

ATTACHMENT D

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

**Kenai Area Plan Amendment**  
Management Unit 382D *and*  
Management Intent for Multiple Units in Region 2  
(ADL 231084)

The Commissioner of the Department of Natural Resources finds that the following amendment, described more fully in the Attachment, to the Kenai Area Plan meets the requirements of AS 38.04.065 and 11 AAC 55.010-030 for land use plans and hereby adopts the amendment. The Department of Natural Resources will manage state lands within the area of the revision consistent with this designation and management intent.

This amendment affects two parts of the Kenai Area Plan:

Chapter 3: Policies for Land Management Units – Unit 382D

- Designation: Public Facilities – Transfer
- Management Intent: Unit is to be managed for public purposes and is appropriate for disposal to a public or quasi-public entity for the purpose of providing public services. Any disposal action shall ensure adequate protection of the riparian area adjacent to Trail Lake and provide a vegetated area along the Seward Highway, to function as a screening buffer.

Chapter 3 Management Intent for Multiple Units in Region 2

- Delete the requirement for unit 382D to be retained by the state and incorporated into the Kenai River Special Management Area.

This decision is subject to the following condition: This plan amendment becomes effective if there is an affirmative decision to convey land to a quasi-public entity for the purpose of providing public safety services, as provided for in the written decision for ADL 231084. It is also dependent on approvals of a special exception to the Kenai Area Plan, Land Classification Order SC-99-002A07, and a plan amendment to the Kenai River Comprehensive Management Plan. If an affirmative decision to dispose of state land for this purpose does *not* occur *or* if any related actions, including the plan amendment and special exceptions to the KAP, *or* the land classification order, *or* the plan amendment to the Kenai Area Plan do *not* occur, the current plan recommendation to retain this unit and incorporate it into KRSMA as provided for in the section 'Management intent for Multiple Units', is retained.

Concur: \_\_\_\_\_  
Brent Goodrum, Director  
Division of Mining, Land and Water

\_\_\_\_\_  
Date

Approved: \_\_\_\_\_  
Daniel S. Sullivan, Commissioner  
Department of Natural Resources

\_\_\_\_\_  
Date

**ATTACHMENT**  
**KENAI AREA PLAN AMENDMENT**  
Management Unit 382D *and*  
Management Intent for Multiple Units in Region 2  
(ADL 231084)

Name: Lake Front, Moose Pass Townsite (unit 382D in Kenai Area Plan), located in the community of Moose Pass.

Authority: The authority to revise plans derives from AS 38.04.065(b);11 AAC 55.030(f) defines when a revision constitutes a plan amendment.

Current Plan: The Kenai Area Plan, for management unit 382D, provides a plan co-designation of Habitat and Public Recreation – Dispersed. The management intent for unit 382D stipulates that scenic views of the lake, recreation, and habitat related to the Kenai River hydrologic system are important values and this area of state land is to be managed to ensure their continuation. It also states that the requirements of the Seward Highway Scenic Byway and the ‘Management Intent Section for Multiple Units’ apply, which recommend, respectively, that the scenic values of this unit be managed consistent with the Scenic Byway Plan and this unit be added to the Kenai River Special Management Area. These sections of the Kenai River Area Plan are affected by this plan amendment.

Proposed Plan Amendment: The plan amendment re-designates this unit to ‘Public Facilities – Transfer’ and changes its management intent to: ‘Unit is to be managed for public purposes and is appropriate for disposal to a public or quasi-public entity for the purpose of providing public services. Any disposal action shall ensure adequate protection of the riparian area adjacent to Trail Lake and provide a vegetated area along the Seward Highway, to function as a screening buffer.’

This plan amendment also deletes the requirement for the retention of this unit by the state and its inclusion in KRSMA.

Explanation: The purpose of this plan amendment is to enable the conveyance of state land to a quasi-governmental entity to provide public safety services to the community of Moose Pass and its adjacent areas. (This assumes that the Final Finding and Decision will be approved generally as provided for in the Preliminary Decision for this action.) Without this amendment, and other associated changes to the Kenai Area Plan and the Kenai River Comprehensive Management Plan, conveyance to this entity cannot occur. It is in the overall public interest to provide such services, as described in the Preliminary Decision. However, this plan amendment is contingent upon an affirmative finding and decision in the written disposal decision.

Assessment: Assuming that the written decision is affirmative and recommends the conveyance to a quasi governmental entity, there are only two alternatives that merit

consideration: to either provide for the conveyance of state land to a local entity in the manner described in the written decision or to retain state land for the purpose of inclusion in the Kenai River Special Management Area. The rationale for conveying state land to this entity is explained in the Preliminary Decision and needs no further elaboration. However, it is not clear that the value of this action exceeds the value of retaining this unit in state ownership for eventual inclusion in KRSMA. This parcel is flat, has structures on it, is almost certainly affected by hazardous materials, and is substantially de-vegetated. The recommendation for inclusion in the KAP (p. 3-32) is, however, for those parcels that have an 'undisturbed shoreline', indicating that the intent is for only parcels that are unaffected by development and retain vegetation are appropriate for inclusion in KRSMA. Given the characteristics of this parcel, this standard is not met and it is more appropriate to enable the conveyance of this unit to the quasi-governmental entity.

Accordingly, it is appropriate to delete the requirement to retain this unit in state ownership and include it in KRSMA. And, based on a determination that this unit is suitable for conveyance to the Moose Pass Sportsman's Club, it is appropriate to change the plan designation and management intent for the unit to that identified in 'Proposed Plan Amendment', above.

AS 38.04.065(b) Requirements: The factors identified in this section of statute have been considered in this plan amendment and the proposed action is consistent with that portion of statute.