.S. Post Offices from Homer to Talkeetna.

Public Meetings: During the public notice period, SCRO staff conducted three official public meetings to introduce the KARSUA decision, solicit comments, and have staff available to answer questions and address any public concerns. Meetings were conducted in Anchorage and Kasilof in October 2010, and a third public meeting was held in Wasilla during the public comment extension period in early December 2010. The public was given the opportunity to voice their opinions and concerns and ask questions in an open forum at all three meetings. In addition to these three public meetings, representatives from SCRO attended several other local meetings to discuss the issues within the area.

Public Comments and Issue Response: A total of 163 comments (including a petition signed by multiple individuals) were received during the 70 day comment period pertaining to the draft KARSUA decision. The SCRO staff read and considered each of these comments regarding the proposed actions in the draft decision and these public and agency comments were used to develop this final decision. SCRO compiled an Issue Response Summary (Appendix A) in which SCRO identified the issues/concerns within the comments and provided formal responses accordingly.

RELATIONSHIP TO THE KENAI AREA PLAN: The creation of the KARSUA is an immediate and cooperative management approach designed to address the current use patterns and habitat protection concerns within the area. It is important to note that the KARSUA does not amend or change the management units or basic management intent as provided within the Kenai Area Plan (KAP). The management actions for the KARSUA are complementary to the intent of the KAP and consistent with its classifications and management intent. The KARSUA provides specificity and functionality for SCRO staff when managing the uses or considering authorizations within these special lands. The adoption of the KARSUA fulfills the well-documented public and agency need for a cooperative management solution that can be implemented in a relatively short timeframe.

OTHER PLANS: The broader Kasilof River area was previously recommended for designation as an Area Meriting Special Attention (AMSA). A draft Kasilof River AMSA was prepared by the KPB in 1992, though it was never formally adopted. Some of the concerns and issues that were identified within the draft AMSA are addressed within this SUA decision. In addition, on December 7, 2010, the Kenai Peninsula Borough passed a resolution supporting establishment of the proposed KARSUA to provide for management of the area to accommodate increased public use while protecting the habitat (Kenai Peninsula Borough Resolution 2010-101).

Other plans that were consulted in the general Kasilof River drainage include:

- Kenai Peninsula Borough Coastal Management Plan (2007)
- Upper Cook Inlet Personal Use Salmon Plan (5 AAC 77.540) (ADF&G)
- Kasilof River Salmon Fishery Management Plan (5 AAC 21.365) (ADF&G)
- Kenai National Moose Range (AS 16.20.030A08)

KARSUA UNITS

Although the lands within the KARSUA boundary generally share similar attributes and issues, for the purpose of clear management direction, the KARSUA has been separated into smaller geographical area called units. It is important to note that the units within the KARSUA do not amend or change the management units and management intent within the Kenai Area Plan. The KARSUA units provide clarity when describing the management actions for individual areas and specific management purposes within each unit. The descriptions below provide a connection from the information and management actions within this decision and the information and management intent of the Kenai Area Plan. These units have a distinct identifying number (i.e. KT tide and submerged lands) that is clearly described both in the text and on Map 1: *Kasilof River Special Use Area (ADL 230992) Boundary and State Land*. Below is a description of each

unit, the resources within the unit, and the corresponding map location. For additional information about each unit see Appendix B: Facilities and Improvement Recommendations.

UPLAND UNITS:

KN: *Kasilof River Mouth North (see Map 1)*

Classified as Public Recreation Land in the Kenai Area Plan and located on the north side of the river mouth, this unit is approximately 78 acres and mainly consists of salt tolerant plant species (mainly grasses) found in the slightly higher sandy benches (dunes) near the tideland areas. This area is intensively used for sport and personal use fisheries. The beach and dune areas are also very heavily used by campers and fisherman during the summer season. The area provides habitat for waterfowl spring and fall concentrations and trumpeter swan general distributions. The adjacent wetland areas also provide habitat for moose winter populations.

Consistent with the KAP and the management actions within this decision, this unit should be managed for the intensive use patterns during the personal use fisheries. The goals are to preserve and improve public access and parking/staging areas, while also protecting habitat and improving public health and safety. *These lands are School Trust Lands and managed per Department Order 143.*

Improving the current sanitary and human waste situation in this unit is a management priority. Proposed improvements and facilities should be designed to address user demand and be located near the users during the fisheries (see Appendix B: Map B). Public access to the mouth of the river is by following Kasilof Beach Road to the end, then traveling down a 60 foot public roadway to the mouth through private property (Tract B of U.S. Survey 83). This tract is located within one of the highest concentration areas of public use during the seasonal fisheries and is subject to trespass activity and associated negative impacts by many users. This private property should be considered for purchase by the state in order to preserve public access and provide additional room for support facilities.

The heavily impacted trail and dune areas adjacent to the beach are in need of relief from high use and concentrated vehicle traffic. Designated parking and trail access areas should be established to allow reasonable motorized access to the fisheries and beach. These areas should be clearly marked by signage (see Map 5). Motorized vehicle use within this unit should be limited to the designated trails, parking, and beach areas as described within this decision. The area along the dune fronts should be considered for rehabilitation efforts. This unit also has potential for the creation of dedicated campgrounds.

The establishment of a fence (similar to that authorized in unit KS) is anticipated in the future as a method to protect and rehabilitate the dune and grass areas. The “Watchman’s Cabin” site will remain open for interim use until the historic cabin can be returned (see Map 5). The Alaska Heritage Resources Survey (AHRS) reports prehistoric and/or cultural heritage sites in or around this unit.

KS: *Kasilof River Mouth South (see Map 1)*

Classified as Public Recreation and Wildlife Habitat Land within the Kenai Area Plan, this unit is located on the south side of the river mouth and is approximately 222 acres. This unit mainly consists of extensive herbaceous wetland areas located mostly in the southern part of the unit. Towards the coastal areas, salt tolerant plant species (mainly grasses) are found in the slightly higher sandy benches (dunes). The grasslands and adjacent wetland areas directly adjacent to the mouth support a variety of species, particularly in the southern area of the mouth (unit KS). The area supports duck and geese spring (April – May) and fall (August – November) concentrations, seabird and shorebird nesting areas, a seabird colony and trumpeter swan general distributions. The wetland areas also support nearby moose wintering and rutting concentrations and moose calving concentration areas. This area is intensively used for sport and personal use fisheries. The beach and dune areas are very heavily used by campers and fishermen during the summer season.

Consistent with the KAP and the management actions within this decision, this unit is to be managed for its biological and habitat attributes and for the recreational opportunities, particularly the intensive use patterns during the personal use fisheries. The goals are to preserve and improve public access and parking for fishers, while also protecting habitat and improving public health and safety.

Improving the current sanitary and human waste situation to meet the public demands is a management priority. Proposed improvements and facilities should be designed to address user demand and be located near the users during the personal use fisheries (see Appendix B: Map A). Public access to the river mouth is accomplished by following Cohoe Beach Road to the end, then by travelling in a northeasterly direction towards the mouth using either the beach or the designated trails as determined in this decision. Improved parking areas should be developed at the end of Cohoe Beach Road. The designated trails should be marked by signage to identify proper locations (see Map 4). This unit has potential for the future development of dedicated camping areas.

The degradation of the extensive dune grasses and wetlands adjacent to the designated trail(s) and beach areas will be minimized by limiting motorized vehicles to designated trails. Motorized vehicle use within this unit will be allowed on designated trails and beach areas only. The establishment of the approved fence (LAS 27627) and signage, located upland of the designated trail(s) and beach areas, will also aid in the protection of the dunes (see Map 4). Areas along the dune fronts and adjacent wetlands should be considered for rehabilitation efforts.

A relatively small portion of dune trails adjacent to the beach on the Inlet side remains open to motorized vehicles and will not be enclosed by a fence. This is to protect traditional access from the Cohoe Beach Road to the mouth of the river and to provide an additional egress route during inclement weather or storm surges. Strong tidal influences on the beach areas raise water levels high enough (20 foot plus tides) to make through traffic and camping on the beach a potential safety hazard during strong tides. The AHRs also reports prehistoric and/or cultural heritage sites in or around this unit.

KB: *Kasilof Bluff (see Map 1)*

Classified as Public Recreation Land within the Kenai Area Plan, this unit is located directly adjacent to Cook Inlet southwest of the river mouth and is approximately 93 acres. The unit

primarily consists of evergreen (spruce) forest and highly erodible and steep bluffs along the coastline. This unit provides habitat for waterfowl and moose populations. This area is used for camping and other recreational activities, though it receives minimal use as compared to units KN and KS due to the location away from the river mouth and extremely limited beach access because of steep and highly erodible bluffs. Although this unit can be accessed by Coho Loop Road, most of the public utilize the adjacent beach areas for the personal set net fishery and other beach activities.

Consistent with the KAP and the management actions within this decision, the long-term management purpose of this unit is to provide additional camping/campground, toilets and other amenities in response to future needs. Motorized vehicles are limited to existing trails including the dirt road that parallels the first mile of South Coho Loop Road. The AHRS also reports prehistoric and/or cultural heritage sites in or around this unit.

TIDELAND/RIVER UNIT

KT: *Kasilof Tide and Submerged Lands (see Map 1)*

The tidelands adjacent to the mouth are classified as Public Recreation and Wildlife Habitat Land and the areas of the lower river are classified as Public Recreation and Wildlife Habitat and Waterfront Development Land within the Kenai Area Plan. This unit also includes the lower Kasilof River shorelands and beach areas. This unit consists of approximately 617 acres. This includes tide and submerged lands around the Kasilof River mouth, and extends approximately 1 mile north and south along the beach from the river mouth, then ¼ mile seaward. This unit also extends to approximately 3 miles upriver from the mouth.

The tide and submerged lands within the unit are dynamic and consist of extensive mudflats in and around the mouth. The lower river consists of strong tidal currents and influences, and is extremely silty. The V-shaped channel and steep banks make river access at low tides difficult. It is important to note this river system is relatively narrow and shallow as compared to the Kenai River.

The Kasilof River is the second largest salmon producer on the Kenai Peninsula and stocks utilize the river during their run up to Tustumena Lake. The river is also the second largest source of Chinook (King) Salmon in the entire state. The extensive adjacent wetlands in the lower river area are important in maintaining water quality, nutrient enrichment and natural retention of flood waters. The Kasilof River and adjacent Tustumena Lake is an extremely important system supporting both resident and anadromous fish populations that includes habitat for Chinook (King) Salmon, Sockeye (Red) Salmon, Coho (Silver) Salmon and Pink (Humpy) Salmon during their sensitive life cycles (i.e.: spawning and rearing). The system is also home to Dolly Varden Char and Steelhead species. The adjacent wetland areas are also habitat for waterfowl harvest areas.

Consistent with the KAP and the management actions within this decision this unit should be managed for its biological and habitat attributes and recreational and commercial opportunities. The tidelands and river are used extensively for commercial, personal and recreational fishing and associated activities. Two separately managed personal use fisheries occur in the area. The Kasilof River personal use set gillnet fishery occurs in the salt waters approximately 1 mile north

and south of the river mouth, as defined by the ADF&G markers and is managed by the ADF&G Division of Commercial Fisheries. The Kasilof River personal use dip net fishery occurs around the mouth from the ADF&G markers posted on Cook Inlet outside of the mouth, to about 1 mile upstream to the ADF&G marker and is managed by the ADF&G Division of Sport Fish. This unit is extensively used for commercial fishing activities and support facilities on or in state waters, including commercial mooring buoys and docks. A complete inventory of existing uses or structures located on or in state water in the lower river should be completed. With participation from local user groups and the Department of Environmental Conservation, the lower river area, particularly around the river mouth, should also be monitored for water quality standards especially during the fishing seasons. The AHRS reports prehistoric and/or cultural heritage sites in or around this unit

IMPLEMENTATION

ENFORCEMENT: Adoption of this special use area is the first step in creating a management structure for the lower Kasilof River that will address the present and emerging management problems. Formal adoption of agency regulations will be the next step toward bringing order to the use and enjoyment of this area by Alaskan residents and visitors alike. These regulations will be consistent with the management intent of this special use area. In order for these regulations to become enforceable, statutory authority must be granted by the Alaska Legislature and a Bail Forfeiture Schedule adopted by the Alaska Supreme Court. Once adopted and enforceable, non-criminal citations (similar to a traffic ticket) may be issued by designated peace officers of the state.

EDUCATION AND PUBLIC AWARENESS: Compliance tools, such as education and public awareness, are a very important part of the KARSUA. In order to lower impacts to the natural resources and improve the public's overall enjoyment of the area, the following will be considered and implemented as feasible:

- Provide dedicated staff onsite to answer questions and dispense information
- Promote educational materials, signage, brochures, and kiosks
- Develop partnerships with community groups and/or stewards in the area
- Support regeneration projects within heavily impacted areas
- Establish community clean-up events
- Develop education and awareness programs

TIMELINE & ACTIONS: A brief timeline and list of actions required to implement the KARSUA is outlined below. These timeframes are approximate and subject to change based upon funding, resources, and departmental priorities.

- *May 2011:* Final KARSUA Decision Issued
- *May 2011:* Installation of the Dune Fencing Project within Unit KS
- *June-August 2011:* Basic Sanitation Support, Limited Field Presence and Public Education
- *Summer/winter 2011-2012:* Regulation Process per the Administrative Procedures Act
- *Winter/Spring 2012:* Statutory Enforcement Authority and Bail Forfeiture Schedule
- *Summer 2012:* Additional Support Facilities, Rehabilitation Projects, Public Education

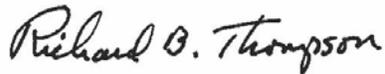
FINAL DECISION

Under the authority of AS 38.05.020, the Southcentral Regional Land Office (SCRO) has determined that the state lands of lower Kasilof River area contain special biological, habitat, and recreational values that warrant additional protections and other special requirements pursuant to 11AAC 96.014. The SCRO hereby designates the state lands of the lower Kasilof River as Special Use Lands which now shall be known as the Kasilof River Special Use Area (KARSUA), as depicted on Map 1: *Kasilof River Special Use Area (ADL 230992) Boundary and State Land*.

The SCRO will manage the state lands within the newly established Kasilof River Special Use Area consistent with the protections and special requirements as listed on page 2; the recommendations within this decision document; the land classifications and management intent as contained within the Kenai Area Plan; and applicable state laws, agency regulations, and department policies.

This decision provides the rationale for specific management actions and the basis for the development of regulations under the Alaska Administrative Procedures Act for the Kasilof River Special Use Area to be listed under the Alaska Administrative Code.

I find this designation is consistent with applicable state laws, agency regulations, department policies and management authority and is in the best interest of the state.



Richard B. Thompson
Regional Manager, Southcentral Regional Land Office
DMLW, DNR.

05/26/2011
Date

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to Daniel S. Sullivan, 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@alaska.gov. If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31st day after issuance. 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 office of the Department of Natural Resources or is available on the internet.

Cook
Inlet

Kasilof River Special Use Area

Kasilof River Special Use Area (ADL 230992) Map 1

BOUNDARY AND STATE LAND

-  KARSUA BOUNDARY
-  State Land

ACREAGES

TOTAL STATE LANDS 1,010
within the boundary

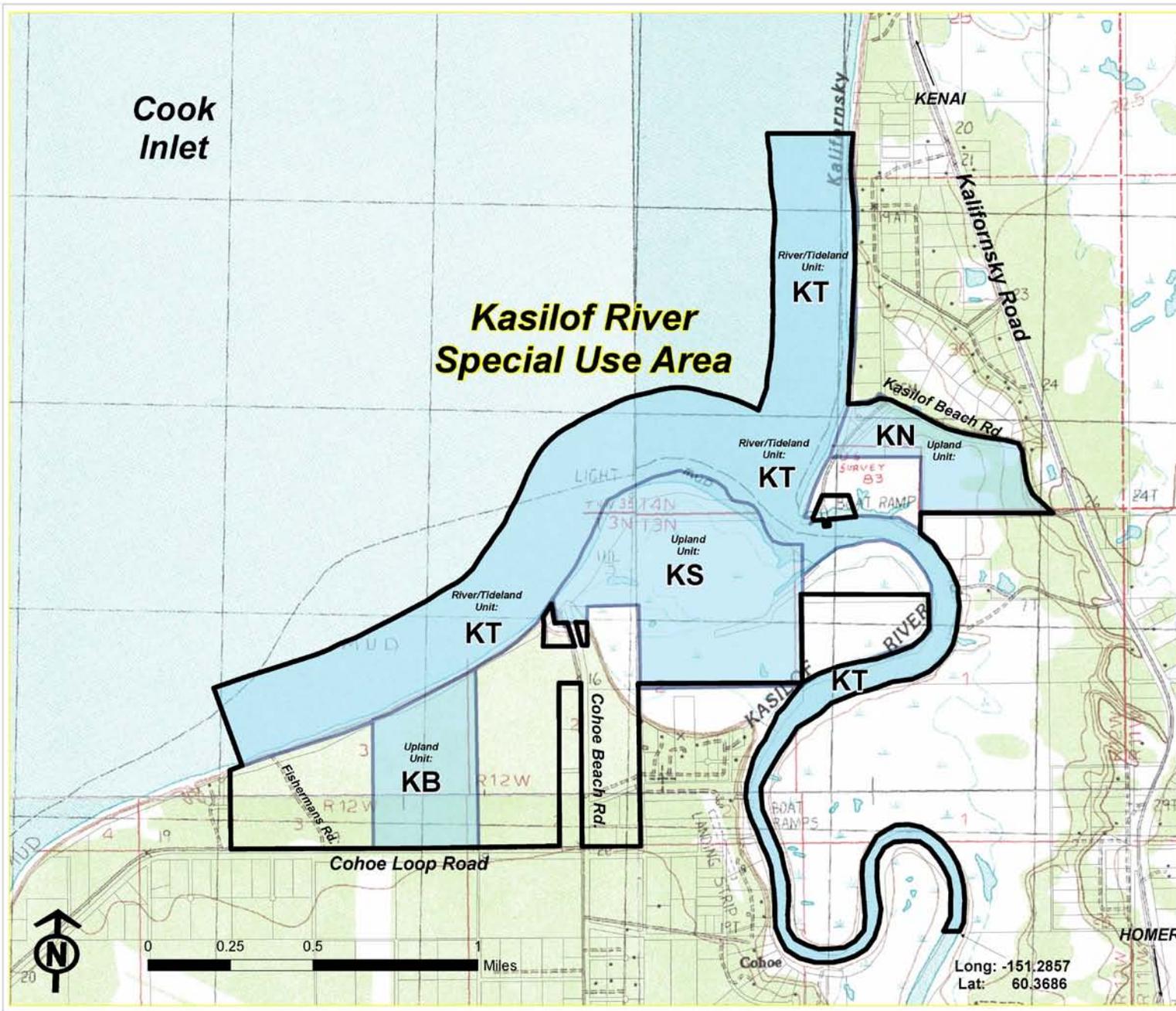
UNITS:

Tidelands:	
KT: Kasilof Tide and Submerged Lands	617
Uplands:	
KN: Kasilof North	78
KS: Kasilof South	222
KB: Kasilof Bluff	93

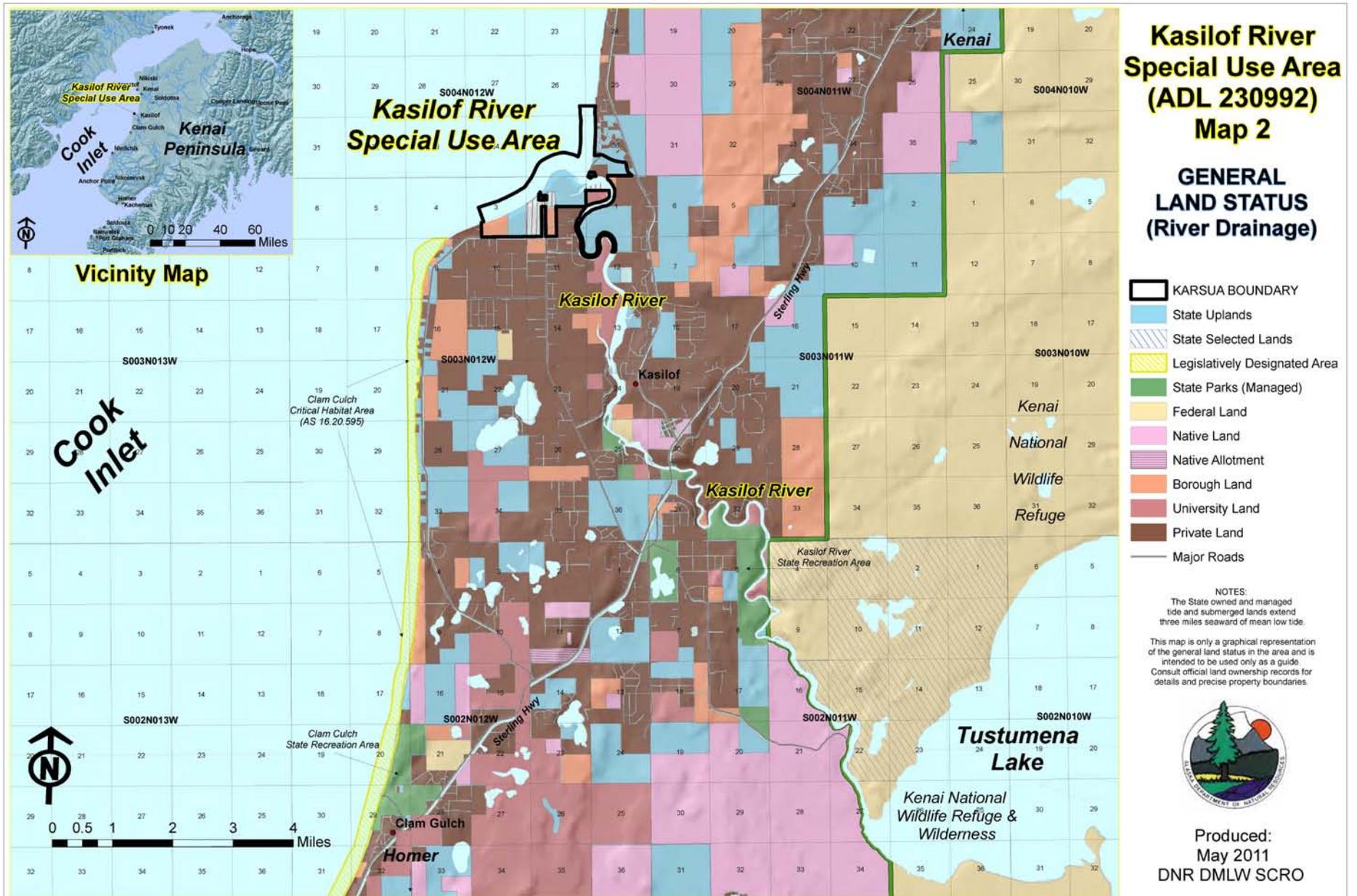
NOTES:
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:
May 2011
DNR DMLW SCRO



Long: -151.2857
Lat: 60.3686



Kasilof River Special Use Area (ADL 230992) Map 3

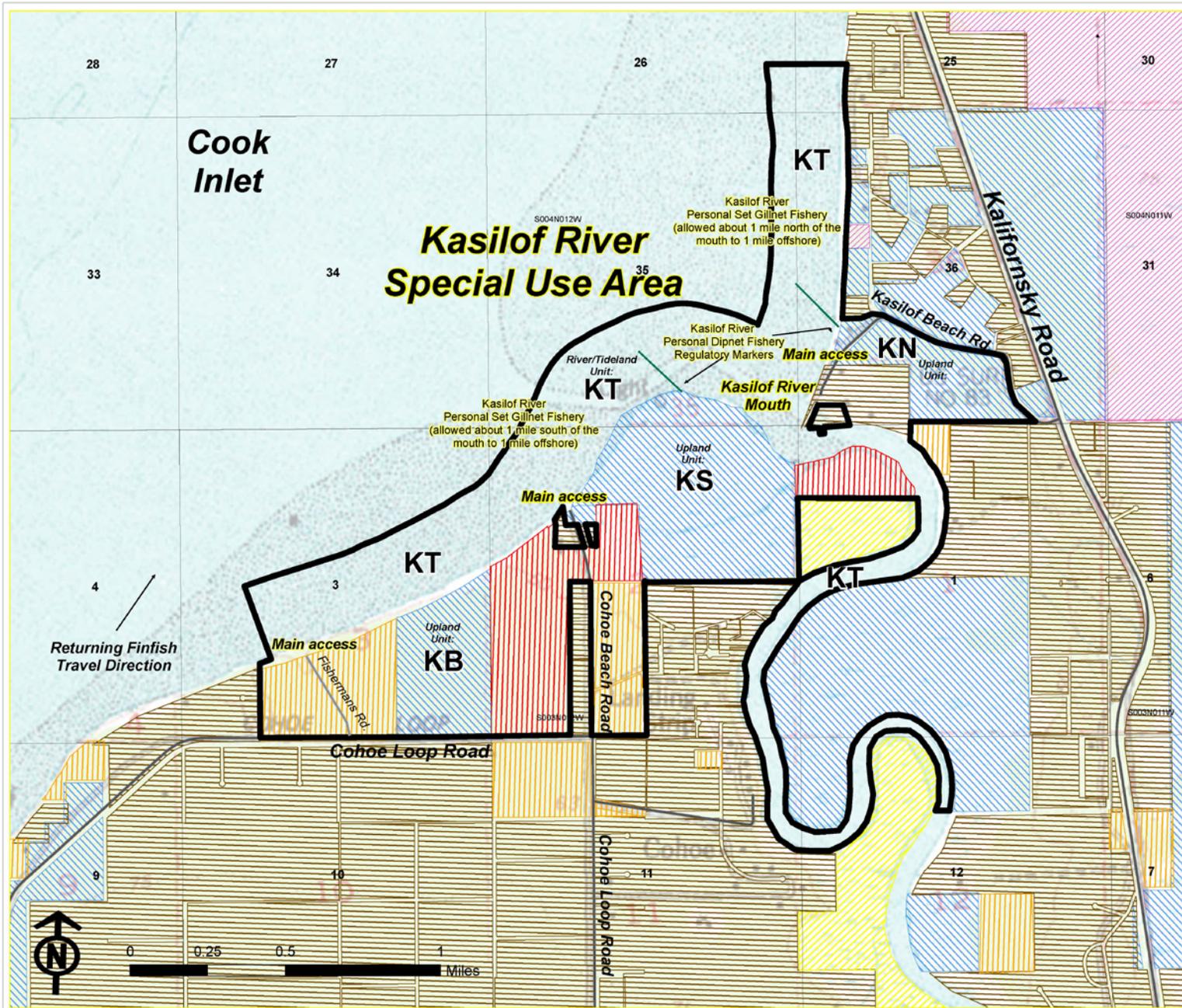
GENERAL LAND STATUS (Lower River)

-  KARSUA BOUNDARY
-  State Upland
-  Mental Health Trust Land
-  Borough Land
-  Private Land
-  Native Land
-  University Land

NOTES:
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:
May 2011
DNR DMLW SCRO



Kasilof River Special Use Area (ADL 230992) Map 4

Designated Motorized Trails South Side (Unit KS)

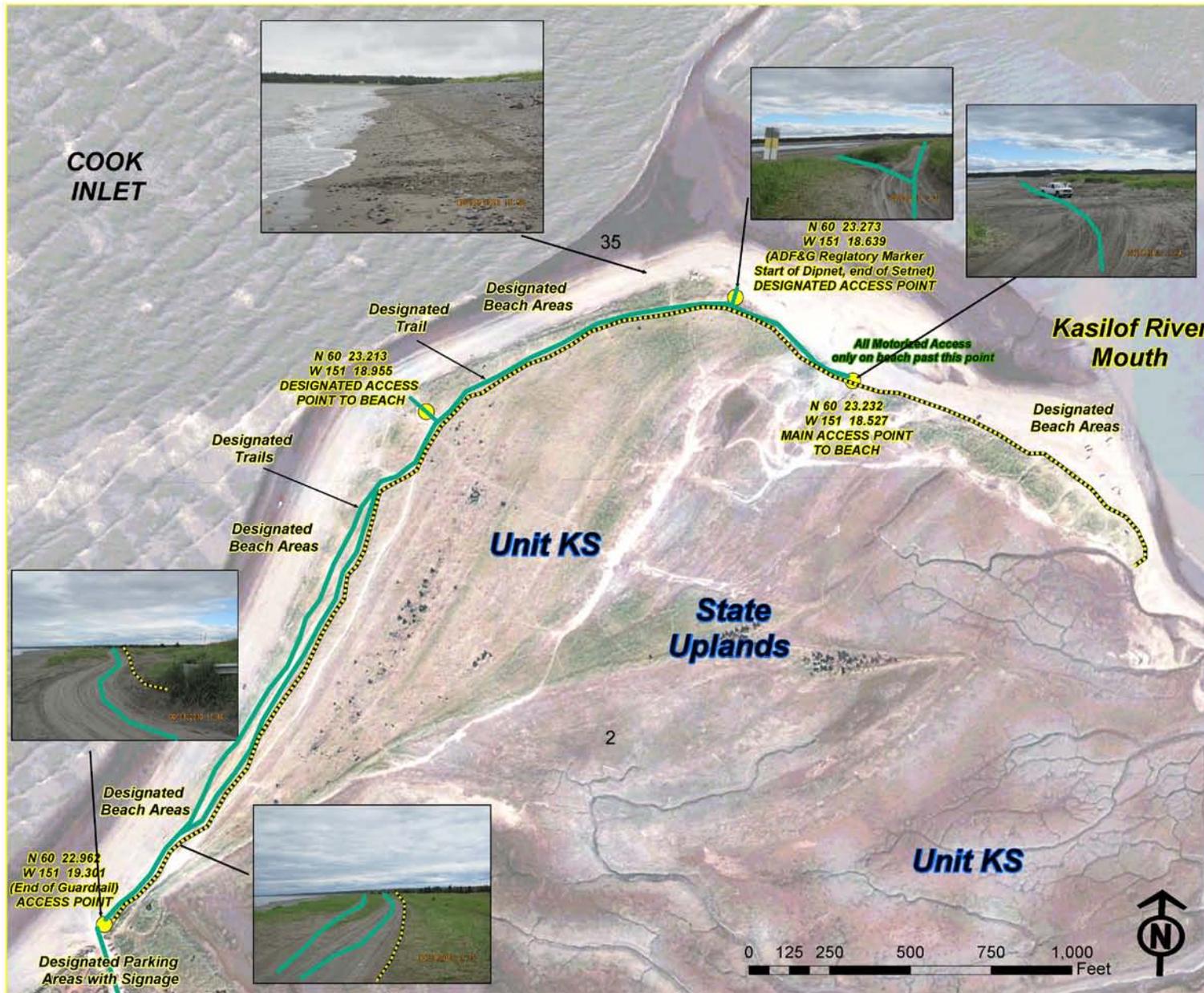
-  Designated Motorized Trails
-  Designated Egress and Access Points
-  Approved Fence (LAS 27627)

NOTE:
All beach areas are designated for motorized use up to the vegetative line. See KARSUA Unit KS for more details.

NOTES:
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:
May 2011
DNR DMLW SCRO



**Kasilof River
Special Use Area
(ADL 230992)
Map 5**

**Designated
Motorized Trails
North Side
(Unit KN)**

 KARSUA BOUNDARY
 Designated
Motorized Trails

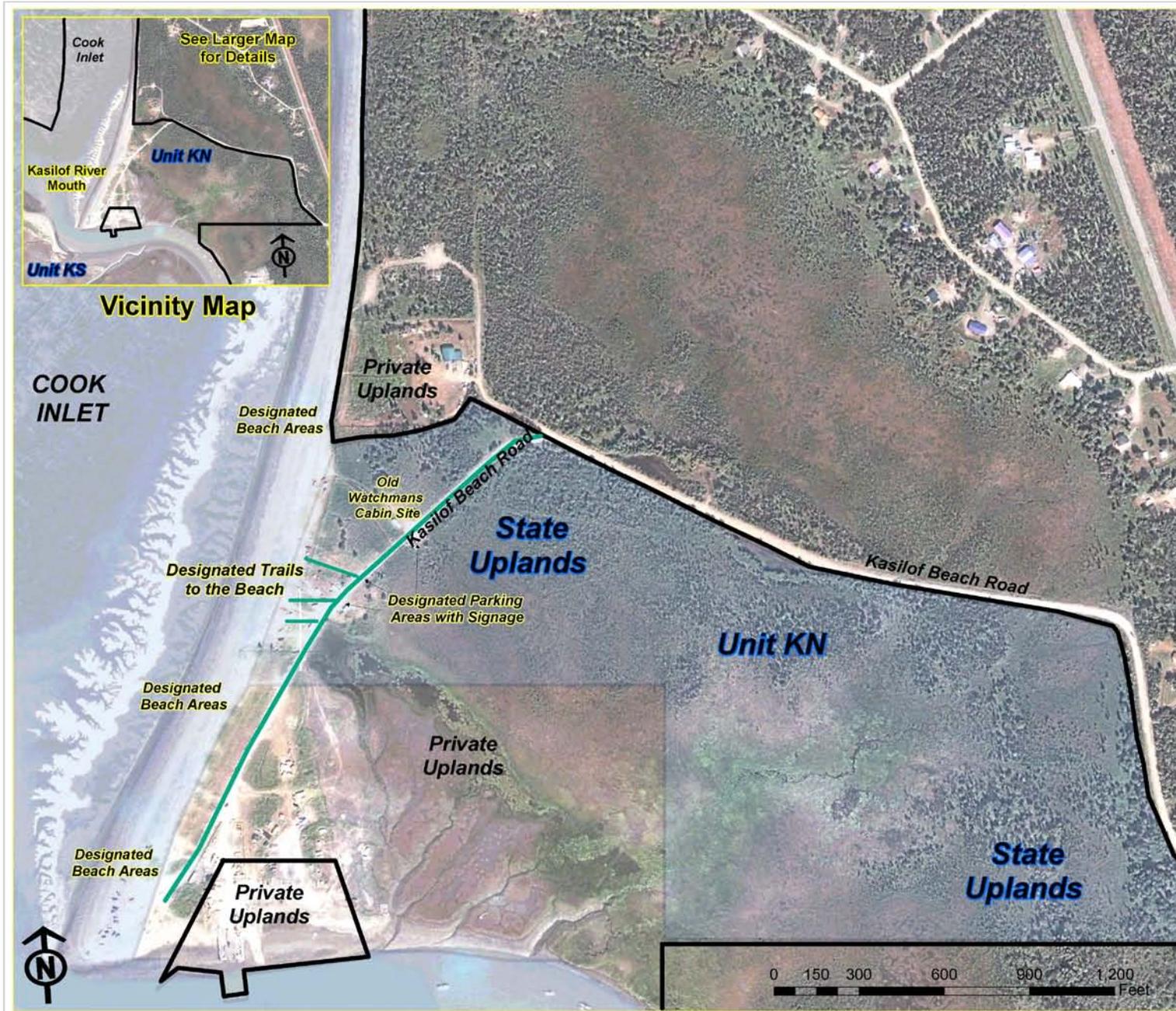
NOTE:
All beach areas are designated
for motorized use up to the
vegetative line.
See KARSUA Unit KN
for more details.

NOTES:
The State owned and managed
tide and submerged lands extend
three miles seaward of mean low tide.

This map is only a graphical representation
of the general land status in the area and is
intended to be used only as a guide.
Consult official land ownership records for
details and precise property boundaries.



Produced:
May 2011
DNR DMLW SCRO



DEFINITIONS:

AAC: Alaska Administrative Code

AAM: Alaska Administrative Manual

APA: Administrative Procedures Act

ADF&G: Alaska Department of Fish and Game. ADF&G mission statement is *“to protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and well-being of the people of the state, consistent with the sustained yield principle”*.

ADL: Alaska Division of Lands

AHRS: Alaska Heritage Resources Survey

Anadromous (Waters): Fish such as salmon that migrate from salt water to spawn in fresh water. The portion of a fresh water body or estuarine area that is cataloged under AS 16.05.870 as important for anadromous fish or is not cataloged under AS 16.05.870 as important for anadromous fish but has been determined by the ADF&G to contain or exhibit evidence of anadromous fish.

AS: Alaska Statute

Authorized Use: A use allowed by DNR by permit, lease, or other mechanism.

Camp or Camping: To use a vehicle, tent or shelter, or to arrange bedding or both, with the intent to stay overnight.

Campground: An area developed and maintained by the Division of Mining, Land and Water which contains one or more campsites.

Commercial: An action or operation that generates income from the buying, selling, renting, bartering or trading of goods and services.

Developed Facilities: These may include sanitary structures, including trash receptacles, dumpsters, campground area, kiosk, trailhead or parking area.

Designated Trails, Parking Areas, Beaches and other areas: These are specific areas that have been deemed as appropriate to use motorized vehicles.

DMLW: Division of Mining, Land and Water, within DNR. The DMLW is the primary manager of Alaska’s holdings. DMLW’s mission statement is *“to provide for the use and protection of Alaska’s state owned land and water. We aim toward maximum use of our lands and waters consistent with the public interest”*.

DNR: Department of Natural Resources. DNR’s mission statement is “*to develop, conserve and enhance natural resources for present and future Alaskans*”.

DOT: Department of Transportation and Public Facilities.

DPS: Department of Public Safety.

Easement: An interest in land that entitles its holder to a specific limited use or purpose, such as crossing over property.

Enforcement: Peace Officer(s), being an employee of the department or other person authorized by the commissioner, or a peace officer as defined in AS 01.10.060. The purpose would be to enforce regulations adopted within the KARSUA. This enforcement authority would need Legislative approval.

Extended Stays: Camping, staging or setting up gear for personal, noncommercial use for more than 14 days. See also 11 AAC 96.020.

Facilities: Includes buildings, parking areas, camping areas, educational areas, a boat launch area or ramp, shelters/cabins, and sanitary facilities.

Facilities Recommendation: A recommended type and character of facility consistent with the department’s management and intent for the area and allows the manager discretion in deciding the specific means for best achieving the management and intent based upon particular circumstances and further site analysis.

Funding: Could result from many sources such as the legislature, local government or user fees.

Generally Allowed Uses (11 AAC 96.020): Unless otherwise provided in (b) of 11 AAC 96.020 or in a special use land requirement in 11 AAC 96.014, a permit or other written authorization is required for uses and activities not appearing on the list per 11 AAC 96.020. The land uses and activities, alone or in combination, as provided in 11 AAC 96.020 are generally allowed uses on state-owned public domain land without any permit or other written authorization from the department, except that a land use or activity for a commercial recreation purpose requires prior registration under 11 AAC 96.018.

KARSUA: Kasilof River Special Use Area

KARSUA Unit: Lands that are similar topographically and have similar use patterns; in the KARSUA there are four units.

Kasilof: Russian word for “tall grass”

KPB: Kenai Peninsula Borough

Mental Health Trust Authority (MHT): The Trust Land Office manages Mental Health Trust land to generate income, which is used by the Alaska Mental Health Trust Authority to improve the lives and circumstance of Trust beneficiaries.

Motorized Vehicle: A motor vehicle is a wheeled or tracked vehicle whose propulsion is provided by an engine or motor. This does not apply to aircraft or boats.

Multiple Use: The management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; it includes:

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

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

Public Trust: A common law doctrine that requires the state to manage tidelands, shorelands, and submerged lands for the benefit of the people so they can engage in such things as commerce, navigation, fishing, hunting or swimming.

Season or Seasonal: The terms season or seasonal is from June 01 – August 15 of each year and relates to the approximate time of personal use fishery openings and may be subject to change, based upon any changes in management needs or to personal use fishery regulations in the future.

School Trust Lands: By Department Order #143, the current criteria for actions on School Trust Lands are as follows:

1. The action approved must be for full, fair market value at the highest and best use of the parcel, or
2. The action must be a result of an existing contractual obligation (i.e., land sale contract, reappraisal of an existing lease, or land settlement with a municipality).

SCRO: Southcentral Regional Land Office, within DMLW. This Office is one of three Regional Land Offices that has primary management responsibility for approximately 70 to 80 million acres of land, tideland, submerged land, and shoreland throughout the state.

Shorelands: Land belonging to the state that is covered by non-tidal water that is navigable under the laws of the United States up to ordinary high water mark as modified by accretion, erosion, or reliction (AS 38.05.965).

Special Use Land: Land identified as having special resource value(s) needing protection under 11 AAC 96.014. As a result of this designation, protections or special requirements

may be adopted to limit or modify certain activities that would otherwise be considered “generally allowed uses” on general state land.

Staffing: Ideally, the KARSUA needs one Natural Resource Specialist II position (Range 16) primarily dedicated to this area, and perhaps a seasonal position. This position would be part of the SCRO under the direction of the Regional Manger and would provide assistance to the public and Kenai Peninsula.

State Land: A generic term meaning all state land, including all state-owned and state-selected uplands, shorelands, tidelands and submerged lands or resources belonging to or acquired by the state.

SUA: Special Use Area (11 AAC 96.014)

Submerged Lands: State land covered by tidal water between the line of mean low water and seaward to a distance of three geographical miles (AS 38.05.965).

Target or Recreational Shooting: Refers to the discharge of a firearm (including a pistol, rifle, shotgun, revolver, mechanical, gas or air operated gun). This does not apply to lawful hunting or trapping, defense of life and property, or for a signaling device in emergencies.

Tidelands: State land that is periodically covered by tidal water between the elevation of mean high and mean low tides (AS 38.05.965).

Trespass: To enter upon land without authorization from the land owner.

Uplands: Land above the mean high water line and ordinary high water mark.

User Fee Pay System (UFPS): The introduction of a seasonal User Fee Pay System (UFPS) during the personal use fisheries could be implemented in units KN, KS, and KB to provide support services and management oversight during the Kasilof River personal use fisheries. *It is important to note that the establishment of a User Fee Pay System would not be for a source of revenue obtained from the users to access and use state lands.* Instead, the user fees could be introduced to pay for the facilities and improvements including maintenance costs. These fees could also be used towards education and enforcement for the area for the purpose of public health, safety and enjoyment. This system could either be administered by the state (SCRO) or in combination with a state authorized concessioner.

APPENDIX A: ISSUE RESPONSE SUMMARY

A total of 163 comments (including a petition signed by multiple individuals) were received during the public notice period for the KARSUA draft decision. Enclosed is the Issue Response Summary outlining comments received during the 70-day public comment period, and the formal responses and accepted revisions from the Southcentral Regional Offices (SCRO).

The issues described below are outlined in tables in the following format: ***Described*** (*what is the problem?*); then a description of the ***Impacts*** that are related to the issue (*why is it a problem?*); followed by ***Proposed Facilities and Actions*** (*see Appendix B: Facilities and Improvement Recommendations*); then the ***Proposed Protections or Special Requirements*** outlined in the draft KARSUA decision; and the ***Final Protections or Special Requirements*** which “aid or address the impacts or resolve the issue(s). The Final Protections or Special Requirements identified in these tables will be approved by the issuance of this decision and recommended for adoption into regulation.

The following issues are summarized in table format along with the relevant Issue Response Summary section:

	PAGE
Insufficient sanitation facilities.....	1
Degradation of dunes and associated wetlands.....	4
Parking and extended stays (camping).....	8
Maintaining and enhancing public access.....	11
Public boat launch/recovery.....	14
The early setting of set net fishing gear.....	17
Target and recreational shooting during the fisheries.....	19
Water quality.....	21
Disposal of fish waste.....	23
Trespass on adjacent private lands.....	25

Other issues identified during the comment period are listed below and addressed by the relevant Issue Response Summary section:

	PAGE
Recommended management action.....	27
Draft KARSUA decision and administrative process.....	30
KARSUA boundary.....	35
Facilities recommendations.....	39
User fees.....	42
Enforcement authority.....	44
Personal Use Fisheries.....	47

SANITATION, HUMAN WASTE AND DISPOSAL: Human waste and dumping of trash is an increasing social and environmental concern on both upland and tideland areas adjacent to the river mouth (units KN and KS). State funded and privately contracted temporary sanitation facilities (port-a-potties and dumpsters) have been placed at the end of Cohoe Beach Rd (unit KS), the end of Kasilof Beach Rd (unit KN), and Fisherman’s Road (KPB land). These facilities are beneficial, although should be located closer to the users since a lack of adequate facilities is resulting in the public utilizing the adjacent dunes, beaches, and wetlands as a bathroom.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<ul style="list-style-type: none"> ➤ Sanitation issues surrounding the dunes, grasslands and beach area ➤ Human waste impacts to recreational users and adjacent landowners 	<ul style="list-style-type: none"> ❖ Install permanent vaulted toilets ❖ Provide seasonal toilets and trash facilities, locate closer to users. ❖ Signage and kiosks 	<ul style="list-style-type: none"> ✓ <i>Prohibition to place, drop, or discard waste or refuse (including human waste) except within the provided sanitation facilities</i> 	<ul style="list-style-type: none"> ✓ <i>A person may not place, drop, or discard waste or refuse (including human waste) on state land, or in state waters, except within approved sanitation facilities</i>

Description	Issues/Comments	Response/Revision
<p>Sanitation & Disposal Facilities</p>	<p><i>Seasonal Portable Toilets and Dumpsters</i> Comments suggest continuing with seasonal sanitation support services along the main access points and expanding portable toilet and dumpster services to the mouth of the Kasilof River where the majority of users congregate during the dipnet fishery.</p> <p><i>Vaulted Toilets</i> Several comments support construction of vaulted toilets near the main access/parking areas along Kasilof and Cohoe Beach Roads.</p>	<p>Response: The public demand for seasonal sanitation support is extremely high during the personal use fisheries. The SCRO has recognized the importance of this issue for the past several years and worked to find solutions to address this ever increasing issue.</p> <p>In order to continue to provide seasonal portable toilets and dumpsters at the three main access points (Kasilof Beach, Cohoe Beach, and Fisherman’s Roads) additional financial support is required. During the 2010 fishing season, approximately \$25,495 was allocated to provide 15 portable toilets and 6 dumpsters during the eight week fisheries. This same level of service is anticipated to cost up to 30K for the 2011 fishing season.</p> <p>One management action is to locate these facilities closer to the users and provide additional units during peak use periods. Providing seasonal services on the beach near the river mouth to directly support the users is challenging since it requires unique equipment, similar to how the City of Kenai supports users during the July dipnet season. In order to establish a similar service at Kasilof, some type of long term contract (3-5 year) or funding source would be required to interest companies to perform this specialized service. Estimated costs for this type of service ranges from 45K to 55K per year.</p> <p>Expanding seasonal services to support users will alleviate pressure on the dunes/wetlands, adjacent private property, and reduce impacts to the surrounding resources.</p> <p>Revision: None-Appendix B, Facilities and Improvement Recommendations of the final decision explains the need to locate seasonal improvements closer to the users near the Kasilof River mouth within Units KN and KS.</p> <p>Response: The addition of two vaulted toilets was proposed along Cohoe and Kasilof Beach Roads and still recommended provided adequate funding and oversight is available. However this type of infrastructure is expensive. Rough cost estimates for just the installation of one (double capacity) vaulted toilet is approximately 45-60K plus maintenance and operational costs range from 15-20K per year. This figure does not include planning and design fees. Despite</p>

Description	Issues/Comments	Response/Revision
	<p><i>Vandalism</i> Some comments expressed concern that costly permanent improvements will become a target for vandalism.</p> <p><i>Availability</i> Other comments express concern that permanent facilities would only remain open on a seasonal basis and local residents would not have the same level of use.</p> <p><i>Combination of Seasonal and Permanent Improvements</i> Comments recommend providing a combination of both permanent and seasonal support services.</p>	<p>the costs to develop and maintain vaulted toilets, permanent infrastructure would go a long way to improve user’s experience while addressing increasing demands at the main access points.</p> <p>Revision: None-the Facilities and Improvement Recommendation section already suggests providing vaulted toilets along Kasilof and Cohoe Beach Roads within Units KN and KS.</p> <p>Response: With development of improvements on public land there is always a risk of vandalism. This risk can be reduced with dedicated field staff, signage and additional oversight from local interest groups.</p> <p>Revision: None</p> <p>Response: Concerns regarding the seasonal or year round availability of permanent improvements is also dependent upon funding and oversight. The SCRO will continue to focus on providing seasonal improvements and expand services as resources allow.</p> <p>Revision: None</p> <p>Response: While this option is the most expensive, it also provides the greatest level of sanitation support. As the KARSUA develops, additional funding sources may provide for both permanent and seasonal sanitation services.</p>

DEGRADATION OF DUNES AND WETLANDS: The areas adjacent to the personal use fisheries have been impacted by increased human use and the associated activities. The grass covered benches (“the dunes”) are heavily used by campers and fisherman especially for the two months during the personal use fishery(s). The use of motor vehicles including ATV’s both on and off existing trails has impacted the area. Also of particular concern is the extensive recreational use of ATV’s in the adjacent wetlands.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<p>Degradation to the wetlands and dunes significantly limits the ability of these lands to perform the following functions:</p> <p>-Provide a natural barrier to protect the adjacent wetlands</p> <p>-The wetlands provide water storage, habitat for various species, and perform important water quality functions.</p>	<ul style="list-style-type: none"> ❖ Fencing for habitat protection ❖ Limit motorized vehicle use to designated trails ❖ Designated parking/staging areas ❖ Improve access ❖ Provide seasonal sanitation facilities closer to the users. ❖ Install permanent vaulted toilets 	<p>✓ <i>Operation of a motorized vehicle is limited to beach areas and designated trails/areas¹ **²</i></p>	<p>✓ <i>Operation of a motorized vehicle is limited to beach areas and designated trails/areas</i></p>

¹ The term motorized vehicle is defined as “a wheeled or tracked vehicle whose propulsion is provided by an engine or motor”. Limitations on the use of motorized vehicles does not apply to aircraft or boat, or on state or borough maintained roads, private driveways, designated parking, designated trails, beaches, and other areas including Fisherman’s Road and the established trails through unit KB.

² ** PROPOSED ACTIONS THAT RESOLVE MULTIPLE ISSUES

Description	Issues/Comments	Response/Revision
<p>Dune / Wetland and Habitat Protection</p>	<p>Support Protecting the Habitat:</p> <ul style="list-style-type: none"> • The SUA will protect the habitat • Management and protection is long over-due • Save the dunes and grasslands. It is an environmentally sensitive area and fragile ecosystem home to fish, fisheries, wildlife and indigenous plants • Protect dunes/wetlands for fish, nesting birds, spring and fall shorebirds, and waterfowl • Support conservation in the area • Dunes and associated wetlands are being destroyed by heavy human uses such as off-road vehicles and waste-disposal • The dunes/wetlands need protection from human waste, trampling and traffic • Losing valuable habitat from inappropriate human use • Stop camping, motorhomes and wheeling on the dunes • Some public have disregard for the dunes and watershed area as they come and “wreakcreate” on the river and beaches • Hope the SUA will protect this important habitat for many years to come 	<p>Response: SCRO agrees that the state lands within the KARSUA require additional protections. Therefore the KARSUA decision provides specific requirements for the area. The state lands within the KARSUA boundary have been determined as having special biological, habitat, and recreational values that warrant additional protections and special requirements. SCRO agrees that the areas of state land adjacent to the mouth contain valuable habitat, including additional areas of state land within the lower river that also share and/or contain special values that require additional levels of management and protection (see boundary discussion).</p> <p>The parcels of state land within the KARSUA provide important habitat to a variety of species as documented in the decision, therefore should be managed per the requirements as listed within the decision. The KARSUA is habitat for moose wintering and rutting; an individual seabird nesting colony on the lands south of the mouth; spring and fall concentration area for ducks and geese; trumpeter swans, black bears, harbor seals, and both resident and anadromous fish populations; waterfowl hunting also occurs within this area. The grassy dunes provide stabilization and protections for adjacent wetlands. These areas were also identified as having important habitat and recreational values as listed in the Kenai Area Plan.</p> <p>The establishment of the KARSUA provides protection of habitat while preserving the important recreational opportunities in the area. Most of the requirements within the KARSUA decision directly aim to manage resource impacts in the area (such as human waste and vehicular recreation). If allowed to continue, these impacts would result in degradation of habitat and in turn affect the species distribution and abundance within this area. The resources in this area are codependent and many users from conservationists to commercial fisherman rely on the areas sustainability. Through designation of this SUA, responsible uses including recreation and commercial opportunities will continue to exist, while protecting habitat.</p> <p>Revision: No change.</p>

Description	Issues/Comments	Response/Revision
	<p>Support dune fencing:</p> <ul style="list-style-type: none"> • Fencing is overdue • Support fencing to keep ATV's off, keep beach open to ATV hauling, and going back and forth to the fishing grounds • SUA will make dune fencing effective to protect habitat • Support fence and associated SUA <p>Support designated access routes:</p> <ul style="list-style-type: none"> • There is minimal opposition to a fence and related signage to identify habitat off limits to vehicular traffic in the summer months • Rebuild the dunes and define access to direct motorized traffic • Use the beach not the dunes, they are sensitive • Support controlled access (vehicular corridors) and limiting ATV's off the dunes and wetlands • Support allowing historical access trails, while still protecting the dunes • It is not clear now where you should drive • Support the designated routes for stabilization of the dunes for the wetlands • Habitat destruction is happening from uncontrolled ATV use 	<p>Response: The SCRO has approved a Kasilof Historic Society's dune fencing project in the fall of 2010 under land use permit LAS# 27627. This fencing project is anticipated for installation in May of 2011 to protect habitat and limit motorized uses except on designated trails within the Kasilof South Unit. The approval of the fence alone does not create limitations on vehicular traffic through the dunes or wetland areas and would not specifically direct traffic. This is a function of the KARSUA.</p> <p>The establishment of the special use area designation in combination with the fence project and associated signage will protect these areas from certain uses, and thus limit the impacts. Although ADF&G does have tips for the area that aim to minimize the impacts to the surrounding resources, these tips are not enforceable. In addition, the management of the uplands and tidelands is a function of SCRO. The fencing project and the SUA are separate projects although share the common goals to protect the habitat of the KARSUA.</p> <p>Revision: No change</p> <p>Response: SCRO agrees that controlled access through the use of the beach and designated trails is a well-rounded management decision that continues to provide good access to and from the fisheries while protecting the habitat and dune areas. The approval of the fencing project on the south side of the mouth will still allow access to and along the beach, and also provides access via an established upland trail. The establishment of the fence and signage will help educate the public and the requirements of the area (see the management actions in the decision).</p> <p>Revision: No change</p>

Description	Issues/Comments	Response/Revision
	<p>Do not support:</p> <ul style="list-style-type: none"> • Dunes are not affected by ATV use • People mostly stay off the dunes, and have not witnessed extensive recreational use of ATV's • Fencing is not warranted • Degradation of the area is overdone, by the locals not wanting to share the resource 	<p>Response: SCRO disagrees that the area, particularly the dunes are not impacted by the current ATV and vehicular traffic use. The purpose of designated routes and corridors is not to limit the public from accessing the fisheries. The decision and associated recommendations in fact provide for increased recreational opportunities, but in a more responsible manner that does not damage the resources in which the actual fishery and other recreational uses depend upon. The fencing project was a separate decision, although was determined to be appropriate and in the best interest of the state.</p> <p>Revision: No change</p>

PARKING AND EXTENDED STAYS: Increased public participation in the Kasilof River Personal Use Fisheries and extended stays during these fisheries has raised the question about how long is appropriate for users to stay and get their fish. This question is complicated by the fact that users of the set gillnet fishery typically stay longer and utilize a different area versus dip net users.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections and Special Requirements</i>	<i>Final Protections and Special Requirements</i>
<ul style="list-style-type: none"> ➤ Users parking on grasslands adjacent to the beach impact the vegetation (compaction). ➤ Users parking away from sanitation and trash facilities are more likely to use the adjacent areas. 	<ul style="list-style-type: none"> ❖ Designated parking and trails ❖ Signage and informational kiosk ❖ Implement a “User Pay Fee System” ❖ Install permanent vaulted toilets ❖ Provide seasonal toilets and trash facilities and locate closer to users. ❖ Fencing for habitat protection 	<ul style="list-style-type: none"> ✓ <i>A permit is required to park, stage or camp for a period longer than 14 consecutive days</i> 	<ul style="list-style-type: none"> ✓ <i>An authorization is required to park, stage or camp for a period longer than 21 consecutive days, seaward of the vegetative line (the beach).</i> ✓ <i>An authorization is required to park, stage or camp for a period longer than 14 consecutive days, landward of the vegetative line.</i>

Description	Issues/Comments	Response/Revision
<p>Parking and Extended Stays</p>	<p><i>Extended Stay Limits</i> Commenter's express the following concerns:</p> <ul style="list-style-type: none"> • Limiting stays to 14 days or less creates an undo hardship on families to setup and take down sites instead of focusing on fishing • We already stay beyond 14 days to establish our camps before the set gillnet fishery • 14 days is too long and a lower threshold should be established to keep people moving in and out of the area 	<p>Response: One of the main differences in opinion on how long is appropriate for individuals to stay in one place is which fishery an individual participates. For example, many who participate in the set gillnet fishery prefer to establish their camp sites early and often stay the entire opening. On the other hand, those who participate in the dip net fishery often establish their camps when they show up and typically participate in the fishery for a shorter duration of time.</p> <p>It is also important to recognize where participants in each fishery camp, and the surrounding resources. For example, participants involved in the set gillnet fishery typically establish camps close to the sites they intend to fish along the one mile north and one mile south sections of beach from the river mouth. Set gillnet users are dispersed and often camp along the toes of the many bluffs in the area. These areas tend to be below the vegetative line (the beach). On the other hand, dip net participants tend to concentrate at the mouth on both sides of river. Camps are generally established on the beach next to vehicles or a short distance away on the adjacent uplands above the vegetative line.</p> <p>Another development that will affect where participants park and camp is the DNR approved dune fencing project on the south side of the river. Once established, the fence will limit motorized uses landward of the fence and encourage motorized uses along designated trails. This project does add a greater level of protection to the dunes, grasslands, and wetland habitat. One of the anticipated consequences of this action is users wishing to camp within the protected dune fencing will need to park and manually transport camping equipment over the fence. The end result is anticipated to encourage lower impact camping practices within the fenced area, not to eliminate camping opportunities altogether.</p> <p>Based upon the differences between recreational use patterns described above, and the surrounding habitat in which they occur, the SCRO is adopting two different extended stay limits depending upon where the uses occur in relation to the vegetative line. The vegetative line is generally depicted along the front side of the dunes and defines the boundary between uplands and the beach for the purposes of describing many allowable use limits within the KARSUA.</p>

Description	Issues/Comments	Response/Revision
	<p data-bbox="394 992 600 1019">Prohibit Camping</p> <p data-bbox="394 1024 1073 1081">Some comments suggest prohibiting camping for the following reasons:</p> <ul data-bbox="447 1089 1024 1211" style="list-style-type: none"> <li data-bbox="447 1089 1024 1117">• The fisheries are only open from 6am-11pm daily <li data-bbox="447 1122 1024 1149">• Plenty of campgrounds exist elsewhere <li data-bbox="447 1154 1024 1211">• This will result in less pressure on the habitat and support facilities 	<p data-bbox="1125 237 1896 505">For uses that occur above or landward of the vegetative line, parking, staging and extended stays will be limited to a 14 consecutive day limit. This maintains the current Generally Allowed Use regulation outlined in 11AAC 96.020 and requires camps to be moved at least two miles by the end of the 14 day period. Moving the entire camp at least two miles starts a new 14-day period. For uses occurring below or seaward of the vegetative line (i.e. the beach), parking, staging and extended stays will be allowed for a 21 consecutive day limit. Again, at the end of the 21 day limit, camps must be moved at least two miles.</p> <p data-bbox="1125 537 1808 594">Revision: The final decision will include the following special requirements:</p> <ul data-bbox="1171 634 1896 813" style="list-style-type: none"> <li data-bbox="1171 634 1896 716">• An authorization is required to stage or camp for a period longer than 21 consecutive days on the beach, seaward of the vegetative line <li data-bbox="1171 756 1896 813">• An authorization is required to stage or camp for a period longer than 14 consecutive days landward of the vegetative line <p data-bbox="1125 846 1896 967">Additional reference will clarify these extended stay limits are only effective seasonally each June 1-August 15th. Outside of this timeframe, the Generally Allowed Use camping limit of 14 consecutive days will apply both above and below the vegetative line.</p> <p data-bbox="1125 1000 1881 1333">Response: The draft decision did not recommend eliminating the public’s ability to camp within this area, nor does this final decision. The SCRO is tasked with the challenge of managing state lands based upon multiple use principles and providing opportunities for the public to enjoy state resources while managing these resources to ensure they are available for future generations. The variety of recreational opportunities this area offers is just one example of why a balanced management approach is necessary to accommodate all users. Improving and maintaining access, offering camping alternatives, and developing basic management actions to protect the resources has been the impetus for the development of the KARSUA.</p> <p data-bbox="1125 1365 1297 1390">Revision: None</p>

PUBLIC ACCESS: Access to the lower Kasilof River is very important to many Alaskans. Access to the river mouth is via upland trails and the beach, although many users tend to use the adjacent dunes and wetland areas for other uses not associated with the fisheries.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Final Facilities or Actions</i>
<ul style="list-style-type: none"> ➤ Degradation of habitat from recreational ATV use via direct and indirect access to the fisheries. ➤ Complicated land ownership patterns in key access points. ➤ Limited access can encourage trespass on private lands. 	<ul style="list-style-type: none"> ❖ Recognize and preserve existing public access routes to the fisheries. ❖ Coordinate with land owners to limit impacts to private lands. 	<ul style="list-style-type: none"> ✓ <i>Identify and secure important public access routes within the KARSUA using designated access points and routes.</i>

Description	Issues/Comments	Response/Revision
<p>Public Access</p>	<p>Comments express the following concerns:</p> <ul style="list-style-type: none"> • This proposal will restrict access to state land • I want to park, walk the beach, fish, and enjoy the area • Public access should be improved • Legal dedicated access must be maintained 	<p>Response: The draft decision clearly outlined the importance of identifying and securing public access routes within the KARSUA and recommended several upgrades such as parking and sanitation facilities to accommodate the public’s use and enjoyment of the area. One example is DNR’s recent acquisition of a Mental Heath Trust parcel of land located at the end of Cohoe Beach Road. This parcel is now owned by DNR and managed for multiple use purposes, which ultimately guarantees public access on the southern side of the Kasilof River.</p> <p>Contrary to misconception, the SCRO is not proposing to put up gates and charge fees to the public or local residents for the use of the beach, to walk their dogs, or to otherwise enjoy the public resources. If and when a user fee system is ever introduced in this area, it would only be effective from June 1 thru August 15 each year. Only those residents participating in the fisheries would be subject to the fee.</p> <p>The designation of a special use area will not impede or discourage public access into the area and the fisheries. Instead, the designation of this area recognizes the area’s special resource values that require additional protections and requirements. For example, the dunes and associated wetlands do warrant additional protection beyond Generally Allowed Uses.</p> <p>The SCRO has authorized the installation of a dune fence, aimed to limit motorized use landward of the fence on the southern side of the river. The fence will provide a form of habitat protection and encourage users to stay on designated motorized trails. The public will continue to be able use the main access trails to access the river mouth seaward of the fence on the south side of the river.</p> <p>Revision: Clarification of approved access routes, improvements, and the potential introduction of a user fee pay system is reflected in this decision within Appendix B, Facilities and Improvement Recommendations.</p>

Description	Issues/Comments	Response/Revision
	<p>Tract B, U.S. Survey 83 During the review, one comment was received from the private land owner of Tract B, U.S. Survey 83 expressing frustration at the lack of management this area has received and the misuse of his property over the years by short term public visitors. The owner outlined impacts to his property and is encouraged that the adoption of the KARSUA will provide much needed management to the area. The owner also expressed interest in selling this parcel to the appropriate public entity.</p>	<p>Response: Since access is integral to the use and enjoyment of the area, identifying private land that may have a public benefit is essential to preserving this area for future public use. At this time, only one private parcel remains within the boundaries of the KARSUA, which is referenced as Tract B of U.S. Survey 83. This parcel is located on the north side of the river and is currently subject to a 60-foot public access easement that extends from the end of Kasilof Beach Road to the river mouth. Since the public easement is critical for accessing the mouth on the north side of the river and the owner does not object to keeping Tract B, U.S. Survey 83 within the boundaries of the KARSUA, it will remain within the special use area. Currently this parcel is listed for sale.</p> <p>Revision: The KARSUA decision recognizes the importance of this parcel and its potential public benefit on the north side of the river.</p>

KASILOF RIVER PUBLIC BOAT FACILITY: There is limited opportunity for the public to utilize boats on the Kasilof River. The state must continue to work with agencies, stakeholders, and private landowners to identify the best location for a public boat facility on the Kasilof River.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Final Facilities or Actions</i>
<ul style="list-style-type: none"> ➤ Limited public boat access. ➤ Decreased recreational opportunities ➤ Increased risk to public safety ➤ User conflicts between commercial guides, private landowners, and the general public 	<ul style="list-style-type: none"> ❖ Determine if demand exists for a launch facility. Demand for a drift only retrieval facility has been documented. 	<ul style="list-style-type: none"> ❖ Additional stakeholder, public and agency input are needed. Much work remains to determine whether or not such a facility is needed, what services it would provide, where it would be located, and who would manage it.

Description	Issues/Comments	Response/Revision
<p>Public Boat Facility</p>	<p>Commenter's expressed the following concerns against (2:1) a boat launch facility in the lower river:</p> <ul style="list-style-type: none"> • Increased pollution • Habitat damage • Conflicts between users • No infrastructure to support (parking, etc) • Phase the project • Create unsafe conditions • Neighborhood conflicts • Interfere with Beluga traffic • Inconsistent with goals of SUA • Stupid idea <p>Commenter's who support (1:2) a boat launch facility in the lower river express the following:</p> <ul style="list-style-type: none"> • Decrease other habitat damage by focusing the activity • Relieve beach traffic • Addresses needs of all users, not just drifters • Good idea, long time coming 	<p>Response: The purpose of including "Boat Launch/Recovery" as an issue in this decision was to obtain an official "reading" of public opinion on the subject. It was not intended to decide the location and/or outcome of such a facility. Much work remains to determine whether or not such a facility is needed, what services it would provide, where it would be located, and who would manage it. The Division of Parks and Outdoor Recreation (DPOR) has requested funding through the Department of Natural Resource's Capital Improvement Budget to determine feasibility and, if appropriate, find a site for a boat retrieval system. At the present time, there are no plans to locate, develop, or operate a boat launch or recovery site within the boundaries of the KARSUA. Public responses and opinions on this topic are documented in the record of the KARSUA decision (this Issue Response Summary and Facilities Recommendations) and the data is available to the DPOR and others should they decide it is helpful in their decision making process.</p> <p>Overall opinions (2:1) of responders were against the idea of a boat launch facility in the lower river. Reasons cited included: increased hydrocarbon pollution; damage to fish habitat; increased congestion; public safety being compromised; no infrastructure to support this activity (parking etc.); create conflicts in residential neighborhoods for egress and ingress; will interfere with Beluga Whales; is inconsistent with goals of this Special Use Area; is not consistent with character and traditional use of Kasilof River system; and is just plain stupid. Not all commenter's who opposed facilities in lower river specifically supported a recovery only option upriver, but many did. A couple commenter's conditionally supported a facility in the lower river, but cited the need for more time to study this option, and the need to phase any such development.</p> <p>Response: Supporters, although fewer in number, had a number of reasons of why a boat launch would decrease other habitat damage as it focuses this activity; relieves beach traffic where this activity is now taking place; it will meet the needs of all users, not just drifters; and it is a good idea whose time has come.</p> <p>Based on the information obtained it is difficult to draw conclusions about public opinion on this subject. However it can be said that there is</p>

Description	Issues/Comments	Response/Revision
		<p>not agreement on the question of constructing a launch facility on the lower river, or at all.</p> <p>Several people seem ok with the idea of a recovery facility, but not so much on the lower river. No comments were received on the subject of engineering challenges on the lower river, or the lack of public or private land suitable for supporting such a facility on the lower river. No comments were received about the history of locating a recovery only site on the upper river, or the current proposal sponsored by the DPOR to develop a recovery site on the upper river.</p> <p>Revisions: The Facilities and Improvements Recommendation Section will be updated to describe that the inclusion of a lower Kasilof River public boat facility within that section is not intended to decide the location and or outcome of such a facility. The purpose of including a potential Boat Launch/Recovery facility within the draft decision was to obtain an official “reading” of public opinion on the subject.</p>

EARLY SETTING OR STAGING OF FISHING GEAR: The personal set gillnet fishery is open June 15-June 24 each year and attracts an increasing number of participants. Per ADF&G fishing regulations, the sites are on a “first come, first served basis” and the placement of signs, running lines, buoys, or dry nets on the beach in anticipation of incoming tides or fishery opening does not constitute any prior right to net location. Sites are only established when the net actually enters the water. It has become a common practice for users to have sites marked and gear staged on the beach beginning in mid May of every year. The current Generally Allowed Use regulations (11 AAC 96.020) do not adequately address this situation.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<ul style="list-style-type: none"> ➤ It is violation of state regulations to stage gear for periods greater than 14 days per the Generally Allowed Uses. ➤ Potential user conflicts between fisherman, private land owners and the public. ➤ Battling for sites (“who’s on first”). 	<ul style="list-style-type: none"> ❖ Restrict pre-site selection more than 7-days in advance of the fishery unless authorized by a DNR land use permit. ❖ Obtain enforcement authority for the current 14 day Generally Allowed Use regulation. 	<ul style="list-style-type: none"> ✓ <i>A permit is required for any placement or setting of gear on the beach or adjacent tidelands, more than 7 days prior to the Kasilof River Personal Use Set Gillnet Fishery.</i> 	<ul style="list-style-type: none"> ✓ <i>A person may not place or set gear on the beach or tidelands prior to May 1st each year in anticipation of the Kasilof River Personal Use Set Gillnet Fishery</i>

Description	Issues/Comments	Response/Revision
<p>Early Setting or Staging of Fishing Gear</p>	<p><i>Pre-Staging Limit</i> Comments contained the following points:</p> <ul style="list-style-type: none"> • Limiting the staking of sites until 7-days prior to the opening of the fishery will create additional pressure, competition, and conflicts for sites • Establishing camps and sites prior the opening is necessary to protect sites and gear from being stolen • Everyone knows the staking of sites does not constitute a legal fishing site, rather sites are established when the net reaches the water on opening day • The issue of pre-staking conflicts has been over emphasized • Creating a permit system to stake sites defeats the intent of the fishery and is only a means to generate state revenue • Tide cycles for staking offshore do not necessarily coincide with the opening of the set gillnet fishery 	<p>Response: Initially, SCRO perceived this issue to be more of a problem. Further research and public comments received indicate this is less of a problem than previously thought. The pre-staging issue was characterized in the draft decision as a disorderly system of the equitable allocation of fishing sites and a strain to public safety resources. Neither of these two issues became evident through public testimony, conversations with public safety officials, or public comment. Therefore, the SCRO is revising the proposal in the draft to limit pre-staging of gear from 7 days before the annual June 15th set gillnet opening. Associated extended stays related to the set gillnet fishery appear to be occurring early enough for individuals to establish camps, set pins and running lines, and make last minute adjustments.</p> <p>SCRO does not intend to discourage a system that has been working for the general public or somehow limit opportunity to participate in this unique 10 day fishery. Rather the goal is to bring some reasonable level of order to the pre-staging timeframe so all users can enjoy the opportunity to setup well in advance of opening tide. For these reasons, SCRO is not proposing a pre-staging limitation on fishing gear from May 1st thru the opening of the gillnet fishery on June 15th at this time. The SCRO does reserve the right to modify this requirement and impose a specific time limit on staging should this become more of an issue in the future.</p> <p>Revision: The Protections and Special requirements section will be modified to include the following action:</p> <ul style="list-style-type: none"> • A person may not place or set gear on the beach or tidelands prior to May 1st each year in anticipation of the Kasilof River Personal Use Set Gillnet Fishery.

TARGET AND RECREATIONAL SHOOTING: With increased participation in the fisheries and no proactive “on the ground” management, activities such as recreational shooting have increased in popularity. The areas of the fisheries are generally flat with little changes in topography with several local residences nearby. Recreational target shooting in this area during the personal use fisheries is a serious public safety concern.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<ul style="list-style-type: none"> ➤ Due to the number of recreational users and residences in this area, target shooting is not a compatible use. 	<ul style="list-style-type: none"> ❖ Signage and informational boards 	<ul style="list-style-type: none"> ✓ <i>Restriction on discharging of a firearm for the purpose of target or recreational shooting</i> 	<ul style="list-style-type: none"> ✓ <i>A seasonal restriction on the discharging of a firearm for the purpose of target or recreational shooting during the personal use fisheries. This restriction does not prohibit legal hunting openings.</i>

Description	Issues/Comments	Response/Revision
<p>Target Shooting</p>	<p>Commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> • Target shooting is not appropriate in the area during the fishery, however locals use the area in the off season • Common sense should tell everyone that no shooting is allowed • It is not happening all the time • Target shooting restrictions are needed during the fisheries for public safety • Target shooting occurs outside of the fishing period • It should be prohibited. There is no need for firearms. • Never noticed any shooting 	<p>Response: SCRO agrees that target shooting during the times of the personal use fishery is a public safety concern. Participants including families' camp and use the beach and dune areas during this time.</p> <p>The abundance of people and the various activities that occur during the seasonal fisheries renders target shooting a public safety hazard. Although SCRO agrees that target shooting should be restricted during this busy time, we do not see the need to create a year-round restriction.</p> <p>Revision: Target and recreational shooting will be restricted seasonally during the personal use fisheries (June 1- August 15). The definition of target and recreational shooting will be defined and include a note that no restrictions will apply to any lawful hunting activities in the area.</p>

WATER QUALITY: Direct impacts to water quality have not been reported to date on the lower Kasilof River. The growing concentration of users and lack of adequate sanitation facilities near the river mouth does pose a serious concern for water quality and public health. The area around the Kenai personal dip net fishery recently reported elevated levels of bacteria which can be transmitted through fecal matter. Potential sources were identified as high wildlife concentrations (harbor seals and birds) and humans. In the future, similar water quality issues could appear in the Kasilof River system if not monitored and adequately managed.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<ul style="list-style-type: none"> ➤ Water quality affects the health of humans, wildlife, and the fisheries. ➤ Decreased water quality can impact the health of the adjacent wetland systems. 	<ul style="list-style-type: none"> ❖ Signage and informational kiosk ❖ Install permanent vaulted toilets ❖ Provide seasonal toilets and trash facilities and locate closer to users. ❖ Fencing for habitat protection 	<ul style="list-style-type: none"> ✓ <i>Prohibition to place, drop, or discard waste or refuge (including human waste) except within the provided sanitation facilities</i> 	<ul style="list-style-type: none"> ✓ <i>Prohibition to place, drop, or discard waste or refuge (including human waste) except within the provided sanitation facilities</i>

Description	Issues/Comments	Response/Revision
Water Quality	<p>Commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> • Tide and river currents wash the area • Boat crews contribute to human waste • Improve sanitation for better water quality • DEC recommends additional bacteria monitoring to confirm the effectiveness of additional sanitation facilities • DEC plans to obtain grants for Kasilof River and beach monitoring 	<p>Response: SCRO agrees that although water quality may not be a significant issue at the present time, the need for additional sanitation facilities and monitoring is needed in the area to maintain public health. This is also apparent as seen from elevated levels of bacteria on the Kenai River during the summer of 2010. SCRO is interested in working with any special interest groups to monitor water quality within the lower river. Many of the requirements within the draft and final KARSUA decisions address many of the uses that could impact water quality if not adequately managed.</p> <p>Revision: Language will be incorporated into the final decision recommending coordination between SCRO, DEC, and local user groups to monitor water quality in the lower river during the personal use fisheries.</p>

FISH WASTE: Another growing concern is the irresponsible disposal of fish waste. This is a particular issue when carcasses are stockpiled or disposed of landward of the vegetative line, on the uplands.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<ul style="list-style-type: none"> ➤ The disposal of fish waste on the uplands promotes unsanitary conditions. ➤ Disperses users from the area and puts strain on upland trash facilities. ➤ Irresponsible disposal of fish waste attracts wildlife. 	<ul style="list-style-type: none"> ❖ Signage and informational kiosk ❖ Public outreach and education 	<ul style="list-style-type: none"> ✓ Fish waste should be disposed of in accordance with applicable ADF&G guidelines. 	<ul style="list-style-type: none"> ✓ A prohibition to dispose of fish waste on the uplands (landward of the vegetative line).

Description	Issues/Comments	Response/Revision
Fish Waste	<p>Commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> • Put fish carcasses back in the water, and out of the way of birds, bears and other wildlife • Bury fish waste, so it is not left on the beach • Install fish cleaning facilities with dumpsters on both sides of the river mouth • Incorrect disposal is an issue • Install kiosks, post signs and have flyers to educate the public on responsible fish waste disposal • Install bear resistant dumpsters • ADF&G does not have any regulation or guidelines for the proper disposal of fish waste • Fish waste may degrade water quality when amounts attract birds and other wildlife. Fecal matter from concentrations of wildlife can impact water quality in the direct area of the personal use fishery • DEC recommends during low-moderate use times direct fishers to place fish waste back into the water and rake the beach so daily tides can carry waste away. During high use times provide covered containers above the Mean High Tide, then take the waste to fish processors to grind and dispose per their wastewater permits 	<p>Response: It is important to clarify that there is a need to establish recommendations for the responsible disposal of fish waste. Currently, there is no official ADF&G or agency regulation or guidelines for the disposal of fish waste.</p> <p>Although the large majority of users dispose of their fish waste back into the tidelands, there are occasions in which fish waste is deposited onto state uplands and private property. SCRO recommends disposing of fish waste by either placing the carcasses back into the tidelands (as far out as possible) or by burying it on the beach (seaward of the vegetative line).</p> <p>Some comments suggested that SCRO install fish cleaning stations and or provide bear resistant covered containers. While SCRO believes this is a reasonable idea, resources to provide these types of services does not exist at this point in time.</p> <p>Revision: Revise the requirement for the disposal of fish waste to read: A person may not dispose of fish waste landward of the vegetative line.</p>

TRESPASS: Trespass related issues on private lands tend to increase during the personal use fishery periods. Although the majority of users typically stay within state lands, some users do utilize the adjacent private lands for camping, disposing of waste, and other activities. The existence of public roadways near private property also encourages increased trespass situations as users look for parking and camping options.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Final Facilities or Actions</i>
<ul style="list-style-type: none"> ➤ Adjacent land owners contend with unauthorized uses of their property. This creates user conflicts with local residents. ➤ Damage to local property is unacceptable and may create legal conflicts. 	<ul style="list-style-type: none"> ❖ Signage and informational kiosk ❖ Provide seasonal toilets and trash facilities and locate closer to users. ❖ Install permanent vaulted toilets ❖ Limit motorized vehicle use to designated areas ❖ Improve and clearly identify suitable public access. 	<ul style="list-style-type: none"> ✓ <i>Provide adequate sanitation support facilities for the public and educate users about land ownership patterns within the KARSUA. (see Appendix B)</i>

Description	Issues/Comments	Response/Revision
Trespass	<p>Comments expressed the following:</p> <ul style="list-style-type: none"> • Lack of support facilities increases trespass onto private property as users look for places to go to the bathroom, collect firewood, etc. • We have had boats vandalized and our backhoe stolen by a person who got their vehicle stuck on the beach • There is a lack of justification to warrant action regarding increases in private land trespass • Fencing and barriers should be placed to ensure that private owners are protected • Make this area “Day Use Only” to reduce trespass issues 	<p>Response: The SCRO recognizes the importance of this issue and the need for additional facilities and active land management in this area, especially during the eight week personal use fisheries.</p> <p>Based upon public comment, field inspections, and conversations with local land owners, it is evident there is a problem with users trespassing onto private properties. Many landowners have taken steps to post their properties and or create physical barriers to identify their property boundaries. Despite these efforts uncontrolled uses of private property will continue to be a problem without basic management actions and dedicated facilities.</p> <p>The combination of additional services such as parking areas and sanitation facilities will alleviate some trespass issues. The need for public education and awareness regarding land ownership patterns in the area will be communicated to the public thru signage, kiosks, and field contacts with the public.</p> <p>Revisions: None</p>

Description	Issue/Comments	Response/Revision
<p>Management Action</p>	<p>Management Actions</p> <p>Most people who commented on this topic agreed that some elevated level of land management was necessary, and directly supported creation of a special use area. However some felt no elevated level of management was necessary. Whether they were for, or against, many commenter’s qualified their positions with concerns that included:</p> <ul style="list-style-type: none"> • Protection of the affected habitat is a legitimate goal; • The boundary is larger than necessary to deal with the issues identified; • A system of user fees are unpopular with some, but appeared to be grudgingly accepted as necessary by others; • Some think that despite no assurances to the contrary, this will become a state park unit complete with controlled access, fees, and regulations, and they do not favor that result; • A very small number of people actually specified their preference for a special management system modeled after the Kenai River unit managed by Alaska State Parks; • Not enough data in hand to justify creation of an SUA; • The state should create some basic infrastructure, as suggested, but should use existing human and financial resources and not “grow government”; • State should fix the real problem (fisheries rules), and leave the rest alone. <p>There seems to be a consensus across all levels of interested parties that decisions made years ago, which changed the scope and character of the personal use fishery, are responsible for the land and water impacts being addressed in this decision. Pervasive among people holding this opinion is the notion that making changes to the personal use fishery rules is the way to resolve the land management issues addressed in this decision. Consequently, creation of an SUA is seen as an infringement of personal rights through unfair imposition of regulations, fees, and other requirements.</p>	<p>Response: Regardless of the cause(s) of the current situation surrounding the personal use fishery at the mouth of the Kasilof River, the intensity of use and poor behavior by some of those participating in the fisheries presents a legitimate challenge for state land and water resource managers. When Generally Allowed Activities (11AAC 96) exceed expected limits, affected natural resources can experience unwanted or negative impacts, and the rights of individual Alaskans to use and enjoy their commonly owned natural resources can be impaired. SCRO believes this threshold of negative impacts has been reached with respect to some resources, and will impact other resources as use patterns continue to intensify.</p> <p>Based upon a review of existing data, and the results of the intensive public and agency review process leading up to this decision, SCRO believes it is necessary to step up its management response for state land and water at and near the mouth of the Kasilof River. While some have criticized the process undertaken to reach a decision in this matter, a process like this is a necessity when working in an environment where resource management issues and public (user) concerns compete for the attention of limited human and financial (government) resources. Increased management attention usually comes at an increased cost, and this process fleshes out the broad as well as the specific issues which need to be understood as decision makers decide on a proper course of action.</p> <p>As mentioned in the “Issues” column, most Alaskans can agree on the importance of managing impacts to important habitat to provide for healthy and productive fish and game populations. DNR works closely with the Department of Fish and Game to accomplish appropriate levels of habitat protection on state lands and water throughout Alaska, and more importantly to this decision, here in the vicinity of the Kasilof River. However, DNR’s mission and mandate is to go beyond habitat management to include management of all Alaska’s commonly owned resources for sound development, protection of their unique resource values, and the ability of current and future generations of Alaskans to use and enjoy them.</p>

Description	Issue/Comments	Response/Revision
		<p>This requires a delicate balancing act in that unless habitat is categorically called out and identified such as a legislatively designated “Critical Habitat Area”, it is considered general state land and impacts to it are considered along with other uses. This is important to understand when responding to the concern that the proposed SUA boundary is too large, much larger than originally envisioned by those advocating protection of the Kasilof Dunes (see boundary section).</p> <p>User fees are addressed in a separate area of the “Issue Response” document. <u>However, the relationship between user fees and the creation of an SUA can use a bit of clarification.</u> Many comments expressed concerns with the idea of paying user fees for public services. And there is a wide diversity of opinion with respect to which, and to what extent, services should be provided, if at all. It is also clear that most commenter’s do not favor growth of government. On the other hand, they would like to see some physical and security oriented improvements made in the vicinity of the mouth of the Kasilof River to protect the environment, as well as make the human experience a better one. We doubt that anyone would argue that porta-potties and dumpsters are not a necessary and appreciated improvement during the fishing season at the Kasilof. Plainly these services cost money, money which has been provided through a variety of sources over the past several years, without benefit of a designated SUA. Those sources of money are not reliable year to year, whereby a system of revenue provided by user fees would arguably provide a more reliable source of continuing revenue to support sanitation and safety efforts for the area. <u>The creation of an SUA is not mandatory in order for DNR to institute a system of user fees to cover the cost of providing improvements to state land on or near the Kasilof River.</u></p> <p>After hearing and reading all of the concerns raised during the extensive public review and comment process, SCRO believes the proposed special use area provides the best overall solution to the management problems identified at this time, and offers a flexible approach for meeting future resource management demands in this area.</p>

Description	Issue/Comments	Response/Revision
		<p>Reasons for this include: This designation ...</p> <ul style="list-style-type: none"> • brings focus and administrative resources to the issue of habitat impacts and protection; • achieves the first 6 of the 8 goals listed on page 4 of the proposed decision. Goals 7 and 8 may be met if this SUA is fully implemented; • requires no transition from one management agency to another; • continues management as multiple-use lands with full consideration for all uses <p>Revision: None. <u>The management alternative chosen, following the public review and comment process, is the special use area.</u> This option facilitates management and development of an administrative unit reflective of high natural resource values, indicative of intense public interest, and site of a highly popular personal use fishing opportunity that is not expected to reduce participation opportunities in the foreseeable future. Additionally creation of a special use area conveys the important message to the recreating public that this area is special, contains unique attributes, and needs protections if it is to be used and enjoyed by future generations of Alaskans.</p>

Description	Issues/Comments	Response/Revision
<p>KARSUA Document / Process</p>	<p><i>Technical (Wording, References, etc.):</i> SCRO received comments regarding the use of specific words and phases within the draft that were described as unsuitable or out of context. SCRO also received comments stating that some of the narrative and background within the draft was subjective and/or inaccurate. Some commenter’s also requested that SCRO be more specific regarding some of the proposed management actions and include additional definitions to but particular words in context.</p> <p><i>Public Notice, Meetings, Administrative Process, etc:</i> Public Notice: Commenter’s stated that the majority of local residents were not informed; inadequate notification was given to property owners within the proposed boundary; and some requested a 45 day extension.</p> <p>Meetings: SCRO received comments asking for additional meetings in Wasilla and on the Kenai Peninsula (Kasilof and Kenai). Some local residents asked why SCRO did not take public testimony and also requested SCRO to suspend the final decision and consult with the residents in a public forum prior to implementing the decision. The Commenter’s state that the</p>	<p>Response: In reading the comments in relation to the draft document, SCRO agrees that some changes should be made regarding the use of specific words and phases. SCRO will make the appropriate changes to better describe particular actions and words, and agrees to expand the definitions section.</p> <p>Revision: See changes within the final decision as described above.</p> <p>Responses:</p> <p>Public Notice: The draft decision for the KARSUA was available for both public and agency review for a total of 70 days. The draft decision was forwarded to approximately 400 interested parties for public comment beginning October 1, 2010 thru December 10, 2010. The SCRO also developed a user friendly KARSUA website containing pertinent information with the option to submit comments online. The original notice and comment period was scheduled to close on November 15, 2010 but was extended to December 10, 2010 by SCRO to accommodate a number of requests to extend the comment and notice period. The original notice was published in the Anchorage Daily News and the Peninsula Clarion on October 7, 2010, and then noticed again in the Anchorage Daily News and the Mat-Su Valley Frontiersman in November 2010 during the extension of the comment period. The KARSUA notice was also posted on the DNR public notice webpage; sent out for media release and public service announcements, posted at several U.S. Post Offices from Talkeetna to Homer including Kasilof, Clam Gulch, and Kenai; forwarded to adjacent landowners; native corporations; local government; interest groups; and many internal and external government agencies. The SCRO disagrees that this decision was inadequately noticed.</p> <p>Meetings: During the notice period, three public meetings were conducted by SCRO to introduce the draft KARSUA decision, solicit comments, and answer questions and address public concerns. Meetings were conducted in Anchorage and Kasilof in October 2010, and a third public meeting was held in Wasilla in early December 2010 as a result of requests for additional meetings and SCRO decision to extend the</p>

Description	Issues/Comments	Response/Revision
	<p>residents need a say in the final decision process, with meaningful discussions and consideration of alternatives.</p> <p>Administrative Process: SCRO received requests to postpone the final decision to allow for additional studies in the area; other comments stated: there is a lack of evidence to support the proposed actions; further opportunity should be given to comment and review the draft decision; and comments should be weighted in favor of groups.</p> <p>Comments were received stating that DNR should not be the sole body controlling the evaluation of comments and some opposed DNR's 3-step process consisting of a draft decision, comment period and final decision. DNR is basing the decision for an SUA upon two letters from local groups; and the process is narrowly defined to three actions and alternatives in order to promote the largest SUA possible.</p>	<p>original comment period. At all three meetings SCRO allowed for public comment and questions and answered questions in an open forum. In addition to these three public meetings, representatives from SCRO attended several meetings in the area. In April of 2010, SCRO attended a community meeting in Kasilof to discuss the south side fencing project; in May of 2010 SCRO attended another meeting in Kasilof with key agency representatives, legislators, and the public to discuss issues on the lower Kasilof River during the personal use fisheries; SCRO also attended an additional public meeting in Kasilof on February 26, 2010, per a legislative request. The purpose of this meeting was for SCRO to openly answer any additional questions or concerns from the public in an open forum prior to issuing the final decision for the KARSUA. (See also the next section for additional meeting information)</p> <p>Administrative Process: SCRO included the following paragraphs to better describe the establishment of the KARSUA and the processes. The KARSUA designation is an administrative decision developed under the authority of AS 38.05.020. This written decision provides the basis for the establishment of the KARSUA designation, including the rational and justification for regulations to be adopted (as a separate process) under 11 AAC 96.014. These regulations, once adopted will limit certain uses that would otherwise be Generally Allowed (11 AAC 96.020) in order to prevent ongoing impacts to the area. It is important to note that there are two approval processes; the first being this decision for the establishment of the KARSUA; and the second process is for the adoption of KARSUA and associated regulations under 11 AAC 96.014 per the Alaska Administrative Procedures Act. In summary, this decision provides the background and rational for associated protections and special requirements to be adopted as regulation under 11 AAC 96.014.</p> <p>The SCRO is the direct manager of the state owned lands within the proposed KARSUA. SCRO has received several requests from concerned citizens to fellow agencies (including the Borough) to address the impacts on state land associated with the thousands of people that flock to the area during the personal use fisheries. For the past several years, SCRO has administered temporary sanitation facilities during the fisheries and has conducted several field inspections</p>

Description	Issues/Comments	Response/Revision
		<p>of the area before, during, and after these eight week fisheries.</p> <p>The Kasilof Regional Historical Society hosted a community meeting in April 2010 to discuss fencing solutions to protect the dunes and wetlands from heavy uses during the personal use fisheries. The SCRO attended this meeting in which the general consensus was to support the establishment of a fence on the south side of the river. During this meeting, potential management actions, which included the designation of a special use area was also discussed in an open forum.</p> <p>In Spring 2010, SCRO received an application from the Kasilof Regional Historical Society to construct a permanent fence on the south side of the Kasilof River. The purpose of this fence was to limit vehicular traffic landward of the fence in order to promote the regeneration of the vegetation within heavily impacted areas. During the public comment period for this land use permit application, a total of 47 comments were received. Comments outlined the associated impacts to the area and need for additional protections, including active enforcement. SCRO continued to explain that although the decision to construct a fence was approved, without specific protections or special requirements identified and adopted into regulation for the KARSUA, a fence alone would not resolve the impacts to the dunes.</p> <p>Under direction from the Governor’s Office in May 2010, the DMLW held an agency management review and discussion that was attended by key representatives from DMLW, ADF&G, DPOR, DEC, DOT, MHT, DPS, UNI, Kenai National Wildlife Refuge, Mayor Carey (Kenai Borough) Representative Chenault, Amy Seitz (Senator Wagoner’s Office), Konrad Jackson (Representative Olson’s Office). The public was also invited and attended by some members of the community. The purpose of the meeting was to gather key agencies and discuss issues and possible management solutions to address ongoing impacts to the lower Kasilof River. The notes of the meeting were made available on DNR’s Kasilof Website and the public was encouraged to comment. A total of 11 comments were received. As a result of the meeting, the option of a Special Use Area designation was discussed and recommended. A formal request was forwarded to the SCRO Regional Land Manager on behalf of the Kasilof Historical Society which included 16 co-signers ranging from the Kenai Peninsula Borough to</p>

Description	Issues/Comments	Response/Revision
	<p>SCRO received a petition asking to suspend the draft for comprehensive studies and public scoping meetings.</p>	<p>local cities and interest groups.</p> <p>In spring and summer 2010, SCRO conducted in depth research pertaining to land status, resources, and uses within the area. This included field inspections, interagency discussions, and consultations with local users and landowners. The KARSUA draft was developed from documented sources, agency information, and published information. Research included: an analysis of the land uses and ownership; electronic and GIS information, hard copy information including case files in the area; planning documents such as the Kenai Area Plan; satellite imagery and aerial photos; wetland and shore zone mappers; habitat data; and fisheries data. The need for active management to protect the areas natural resources and the public's continued enjoyment of these resources is evident and well established.</p> <p>A total of 163 comments were received during the 70 day public notice period pertaining to the draft KARSUA decision. SCRO staff read and considered each of these comments and has taken time to formally respond within this Issue Response Summary.</p> <p>SCRO disagrees that there is a lack of evidence to support the proposed actions and that additional studies in the area need to be conducted before a final decision is rendered to designate the lower Kasilof River as a Special Use Area. More than reasonable time (70 days) was given during the public comment period, which included a comment period extension and additional public meetings. The SCRO has taken considerable time and effort to research this area to develop a reasonable management approach to address the impacts to this area. That being said, SCRO does value meaningful public input and participation and this final decision would not be the same without it.</p> <p>As manager and administrator of the KARSUA, SCRO is the responsible land management agency to review and evaluate comments based upon their individual merits, as opposed to scoring or weighting comments based upon the number of individuals (such as the petition) that submitted the same or similar comment or giving preference to specific groups.</p>

Description	Issues/Comments	Response/Revision
		<p>The KARSUA administrative process outlined above, far exceeds the statutory and regulatory requirements for this type of action and was designed to serve the public interest and need. SCRO disagrees that this process was narrowly defined to three actions and alternatives to promote the largest SUA possible. It is abundantly clear that effective and adequate management is needed in the area, and SCRO believes that the KARSUA is the most viable option. However, no staff within the SCRO or in the Department is assigned directly to this project. The creation of regulations alone to protect the habitat is not enough. That is why SCRO maintains that designation of an SUA combined with limited statutory enforcement authority and appropriate funding is integral to protecting the resources and sustainable use of this area for generations to come.</p> <p>Revision: None</p>

Description	Issues/Comments	Response/Revision
<p>KARSUA Boundary</p>	<p>Size of the SUA: Some members of the public voiced the following concerns:</p> <ul style="list-style-type: none"> • The SUA is a 2,600 acre park-like SUA, and is founded upon no supporting evidence. • The SUA is too big, and the original request was for a much smaller area. • The real problem only encompasses 200 acres. 	<p>Response: Upon designation as a Special Use Area, state lands within the KARSUA boundary will continued to be managed under Alaska Statute Title 38 as multiple use lands per AS 38.05.285. The proposed establishment of user fees and or facilities (as discussed in those sections) does not constitute a park-like SUA. Most areas managed by the DPOR are managed very specifically for their recreational values and are generally removed from the public domain. The SCRO disagrees that the KARSUA is a park-like SUA. The KARSUA will be managed by SCRO under multiple use principles and remain as public domain lands.</p> <p>When discussing the lands encompassed within the proposed KARSUA boundary it is important to note that the recreational values and the impacts associated with the personal use fisheries are not the only attributes for the establishment of this area. The lower Kasilof River and the adjacent uplands do contain special biological and habitat values that also need active management and protection. The fact that these parcels of uplands and tidelands were also acknowledged as requiring additional levels of protection is also documented in the Kenai Area Plan.</p> <p>When researching the establishment of this SUA, SCRO took a holistic approach to the issues and values in this area and considered a variety of other factors such as land ownership, public access, and existing land use patterns. The proposed boundary of the KARSUA identified areas of state land in the lower river that contained special habitat, biological, recreational, and use patterns that require additional protections and requirements. The lower river system is also heavily used for commercial activity which is directly managed by SCRO through the issuance of authorizations such as permits and leases.</p> <p>The size and acreage of the KARSUA was based upon analysis of all these factors, and as outlined in the Administrative Process Section, was based upon sound research and information. The boundary encompasses the “real problem” area of 200 acres but also includes other areas of state land in the lower river that also deserve protection.</p>

Description	Issues/Comments	Response/Revision
	<p>Private Property Owners Concerns: Some members of the public voiced the following concerns about the KARSUA:</p> <ul style="list-style-type: none"> • The SUA will impose restrictions of the rights and uses of the adjacent and local land owners • It will affect access to the beach during non-fishing times for construction and access to private land • The shoreline will be implemented into the SUA • The acquisition of 3,000 acres • It will hinder the opportunity to harvest fish and game • How will the SUA affect us year round? 	<p>The boundary proposed for the KARSUA was drawn to include all public land and water in the vicinity of the lower river. Originally some parcels of private land were included within the boundaries, but they have since been removed, with one exception. That exception is the Trillium property at the mouth of the river on the north side. The owner of the Trillium property agreed to leave the parcel inside the boundary because this property is currently being offered for sale and there is at least some potential for this land to be acquired for public purposes. By including the parcel within the boundary it would automatically be included with the KARSUA should it be acquired by the state. If it is not acquired by the state, and remains a private parcel, KARSUA rules and regulations will not apply towards it. A 60-foot public right of access way traverses the parcel.</p> <p>The original SUA boundary did extend upriver to include two parcels of state land identified as Kasilof Lower (KL) and Kasilof Upper (KU). These parcels are primarily wet and likely not economically viable as development sites for recreation opportunities. Some commenter's felt it was improper to include these parcels in the KARSUA because there was little to no public use on them at this time. For these reasons, these two parcels are withdrawn from the final KARSUA boundary. If these parcels become impacted due to unforeseen circumstances in the future, SCRO may eventually decide to include them within the SUA boundary.</p> <p>The final boundary of the SUA will continue to include all state waters from the river mouth upstream approximately three river miles, identified as the Kasilof Tidelands (KT). This is necessary to create a viable management unit within which intensive commercial and recreational use occurs. Attention needs to be focused upon these activities as they result from the attraction of the various fisheries on the river and present some of the most difficult management challenges within the area. Approximately 6 commercial docks and 123 commercial mooring buoys do exist within the boundary which underlines the need to manage these activities.</p> <p>The entire two miles of beach area affected by personal use fishery activities is also appropriate to be included within the SUA boundary because this is also where intensive use occurs and active management</p>

Description	Issues/Comments	Response/Revision
	<p>Requests to Exclude Private Property from the KARSUA Boundary: SCRO received many requests from private land owners (including the University of Alaska) to exclude their lands from the KARSUA boundary</p>	<p>efforts must be focused. <u>The seaward line in the proposed decision was designed to accommodate future needs, but seemed a bit extreme to some commenter's. SCRO has reconsidered this boundary and decided to pull this boundary line back to approximately ¼ mile offshore, from marker to marker.</u></p> <p>In summary, SCRO has reviewed boundary comments and information and readjusted the final boundary of the KARSUA.</p> <p>Revision: Reduce the boundary to ¼ mile out from mean low water within KT and remove upland parcels identified at KL and KU.</p> <p><i>The establishment of the KARSUA cannot and will not impose and or enforce any new or existing requirements, regulations or laws on lands that are not state owned or managed.</i> This includes all private and non-state lands within, adjacent or nearby of the KARSUA. Any additional protections or special requirements in relation to the KARSUA will only affect state lands within the boundary. It should be clearly stated that the DMLW owns the state uplands, the lower Kasilof River, and the adjacent tidelands up to mean high water line. This area is currently directly managed by the SCRO, with or without the establishment of the subject SUA. This KARSUA is not the acquisition of 3,000 acres, as SCRO already has direct management responsibility for these state lands. As stated above, the establishment of the KARSUA and its acreage is based solely upon the uses, resources, and ownership patterns. The non-state lands that were included in the boundary were included for the purpose of possible future land acquisitions or management agreements that could be implemented with entities such as the KPB or MHT. Many private individual land owners also expressed concerns that their land was in the boundary and therefore affected. See response below.</p> <p>The adjacent land owners may continue to use these public lands as before consistent with the protections and special requirements established under the KARSUA. These requirements are not intended to affect or restrict public access to the beach for residents or any other person. If a user fee is established, it will be for direct users of the personal use fishery to cover the costs associated with support services. No one will be charged to use or access the beach year round (except if</p>

Description	Issues/Comments	Response/Revision
		<p>participating in the personal use fishery). Any user fee for the fishery will be strictly seasonal. The establishment of the SUA does not hinder the opportunity to harvest fish and game, as the SUA does not regulate this activity (that is a function of the ADF&G). The harvest of fish and game is a generally allowed use and not restricted within the KARSUA.</p> <p>Based upon the concerns and requests from many private land holders within the KARSUA, SCRO agrees that these private lands should be excluded from the KARSUA boundary.</p> <p>Revision: All private lands with the exception of U.S. Survey 83 are excluded from the final KARSUA boundary.</p>

Description	Issues/Comments	Response/Revision
<p>Facility Recommendations</p>	<p><i>Approval of Recommended Facilities</i> Some comments expressed concerns that designation of this area as a special use area and recommended facilities may have unintended consequences to the area since there have not been any formal impact studies.</p>	<p>Response: In response to the increased impacts from intense public use during the personal use fisheries, the SCRO proposed several improvements within Appendix B of the KARSUA decision. Recommended facilities included: informative kiosks, permanent vaulted toilets, seasonal toilets and dumpsters, upgrades to Fisherman’s Road, parking and staging areas along Cohoe and Kasilof Beach Roads, and designated access trails.</p> <p>It is likely that any physical improvements, e.g., parking areas, vaulted toilets, hardened access routes, will have to be requested in the department’s Capital Improvement Project budget request, and approved by the Alaska State Legislature. If projects are approved by the legislature, that body may or may not elect to include operating and maintenance (O&M) funds in the department’s operating budget. If they do not, then a system of user generated fees may be imposed to provide revenues necessary to operate and maintain the added improvements. (see User Fees Table)</p> <p>A system of physical improvements within the KARSUA will unfold over time. Since these developments will likely occur through the existing budget process on an annual basis, the department and the public will find out how the legislature intends to handle O&M funding as these requests work their way through the process. In the mean time SCRO will not be implementing a user fee system for the upcoming fishery season, but may recognize the need to do so in the future.</p> <p>These recommendations are not guaranteed or automatic with the adoption of a special use area. Rather, the proposed facilities are dependent upon available funding. Any recommended type and character of facility will be consistent with the departments’ management and intent for the area and will allow the DNR manager discretion in deciding the specific means for best achieving the management and intent based upon particular circumstances and further site analysis.</p> <p>Revision: The Facility and Improvement Recommendations section will be updated to clarify that facilities are not guaranteed and are subject to available funding. SCRO will use discretion in deciding</p>

Description	Issues/Comments	Response/Revision
	<p data-bbox="472 386 764 410"><i>Access and Parking Areas</i></p> <p data-bbox="472 415 1041 440">Several comments recommend the following actions:</p> <ul data-bbox="525 448 1140 695" style="list-style-type: none"> <li data-bbox="525 448 1014 472">• Maintain and preserve access for all users <li data-bbox="525 480 1140 537">• Upgrade existing access roads and provide additional sanitation services including vaulted toilets <li data-bbox="525 545 1094 602">• Establish parking areas to accommodate day use, long term, and recreational vehicle parking areas <li data-bbox="525 610 926 634">• Institute parking passes with fees <li data-bbox="525 643 1113 695">• Work with Mental Health to open up their land for additional parking areas <p data-bbox="472 1036 758 1060"><i>Campground Alternatives</i></p> <p data-bbox="472 1065 1113 1122">Comments suggesting additional campground opportunities including adequate sanitation services include:</p> <ul data-bbox="525 1130 1140 1312" style="list-style-type: none"> <li data-bbox="525 1130 1119 1187">• Acquire Mental Health Trust land thru another land swap with DNR <li data-bbox="525 1195 1098 1252">• Develop or authorize the development of existing state land <li data-bbox="525 1260 1140 1312">• Encourage the Kenai Peninsula Borough to develop a campground on borough property 	<p data-bbox="1165 237 1860 293">the specific means for best achieving the management and intent based upon particular circumstances and further site analysis.</p> <p data-bbox="1165 386 1902 841">Response: The SCRO recognizes the importance of maintaining existing public access into this area and improving parking areas to accommodate all types of users. An important aspect of this special use area is to continue to manage this area under the principles of multiple use, so all users can access and enjoy the areas resources. By providing adequate support services including designated access routes and parking areas, along with basic sanitation services, this area will continue to be available for all users without sacrificing the surrounding resources. Management options do include providing day use, long term, and recreational vehicle parking areas and upgrading existing routes so they not only accommodate the users but emergency and sanitation services during peak use periods. Without access and parking upgrades, traffic congestion and overcrowding will continue and the general public will lose access and recreational opportunities.</p> <p data-bbox="1165 873 1902 992">Revision: Modify the Facilities and Improvement Recommendation section to include additional parking options including day use, long term, and recreational vehicle areas within the Kasilof North and Kasilof South Units.</p> <p data-bbox="1165 1024 1902 1203">Response: Although the development of a campground was not a proposed facility recommendation in the draft decision, it does have merit. This type of development is dependent upon available funding sources for construction, operation, and maintenance. Site selection, level of development, and management responsibility are critical components to be considered and addressed.</p> <p data-bbox="1165 1235 1902 1414">Revision: The Facilities and Improvement Recommendation section will be updated to outline options for developing a campground. These options include: 1) discuss a land swap with the Mental Health Trust for the parcels located near the end of Coho Beach Road; 2) solicit interest for the development of a campground on state land within the Kasilof North and Kasilof Bluff units; or 3)</p>

Description	Issues/Comments	Response/Revision
	<p><i>Dune Fencing Projects & Access</i> Comments support efforts to protect the dunes and surrounding wetland habitat thru the establishment of dune fencing and designated access trails.</p>	<p>discuss the potential use of borough lands located on the east side of Cohoe Beach Road or the large parcel of borough property bisected by Fisherman’s Road.</p> <p>Response: DNR approved the Kasilof Historic Society’s dune fencing project in the fall of 2010 under land use permit LAS# 27627. The purpose of this project is to protect habitat and limit motorized uses except on designated trails within the Kasilof South Unit.</p> <p>Revision: The Facility and Improvement Recommendation section and the KARSUA Units section within the final decision will include language about the DNR approved dune fencing project approved within the KS Unit and opportunities for additional dune fencing projects within the KN Unit. It is also anticipated that restoration projects will follow once dune fencing is established and areas are managed to limited motorized impacts.</p>

Description	Issues/Comments	Response/Revision
<p>User Fees</p>	<p>The following comments were received in response to the implementation of a User Pay Fee System to cover management costs associated with providing services to support the Personal Use Fisheries:</p> <ul style="list-style-type: none"> • The public should not have to pay a fee to access the beach, take a walk, or otherwise use public land • The state should be responsible for providing support services to the public since the state created these fisheries • Implementing a user fee will make it uneconomical for my family to participate in this fishery • Charging a fee is reasonable if there is a service or benefit provided • Paying a one time fee associated with the Personal Harvest Card is preferable • Fees for parking and camping would generate enough money to pay for seasonal support services 	<p>Response: Perhaps one of the most controversial components of the KARSUA is the implementation of the User Pay Fee System (UPFS). This is understandable since the public has enjoyed this area without having to pay for anything but a fishing license since the inception of these fisheries. With increases in resident participation levels and a lack of any basic sanitation services to support the public, waste issues and impacts to public and private lands have risen to a point that management action is necessary. The SCRO proposed several typical kinds of improvements which could be undertaken to benefit the area and users. In general terms, any physical improvements actually accomplished, e.g., parking areas, vaulted toilets, hardened access routes, will have to be requested in the department’s Capital Improvement Project budget request, and approved by the Alaska State Legislature. If projects are approved by the legislature, that body may or may not elect to include operating and maintenance (O&M) funds in the department’s operating budget. If they do not, then a system of user generated fees may be imposed to provide revenues necessary to operate and maintain the added improvements.</p> <p>A system of physical improvements within the KARSUA will unfold over time. Since these developments will likely occur through the existing budget process on an annual basis, the department and the public will find out how the legislature intends to handle O&M funding as these requests work their way through the process. In the mean time SCRO will not be implementing a user fee system for the upcoming fishery season, but may recognize the need to do so in the future. It is important to clarify that if implemented, the fee system would only be effective from June 1 thru August 15 each year and only those residents participating in the fisheries would be subject to the fee.</p> <p>Contrary to misconception, the SCRO is not proposing to put up gates and charge fees to the public or local residents for the use of the beach, to walk their dogs, or to otherwise enjoy the public resources. Instead, implementation of a User Pay Fee System is directed toward personal use fishery users to pay for management costs associated with providing sanitation services during the eight week personal use fisheries. This fee would be collected seasonally during the fisheries, not on a year round basis.</p>

Description	Issues/Comments	Response/Revision
		<p>Revision: Clarify in the Protections and Special Requirements section that the implementation of a seasonal User Pay Fee System may be implemented on a seasonal basis each June 1 thru August 15. The Facilities and Improvement Recommendations section will be updated.</p>

Description	Issue	Response/Revision
<p>Enforcement Authority</p>	<p>Enforcement Authority Commenter's expressed the following:</p> <ul style="list-style-type: none"> • This is a reasonable step in asserting a normal level of control to develop enforceable rules • Need more enforcement in area particularly during the personal use fisheries • Staff should be peace officers and have enforcement presence, with Trooper backup • Enforce penalties for activities such as littering • Need more field presence • The area is ruined due to no enforcement and rules • Violators will be ticketed to produce revenue for DNR • Support a budget for enforcement • Need citation authority and report violators • Lack of enforcement is the real issue • Enforce the existing rules, do not create new ones • Need more ADF&G fisheries enforcement especially during the personal use fishery • ADF&G employees could enforce the rules, then no need for DNR employees • Locals try to educate folks, but enforcement is needed • No one is ever there to enforce or monitor anything 	<p>Response: Since the beginning of this SUA process, the public has become much more aware of DMLW's limited ability to enforce regulations such as the Generally Allowed Uses (GAU). Many people are more familiar with fishery related regulations and the fact that a citation can be written for those found in violation of those regulations. However, not many people understood the situation that DMLW does not currently have the statutory authority to enforce the GAU or other regulations on general state land or specifically within the Kasilof River area.</p> <p>Throughout the public review and comment process it was necessary to break down the DMLW enforcement related issues, and contrast that with ADFG in order to clarify the differences and the relative impacts of those differences to each of our management goals.</p> <p>With very few exceptions the public strongly supported the notion that enforcement authority is a critical component that is well overdue and needed in the area and how it complements the KARSUA decision. However, written and verbal comments presented to DNR reveal a bit of confusion over exactly what the concept of enforcement authority means, i.e., who needs it; what exactly is it; where would it be applied; and during what period of time would it be in effect?</p> <p>Within DNR, it is the DMLW that manages general state land, and the South Central Regional Land Office (SCRO) that specifically manages state lands at or near the vicinity of the Kasilof River. It is the DMLW, through its SCRO, that needs specific authority to enforce any regulations enacted within the SUA. Formal enforcement authority would allow for the creation of consequences, i.e., citations and bailable fines, for those who choose to violate the adopted regulations.</p> <p>Citation authority begins with the state legislature. The legislature may grant enforcement (citation) authority to the commissioner of DNR who may, when he is satisfied that accepted criteria for training and field experience has been met, commission selected members of his staff to enforce (write citations) toward enforceable regulations in accordance with applicable law. However, before this can happen, DNR needs to draft and adopt specific regulations according to the Administrative Procedures Act. Once adopted, a reasonable fine amount must be</p>

Description	Issue	Response/Revision
	<p>Enforcement Authority, Con't.</p>	<p>determined, and presented to the Alaska Supreme Court. The court will (hopefully) adopt the fines by creating a bail schedule. In this manner, citations written by DNR employees within the KARSUA will be treated like traffic tickets. A person may simply pay the fine and be done with it, or they can challenge the citation, and a court hearing will be scheduled.</p> <p>If granted by the legislature, DNR's application of enforcement authority will be within the KARSUA boundaries, or as otherwise directed. An example of how this would be used can be found in the dunes area. To protect the integrity of the Kasilof Dunes the KARSUA creates a rule that restricts motorized access to designated trails (and the beach) within the SUA. Our intent is to create an enforceable regulation that carries a fine for anyone found to be travelling on the dunes and NOT on a designated trail. Adequate signage will be posted to alert area users of the need to stay on designated trails, and the consequences for not doing so.</p> <p>Some regulations require year around applicability, such as the dunes related one described above. Others, such as restrictions on target shooting, may only be applicable during a specified period of time during the summer. We have total flexibility in determining when certain regulations will apply. Since we have not yet drafted the set of regulations that will apply within the SUA it is not possible to list them out and identify their applicability dates. We will however do so when the regulations are drafted.</p> <p>Personal use fisheries for both dip netting and set gillnetting within the KARSUA provide the primary reason for the land use issues being addressed. By now it is hoped people can see the bright line dividing the Department of Fish and Game and Department of Natural Resources relative to mission and authority. DNR is addressing the land management issues and fish and game (and Board of Fish) is responsible for the fisheries management issues.</p> <p>However, based upon comments and input we have received, that bright line becomes less bright when considering enforcement authority. Clearly the public is interested in seeing more enforcement of fisheries related regulations that are already in place. At the present time, many</p>

Description	Issue	Response/Revision
	<p>Enforcement Authority, Con't.</p>	<p>fish and game employees, and the Alaska State Troopers, have the authority to enforce by written citation regulations that apply to the personal use fishery. However, the public perception is that enforcement of certain regulations, such as harvestable numbers of fish associated with each permit, is not happening on a regular basis.</p> <p>This fisheries enforcement situation may or may not change as troopers are unable to perform regular enforcement duties due to the volume of work they must deal with, and the relatively low priority of fishery violations when compared to the kind of work they are routinely involved with. Fish and game employees that are commissioned to enforce these regulations are given that capability in addition to their regular jobs. Therefore they are equally unlikely to be on the beach performing enforcement duties because of the priorities of their primary jobs.</p> <p>Starting this summer (2011) there will be increased DNR field presence in the area. DNR staff will be in the field to monitor activities upland and fisheries activities and importantly educate folks of the importance of taking care of the area and the KARSUA process.</p> <p>Revision: The Implementation section of the decision addresses: Enforcement, Education, and Public Awareness in more detail.</p>

Description	Issues/Comments	Response/Revision
<p>Personal Use (PU) Fisheries</p>	<p>Support the existing PU fisheries: Comments expressed dependence upon the fisheries and opposition to any cancellation of the fisheries due to the hardship it would pose to residents.</p> <p>The PU fishery is the main problem and should be modified: Some commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> • The BOF created this fisheries without any foresight or plan for associated and needed services • Destruction of habitat from increased growth of sport fisheries 	<p>Response: SCRO acknowledges that the Kasilof River personal use fisheries provide many social and economic benefits for Alaskans every summer. The development of the KARSUA is designed to protect these existing recreational uses yet create some basic protections and special requirements to minimize impacts to the area. The modification of fisheries is not a function of DNR. Rather, fishery modifications are under the purview of the ADF&G Board of Fisheries (BOF).</p> <p>Revision: No change</p> <p>Response: The creation of the Kasilof River personal use fisheries was adopted by the BOF in the early 1980's, and since that time there has been many proposals to either modify or limit this fishery. SCRO cannot comment on whether the BOF decisions throughout this time considered the impacts of this growing fishery. At this point it is important to note that the mission of the ADF&G and the BOF is somewhat different than that of SCRO and DNR.</p> <p>The BOF's responsibility is to conserve and develop the fishery resources of the state. This involves setting seasons, bag limits, methods and means for the state's subsistence, commercial, sport, guided sport, and personal use fisheries, and it also involves setting policy and direction for the management of the state's fishery resources. The board is charged with making allocative decisions, and ADF&G is responsible for management based on those decisions.</p> <p>The Division of Mining, Land and Water manages all state-owned land except for trust property and units of the Alaska State Park System. The mission of this Division is to provide for the use and protection of Alaska's state owned land and water. We aim toward maximum use of our lands and waters consistent with the public interest.</p> <p>In simple terms, SCRO did not create this fishery but must respond to the growing participation levels and surrounding resource impacts through active management of the area. This management response (KARSUA) is aimed at protecting important habitat while preserving the public's existing and future use of this area.</p> <p>Revision: No change</p>

Description	Issues/Comments	Response/Revision
	<p>Support boundary changes to the PU fisheries: Some commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> • Open up more area of the beaches. Don't cramp people into a tight area • Open the area all the way along the beach (to the commercial boundary) for dip netting • Stop the dip net fishery at the mouth • Allow the personal set net fishery to occur away from the mouth • Open more area for a longer time • DNR should work with ADF&G to change the boundary 	<p>Response: As stated above, SCRO does not have authority to open beaches, change the allocation of fisheries stock, or modify the fisheries boundaries. At the recent BOF Upper Cook Inlet Finfish meetings in February and March 2011, many proposals were submitted that could have modified the personal use harvest limits, allowable harvest times, or boundaries. No changes were adopted by the BOF to modify the current regulations.</p> <p>Revision: No change</p>

APPENDIX B: **FACILITIES AND IMPROVEMENT RECOMMENDATIONS**

This section presents recommendations for facilities and/or improvements within the Kasilof River Special Use Area (KARSUA). These proposals were developed through the KARSUA decision process and serve as a supplement to the KARSUA decision. These recommendations are designed to remedy management and user problems in the area, correct deficiencies in the present number and type of facilities, and to provide opportunities for Alaskans to better enjoy the personal use fisheries and the other resources within the area.

A system of physical improvements within the KARSUA will unfold over time (phased). It is likely that any physical improvements (e.g., parking areas, vaulted toilets, hardened access routes) will need to be requested in a department's Capital Improvement Project budget request, and then would require approval by the Alaska State Legislature. If projects are approved by the legislature, that body may or may not elect to include operating and maintenance funds in the department's operating budget. If they do not include such funds, then a system of user generated fees may be imposed in the future to provide the revenues necessary to operate and maintain any support facilities or improvements.

These recommendations are not guaranteed or automatic with the adoption of a special use area. Rather, the proposed facilities are dependent upon funding and shall be developed consistent with the department's management and intent for the area. The SCRO manager will exercise discretion in deciding the specific means for best achieving the management and intent based upon particular circumstances and further site analysis.

Many of the following recommendations are depicted as labels in the approximate location in which they may be located. See Map A: Facilities and Improvement Recommendations (South-side) and Map B: Facilities and Improvement Recommendations (North-side). The following recommendations are deemed consistent with the mission and objectives for the KARSUA.

SIGNAGE AND INFORMATIONAL KIOSKS(s): (see Maps A and B) Creating central information depositories or informational kiosks along each of the main access roads on the north and south sides would provide public information about the resources in the area and help convey area wide management and regulations. Signage depicting an overview map of the KARSUA including the designated motorized access points and trails, sanitation facilities, ADF&G fishing regulations and education materials should be posted on each kiosk within management units KN and KS (Cohoe Beach and Kasilof Beach Roads). Additional signage should be posted along the designated trails notifying the public to stay off the dunes/grasslands. The possible fines associated with driving on the dunes/wetlands and off designated trails would be posted including a list of responsible agencies to contact for more information.

SEASONAL TOILETS AND DUMPSTERS: (see Maps A & B) The public demand for seasonal portable toilets and dumpsters to support the personal use fisheries is extremely high. One of the challenges is to locate these facilities closer to the users and provide additional units during peak use periods. Providing seasonal facilities on the south side of the river near the Kasilof River mouth during the dipnet fishery would alleviate the need for the public to use the dunes/grasslands as "a bathroom" and reduce the waste being deposited each season on the uplands. Referred to as the "Kenai Model", this strategy has proved successful for the City of Kenai during the dipnet fishery on

the south side of the Kenai River. Preserving well-maintained and designated access routes to the mouth is important in order to provide support and emergency services access whenever needed. Seasonal toilets and dumpsters should continue to be located along the main access routes within units KN, KS, (including near the mouth), and in KB along Fisherman's Road.

PERMANENT VAULTED TOILETS: (see Maps A and B) To help accommodate the growing demand and alleviate the impacts associated with inadequate sanitation facilities, permanent vaulted toilets are proposed at each of the two main access roads within management units KS and KN (Cohoe Beach and Kasilof Beach Roads). One (double capacity) vaulted facility would be located near each of the improved parking/staging areas in units KN and KS. These facilities would be maintained in combination with the continued use of seasonal toilets and dumpsters (as outlined above) at the main access points within units KS, KN, and KB.

DUNE AND WETLAND FENCING: (see Map 4) The establishment of the approved fence (LAS 27627) and signage, located upland of the designated trail(s) and beach areas, will aid in the protection of the dunes. The intent of this fence is to restrict vehicular traffic landward of the fence to promote rehabilitation of habitat and reduce vehicular impacts to the adjacent wetland and dune areas. Future dune fencing projects in unit KN should be considered provided adequate public access to the beach is maintained. Impacted areas along the dune front and adjacent wetlands should also be considered for rehabilitation efforts.

FISHERMANS ROAD UPGRADES: (see Map A) Fisherman's Road is located on Borough land, west of unit KB and is especially popular during the personal and commercial set gillnet fisheries. It is a management priority to provide upgrades to this road in concert with the Borough in order to allow reliable contract services to the end of the road where these facilities are needed. This unimproved road is approximately 1600 feet in length. Many of the sections are too narrow for adequate two way traffic, especially the road down near the beach. Access for the public and the sanitation contractors has been problematic for these reasons. Road improvements should include raising the road bed surface and creating ditches to drain water, and widening the existing one lane road to accommodate two way traffic and/or vehicular pullouts. It appears there is an adequate source of material from the cut banks along the road near the beach. This material could be deposited along the road to raise the bed surface and harden this route.

PARKING AND STAGING AREA (unit KS): (see Map A) A parking/staging area is needed to accommodate recreational users accessing the beach near the end of Cohoe Beach Road within management unit KS. Government Lot 11 SM-0479, that was recently transferred from the MHT to DNR, could make for a very suitable location. Developing a parking/staging area west of the terminus of Cohoe Beach Road would help alleviate traffic congestion and enable contracted sanitation facilities to be serviced without difficulty during peak use periods. Parking options could also include day use, long term and recreational vehicles area options. This area could also accommodate a permanent vaulted toilet and/or seasonal toilets and dumpsters.

PARKING AND STAGING AREA (unit KN): (see Map B) Additional parking/staging areas are needed at the end of Kasilof Beach Road within management unit KN. This upgrade would alleviate traffic congestion on Kasilof Beach Road during peak visitation periods. Parking options could also include day use, long term and recreational vehicles area options. This area could also accommodate a permanent vaulted toilet and/or seasonal toilets and dumpsters.

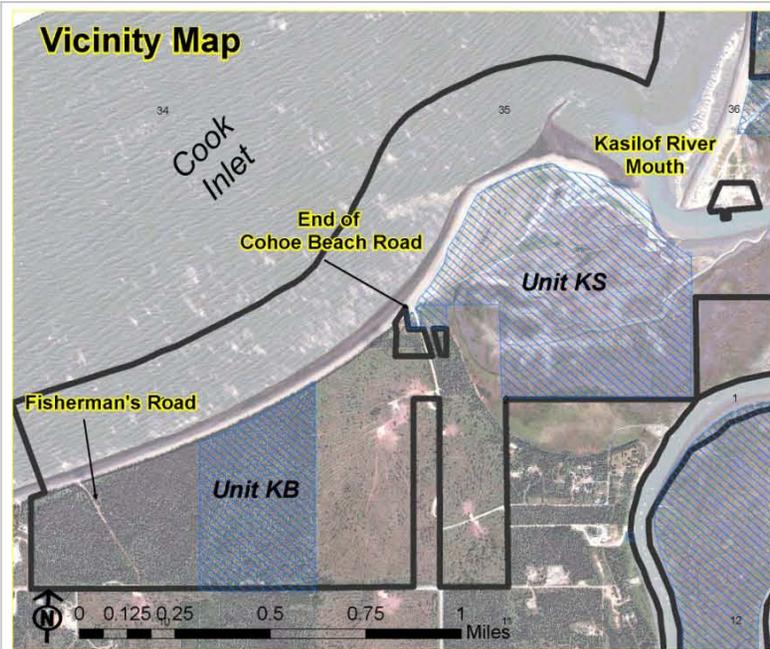
CAMPGROUNDS: A campground(s) could be developed within the KARSUA. These options include:

- 1) Discuss a land exchange with the Mental Health Trust for the parcels located near the end of Cohoe Beach Road;
- 2) The development of a campground on state land within the KN and KB units; or
- 3) Discuss the potential use of borough lands located on the east side of Cohoe Beach Road or the large parcel of borough property bisected by Fisherman's Road.

IMPROVED TRAILS AND ACCESS: (see Maps A, B, 4 & 5) Degradation of the dune grasses and wetlands will be minimized by directing traffic and limiting motorized vehicles to designated trail and beach areas. Motorized vehicle use shall be allowed on designated trails and beach areas only. Designated motorized trails should be improved, maintained and clearly marked with signage. This will allow for improved access (especially for support and emergency services) to the river mouth and beach areas and will discourage new trails from developing throughout the grasslands/dunes and wetland areas.

USER FEE PAY SYSTEM: The introduction of a seasonal User Fee Pay System (UFPS) during the personal use fisheries could be implemented in units KN, KS, and KB to provide support services and management oversight during the Kasilof River personal use fisheries. *It is important to note that the establishment of a User Fee Pay System would not be for a source of revenue obtained from the users to access and use state lands.* Instead, the user fees would be introduced to pay for the facilities and improvements including maintenance costs, if necessary. These fees would also be used towards education and enforcement for the area for the purpose of public health, safety, and enjoyment. This system could be administered by the state (SCRO) or in combination with a state authorized concessioner.

PUBLIC BOAT FACILITY: NOTE: The inclusion of a lower Kasilof River public boat facility within this section is not intended to decide the location and/ or outcome of such a facility. The purpose of including a potential Boat Launch/Recovery facility within the draft KARSUA decision was to obtain an official "reading" of public opinion on the subject. Appendix A: Issue Response Summary contains a summary of the public comments that were received regarding a public boat facility in the lower river. Much work remains to determine whether or not such a facility is needed, what services it would provide, where it would be located, and who would manage it. At this time, the Division of Parks and Outdoor Recreation has requested funding through DNR's Capital Improvement Budget to determine feasibility and, if appropriate, find a site for a boat retrieval system. At the present time, there are no plans to locate, develop, or operate a boat launch or recovery site within the boundaries of the KARSUA.

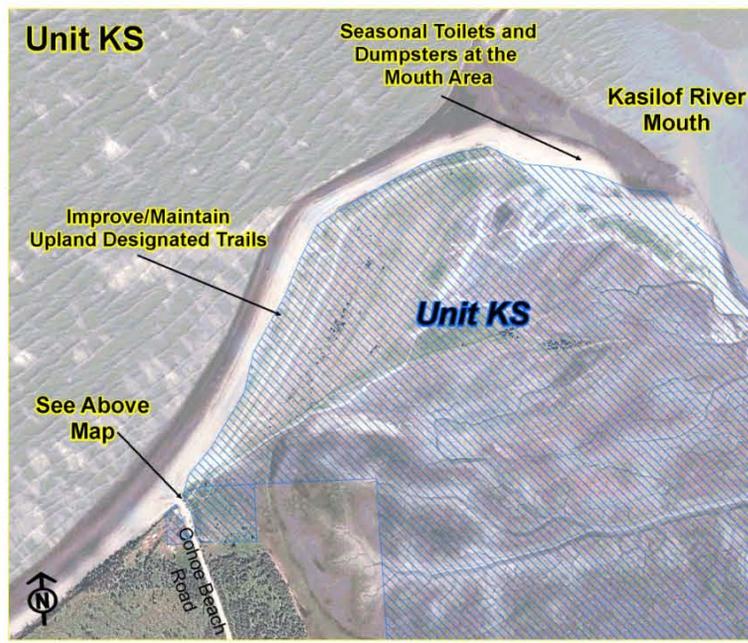
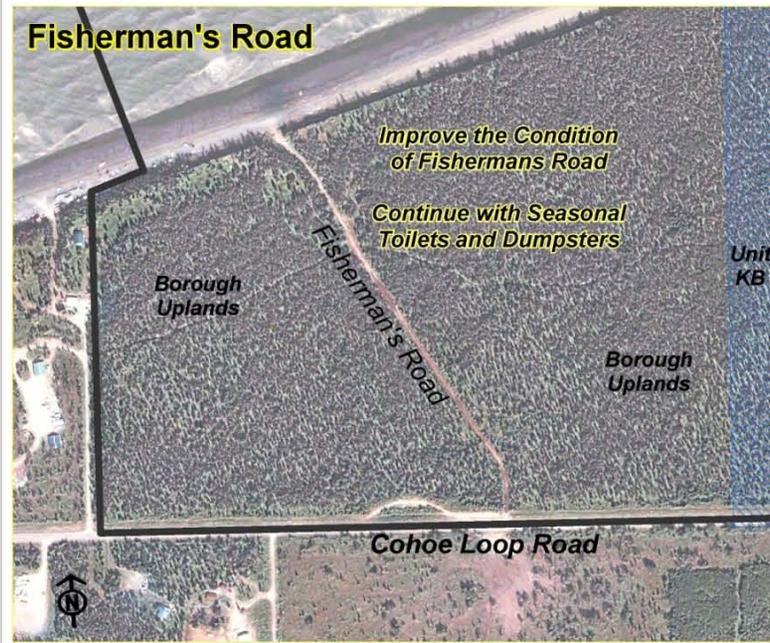


Kasilof River Special Use Area (ADL 230992) Appendix B: Map A

Facilities and Improvement Recommendations (South Side)

- KARSUA BOUNDARY
- State Upland

NOTE:
 These proposed facilities and improvements are depicted in their approximate locations. See also Appendix B: Facilities and Improvement Recommendations

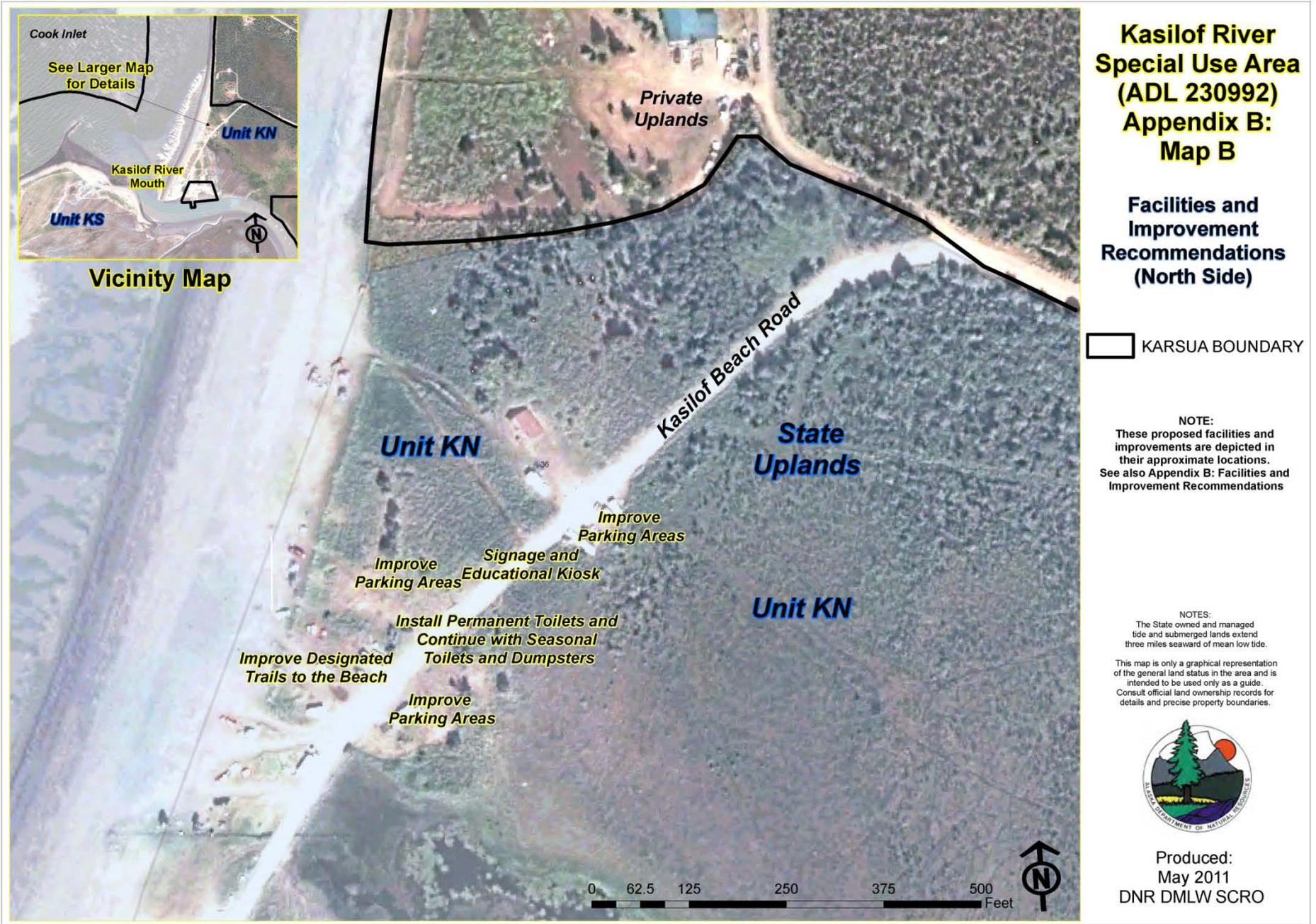


NOTES:
 The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.

This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:
 May 2011
 DNR DMLW SCRO



**Kasilof River
Special Use Area
(ADL 230992)
Appendix B:
Map B**

**Facilities and
Improvement
Recommendations
(North Side)**

KARSUA BOUNDARY

NOTE:
These proposed facilities and improvements are depicted in their approximate locations. See also Appendix B: Facilities and Improvement Recommendations

NOTES:
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



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