

ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT

PRELIMINARY DECISION
CONVEYANCE OF LAND UNDER AS 29.65

KENAI PENINSULA BOROUGH MUNICIPAL LAND ENTITLEMENT SELECTIONS ALASKA DIVISION OF LANDS (ADL)

Region 2	Seward Highway from the Hope Y to the South End of Kenai Lake: <ul style="list-style-type: none">• ADL's 63912, 201306, 227985
Region 3	Seward and Resurrection Bay: <ul style="list-style-type: none">• ADL's 201305, 229760
Region 6	Kasilof River Drainage: <ul style="list-style-type: none">• ADL's 55708, 55713, 55728, 227969, 227978, 227988, 227996
Region 7	Homer (including Ninilchik River, Deep Creek, and Anchor River drainages): <ul style="list-style-type: none">• ADL's 53281, 55740, 55745, 55746, 64632, 206345, 206346, 206348, 206349, 217089, 222751, 227977, 227998, 228340

I. PROPOSED ACTION

The Department of Natural Resource (DNR) proposes to *convey* approximately 16, 053 acres of state owned vacant, unappropriated, unreserved (VUU) ¹ general grant land to the Kenai Peninsula Borough (KPB or borough) in means to fulfill their municipal entitlement pursuant to AS 29.65.010(7). These land selections (selections) are in four geographical areas as identified in the Kenai Area Plan² (KAP or plan): Region 2: Seward Highway from the Hope Y to the south end of Kenai Lake, Region 3: Seward and Resurrection Bay, Region 6: Kasilof River Drainage, and Region 7: Homer (including Ninilchik River, Deep Creek and Anchor River drainages). DNR has determined that the interests of the borough in obtaining the land outweigh the interests of the state in retaining them, and these selections were found to be consistent with the requirements of AS 29.65 for VUU land and with the management intent requirements of the KAP.

DNR proposes to *conditionally approve* 710 acres of the KPB selections. These conditionally approved lands may be conveyed to the KPB if the conditions that are imposed in TABLES 1 & 2 are met. These units will be conveyed to the borough following the Final Finding and Decision (FFD) and the determination by the borough that they want to acquire these lands as part of their remaining entitlement and inform the state of this interest. If the borough indicates that they intend to include these units (or some of these units) in their remaining entitlement, the reclassifications in the Plan

¹*Vacant, unappropriated, unreserved* (VUU) land is general grant land patent or tentative approved to the state from the United States, excluding minerals as required by 6(i) of the Alaska Statehood Act and is conveyable under the Municipal Entitlement Act.

² The *Kenai Area Plan* (KAP) adopted in 2000 determines the management intent, land-use designations, and management guidelines that apply to all state lands in the applicable planning area. This plan forms the basis for the land use classifications that constitute VUU land for purposes of determining the eligibility of state land for potential conveyance.

Amendment will apply. If these lands are not to be conveyed to the borough the current classifications in the KAP will continue to apply and the lands will remain in state ownership.

DNR proposes to *reject* approximately 26,585 acres of borough selections. These land selections rejected are not to be conveyed to the borough because the classifications affecting them are not consistent with the requirements of VUU lands under AS 29.65.130(10), a management intent or guideline for a specific management unit in the KAP or Kenai River Comprehensive Plan (KRCMP) precludes conveyance, or/and a significant state interest exists and it was determined that the interests of the state outweigh those of the borough.

This Preliminary Decision (PD or decision) covers a total of 43,348 acres and in the attached maps identify the general locations. These maps are part of this decision and only provide a depiction of the general location for the KPB municipal entitlement land selections in these regions.

- **Region 2**
 - Map 1: Hope Y
 - Map 2: Summit Lake
 - Map 3: Moose Pass (Upper Trail Lake)
 - Map 4: Moose Pass (Lower Trail Lake)

- **Region 3**
 - Map 1: Bear Lake
 - Map 2: Japanese Creek
 - Map 3: Thumb Cove

- **Region 6**
 - Map 1: Cohoe Loop
 - Map 2: Clam Gulch

- **Region 7**
 - Map 1: Ninilchik River
 - Map 2: Stariski Creek
 - Map 3: Caribou Hills
 - Map 4: Anchor River
 - Map 5: Ohlson Mountain
 - Map 6: East End Road all located within the boundary of the KPB

II. OTHER REQUIRED ACTIONS

This decision is dependent, for certain selections, on revisions to either the management intent statements or plan designations or both. Attached to this decision is a plan amendment and land classification order. In the event that these revisions or portions of them are not approved, the selections affected by these components cannot be conveyed to the borough.

III. REGIONS AND MANAGEMENT UNITS

Description of Decision on a Regional and Management Unit Basis:

This decision covers a large amount of acreages in four regions and a large number of management units within the KAP. These four regions involve Regions 2, 3, 6 & 7, and over 110 identified management units encompassing approximately 43,348 acres. Due to the size of this decision it is separated into descriptions for each of these four regions. A short narrative accompanies each of the regions, which summarizes pertinent aspects of the management and area plans that affect each region. These narratives may also describe certain significant state interests that may exist in a particular region. A more detailed description of these plans, and their pertinence to this decision, is available in the section of this decision under ‘Planning and Classification’. This section should be consulted for a more detailed description of these plans. In addition to this general information, each of the units that are the subject of this decision in a particular region are analyzed, a recommendation is identified for conveyance, conditionally approved conveyance or rejection, and the reason is given for the determination. The latter will often reference the general information at the beginning of the region description and may also reference the discussion of the planning and classification aspects of the decision that are contained under the ‘Planning and Classification’ sections.

- **REGION 2**

TABLE 1 (Region 2) identifies the management units and the land use classification associated with it, the recommended action in this decision, the reason for the action (determination), and the state interest determination.

Within this region, both the KAP and the KRCMP provide much of the rationale for the Department’s determination as to whether a selection should be/should not be conveyed. In many cases, this relates to the recommendations for the inclusion of certain management units in the Kenai River Special Management Area (KRSMA), which initially derived from the KRCMP and was subsequently included within the KAP. KRSMA is a special purpose of the State of Alaska (SOA) and was created to ‘protect and perpetuate the fishery and wildlife resources and habitat’ ... and ‘to manage recreational uses and development activities in the unit and adjacent area.’ Areas of state land (and sometimes state selected land) were recommended to be added to KRSMA in the KRCMP in order to protect the watershed of this Kenai River drainage and thereby protect important wildlife, fisheries, and their supporting habitats. These recommendations were subsequently included in KAP, which is the area plan for the area and the document that the Department uses to manage its land outside of the KRSMA unit. The potential inclusion of state lands in KRSMA is an essential aspect of effective state management of the drainage area related to the Kenai River, an important state resource for its fishery, recreational uses, and economic base for the Kenai area. The units that are affected by the recommended additions of state land are noted, where present, for each applicable management unit.

Another feature that is an important state resource within this region is the presence of a number of brown bear corridors. Where these occur, they are noted in each applicable management unit. These corridors act as travel ways for both brown and black bears, connecting to areas of seasonal food supplies upon which the bear population depends. They are described in the KAP as “areas where brown bears are known to travel, such as through constricted areas (created due to topography or development), along anadromous streams where brown bears feed, or to and from important eco-

centers.” According to a recent analysis by Alaska Department of Fish & Game (ADF&G), “Movement corridors that are retained and managed for wildlife habitat will facilitate brown bear dispersal between important habitat for feeding and denning areas. Failure to manage these areas for brown bear movement could isolate brown bears or restrict their home ranges and limit their ability to access high quality food source, secure cover, and mates.” (Memo dated October 20, 2014) The Kenai Peninsula Brown Bear Conservation Strategy (2000) recommended identifying, protecting, and maintaining linkages for brown bear movement in order to reduce habitat fragmentation. Moreover, “As areas of human settlement expand ... movement corridors become more important to maintain the connectivity between areas of high quality bear habitat.” In November, 1998, ADF&G identified the Kenai Peninsula population of brown bears as a Species of Special Concern”. They took this action because the population “is vulnerable to a significant decline due to low numbers, restricted distribution, dependence on limited habitat resources, or sensitivity to environmental disturbance.” The recommendations in the KAP recognize the importance of these corridors and require that such areas be retained in state ownership.

In certain instances, modifications to the current KAP are recommended. These are required to effectuate disposal to the borough or to clarify existing state land use policy. When this occurs, it is noted in the affected management unit.

Classification Abbreviations:

- Conveyable Classifications: Materials (MAT), Public Recreation (PUR), Resource Management (RMG), and Settlement (STL);
- Non-Conveyable Classifications: Forestry (FOR), Transportation Corridor (TRC), Water Resource (WRR), and Wildlife Habitat (WHB).

Legal Abbreviations

- Seward Meridian (SM), Township (T), Range (R), and Section (Sec(s)).
- Directions: North (N), South (S), East (E), and West (W)

TABLE 1

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
281B PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
281D PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
376 FOR WHB	REJECT	Non-conveyable classifications (not VUU Land), inconsistent with KAP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by the classifications of FOR or WHB will remain in state ownership. This unit has important habitat and forestry values. Sockeye spawn in Moose Creek and brown bear travel east-west along the north shore of Trail Lake through this unit. It is also important as a personal use forestry area as well as valuable for commercial timber harvest, and is included in the annual allowable cut calculations for the Kenai region.	A state interest exists that outweighs the interest of the borough in obtaining parcel.

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
380A PUR	REJECT	Not state land.	No state interest.
380B MAT	REJECT	<p>VUU land, conveyable classification, but does have a state overriding interest.</p> <p>This unit is occupied by a material site that is managed by ADOT/PF under an ILMA (ADL 217427). The state needs to retain this area for future road and public projects.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
380C STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
380D WHB PUR	REJECT	<p>Non-conveyable classifications (not VUU Land), inconsistent with KAP and KRCMP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>This unit has significant habitat, recreation, and scenic values, similar to management Unit 380E. The east side of the Trail Lake and Trail River system is used as a brown bear movement corridor between Trail Creek and the Snow River drainages. Both the Iditarod National Historic Trail (INHT) as well as the Case Mountain Road and Bishops Ridge trail traverses this unit; the latter branch off from the INHT.</p> <p>Although, not as extensive, several small anadromous streams cross the unit and are important as spawning rearing areas for sockeye salmon, and the major species associated with the Kenai River fishery. The unit is also recommended for addition to the Kenai River Special Management Area (KRSMA).</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
380E WHB	REJECT	<p>Non-conveyable classifications (not VUU Land), inconsistent with KAP and KRCMP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>This unit has important habitat, scenic, and recreation values. The east side of the Trail Lake and Trail River system is used as a brown bear movement corridor between Trail Creek and the Snow River drainages. A variety of dispersed recreation occurs within the unit and both the INHT and Bishop Ridge Trails traverse the unit.</p> <p>This area is also readily visible from the Seward Highway and functions as a portion of the scenic viewshed of this highway. There are numerous small anadromous streams; these are important spawning and rearing areas for sockeye salmon, important to the Kenai River fishery. Reflecting the high habitat value of the unit, this area is recommended to be added to KRSMA.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
380F PUR	REJECT	<p>Although the PUR classification is conveyable to a municipality, the management intent for this unit requires that this area be retained in state ownership.</p> <p>The area plan identifies the reason for retaining this land as related to the presence of a bear movement corridor, but other significant values exist that also justify the retention of this unit.</p> <p>This unit is important for its habitat, recreation, and scenic values. A portion of this unit functions as a bear movement corridor and the unit is readily visible from the Seward Highway and is therefore important as a portion of that highway's scenic viewshed.</p> <p>In addition to the INHT, there are numerous trails or local or regional significance, including the Case Mountain Road, Wolverine, Plateau, Grant Lake, and Al Solar's Mill Road trails. Reflecting these values, this unit is recommended to be included in KRSMA.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p>
380G WHB PUR	REJECT	<p>Non-conveyable classifications (not VUU Land), inconsistent with KAP and KRCMP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>The unit has important habitat, recreation, and scenic values. The east side of Trail Lake is used as a brown bear movement between Trail Lake and the Snow River drainage. It is readily visible from the scenic highway, and is therefore part of that highway's scenic viewshed.</p> <p>The INHT traverses this unit and a variety of other local and regional trails exist, including Grant lake, Al Solra's Mill Road, Vogt Lake, Crown Point Mine Road trails. Other significant habitat values include riparian and lacustrine wetlands that, in combination with Grants Creek, provide habitat for otter, mink and are important spawning and rearing areas for King, Sockeye, and Coho salmon, all of which are important to the Kenai River fishery. Reflecting its recreation and scenic values, this unit is recommended for inclusion in KRSMA.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p>
380H PUR	CONVEY <i>Plan Amendment</i>	<p>VUU land, conveyable classification, absence of an overriding state interest.</p> <p>However, the conveyance of this portion of the unit will require a <i>plan amendment</i> since the management intent in the KAP states that the unit is to be retained in state ownership. This <i>plan amendment</i> (to management intent) accompanies this decision. This <i>plan amendment</i> will also cover the area that is conditionally approved for conveyance (see below).</p> <p>Although this unit has several important trail systems in it (Iditarod, Crown Point Road, and Vogt Lake) and there is significant recreation use, these uses do not constitute sufficient justification for retaining this unit in state</p>	<p>A state interest in retaining this portion of the selection is not present.</p> <p>Convey Sec. 7, in T. 4 N., R. 1 E., SM for that portion within Government Lots 3, 7 and Lot 5 in the NE$\frac{1}{4}$SW$\frac{1}{4}$, excluding Vogt Lake and Lot 7.</p> <p>and</p> <p>Convey Sec. 18, in T. 4 N., R. 1 E., SM for that</p>

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
	CONDITIONALLY APPROVE	<p>ownership. The trails can be maintained by reservation or easement and recreation is a use that the borough can adequately manage.</p> <p>For the reasons stated above this portion can be conveyed to the KPB; however, at the borough's request we will only conditionally approve the conveyance, with the final determination of conveyance to occur with the completion of all adjudications in this decision – this event to coincide within six months of the approval of the FFD. If it is determined that this portion of the unit will not be conveyed, the current classification and management intent of this unit are to be retained and it is retained in state ownership.</p>	<p>portion within the E½NW¼, NE¼SW¼, and Government Lots 4 & 5</p> <p>A state interest in retaining this portion of the selection is not present.</p> <p>Conditionally approve that portion in Section 7, in T. 4 N., R. 1 E., SM within the SE½, S½NE¼, E½NE¼NE¼, SW¼NE¼NE¼, and</p> <p>Conditionally approve that portion in Section 18 of the E½.</p>
380I STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
380J PUR	REJECT	<p>Although PUR is a conveyable classification, the management intent for this unit infers that the area within 200-feet of the Trail River is to be retained in state ownership (This would also logically include the islands within the river). A state interest exists that warrants retaining this area in state ownership.</p> <p>This unit supports important Kenai River system recreation and habitat related values. In order to be consistent with Kenai Area Plan (KAP) and Kenai River Comprehensive Management Plan (KRCMP) protection of the riparian area adjoining the river is appropriate and required. The KRCMP (recommendation 4.5.4.5.2) requires that 200-feet from the ordinary high water mark (OHWM) be either retained or affected by an easement whose purpose is the protection of fish and wildlife (p. 73, KRCMP). A similar requirement exists in the KAP (p. 3-105). In this instance, the land is to be retained by the state through reservation.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p> <p>That portion of the unit within Trail River (islands) and uplands within 200-feet of the OHWM.</p>
	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	<p>A state interest in retaining this portion of the selection is not present.</p> <p>T. 4 N., R. 1 W., SM that portion within Sections 24 and 25, excluding the 200-foot reservation along the east shore of Trail River from the OHWM.</p>
380K WHB PUR	REJECT	Non-conveyable classification, inconsistent with the KAP and KRCMP, and a state interest exists that outweighs the interests of the borough. Additionally, the KAP specifies that	A state interest exists that outweighs the interest of the borough in obtaining parcel.

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
		<p>lands affected by the WHB classification will remain in state ownership.</p> <p>Situated on the Kenai Lake lakeshore, this unit has important habitat and recreation values. Recreation values are related to the lakeshore/beach frontage that is adjacent to road access. The unit is recommended for addition to KRSMA.</p>	
380M STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
380N STL	REJECT	Although STL is a conveyable classification affecting the entirety of the unit, requirements in both the KAP and KRCMP mandate that areas within 200-feet of anadromous tributaries of the Kenai River be either protected through a 200-foot vegetated buffer or by this area being retained by the state. See further explanation under unit 380J. In this instance, this area is to be retained by the state through reservation.	A state interest exists that outweighs the interest of the borough in obtaining parcel. That portion of the unit within 200-feet of OHWM from Trail River. This area is to be retained by the state through reservation.
	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	<p>A state interest in retaining this selection is not present.</p> <p>Convey the remainder portion of unit in this selection.</p>
381 PUR WHB	REJECT	<p>Non-conveyable classifications (not VUU Land), inconsistent with KAP and KRCMP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>This unit has important habitat, scenic, and recreation values. It may also be valuable as a potential future hydroelectric site. A brown bear movement corridor is present, providing movement between Trail Lake and the Snow River drainages. Grant Creek is also an anadromous stream and is a part of the overall Kenai River system. Moose rutting and winter concentration areas also occur within the unit.</p> <p>Additionally, trails of local and regional significance pass through this unit, including the Grant Lake, Al Solar's Mill Road, and Plateau trails. That part of the unit that is downstream from Grant Lake may also be valuable for hydroelectric power production, and is currently (2014) under consideration for licensing for this use. That portion related to Grant Creek is also recommended for inclusion in KRSMA.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
382A PUR	REJECT	<p>Although the PUR classification is potentially conveyable, the management intent for areas designated 'rp' (Public Recreation-Use Site) in the KAP is to retain such areas in state ownership. Conveyance of this unit is inconsistent with the KAP, and an overriding state interest exists.</p> <p>This unit has important Kenai River system recreation- related values. Included in this unit are a large 'ball field', a boat launch, and a community gathering site. It provides lake</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
		access that serves the community, other recreationists, and tourists, and is recommended for inclusion in KRSMA.	
382B WRR	<p>CONVEY</p> <p><i>Plan Amendment</i></p> <p>and</p> <p><i>Land Classification Order</i></p>	<p>Although Water Resources is a non-conveyable classification under AS 29.65 (General grant Land), the management intent for this unit in the KAP states that the parcel is primarily important in the future (after a scheduled timber sale that has since transpired) as a domestic water source supply.</p> <p>This function can be fulfilled as readily by the borough as the state and there is no significant state interest present. To effectuate this action, a <u>plan amendment</u> and <u>land classification order</u> (LCO) accompany this decision. The <u>plan amendment</u> and <u>LCO</u> reclassify the unit to STL, which is a conveyable classification.</p>	<p>A state interest in retaining this selection is not present.</p> <p>Borough can manage for watershed purposes as well as state.</p>
382C PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
382E STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
382G TRC	REJECT	Non-conveyable classification, inconsistent with KAP and an over-riding state interest exists. The Lawing Airstrip occupies this unit, which is managed by ADOT/PF under an ILMA (ADL 221430).	A state interest exists that outweighs the interest of the borough in obtaining parcel.
382H WHB PUR	REJECT	<p>Non-conveyable classifications (not VUU Land), inconsistent with KAP and KRCMP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>This unit has a variety of significant habitat values. There is a brown bear movement corridor between the North Shore of Kenai Lake and areas to the east of the Trail River and Lakes. This corridor is especially valuable since other movement corridors from these two locations have either been blocked by lakes or are heavily developed (and are no longer used.). A number of small unnamed tributaries (to Trail River) support salmon spawning and rearing and are important to the Kenai River ecological system. A moose rutting and winter concentration area is also present.</p> <p>However, DNR recognizes that there will be a need to access borough land situated to the north and will modify the management intent of this unit to indicate that access to these areas should be provided by DNR. This will require a <u>plan amendment</u>.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
382I STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
385 STL	<p>REJECT</p> <p><i>Plan Amendment</i></p> <p>and</p>	<p>VUU land, conveyable classification, but the state has an overriding interest.</p> <p>This unit is an island within Trail River, a navigable stream. It is improperly classified as STL and should have been co-classified Habitat (ha) and Public Recreation (PUR). As a matter of policy and practice the state retains all islands within navigable streams or lakes (where such areas are</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
	<i>Land Classification Order</i>	<p>owned by the state).</p> <p>Although not required as part of the entitlement decision, but to clarify this situation, a <i>plan amendment</i> and <i>LCO</i> accompany this decision, which reclassifies this small unit into the classifications noted above. This plan amendment is associated with this decision.</p>	
386 PUR	REJECT	<p>Although the PUR classification is potentially conveyable, the management intent for areas designated 'rp' (Public Recreation-Use Site) is to retain such areas in state ownership. Conveyance of this unit is inconsistent with the KAP, and an overriding state interest exists.</p> <p>This unit includes the Trails Lake fish Hatchery, parking and trail areas of the popular Johnson Pass and Carter Lake trails, and the Trails Lake wayside and picnic area. Two branches of the INHT exist, including the 'access' and 'main' trails. The management intent expressed in the KAP also requires that this area be retained by the state.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
387 WHB PUR	REJECT	<p>Non-conveyable classifications (not VUU Land), inconsistent with KAP and KRCMP, and an overriding state interest exists.</p> <p>Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership. This unit has high habitat and recreation values and warrants retention by the state. It is the only state or public parcel along about 3 miles of lake shore, and should be retained because of its recreation potential, adjacency to Trail Lake, and can be readily viewed from the Seward Highway. It is recommended as an addition to KRSMA.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
400 STL	CONVEY	VUU land, conveyable classification, absence of an overriding state interest.	A state interest in retaining this selection is not present.
401A WHB	<p>REJECT</p> <hr/> <p>CONVEY</p> <p><i>Plan Amendment</i></p>	<p>Non-conveyable classification, inconsistent with KAP management intent and a state interest exists that outweighs the interests of the borough. Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>This unit has significant habitat values and recreation (trail related). Trails crossing this unit include the Ptarmigan Lake Trail and the Falls Creek Road and Trail, both of which have USFS reservations. Portions of the unit are occupied by a brown bear movement corridor this is used for movement between Trail and Grant Lakes and the Snow River drainage. Ptarmigan Creek is an important salmon spawning and rearing area (sockeye salmon). It connects with Kenai Lake and, in turn, with the Kenai River system. The creek is also a brown bear feeding and concentration area.</p> <hr/> <p>Unit 401A is situated to the east of Unit 380I and south of Unit 380H, both of which are to be conveyed to the borough. It is appropriate that a connection be provided between these two units, so that the borough can access its lands in this area</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p> <p>Reject the entirety of this unit except for that portion as noted to convey.</p> <hr/> <p>A state interest in retaining this selection is not present.</p> <p>The NE¼NW¼ of Sec. 19</p>

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
		<p>of Moose Pass. This is a small area (40 acres) within the much larger Unit of 401A and is situated some distance from anadromous streams; the remaining area of Unit 401A is sufficient to provide a bear movement corridor, which is a principle concern of the management intent for Unit 401A. This action will require a <u>plan amendment and a land classification order</u>. Neither the <u>plan amendment</u> nor the <u>land classification order</u> affect the remaining portions of Unit 401A, which will retain the Habitat designation.</p>	<p>in T. 4 N., R. 1 E., SM will be conveyed to provide this connection.</p>
401B PUR	CONVEY	<p>VUU land, conveyable classification, and absence of an overriding state interest.</p>	<p>A state interest in retaining this selection is not present.</p>
403 PUR	REJECT	<p>Although the PUR classification is potentially conveyable, the management intent for this unit requires that it be retained in state ownership because of its value for recreation (trails) and as a bear movement corridor. Conveyance of this unit is inconsistent with the KAP and the KRCMP, and an overriding state interest exists. This unit contains important scenic, recreation, trail, and habitat values and resources. It is visible from the Seward Highway, functions as an important bear movement corridor, and contains the following trails: the 'winter' portion of the INHT, Case Mine Road, Ned's Bypass, and Bishop Ridge Trail.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p>
405 WHB PUR	REJECT	<p>Non-conveyable classification (not VUU Land), inconsistent with KAP and KRCMP, and the state has an overriding interest.</p> <p>Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership. This unit is important as a brown bear corridor, has important habitat values related to the Kenai River drainage, and is important for recreation use. Brown bears travel east-west along the north shore of Trail Lake through this unit.</p> <p>Two branches of the INHT pass through this unit, including the "main trail" that parallels the John Pass Trail (which receives heavy use during the summer), and the 'access trail' that follows the northwest shore of the lake. Also included in this unit is a moose winter range, anadromous streams that are used by brown bears seasonally, and areas of waterfowl habitat.</p> <p>This unit is also recommended for addition to the KRSMA and functions as an important watershed for portions of the Kenai River system.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p>
406 WHB	REJECT	<p>Non-conveyable classification (not VUU Land), inconsistent with KAP, and the state has an overriding interest.</p> <p>Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership.</p> <p>This unit has important habitat values and resources, including brown bear movement corridors, numerous anadromous streams that are used seasonally by brown bears</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p>

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
		and are important sockeye spawning areas, and moose rutting and wintering range. Because it is situated upslope from Unit 405, it also functions as a watershed to this unit, feeding the numerous anadromous streams that are important for sockeye spawning.	
407 WHB PUR	REJECT	<p>Non-conveyable classification (not VUU Land), inconsistent with KAP and KRCMP, and the state has an overriding interest.</p> <p>Additionally, the KAP specifies that lands affected by the WHB classification will remain in state ownership. This unit has important habitat and recreation values. It is important as a scenic viewshed from the Seward Highway, functions an important rearing area for the Kenai River fishery, and is recommended for addition to KRSMA.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
409A MAT	REJECT	Unit is occupied by material site used by ADOT/PF, and a large quantity of high quality material remains. Material sites of this type will be important for future road and/or public facility projects.	A state interest exists that outweighs the interest of the borough in obtaining parcel.
409B PUR	CONVEY	VUU land, conveyable classification, absence of an overriding state interest.	A state interest in retaining this selection is not present.
410B MAT	REJECT	<p>VUU land, conveyable classification, but the state has an overriding interest.</p> <p>This parcel is occupied by a state material site (MS-31-1-014-1) that is operated by ADOT/PF. The management intent for this unit specifies that it is to be retained in state ownership for the purposes of placing waste backfill from road construction.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
410C PUR STL	<p>REJECT</p> <hr/> <p>CONVEY</p>	<p>VUU land, conveyable classification, but the state has an overriding interest.</p> <p>The area of rejection includes portions of an important scenic vista along the Seward Highway, a state wayside is present, and areas adjacent to the southern portion of the lake contain wetlands and important habitat area.</p> <hr/> <p>VUU land, conveyable classification, absence of an overriding state interest.</p> <p>However, the area upslope and west of the Seward Highway contains an important scenic view and requires protection. The Seward Highway Scenic Corridor Plan recognizes this area a Corridor Development area or Corridor Area depending on location. Areas of possible settlement would probably be affected by the former area, while areas upslope and west of the highway are more characteristic of the latter area. In order to ensure that these areas are protected, the following stipulation is imposed:</p> <p>‘The borough shall be subject to the Scenic Corridor Plan and specifically a 50-foot buffer area east of the Seward Highway</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining parcel.</p> <p>Rejecting that portion selected in Section 32, T. 7 N., R. 1 W., SM in the south and west of Lower Summit Lake.</p> <hr/> <p>A state interest in retaining this selection is not present.</p> <p>Convey the remainder of this selection in Sections 28 and 29 of T. 7 N., R. 1 W., SM</p>

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
		and a vegetated scenic buffer of 300-feet west of the highway is required.' <i>Note: based on the results of public review, this recommendation could change with the state retaining these areas.</i>	
410D PUR	CONVEY	VUU land, conveyable classification, absence of an overriding state interest.	A state interest in retaining this selection is not present.
410E PUR	CONVEY <i>Plan Amendment</i>	<p>VUU land, conveyable classification, and the state does not have an overriding interest.</p> <p>It does, however, have an interest in providing protection to the viewshed along the Seward Highway. The area upslope of the highway is within the scenic viewshed of the Seward Highway (Hwy). This area is considered important to the overall management of the Seward Highway, a major state road. The management intent of the KAP for this unit identifies this area as 'Retain in state ownership'.</p> <p>Although the state could retain these areas, the intent of this management requirement can be achieved by imposing a stipulation that the borough must adhere to the Seward Highway Corridor Partnership Plan as that document applies to this area. This plan has been adopted by the borough and the borough is obliged to follow its recommendations. The following stipulation is to be imposed in the patent: 'The borough is to be subject to the requirements of the Seward Highway Scenic Corridor Plan. The area adjacent to the Seward Highway is to be managed consistent with the requirements of the Seward Highway Corridor Partnership Plan. Specifically, a 50-foot buffer area east of the Seward Highway and a vegetated scenic buffer of 300-foot area west of the highway is required. <i>Note: based on the results of public review, this recommendation could change with the state retaining these areas.</i></p> <p>Since the KAP requires that this unit be retained in state ownership, a <i>plan amendment</i> will be processed to effectuate this change (conveyance).</p>	A state interest exists that outweighs the interest of the borough in obtaining this parcel.
410F PUR	REJECT ----- CONVEY	<p>VUU land, conveyable classification, but the state has an overriding interest. The area upslope of the highway is within the scenic viewshed of the Seward Highway. This area is considered important to the overall management of the Seward Highway, a major state road. The management intent of the KAP for this unit identifies this area as 'to be retained'. <i>Note: the borough intends to relinquish this unit.</i></p> <p>-----</p> <p>VUU land, conveyable classification, and absence of an overriding state interest.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining this parcel.</p> <p>Reject Unit 410F, except that portion lying southeast of the Seward Hwy. in the S½SW¼, triangular area in T. 7 N., R. 1 W., SM</p> <p>-----</p> <p>A state interest in retaining this selection is not present</p> <p>Convey that portion lying southeast of the Seward Hwy. in the S½SW¼</p>

KAP Unit #	DNR Action	DNR Reason(s) for determination of Action	State Interest Determination and area(s)
410G PUR	CONVEY <i>Plan Amendment</i>	<p>VUU land, conveyable classification, and absence of an overriding state interest.</p> <p>The KAP states that areas of higher elevations upslope from the Seward Highway are appropriate for conveyance since this area is not within the scenic viewshed of the Seward Highway, a major state road. The lower elevations are to be retained by the state, however. Conveyance of the remaining USFS cabin sites is recognized as appropriate. Further, areas adjacent to streams and lakes are to be conveyed, that these areas are to be managed for public recreation and fisheries values.</p> <p>The area east of the Seward Highway is a heavily used public use site and adjoins the USFS Tenderfoot Campground. Both areas are designated a Public Use Site, which according to the definition of this designation, is to be retained in state ownership. DNR, in its analysis of this selection, determined that the principle state interest pertinent to this selection is maintenance of the scenic views adjacent to the Seward Highway.</p> <p>The remaining areas of the selection are either appropriate for development along the highway or pertinent to the interior areas of the selection, that the interests of the borough are greater than that of the state and that this area could as effectively be managed by the borough as that state. The borough's Stream Habitat Protection Ordinance applies to both streams and lakes and should be effective in protecting these areas. A <i>plan amendment</i> will be required to effectuate these conclusions and recommendations, and accompanies this decision.</p> <p>Although the state could retain these areas, the intent of this management requirement can be achieved by imposing a stipulation that the borough must adhere to the Seward Highway Corridor Partnership Plan as that document applies to this area. This plan has been adopted by the borough and the borough is obliged to follow its recommendations. The following stipulation is to be imposed in the patent: 'The borough is to be subject to the requirements of the Seward Highway Scenic Corridor Plan. The area adjacent to the Seward Highway is to be managed consistent with the requirements of the Seward Highway Corridor Partnership Plan. Specifically, a 50-foot buffer area east of the Seward Highway and a vegetated scenic buffer of 300-foot area west of the highway is required.' <i>Note: based on the results of public review, this recommendation could change with the state retaining these areas.</i></p>	<p>A state interest in retaining this selection is not present</p>

• **REGION 3**

TABLE 2 (Region 3) identifies the management units and the land use classification associated with it, the recommended action in this decision, the reason for the action (determination), and the state interest determination.

The KAP provides much of the basis for the determinations in this decision. However, in certain instances, a *plan amendment*, to change an aspect of the KAP that now precludes conveyance, is recommended based on a re-review of the units, resource and land use information, and associated habitat, fisheries, and wildlife information.

Classification Abbreviations:

- Conveyable Classifications: Materials (MAT), and Public Recreation (PUR)
- Non-Conveyable Classifications: Wildlife Habitat (WHB).

Legal Abbreviations

- Seward Meridian (SM), Township (T), Range (R), and Section (Sec.)
- North (N), South (S), East (E), and West (W)

TABLE 2

KAP Unit #	DNR Action(s)	DNR Reason(s) for Determination of Action	State Interest Determination and Area(s)
368 PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
371A WHB PUR	CONVEY <i>Plan Amendment</i> and <i>Land Classification Order</i>	This portion of Unit 371A is appropriate for conveyance to the borough. It adjoins Bear Lake and the eastern portion of Unit 371B, which is recommended to be conveyed to the borough. This area is generally flat and is a logical extension of Unit 371B. Recreational uses and habitat values are lower in this location than in other parts of Unit 371A. This action will require a <i>plan amendment</i> and <i>LCO</i> that reclassifies this area to Settlement. Non-conveyable classification, WHB, inconsistent with KAP, and an overriding state interest exists. Additionally, the KAP specifies that lands affected by a WHB classification will remain in state ownership.	A state interest in retaining this selection is not present. Convey that portion in Section 31, SW¼SW¼, of T. 2 N., R. 1 E., SM
	REJECT	This unit has a wide range of significant habitat, scenic, and recreational values and uses. The Iditarod National Historic Trail (INHT) traverses this unit in a general north-south orientation, connecting with the Seward Highway. This portion of the INHT connects with another portion west of this highway that leads to the United States Forest Service (USFS) Primrose Campground on the south shore of Kenai Lake. The trail system in this unit also provides connection to Golden Fin Lake, a popular fishing lake, and the Old South Fork Trail also traverses this unit. Anadromous streams flowing through this unit include tributaries to Bear Lake, Tye Hack Creek, and South Fork Snow River, and a	A state interest exists that outweighs the interest of the borough in obtaining this parcel. Reject the remainder portion of this unit selected.

KAP Unit #	DNR Action(s)	DNR Reason(s) for Determination of Action	State Interest Determination and Area(s)
		creek that parallels the Seward Highway and is a popular tourist attraction during the summer months. A significant brown bear corridor is present within the unit, providing connections south to Resurrection Bay and north to the Snow River drainage. Finally, portions of this unit adjoin the Seward Highway, which is designated by both the state and USFS as a scenic byway.	
371B PUR	CONDITIONALLY APPROVED	VUU land, conveyable classification, and absence of an overriding state interest. At the request of the borough, this parcel may be conveyed as required to fulfill their entitlement. If not required, it will be retained by the state and retain the current plan designation and management.	A state interest in retaining this selection is not present. Conditionally Approve that portion within Section 30, T. 2 N., R. 1 E., SM, of this selection in unit and to convey the remainder within unit.
	CONVEY	VUU land, conveyable classification, and absence of overriding state interest.	A state interest in retaining this selection is not present. Convey remainder of this selection within unit in Section 30, T. 2 N., R. 1 E., SM
373 MAT	REJECT	<p>VUU land, conveyable classification, but not conveyable for title reasons and the presence of an overriding state interest.</p> <p>This is a large gravel pit (ADL 220690, 231594) that is used by ADOT/PF for road and related projects in the Seward area. It is administered under an ILMA (ADL 224044) and is subject to a transferred federal entry permit. The latter involve rights obtained in federal land before the transfer of such land to the SOA. These rights are binding and require that the state retain the material site for the purpose intended/identified when the transfer occurred.</p>	<p>A state interest exists that outweighs the interest of the borough in obtaining this parcel.</p> <p>The state cannot convey this selected parcel because of a pre-existing right transferred at the time of conveyance.</p>
599 WHB PUR	REJECT	<p>Non-conveyable classification, WHB, inconsistent with KAP, and an overriding state interest is present.</p> <p>Additionally, this unit is situated on the north side of Thumb Cove directly across from Thumb Cove State Marine Park (SMP), which is situated on the eastern side of the Cove and is an important state recreation resource, receiving extensive use during the summer, in part because of the presence of two state park cabins. It is directly visible from the SMP and is used extensively during the summer months for kayaking (departure location) and camping; because of an extensive beach, functions as a principal part of the recreation system within the Cove. This is a proposed addition the SMP system which is intended "to protect and perpetuate the public recreation, habitat, and scenic values in and around Thumb Cove." (KAP, p. 3-91)</p>	A state interest exists that outweighs the interest of the borough in obtaining this parcel.

• **REGION 6**

TABLE 3 (Region 6) identifies the management units and the land use classification associated with it, the recommended action in this decision, the reason for the action (determination), and the state interest determination.

The KAP provides much of the basis for the determinations in this decision. However, in certain instances, a plan amendment, to change an aspect of the KAP that now precludes conveyance, is recommended based on a re-review of the units, resource and land use information, and associated habitat, fisheries, and wildlife information. In this region, most of the units are recommended for conveyance to the borough.

Classification Abbreviations:

- Conveyable Classifications: Materials (MAT), Public Recreation (PUR), Resource Management (RMG), Settlement (STL), and No Unit Number.
- Non-Conveyable Classifications: Forestry (FOR), Transportation Corridor (TRC), Water Resource (WRR), and Wildlife Habitat (WHB).

TABLE 3

KAP Unit #	DNR Action	DNR Reason(s) for Determination of Action	State Interest Determination and Area(s)
No Unit #	CONVEY	No classification (conveyable classification), and absence of an overriding state interest.	A state interest in retaining this selection is not present.
No Unit #	CONVEY	No classification (conveyable classification), and absence of an overriding state interest.	A state interest in retaining this selection is not present.
61 STL	REJECT	Not state land.	No state interest.
71 PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
73 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
81 RMG	REJECT	VUU land, conveyable classification, but inconsistent with KAP and an overriding state interest is present. The management intent for this unit requires that areas that are part of the core summer and winter range of the caribou that seasonally use this area be retained in state ownership. It is likely that significant portions of the core range are present within this selection. Retain in state ownership.	A state interest in retaining this selection is present.
86A STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest. This unit is part of the SOA Kasilof River Special Use Area (ADL 230992). Based on discussions with the Southcentral Regional Office, the entity within DMLW responsible for the management of the SUA, the area of the selection can be satisfactorily managed	A state interest in retaining this selection is not present.

KAP Unit #	DNR Action	DNR Reason(s) for Determination of Action	State Interest Determination and Area(s)
		by the borough consistent with SUA requirements, and therefore conveyance is appropriate.	
89 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
94A MAT	REJECT	<p>VUU land, conveyable classification, but the state has an overriding interest.</p> <p>A material site occupies this unit (MS 46-1-616-1, ADL 231494) and is operated by both DNR and ADOT/PF. This is an active material site and is a principal source of gravel for both private and public purposes.</p>	A state interest exists that outweighs the interest of the borough in obtaining this parcel.
95 PUR	REJECT	<p>VUU land, conveyable classification, but the state has an overriding interest and the proposed conveyance is inconsistent with the unit's management intent in the KAP. This unit has high public use area values; the beach is used for public recreation.</p> <p>Management intent for this unit requires that the state retain ownership. This unit is recommended as an addition to the state park system. Although the immediate use of this site is not necessary for this purpose, DPOR may require this area for a public purpose in the future and it is premature to dispose of this important area at this time.</p>	A state interest exists that outweighs the interest of the borough in obtaining this parcel.
97B RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
103 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
104B RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
104C STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
106A PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
110 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
182C STL	REJECT	Not state land (Quitclaim Deed #587 to the University of Alaska).	No state interest.
182D RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.

- **REGION 7**

TABLE 4 (Region 7) identifies the management units and the land use classification associated with it, the recommended action in this decision, the reason for the action (determination), and the state interest determination.

The KAP provides much of the basis for the determinations in this decision. However, in certain instances, a plan amendment, to change an aspect of the KAP that now precludes conveyance, is recommended based on a re-review of the units, resource and land use information, and associated habitat, fisheries, and wildlife information. In this region, there are a numerous selections that are recommended to be conveyed or conditionally conveyed. In the latter instance the final decision as to whether the selection will be conveyed will be postponed until (and within) six months from the date of approval of this decision. At that time the borough, in coordination with the state, will select those selections that have been postponed and are determined to be appropriate to meet the borough's remaining entitlement acreage.

In addition to the unique factors that affect a decision to convey a specific selection, several state interests of a more general type come into play as well for some of the selections. Within this region, these considerations include interests related to forestry, bear movement corridors, and state management considerations related to the Caribou Hills area. The rationale for retaining bear movement corridors has been explained previously in Region 2, and is not repeated here since the same arguments apply.

State interests related to units 376 and a portion of 46A applies. In addition to these interests, requirement to retain lands classified Forestry in the management intent section of Chapter 2 and the constraints of AS 29.65.030 and 29.65.130(10) apply. Most of unit 46A is recommended to be retained by the state. This area either has had previous timber harvest or is scheduled for timber harvest, and is important to providing a timber supply base to the Kenai Peninsula, either for personal harvest sales or commercial harvest sales. This area is also important to the calculation of the annual allowable cut in the Kenai Region and it is an area that is intended to be included in a prospective state forest. The Timber Task Force, in a report endorsed by the Governor's Office³, has recommended that state forests be established in Kenai, Susitna Valley, and the Copper River Basin – in addition to enlargement of the Southeast Alaska and Tanana Valley State Forests. Areas classified Forestry would form the central core of a State Forest in Kenai. The state has found that it is advisable to put state land that meet the requirements of a state forest in such Legislative Designated Areas, to protect a timber base and provide a predictable source of timber supply.

In addition, special requirements exist for the area known as the Caribou Hills, an area of extensive recreation use on state land immediately north of the community of Homer. While this area is an important recreation area for the southern part of the Kenai Peninsula, it is also important for its wildlife, fisheries, and their associated habitats. Much of this area drains into a number of tributaries of the Anchor River and Stariski Creek, both of which are important regionally for their recreation (sport fishing and hunting) and the regional fishery that centers on Anchor River. This area is managed under a Special Use Designation that limits uses in this area to prevent the degradation of the

³ Report to Governor Sean Parnell, Administrative Order 258.

surface from certain forms of off-road vehicle use and under a specific management plan, Caribou Hills Management Plan. Nearly all of this area is classified Public Recreation and Wildlife Habitat, a non-conveyable classification that reflects the habitat values of this area. The Caribou Hills Management Plan is an element of the Kenai Area Plan and has the force and effect of an area plan as it pertains to its management area.

Review of unit 46A did determine, however, that portions of this unit may be appropriate for conveyance to the borough. The Division of Forestry has determined that certain of the areas that are now co-classified Forestry and Wildlife Habitat are not necessary for future forestry operations and is comfortable with conveying certain of these areas to the borough. However, this area is co-classified Wildlife Habitat and bear movement corridors thread through some of the potentially conveyable areas. These areas have been removed from the areas of potential transfer. Conveyance of this area will require a plan amendment and a LCO, and an amendment/land classification order is associated with this decision.

Classification Abbreviations:

- Conveyable Classifications: Materials (MAT), Public Recreation (PUR), Resource Management (RMG), Settlement (STL), and No Unit Number.
- Non-Conveyable Classifications: Forestry (FOR), Transportation Corridor (TRC), Water Resource (WRR), and Wildlife Habitat (WHB).

Legal Abbreviations

- Seward Meridian (SM), Township (T), Range (R), and Section (Sec.)
- North (N), South (S), East (E), and West (W)

TABLE 4

KAP Unit #	DNR Action(s)	DNR Reason(s) for Determination of Action	Interest Determination and Area(s)
No Unit #	REJECT	Not state land.	No state interest.
45B WHB	REJECT	Non-conveyable classification, inconsistent with KAP management intent, presence of an overriding state interest. This unit is an important regional recreation and habitat area. It is used for snow-machining, hunting, camping, as well as other dispersed recreation uses. It also important for brown bear habitat, moose, anadromous fish, and waterfowl. Portions of this selection are also within the Caribou Hills Management Plan and Special Use Designation.	A state interest exists that outweighs the interest of the borough in obtaining this parcel.
48A FOR WHB	CONVEY <i>Plan Amendment</i> and <i>Land Classification</i>	The classifications that affect this area are both non-conveyable. However, further DNR review indicates that the Department of Forestry (DOF) does not require certain of the lands within this management unit, and the lands do not coincide with streams and upland riverine areas, where bear concentrations are common. The present Forestry classification does not reflect the current interests of the Department, and critical habitat areas can be	A state interest in retaining this selection is not present. Convey that portion within T. 1 N., R. 12 W., SM Sections 14: SE1/4NW1/4, E1/2SW1/4, and Section 22 in the N1/2N1/2,

	<i>Order</i>	maintained by retaining state land along riverine corridors. A <u>plan amendment and land classification order</u> will be required to reclassify this area to Settlement. Both the <u>plan amendment</u> and <u>land classification order</u> are attached to this decision.	and that portion within T. 1 N., R. 11 W., SM Sec(s). 17 E1/2, E1/2W1/2 Sec 18: NE1/4, W1/2SE1/4, NE1/4SE1/4 Sec 19: NW1/4NE1/4, E1/2NW1/4, Gov. Lot 4 Sec 20: E1/2, S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, E1/4SW1/4SW1/4, NW1/4SW1/4SW1/4 Sec. 29: All Sec. 30: E1/2
	REJECT	The remainder of this unit is important for both its timber and habitat values. Timber sales have occurred in this unit in the past and additional sales are scheduled for the future. This unit is also to be incorporated into a planned state forest in the future. Habitat values include brown bear corridors and numerous anadromous streams.	A state interest exists that outweighs the interest of the borough in obtaining this parcel. That portion which is the remainder of the selection in this unit.
48B RMG	REJECT	VUU land, conveyable classification, but inconsistent with the management intent for this unit. The management intent for this unit requires that the unit be retained in state ownership. The unit is primarily important for access (primarily in winter) to forested areas. This selection contains an important point of access to these forested areas.	A state interest exists that outweighs the interest of the borough in obtaining this parcel.
48C RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
60 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
62 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
200B STL	REJECT	Not state land.	No state interest.
213 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
214A STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
215 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
217 PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
226 STL	REJECT	Not state land.	No state interest.
234A MAT	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest. The ADL case file for the material site at this location has been closed; therefore, there is no basis for the unit to be retained in state ownership.	A state interest in retaining this selection is not present.
234B PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.

236A WHB PUR WRR	REJECT	Unit area is occupied by two streams (Bridge and Twitter Creeks) that enter into Anchor River. This is a significant riparian area.	A state interest exists that outweighs the interest of the borough in obtaining parcel.
236B STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
237 RMG	CONVEY <i>Plan Amendment</i>	VUU land, conveyable classification, and absence of an overriding state interest. The KAP indicates School Trust Land is to be retained and that portions of the unit with bluffs are also to be retained. School Trust Land is not evident in this unit and the area of the bluffs is also not evident on imagery. However, the borough can manage these areas as well as the state and there is no overriding state interest in retaining this unit. <i>A plan amendment will be required to delete the management intent requirement for portions of the unit to be retained by state. A plan amendment accompanies this decision.</i>	A state interest in retaining this selection is not present.
241 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
244 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
247B RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
248A WHB PUR	REJECT	Non-conveyable classification, inconsistent with KAP management intent, presence of an overriding state interest.	A state interest exists that outweighs the interest of the borough in obtaining parcel.
253B RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
254C RMG	REJECT	Not state land.	No state interest.
255 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
256 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
258 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
259 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
260B PUR WHB	REJECT	This unit is not included in the Resource Allocation Table of the KAP and is not assigned a land use classification or management intent. However, the KAP provides a method to classify land and establish management intent under the section of Settlement in Chapter 2 and authorities described in Chapter 4. It is located in Caribou Hills Special Use Area (ADL 226574) and is affected by the Caribou Hills Management Plan and the closest adjacent management unit, 45B, is co-classified Wildlife Habitat and Public Recreation. It is therefore appropriate to determine that the applicable classification is Wildlife Habitat. The WHB classification is a non-conveyable classification. Because of the similarity to Unit 45B, the same basis for the rejection of Unit 45B is appropriate for application to this unit as well.	A state interest exists that outweighs the interest of the borough in obtaining parcel.

265 WHB	REJECT	<p>Non-conveyable classification, inconsistent with KAP management intent, presence of an overriding state interest.</p> <p>This unit contains an extensive riparian area associated with Anchor River, a major fishery. The unit is recommended for addition to the state park system.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
266A PUR	CONVEY	VUU land, conveyable classification, absence of an overriding state interest.	A state interest in retaining this selection is not present.
266B WHB PUR	REJECT	<p>Non-conveyable classification, inconsistent with KAP management intent, presence of an overriding state interest.</p> <p>This unit occupies significant portions of the Anchor River drainage and includes the headwaters of this drainage. Anchor River and its tributaries are anadromous. A wildlife movement corridor is present, connecting the Anchor River/Fritz Creek CHA with Caribou Hills. The area is also an important moose rutting area. There are numerous trails scattered throughout the unit including the regionally significant Ohlson Mountain and McNeil Canyon trails. Unit lies within the Caribou Hills Special Use Area and is affected by the state Caribou Hills Management Plan.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
267 WHB PUR	REJECT	<p>Non-conveyable classification, inconsistent with KAP management intent, presence of an overriding state interest.</p> <p>Unit contains numerous anadromous streams, including Stariski Creek, which contains important coho spawning habitat, and is the headwaters for this creek. ADFG is concerned that the headwaters of important anadromous streams be retained in state ownership. Unit lies within the Caribou Hills Special Use Area and is affected by the state Caribou Hills Management Plan.</p>	A state interest exists that outweighs the interest of the borough in obtaining parcel.
272 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
314 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
321A RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
327 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
329 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
333C STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
337A PUR	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest.	A state interest in retaining this selection is not present.
338 RMG	REJECT	Although RMG is a conveyable classification, a significant state interest exists and warrants that the unit be retained by the state. An ILMA (ADL 19515) with ADOT/PF affects this unit and remains active. The ILMA is to be used for the construction of public facilities.	A state interest exists that outweighs the interest of the borough in obtaining parcel.
340 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest	A state interest in retaining this selection is not present.
348 RMG	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest	A state interest in retaining this selection is not present.
458 STL	CONVEY	VUU land, conveyable classification, and absence of an overriding state interest	A state interest in retaining this selection is not present.

IV. OTHER NOTED REQUIREMENTS AND COMMENT DEADLINE

Borough selections approved for a conveyance are subject to the requirements for public access easements pursuant to AS 38.05.127, and 11 AAC 51.025 and section line easements under AS 19.10.010. Also, the borough is to provide notification to the State Historic Preservation Office of discoveries of any culture sites, in accordance to AS 41.35.070(d).

It should be noted that conveyance of those uplands from the ordinary high water mark (OHWM) of navigable waters and public waters, and mean high water mark (MHWM) of marine meandering shorelines, does not grant an exclusive right to the use of the water and a right of title to the land below the OHWM or MHWM, pursuant to AS 38.05.126. The beds of navigable waters from the OHWM to the OHWM will remain in state ownership, including all gravel bars and islands in between. If not already determined by a survey, the location of the OHWM and MHWM on those navigable waters will be determined at the time of survey pursuant to 11 AAC 51, including the final acreage on those lands proposed to be conveyed.

The acreage proposed to be approved for conveyance will be credited towards fulfillment of the KPB municipal land entitlement and management authority will be transferred receiving equitable title following the Final Finding and Decision (FFD) becoming effective.

The public is invited to comment on this Preliminary Decision. **The deadline for comments to be received is February 6, 2015.** Refer to this decision under the heading 'PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES' for details on how, when and where to submit your comments.

V. AUTHORITY

The proposed actions for this PD is authorized pursuant to the Alaska State Statues (AS) and under the Alaska Administration Code (AAC) and specifically to AS 29.65, AS 38.05.035(e), AS 38.05.125, AS 38.05.127, AS 19.10.010, 11 AAC 51 and 11 AAC 55.

VI. ADMINISTRATION RECORD

The administrative records for this PD are contained in case files Alaska Division of Lands (ADL) ADL's, 53281, 55708, 55713, 55728, 55740, 55745, 55746, 63912, 64632, 201305, 201306, 206345, 206346, 206348, 206349, 217089, 222751, 227969, 227977, 227978, 227985, 227988, 227996, 227998, 228340, and 229760, which includes, but not limited to the following: Kenai Area Plan (2000), Kenai River Comprehensive Management Plan (KRCMP), Kenai River Special Management Area (KRSMA), Map of the Alaska Anadromous Waters Atlas by the Alaska Department of Fish and Game and the Alaska Department of Environmental Conservation List of Contaminated Sites in Western Alaska map. Other sources were consulted and are contained in the case file.

VII. SCOPE OF DECISION

The scope of this DNR review is limited to the determination of whether it is found appropriate to convey the aforementioned borough land selections or a portion of these selections to the KPB. This determination includes the identification of third party interest, stipulations necessary and appropriation to enable conveyance, and conformance of the borough land selections to the requirements of AS 29.65.

VIII. DESCRIPTION

A. Location and Geographical Features

1. Geographic: Refer to the Overall Vicinity Map to get relative locations of the selections and regions on the Kenai Peninsula.

Region 2 consists mostly of steep mountain ridges and large lakes. The lower elevations are carved by fast moving creeks. Six Mile Creek, Trail Creek and Canyon Creek are the major drainages of this area. Mixed spruce and hemlock forests cover the slopes of Kenai and the Trail lakes. Summit Lake also has mixed spruce, but the area has a more sub-alpine look. Spruce and birch dominated the Hope Y area.

Region 3 has steep, rugged mountains and glacier/river formed valleys. Glaciers are present on many of the mountains. The Resurrection River flows into Resurrection Bay, where the mountains rise steeply from the water's edge without a coastal plain. Thick forest of hemlock and spruce cover most of the mountain sides up to a 1000-foot elevation. Alder covers upper elevations to the alpine region.

Region 6 is characterized by a coastal plain that is an outwash from the steep Kenai Mountains. Mudflats and highly erodible steep bluffs form much of the coastline. The Kasilof River bisects the area running from Tustumena Lake to the Cook Inlet. Black spruce is common near the coast among the low-lying wetlands and lakes, while closer to the mountains better drained soils support semi-open spruce and birch forests.

Region 7 is dominated by low-lying wetlands along the coast and lower river valleys and rolling terrain toward the interior area. Anchor River, Deep Creek and Ninilchik River are the major drainages of this region. Spruce forests and muskeg cover most of the area

2. Borough/Municipality: Kenai Peninsula Borough
3. Meridian: Seward Meridian (SM)
4. Regional Native Corp.: Cook Inlet Region Inc.
5. Native Village Corp.: Kenai Native Assoc. Inc., Ninilchik Natives Assoc. Inc., Point Possession Inc., Salmatof Native Assoc. Inc., Seldovia Native Assoc. Inc.
6. USGS Map Coverage:

Seward Quadrangle	(1:250,000)	
• Region 2, Map 1	Hope Y	USGS Seward D-7
• Region 2, Map 2	Summit Lake	USGS Seward C-7
• Region 2, Map 3	Moose Pass (Upper)	USGS Seward B-7, C-7
• Region 2, Map 4	Moose Pass (Lower)	USGS Seward B-7
• Region 2, Map 5	Ptarmigan Creek	USGS Seward B-7
• Region 3, Map 1	Bear Lake	USGS Seward A-7
• Region 3, Map 2	Japanese Creek	USGS Seward A-7
• Region 3, Map 2	Thumb Cove	USGS Seward A-7
Kenai Quadrangle	(1:250,000)	
• Region 6, Map 1	Cohoe Loop	USGS Kenai B-4
• Region 6, Map 2	Clam Gulch	USGS Kenai A-4, B-4
• Region 7, Map 1	Ninilchik River	USGS Kenai A-4, A-5
Seldovia Quadrangle	(1:250,000)	
• Region 7, Map 2	Stariski Creek	USGS Seldovia D-5
• Region 7, Map 3	Caribou Hills	USGS Seldovia D-4
• Region 7, Map 4	Anchor River	USGS Seldovia C-5, D-5
• Region 7, Map 5	Ohlson Mountain	USGS Seldovia C-4, C-5
• Region 7, Map 6	East End Road	USGS Seldovia C-4, D-4

B. Legal Description – Land Status – Third Party Interest

The following TABLES: 5, 6, 7 & 8 identify the KPB land selections by regions of the Kenai Area Plan: Regions. 2, 3, 6 & 7), map number, area name, Seward Meridian (SM) , Township (T), Range (R), Section (Sec(s).), including title status, date(s), state case file and third party interests affecting those lands owned by the state.

The state holds fee title to the land and mineral estate through a Patent (PAT), Quitclaim Deed (QCD) or Tentative Approval (TA) received from the Bureau of Land Management (BLM). The state will only convey the land estate on those lands approved for conveyance, and the mineral estate will be retained in state ownership.

REGION 2
TABLE 5

Map 1: Hope Y
T. 8 N., R. 1 W., Secs. 15 & 22, SM

Title	Date	State Case File
TA: AA-17587	August 18, 2004	NFCG 55
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Seward Highway • Iditarod Trail • ADL 230444 – Chugach Electric Assn, Inc., Public Ut. Esmt., ROW, Sec.15 (1 ac), Sec. 22 (1 ac). • Reserving to the United States: Hope Y Road, (FS road 912), sixty-six (66) feet wide located in Sec. 15, T. 8 N., R. 1 W., Seward Meridian 		

- Reserving to the United States: Gwartney Jeep Road, sixty-six (66) foot wide access road to Federal mining claims, located in Secs. 15, and 22, T. 8 N., R. 1 W., Seward Meridian. (*Note: if Regional Forester determines that the said easement, or any portion thereof, is no longer needed for the purposes reserved, the easement shall terminate upon execution and delivery of a statement in recordable form furnished by the Regional Forester to the Patentee (Grantee), or their successor or assigns in interest.*)
- Reserving to the United States: Wibel Mine Road, aka Canyon Creek Trail #59, sixty-six (66) foot wide access road to Federal mining claims, located in Secs. 15, and 22.
- Reserving to the United States: Bruhn-Ray Cabin access, sixty-six (66) foot wide access road to Federal mining claims, located in Sec. 15, T. 8 N., R. 1 W., Seward Meridian.
- Reserving to the United States: Unnamed road, sixty-six (66) foot wide access road to Federal mining claims located in Sec. 15, T. 8 N., R. 1 W., Seward Meridian.
- Reserving to the United States: as to Section 22, the right to itself, its permittees or licensees, to enter upon, occupy, and use any part or all of said land lying within 50 feet of the center line of the transmission line right-of-way of the Chugach Electric Association, Inc., of Anchorage, Power Project No. 2170 (AA-39417), for the purpose set forth in and subject to the conditions

Map 2: Summit Lake

T. 6 N., R. 2 W., Sec. 24, SM

Title	Dates	State Case File
TA: AA-57968 PAT: 50-95-0079	November 18, 1994 January 26, 1995	NFCG 194 NFCG 194
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Seward Highway • Iditarod trail • RS2477 Quartz Creek Trail: RST #1323(USGS 1:63, 360 B-8, C-7 & C-8 Quadrangle maps, 6 miles long. ADOT&PF inventory map #63 (Seward 1:250,000 Quad as trail #14) • Reserving to the United States: Forest Service Road #40-090: <i>Slate Creek Road</i>, sixty (60) feet in width • Reserving to the United States: Forest Service Road #40-080: <i>Johns Creek Road</i>, sixty (60) feet in width • Reserving to the United States: Forest Service Road #40-084: <i>Gilpatricks Road</i>, sixty (60) feet in width • Granted by Patent: water line 75-feet in length from Slate Creek to Lot 4, Mile 44 Summer Home Tract • A residence located on the north bank of Quartz Creek, Milepost 42, of the Seward Hwy. • ADL 224712, Preference right, conveyed, Lot 1 of ASLS 95-65, (0.17 acres) • ADL 226557, Preference right, conveyed, Lot 4 of ALSL 95-65, (0.88 acres) • ADL 226558, Preference right, conveyed, Lot 11 of ALSL 95-65, (1.23 acres) • ADL 226559, Preference right, conveyed, Lot 10 of ALSL 95-65, (0.91 acres) • ADL 226560, Preference right, conveyed, Lot 2 of ALSL 95-65,(0.92 acres) • ADL 22656, Preference right, conveyed, Lot 6A of ALSL 95-65, (0.90 acres) • ADL 226562, Preference right, conveyed, Lot 3 of ALSL 95-65,(0.97 acres) • ADL 226601, Preference right, conveyed, Lot 9 of ALSL 95-65, (0.90 acres) • ADL 231206 (refer to ADL 229786), ADOTPF: Material Sale/MP 42 Seward Hwy, MS 31-1-012-1 • ADL 230367-G: Chugach Electric Assn., Inc., • ADL 230367 Chugach Electric Assn., Inc. 		

T. 6 N., R. 1 W., Sec. 5, SM

Title	Dates	State Case File
PAT: 50-99-0017	Nov 2, 1998	NFCG 273
Third Party Interest: Yes		

- Reserving to the United States: *Tenderfoot Creek Campground Road*, Forest Service #40-00-120, sixty (60) feet in width beginning at mile 45.5 of the Seward Highway and running southerly to the Tenderfoot Creek Campground.
- Reserving to the United States: *Colorado Creek Trail* (RST 614), easement #3035, twenty-five (25) feet in width, beginning at mile 45.5 of the Seward Highway and running westerly to federal lands in Sec. 6.
- Reservation for Chugach Electric Transmission Powerline Project 2170.
- Reserving to the United States: Forest Service Road #40-135, *Fresno Mine Road*, sixty (60) feet in width and .03 miles in length beginning at mile 47.5 Seward Highway.
- Chugach Electric Association, Inc., electrical transmission line (#4003.07), 40-ft. wide
- ADL 227467, Chugach Electric Assn., Inc., issued: Communication Tower (ASLS 2000-1)
- ADL 227468, Chugach Electric Assn., Inc.
- ADL 230367F, Chugach Electric Assn., Inc.
- ADL 231686D, Chugach Electric Assn., Inc., Application Complete
- ADL 227467, DOA and ADL 227467-NCW: Chugach Electric Assn., Inc., (Sublease)

T. 7 N., R. 1 W., Section 28, 29, 32, SM

Title	Dates	State Case File
TA: AA-72629: AA-72629 (Sec. 28 & 29) TA: AA72629: AA-72629 (Sec. 28)	June 5, 1996 August 21, 1998	NFCG 195: (Sec 28) NFCG 195: (Sec 28)
PAT: 50-99-0017: (Secs. 29 & 32)	November 2, 1998	NFCG 195: (Sec. 29) NFCG 273: (Sec 32)

Third Party Interest: Yes

- Seward Highway
- Granted by patent, from USFS, Special Use Permit: a residence, Lot 5, Lower Summit Lake Group II, Permit #5327.02, Sec. 29
- Reserving to the United States: Fresno Creek Road, Forest Service #928, located within Secs. 28 & 29
- Reserving to the United States: Mills Creek Road, Forest Service #923, Sec. 28
- Reserving to the United States: Fresno Mine Road, (Sec. 29)
- Chugach Electric Assoc., Inc., transmission line Power Project 2170, 40-ft., Sec. 29
- ADL 227530, Preference right, conveyed, SPT 18631, Tract A, ASLS 99-29 (0.93 acres), Sec. 29
- ADL 227531, Preference right, conveyed /Tract A, ASLS 2000-38 (1.21 acres), Sec. 29
- ADL 227532, Preference right, conveyed, SPT 18390, Tract B, ASLS 2000-38 (1.23 acres), Sec. 29
- ADL 227529, Preference right, conveyed, SPT 17645, Tract A, ASLS 99-24 (0.879 acres), Sec. 29
- ADL 227528, Preference right, conveyed, SPT 17686, Tract B, ASLS 99-24 (0.824 acres), Sec. 29
- ADL 227534, Preference right, conveyed, SPT17738, Tract C, ASLS 99-24, (0.875 acres), Sec. 29
- ADL 227533, Preference right, conveyed, SPT 17769, Tract D, ASLS 99-24, (0.816 acres), Sec. 32
- ADL 227526, Preference right, conveyed, SPT 17744, Tract F, ASLS 99-24 (0.875 acres), Sec. 32
- ADL 227525, Preference right, conveyed, SPT 17737, Tract G, ASLS 99-24 (1.102 acres), Sec. 32
- ADL 227527, Preference right, conveyed, Lot 4, Tract E, ASLS 99-24 (0.883 acres), Sec. 32
- ADL 226286 – ADOT, Material Sale, active/permit, (0.0 acres), MS-31-1-014-1, MP 46.5 Seward Hwy.
- ADL 230367-F, Public Ut. Esmt., APLN complete, 100-ft wide, 8,600 ft long (19.74 acres), Sec 32
- ADL 231686-C, Public Access Esmt., APLN complete, 60-ft wide, 1,742 ft long (2.40 acres), Sec. 29
- ADL 231686-D, Public Access Esmt. , APLN complete, 60-ft wide, 2,904-ft long (4.0 acres), Sec. 32

Map 3: Moose Pass (Upper Trail Lake)

T. 5 N., R. 1 W., Secs. 24, 25 & 36, SM

Title	Dates	State Case File
PAT.: 50-74-0095	March 27, 1974	CG 64 (Sec 25)
PAT.: 50-89-0457	August 1, 1989	CG 94 (Secs. 25 & 36)
PAT.: 50-92-0639	September 21, 1992	NFCG 13 (Secs. 24, 25 & 36)
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Seward Highway • Iditarod Trail • ADL 224495, Private easement, Non-exclusive ROW (0.028 acres), 25 ft wide, 120 ft long, (Sec. 36) • ADL 228014, USDA Forest SVC Chugach Nat'l Forest, Public Esmt., (13.610 acres), Sec 24 • ADL 228890-I, USDA Forest SVC Chugach Nat'l Forest, Public Esmt., Sec. 24, (interim auth) • ADL 228706, DOPOR, ILMA, issued, (Secs. 24, 25 & 36) • Johnson Pass Trail, 25-ft trail easement, 4.5 mile, northerly through Sec 24. 		

Map 4: Moose Pass (Lower Trail Lake)

T. 4 N., R.1 W., Secs. 1, 12 & 13, SM

Title	Dates	State Case File
PAT: 50-92-0639	September 21, 1992	NFCG 13
PAT 50-95-0587	September 25, 1995?/	
TA: AA-5572	January 4, 1985	
TA: AA-5572	November 15, 1983	
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Seward Highway • United States Survey No. 7371, Lot 5, along the Seward Hwy. • ADL 45003, Chugach Electric, Public Ut. Esmt., 40 ft wide, Secs. 1, 12 & 13, (interim auth) • ADL 219510, City of Seward, Public Ut. Esmt., 100 to 200 ft wide, impacting Secs. 1, 12, 13 • ADL 228706, DOPOR, ILMA, impacting Secs. 1, 12, 13 		

T. 4 N., R. 1 E., Secs. 7 & 18, SM

Title	Dates	State Case File
PAT: 50-92-0639	September 21, 1992	NFCG 13
Third Party Interest: Yes		
<ul style="list-style-type: none"> • ADL 226527, DOPOR, Kenai River Special Use Area, Secs. 7 & 18 • ADL 228706 – DOPOR, Management Agreement, ILMA, Secs. 7 & 18 • ADL 228890-E, USDA Forest SVC Chugach Nat'l Forest, ROW Esmt., 100 ft wide, Secs. 7 & 18 • ADL 228890- G, USDA Forest SVC Chugach Nat'l Forest, ROW Esmt., 100 ft wide, Secs. 7 & 18 • LAS 29043 – Park Use Permit, Sec. 7 • Crown Point Trail and Road, Sec. 18 		

Map 5: Ptarmigan Creek

T. 4 N., R. 1 W., Secs. 24 & 25, SM

Title	Dates	State Case File
PAT: 50-92-0639	September 21, 1992	NFCG 13
Third Party Interest: Yes		
<ul style="list-style-type: none"> • ADL 45003, Chugach Electric, Assoc., Inc., Public Ut. Esmt, 40 ft. wide, Secs. 24 & 25, (interim auth) • ADL 217427, ADOT&PF, Management Agreement, ILMA, Material Site, MS-31-1-016-1, Secs. 24 & 		

25, 4.5 miles south of Moose Pass, 50 ft wide access road. <ul style="list-style-type: none"> • ADL 219510, City of Seward, Public Ut. Esmt., 60 ft. wide, (Secs. 24 & 25) • ADL 227667, City of Seward, Public Ut. Esmt., 20 ft. wide, Secs. 24 & 25 • ADL 227711, Private Esmt, Exclusive ROW for driveway, ASLS 86-5, 20 ft. wide, Sec. 25 • ADL 227866, Trespass adjacent to Lawing Airstrip, active, Sec. 25 • ADL 228706, DOPOR, Management Agreement, ILMA, Secs. 24 & 25 • ADL 231623, SCRO Material Site Sale, (57 acres), MS-31-1-016-1, Secs. 24 & 25 • ADL 228890-F, USDA Forest SVC Chugach Nat'l Forest, Public Esmt ROW, 100 ft wide, Sec. 25
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T. 4 N., R. 1 E., Secs. 19 & 30, SM

Title	Dates	State Case File
PAT: 50-95-0587	September 21, 1992	NFCG 13
Third Party Interest: Yes		
<ul style="list-style-type: none"> • ADL 228706, DOPOR, Management Agreement, ILMA, Secs 19 & 30 • ADL 228890-E, USDA Forest SVC Chugach Nat'l Forest, Public Esmt ROW, 100 ft wide, Sec. 19 & 30 • ADL 228890-F, USDA Forest SVC Chugach Nat'l Forest, Public Esmt ROW, 100 ft wide, Sec. 19 & 30 		

REGION 3
TABLE 6

Map 1: Bear Lake

T. 2 N., R. 1 W., Sec. 36, SM

Title	Dates	State Case File
TA: AA-17582	January 30, 1995	NFCG 50
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Alaska Railroad • Iditarod Trail • ADL 219510, City of Seward, Public Ut. Esmt., 60-ft wide, Recorded as Bk. 102, Pg. 912 • ADL 227555, DOT&PF, Public ROW Easement, 50-ft wide, Recorded as Serial #2010-001521-0 • Excluded, U.S. Survey No. 9001 and Exclusive License AA-55128, Sec. 36 • City of Seward by USFS, power transmission line, permit number 1006.09, 60-ft wide, 		

T. 2 N., R. 1 E., Secs. 30 & 31, SM

Title	Dates	State Case File
TA: AA-17582	January 30, 1995	NFCG 50
Third Party Interest: Yes		
<ul style="list-style-type: none"> • ADL 228890-A, USDA Forest SVC Chugach Nat'l Forest, Public ROW Esmt., 100-ft wide, Sec 31 • Excluded, U.S. Survey No. 9001 and Exclusive License AA-55128, Sec. 30 & 31 • Iditarod Nat'l Historic Trail, 1,000 ft. wide, Secs. 30 & 31 		

T. 1 N., R. 1 W., Secs. 1, 12 & 13, SM

Title	Dates	State Case File
TA: AA-17582	January 30, 1995	NFCG 50
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Seward Highway • Iditarod Trail • TA: Excluded, U.S. Survey No. 9000 and Interim Conveyance AA-55129, Secs. 1 & 12 • ADL 219510, City of Seward, Public Ut. Esmt., 60-ft wide, recorded as Bk. 102, Pg. 912, Secs. 1 & 13 		

- ADL 52363, DOT&PF, Management Agreement, ILMT pre ILMA, Sec. 1,
- ADL 222847, Div. Forestry, Timber Sale, (40 acres) Sec. 13,
- ADL 223121, Div. Forestry, Timber Sale, (80 acres), Sec. 13
- ADL 227555, DOT&PF, Public ROW Easement, 50-ft wide, Serial #2010-001521-0, Sec. 1
- LAS 27347, DMLW permit, Port Com Rec Camp, Sec. 1
- LAS 27887, DMLW permit, Port Com Rec Camp, Sec. 1
- LAS 27971, DMLW permit, Port Com Rec Camp, Sec. 1

T. 1 N., R. 1 E., Secs. 6, 7 & 18, SM

Title	Dates	State Case File
TA: AA-18582 (6,7 & 18)	January 30, 1995	NFCG 50
TA: AA-17582 (Sec. 6)	January 30, 1995	
PAT: 50-86-0072 (Secs. 7 & 18)	November 26, 1985	
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Iditarod trail • Excluding, Bear Lake Road #20-100, sixty (60) ft. wide, Sec. 7 • ADL 228890-A, USDA Forest SVC Chugach Nat'l Forest, Public ROW Esmt., 100-ft wide, Sec.7 		

REGION 6
TABLE 7

Map 1: Coho Loop

T. 4 N., R. 11 W., Secs. 13, 20 & 24, SM

Title	Dates	State Case File
PAT: 50-65-0157 (Sec. 13 & 24)	September 1, 1964	GS 9
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Chugach Electric Assoc., Inc., transmission line Power Project 2170 		

T. 3 N., R. 11 W., Secs. 2, 3, 21 & 29, SM

Title	Dates	State Case File
PAT: 1225973 (Secs. 21 & 29)	March 28, 1962	GS 8
TA: 028123 (Sec. 2)	March 1, 1962	
PAT: 50-67-0005 (Sec. 3)	July 1, 1966	
Third Party Interest: Yes		
<ul style="list-style-type: none"> • Chugach Electric Assoc., Inc., transmission line Power Project 2170 		

T. 3 N., R. 12 W., Secs. 3, SM

Title	Dates	State Case File
Patent: 50-67-0124	Aug 31, 1966	GS 1264
Third Party Interest: No		

Map 2: Clam Gulch

T. 3 N., R. 12 W., Section 33, SM

Title	Dates	State Case File
Patent: 50-67-0124	August 31 1966 Sept 28, 1990	GS 1264
Third Party Interest: Yes		
<ul style="list-style-type: none"> • ADL 228162 - Other lease issued 		

- ADL 42392 Public Utility
- ROW: Cohoe Loop Road OA 59652
- ADL 228162 Pipeline-lease Kasilof Extension

T. 2 N., R. 12 W., Sections 2, 3, 9 & 32, SM

Title	Dates	State Case File
Patent: 1225972 (Sec(s). 3, 9, 32)	Mar 28, 1962	GS 8
Patent: 1232769 (Sec. 2)	July 31, 1963	GS 1075
Third Party Interest: Yes		
<ul style="list-style-type: none"> • ADL 34494 – Public Easement, utility, issued to Homer Electric (Sec. 32) • ADL 231415 – Possible trespass, encroachment, active (sec 32) 		

T. 2 N., R. 11 W., Section 5, SM

Title	Dates	State Case File
Patent: 50-65-0097	Aug 13, 1964	GS 57
Third Party Interest: No		

REGION 7
TABLE 8

Map 1: Ninilchik River

T. 1 N., R. 13 W., Sections 25 & 34, SM

Title	Dates	State Case File
Patent: 1225971	Mar 28, 1962	GS 8
Third Party Interest -- Yes		
<ul style="list-style-type: none"> • ADL 252802 Sec. 25 Timber Lease • LAS 27876, Permit, Sec. 34, 		

T. 1 N., R. 12 W., Sections 14, 20 & 22, SM

Title	Dates	State Case File
Patent: 50-92-0431	July 13 1992	GS 8
Ptent12255991	March 29, 1962	
Third Party Interest - Yes		
<ul style="list-style-type: none"> • ADL 222802, 223480 - Timber Sale, Comm Neg Sale, issued (sec 14,20) • LAS 24317- DLWM permit, issued (Sec. 20) 		

T. 1 N., R. 11 W., Sections 17, 18, 19, 20, 29 & 30, SM

Title	Dates	State Case File
Patent: 50-73-0004	July 27, 1972	GS 57
Third Party Interest -- Yes		
<ul style="list-style-type: none"> • ADL 217541 – Public Easement, utility, issued (sec 17, 18, 20, 29) • ADL 222802 – Timber Sale, issued (sec 17, 18, 19, 20, 29, 30) • ADL 25673- Public Easement Right-of-Way, issued (Sec 19, 29, 30) • LAS 26014 – DLWM Permit, issued (sec 17, 29) • ADL 225803- -Public Easement Right-of-Way (Sec(s). 17, 20 & 29) 		

T. 1 S., R. 13 W., Sections 3, 4, 7, 20 & 28

Title	Dates	State Case File
Patent: 1225990 (3, 4, 7, 20 & 28)	March 29, 1962	GS 8
Patent: 1232534 (Sec. 20)	July 3, 1963	GS 1071
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 34494 – Public Easement, utility, issued (sec 4 & 7) LAS 24317, 27876 – DLMW Permit, issued (sec 3 & 4) 		

Map 2: Stariski Creek

T. 3 S., R. 14 W., Sections 14, 15, 17, 19 & 20, SM

Title	Dates	State Case File
Patent: 1207306 (Sec. 17 & 20)	April 6, 1960	GS 7
Patent: 1217391 (Sec. 19)	February 24, 1961	
Patent: 1232543 (Sec. 19)	July 5, 1963	
Patent: 50-85-0481 (Sec. 14 & 15)	July 17, 1985	
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 34494 – Public Easement, utility, issued (sec 17,19) 		

T. 4 S., R. 14 W., Sections 1 & 12, SM

Title	Dates	State Case File
Patent: 1207176	March 28, 1960	GS 6
Third Party Interest - No		

Map 3: Caribou Hills

T. 4 S., R. 13 W., Section 16, SM

Title	Dates	State Case File
Patent: 1220722	June 20, 1961	SCH 75
Third Party Interest - Yes		
<ul style="list-style-type: none"> ADL 225660 – Public Easement Right-of-Way, application complete 		

Map 4: Anchor River

T. 4 S., R. 14 W., Sections 29 & 31

Title	Dates	State Case File
Patent: 1225684 (Sec. 31)	Mar 12, 1962	GS 6
Patent: 1232380 (Sec. 29)	June 21, 1963	GS 1198
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 230928 - Northfork Gas Line 		

T. 5 S., R. 14 W., Sections 4, 7, 19, 20, 28, 30 & 32, SM

Title	Dates	State Case File
Patent: 1217604 (Sec. 4 & 7)	March 6, 1961	GS 6 GS 1198
Patent: 50-65-0606 (Secs. 7, 20 & 28)	May 14, 1965	
Patent: 50-91-0395 (Secs 19, 20, 30 & 32)	July 15, 1991	
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 39502, 222747, 231838 – Public Easement Right-of-Way, Secs. 20, 28, 30, 32 ADL 220356 – Private Easement, non-exclusive right-of-way, issued (sec 28) 		

T. 5 S., R. 15 W., Sections 1, 4, 12, 13, 14, 23 & 24, SM

Title	Dates	State Case File
Patent: 1227030 (Secs 1, 12, 13 & 24)	May 23, 1962	GS6
Patent: 50-89-0003 (Secs 4, 14, 23 & 24)	October 5, 1988	GS 107
Patent: 50-89-0006 (Sec. 14)	October 5, 1988	GS 107
Third Party Interest - Yes		
<ul style="list-style-type: none"> ADL 221048 – Public Easement Right-of-Way, issued (Sec 4) ADL 209876, 214658 – Public Easement, utility, issued (sec 4 & 24) ADL 217863 – Management Agreement, ILMA, (Sec 24) ADL 224657 – Timber Sale, predisposal (Sec 24) ADL 230928 – Pipeline Right-of-Way, issued (sec 1) 		

Map 5: Ohlson Mountain

T. 5 S., R. 12 W., Sections 21 & 30, SM

Title	Dates	State Case File
Patent: 1232381 (Sec. 30)	March 9, 1964	GS 1018
Patent: 50-90-0365 (Sec. 21)	July 1, 1990	
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 223128 – Public Easement, Right-of-Way (Sec. 30) 		

T. 5 S., R. 13 W., Sections 22, 29 & 30, SM

Title	Dates	State Case File
Patent: 1217411	February 27, 1961	GS 6
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 19581, 21412 – other lease comp, grazing (Secs. 29 & 30) ADL 27056 – Material Sale (Sec. 29) ADL 67125, 200045 – Public Easement, utility, issued to Homer Electric (Secs. All) ADL 200567, 229826 – Public Easement, Right-of-Way (Sec. 29 & 30) ADL 229161 -- Public Easement, access, application complete by ADF&G (Sec. 22) ADL 231469 – Material Sale (Sec. 29) 		

T. 5 S., R. 14 W., Section 35, SM

Title	Dates	State Case File
Patent: 1217604	March 6, 1961	GS 6
Third Party Interest - No		

T. 6 S., R. 13 W., Section 6, SM

Title	Dates	State Case File
Patent: 1217390	February 24, 1961	GS 6
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 200045-Publi Easement Right-of-Way 		

T. 6 S., R. 14 W., Section 2, SM

Title	Dates	State Case File
Patent: 1217412	February 27, 1961	GS 6
Third Party Interest -- Yes		
<ul style="list-style-type: none"> ADL 78897 – ILMA, application complete 		

Map 6
East End Road
T. 5 S., R. 12 W., Sec. 24, SM

Title	Dates	State Case File
Patent: 1232318	June 18, 1963	GS 1081
Third Party Interest - No		

T. 4 S., R. 11 W., Sections 28 & 29

Title	Dates	State Case File
Patent: 50-73-0003	July 27, 1972	GS 42
Third Party Interest -No		

IX. PRELIMINARY DECISION

A. Background

The Kenai Peninsula Borough was granted 155,780 acres of municipal land entitlement under AS 29.65.010. To date, the borough has received title to approximately 99,078 acres of state land with a remaining balance of approximately 56,702 acres. This acreage consists of 30,057 acres approved for conveyance from a previous decision transferring equitable title to the KPB with a remaining balance of 26,645 acres to be adjudicated. A portion of this remaining acreage is the subject of this PD, and falls within Regions 2, 3, 6 and 7. Approximately 43,348 acres are adjudicated in this decision.

Following the adoption of the KAP in the year 2000, DNR allowed the Kenai Peninsula Borough to make new municipal entitlement land selections. The borough prioritized these selections along with their other remaining land selections, creating four priority groups: Priority Group 1, 2, 3 & 4 (with 1 the highest). Priority Groups 1, 2 & 3 were adjudicated and approved for conveyance to the borough leaving Priority Group 4 remaining for adjudication. Priority Group 4 consists of 18,300 acres of state land scattered throughout the borough making it difficult for DNR to adjudicate in one conveyance decision. To expedite the adjudication process for this amount of acreage, DNR prioritized the land selection into subgroups. One subgroup has been adjudicated and a Final Finding and Decision (FFD) were approved. Another subgroup, covering Regions 1, 5, 8 & 9 has been adjudicated and a FFD is being prepared (January 2015). This PD covers the subgroup containing Regions 2, 3, 6 & 7.

B. Planning, Classification, and Mineral Estate

1. Planning

There are two DNR plans that affect the selections that are the focus of this decision: the Kenai Area Plan (KAP) and the Kenai River Comprehensive Management Plan (KRCMP). These plans have alluded to before but this section provides more detail. The latter preceded the preparation of the KAP and formed the basis for the recommendations that included in the KAP related to the Kenai River or to the Kenai River Special Management Area (KRSMA).

The KRCMP is the basis for the management of state land within KRSMA and within those areas that are recommended for addition to KRSMA in the Upper Kenai River area and the area near and adjoining Trail River and Trail Lakes. Pursuant to the Special Use Designation (ADL226527) and Management Agreement included in the KRCMP, areas affected by the recommendation to add such areas to KRSMA are to be managed by the Department consistent with the requirements of the KRCMP, even though the selections are not formally within KRSMA and are managed through the KAP under a Management Agreement. The KAP recognizes that the areas of addition should be managed for their habitat and recreation values and these areas are designated Habitat or co-designated Habitat and Public Recreation (and sometimes Water Resources). The management intent for these selections describes their habitat and recreation values. Specific management direction is provided in Chapter 3 (Region 4) in the section, 'Management Intent that applies to many units within the Kenai River Drainage' (pp. 3-104 through 3-106). The intent to retain the units is described specifically in Management Guideline D, 'Additions to KRSMA'. (p. 3-106). Additionally, Management Guideline C, 'Disposal of state land along the Kenai River' (p. 3-105) requires that the state either retain an area of 200' from ordinary high water in any conveyance or that an alternative method be employed (such as an easement) that would effectively protect the riparian area. This same requirement exists in the KRCMP under Recommendation 4.5.4.5 (p. 73) and was the basis for the requirement in the KAP.

Two recommendations from the KRCMP particularly affect municipal selections: the recommendation for additions to KRSMA and the recommendation for the protection of riparian areas next to the Kenai River or its anadromous tributaries. Importantly, any deviation from these management guidelines will require the amendment of both plans and will require approval from the Kenai River Advisory Board, which reviews initial plan development and implementation, for any changes to the KRCMP.

The KAP was approved in 2000 as the basis for decision making by DNR and ADF&G on authorizations that are issued by this department. The KAP determines management intent, land use designations, and management guidelines that apply to all state lands within the planning area. The designations of the plan convert to land use classifications through a Land Classification Order. Many of the selections are designated Settlement (Se), General Use, Resource Management (Rh) or Public Recreation (Rd) and can be conveyed to the borough under AS 29.65 unless an overriding state interest exists or unless a selection is affected by two classifications, one of which is non-conveyable. The most common co-classification that is non-conveyable is Public Recreation and Wildlife Habitat. The Wildlife Habitat classification has the same standing as Public Recreation in those management units affected by this co-classification, and the presence of the Wildlife Habitat classification precludes conveyance. Classifications that are applied in the KAP that are not conveyable under AS 29.65 include Wildlife Habitat, Reserve Use, Water Resources, and Forestry. In addition, there are instances where the Public Use Site designation is used (rp), which converts to the classification of Public Recreation Land, a conveyable classification, but the management intent for this designation, described in Chapter 3 under 'Designations', precludes conveyance if specified in a management intent that a unit should be retained.

There also exists the situation where a conveyable classification, like Settlement, affects a selection but the management intent for the management unit requires that the unit be retained in state ownership. In many instances a management requirement affects units of land recommended for addition to the Kenai River Special Management Area; in such instances, it requires the state to retain

the land and to eventually incorporate it into KRSMA. Management intent has the same level of authority as a plan designation under 11 AAC 55.039(c)(6). In all these instances, whether it is a municipal selection affected by a non-conveyable classification or a management guideline/intent that requires the state to retain land, the effect is the same: the selection is not conveyable to the borough *unless* a plan amendment changes the classification, the management guideline/intent, or both. There are certain instances where, based upon a review of available information, that changes to classifications are warranted. When this occurs, this is noted in the tables describing the recommendations of this decision. An attachment to this decision contains the recommended plan modifications and land classification changes.

TABLES 1 - 4 identify the management units, plan designations within each region, and the land use classification of these units.

2. Land Use Classification

TABLES 1 -4 identify the management units and land classifications that are applicable to these selections. There are also two parcels that have no assigned unit and are unclassified. These units are conveyable. The classifications of Settlement (STL), Resource Management (RMG) and Public Recreation (PUR) are conveyable, and unless management intent indicates otherwise, selections affected by these classifications will be conveyed to the borough.⁴ The classifications of Reserved Use (RSU), Water Resources (WRR), Wildlife Habitat (WHB), and Forestry (FOR) are non-conveyable and these classifications are non-conveyable and will be retained by the state. In certain instances a current classification that precludes conveyance is recommended to be revised to a conveyable classification through a plan amendment and land classification order change. When this occurs, it is noted in Table 1 and in Table 6 for the specific management unit that is affected.

3. Mineral Order

The mineral estate is reserved to the state pursuant to AS 38.05.125. There were no known mineral orders affecting the proposed selections.

C. Traditional Use Finding

Disposal of state land with traditional uses are to be reviewed under to AS 38.05.830 in unorganized boroughs. The KPB is an organized borough under AS 29.65.10; therefore, a determination for traditional uses is not required. All of the KPB land selections are within their legal boundary.

D. Access

In all four KPB regions of this decision public access will be reserved in accordance to AS 19.10.010, AS 19.30.400, AS 38.05.125, AS 38.05.127 and 11 AAC 51. Most of the parcels can be accessed via the Seward or Sterling Highways and using the local and secondary road systems such as Cohoe Road and Cohoe Loop Road in Region 6, and Ninilchik Road, North Fork Road, Ohlson

⁴ Unless management intent indicates that a selection is to be retained or it is affected by a co-classification where one of the classifications is not conveyable.

Mountain Road and East End Road in Region 7. Various types of trails are common throughout the area, and are used recreationally by hikers, hunters, campers and mountain bikers. Off road vehicles such as ATVs and snowmachines are often used on the trails. The Alaska Railroad also provides access through the Trail Lakes (Region 2) on down to Seward (Region 3).

1. Section Line Easement

Section line easements (SLE) are required in accordance with AS 19.10.010 and 11 AAC 51.025. On lands approved for conveyance to the borough, an SLE 100-foot wide centered on the section line (50 feet on each side) will be imposed on both surveyed and protracted section lines.

2. Trails, Roads and RST Rights-of-Way

Several of Alaska's most popular recreation trails cross this region. They are located primarily on U.S. Forest Service and rights-of-way and others in the area, ensuring legal access to existing and proposed trails, trail maintenance, management, and enforcement are high priorities. DNR will protect public access along these trails and ensure that easements or rights-of-way are filed on those trails that do not have protection. Rerouting of trails and legal access is allowed if the purpose is to provide for the needs of the long term maintenance of the trail, trail experience, habitat values, or public safety.

Region 2: The Seward Highway is the primary road through this region. The Alaska Railroad comes through the Trail River canyon area and then parallels the Seward Highway along the Trail Lakes. There are several RS2477 trails within this region. The trails are frequented by recreational users.

Region 3: The Seward Highway runs south from Anchorage to the city of Seward and Resurrection Bay. The Alaska Railroad parallels the highway in this region.

Region 6: The Sterling Highway is the main thorough fare in this region. A portion of Cohoe Loop Road runs along the coast and meets up with the Sterling Highway.

Region 7: The Sterling Highway runs south and becomes East End Road. Diamond Road, Ohlson Mountain Road and Skyline Drive are interconnected and allow access to the hills. There are many major recreational trails in this region, as well as minor trails (secondary and seismic trails).

3. Navigable Waters and Public Waters

Waterbodies determined to be navigable or public are identified in TABLES 9 and 10. The state will retain ownership of the bed for navigable water, including all gravel bars and islands, and will convey the bed of public waters to the borough. A survey will determine the Ordinary High Water Mark (OHWM) of the navigable and public waters, the Mean High Water Mark (MHW) on marine meandering shorelines, identify islands, and determine the specific areas to be retained by the state. At the time of survey, field work may find that a body of water or a waterway is different than identified in this decision. If this occurs, the results of the survey work will be reviewed further within DNR. If the field work is determined to be accurate, then the survey results will supersede the recommendation in this decision.

Navigable Waters: Pursuant to 11 AAC 51.035, a water body is navigable if it is at least 50 acres in size or a waterway at least 50 feet wide from OHWM to OHWM. A water body will also be considered navigable if it is found it is navigable for a useful public purpose in accordance with AS 38.05.965, otherwise, it will be considered public water in accordance to 11 AAC 51.035. Additionally, ownership of land adjacent to navigable water does not create any right of title in land below the OHWM of the navigable water.

All tidal waters are considered navigable under the Submerged Lands Act (67 Stat 29, PL 31, May 22, 1953). The MHWM is established at the time of survey.

Public Waters: Pursuant of 11 AAC 51.035, a water body is considered public water if it is at least 10 but less than 50 acres in size or at least 10 feet but less than 50 feet wide from OHWM to OHWM. Ownership of the land under or adjacent to public water does not grant an exclusive right to use of the water (AS 38.05.126).

On land approved for conveyance, legal public access is generally limited to easements typically 100-foot wide on section lines (SLE) and typically 50 feet wide along the OHWM and MHWM of navigable and public water bodies (the Along easement, see below).

4. To & Along Easements

A public access easement of 50 feet in width upland of the OHWM and MHWM will be reserved on all water bodies and waterways determined to be public or navigable waters in accordance with AS 38.05.127 and 11 AAC 51. This easement is referred to as the 'along' easement. The 'to' easement is to be established approximately once each mile and is often provided through section line easements of 50 feet in width adjacent to the section line on each side (AS 19.10.010 and 11 AAC 51.025). The 'along' easement applies to these waterbodies and the 'to' easement is intended to provide access to the 'along' easements.

Protection of Riparian Areas to Anadromous and Public Waters

The 2000 Kenai River Area Plan (KAP) includes guidelines for the maintenance of riparian habitat adjacent to anadromous and high-value resident fish waters (Table 2.4, pp. 2-53, 54). Lands conveyed out of state ownership are to include stipulations in the decision to ensure the protection of these areas. The plan provides a number of alternative ways that this can occur. This can come about by either retaining a corridor of state-owned land along the water body from the OHWM or by imposing a riparian easement or building setback. The plan specifies for a minimum corridor width of 200-foot landward from the ordinary high water on lands to be retained by the state along anadromous waters for riparian protection, and a building setback of 100 feet adjacent to these water bodies where reasonable and prudent. *Alternatively, these areas can be protected by another management tool that is considered effective in achieving riparian production. In the case of this decision, DNR has determined that the borough's ordinance Title 21.18 and Kenai Peninsula Borough Comprehensive Plan (p. 6-13), constitute effective tools for the protection of riparian areas and anadromous streams,*

and has chosen to use and rely upon this method as opposed to imposing specific state buffer requirements for the protection of these areas, with few exceptions.

TABLE 9

NAVIGABLE WATERS AND EASEMENT REQUIREMENTS

Region Map # Parcel Name	Township Range	Section	Waterbody Name	Anadromous Waters Catalog #	Shoreline Public Access Easement	Public Access Easement (to & along)
Region 2 Map 1 Hope Y	T8N, R1W	15	Six Mile Creek	247-60-10170	n/a	50 feet
Region 2 Map 2 Summit Lake	T7N, R1W	28	Lower Summit Lake	none	n/a	50 feet
		29				
	T6N, R1W	5	Summit Lake	none		
Region 2 Map 3 Moose Pass (Upper Trail Lake)	T5N, R1W	24	Upper Trail Lake	244-30-10010-2225-0020	n/a	50 feet
Region 2 Map 5 Ptarmigan Creek	T4N, R1W	24	Trail River	244-30-10010-2225	n/a	50 feet
		25	Trail River Kenai Lake	244-30-10010-2225 244-30-10010-0020		
Region 3 Map 1 Bear Lake	T1N, R1W	1	Lost Creek	231-30-10080-2010-3065	n/a	50 feet
		12	Bear Lake Grouse Creek	231-30-10080-2010-3065-4010 231-30-10080-2010-3065-4114		
		13	Salmon Creek	231-30-10080-2010		
	T1N, R1E	6	Bear Lake	231-30-10080-2010-3065-4010		
		7				
		18	Salmon Creek	231-30-10080-2010		
Region 6 Map 1 Cohoe Loop	T3N, R12W	3	Cook Inlet	none	50 feet	--
Region 7 Map 4 Anchor River	T4S, R14W	29	Chakok River	244-10-10010-2011-3031	n/a	50 feet
Region 7 Map 6 East End Road	T4S, R11W	29	Anchor River	244-10-10010	n/a	50 feet

TABLE 10
PUBLIC WATERS AND EASEMENT REQUIREMENTS

Region Map # Parcel Name	Township Range	Section	Waterbody Name	Anadromous Waters Catalog #	Public Access Easement (to & along)
Region 2 Map 1 Hope Y	T8N, R1W	15	Canyon Creek	247-60-10170-2030	50 feet
Region 2 Map 2 Summit Lake	T7N, R1W	28	Mills Creek Canyon Creek unnamed tributary to Canyon Creek unnamed lake	None None None None	50 feet
		29	Fresno Creek Canyon Creek	None None	50 feet
		32	Canyon Creek	None	50 feet
	T6N, R2W	24	Quartz Creek Summit Creek Slate Creek	244-30-10010-2177 244-30-10010-2177-3063 None	50 feet
	T6N, R1W	5	Butcher Creek Colorado Creek Canyon Creek	None None None	50 feet
Region 2 Map 4 Moose Pass (Lower Trail Lake)	T4N, R1E	7	Vogt Lake unnamed tributaries to Vogt Lake	None None	50 feet
		18	Falls Creek	None	50 feet
	T4N, R1W	13	Falls Creek	244-30-10010-2225-3002	50 feet
Region 2 Map 5 Ptarmigan Creek	T4N, R1E	19	Ptarmigan Creek	244-30-10010-2231	50 feet
		30			
Region 3 Map 1 Bear Lake	T2N, R1W	24	Grouse Creek	231-30-10080-2010-3065-4114	50 feet
		25			
		36			
	T1N, R1W	1	Grouse Creek	231-30-10080-2010-3065-4114	50 feet
		7	unnamed tributary to Bear Lake	231-30-10080-2010-3065-4110-5006	50 feet
T1N, R1E	18	Salmon Creek	231-30-10080-2010	50 feet	
Region 6 Map 1 Cohoe Loop	T4N, R11W	13	unnamed tributary to Slikok Creek	244-30-10010-2030-3025	50 feet
		24			
Region 6 Map 2 Clam Gulch	T2N, R12W	2	unnamed lake unnamed lake	None None	50 feet
		3	Bottleneck Lakes unnamed creeks (6)	None None	50 feet
		32	Falls Creek	None	50 feet
Region 7 Map 1 Ninilchik River	T1N, R11W	17	Crooked Creek	244-20-10050-2024	50 feet
		30	unnamed creek	None	50 feet
	T1S, R13W	28	unnamed tributary to Ninilchik River	244-20-10090-2030	50 feet
Region 7 Map 2 Stariski Creek	T3S, R14W	14	Stariski Creek	244-10-10050	50 feet
		17			50 feet
		20	unnamed creek	None	50 feet

Region Map # Parcel Name	Township Range	Section	Waterbody Name	Anadromous Waters Catalog #	Public Access Easement (to & along)
	T4S, R14W	1	unnamed tributary to Chakok Creek	244-10-10010-2011-3031-4036	50 feet
		12	unnamed tributary to Chakok Creek	244-10-10010-2011-3031-4034	50 feet
Region 7 Map 3 Caribou Hills	T4S, R13W	16	North Fork Anchor River	244-20-10100-2011-3071	50 feet
Region 7 Map 4 Anchor River	T5S, R15W	23	Travers Creek	None	50 feet
		4	Two Moose Creek	244-10-10010-2021	50 feet
	T5S, R14W	28	Telephone Creek	244-10-10010-2090	50 feet
		32	Lilly Lake	None	50 feet
Region 7 Map 5 Ohlson Mtn	T5S, R13W	30	Twitter Creek	244-10-10010-2100	50 feet
		29	South Beaver Creek	None	50 feet
	T5S, R14W	35	Bridge Creek	244-10-10010-2100-3011	50 feet
	T6S, R13W	6	Bridge Creek	244-10-10010-2100-3011	50 feet
Region 7 Map 6 East End Road	T4S, R11W	29	unnamed tributary to Anchor River	244-10-10100-2217	50 feet

E. Reservation of Mineral Estate

A conveyance of general grant land to a municipality under AS 29.65 conveys no interest in the mineral estate. All mineral related permits, licenses, claims and leases affecting the subject parcels, if any, will remain under the authority of the state. In accordance with Section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

F. Hazardous Substances and Contaminations

It is the responsibility of management for the state to protect the overall public interest if there is a reasonable expectation that hazardous contamination may exist on land being proposed for disposal. Based upon the review of the Alaska Department of Environmental Conservation list of Contaminated Sites in Western Alaska, no hazardous material or contamination from hazardous material is known at this time to affect these selections. The environmental risk associated with this proposed conveyance should be minimal or nonexistent. The KPB is expected to inspect these selections and familiarize themselves with regards to the condition and quality of the land. The state makes no representations and no warranties expressed or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminates, or pollutants on the land proposed for conveyance. The State of Alaska does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminates, or pollutants, nor for the remediation of the site should such substances ever be identified.

G. Survey and Appraisal

A survey determination may be requested by the borough at any time subsequent to the FFD. An approved survey will be required prior to issuance of a conveyance document. If no approved survey exists, the one must be performed by an Alaskan Registered Land Surveyor under direction of the DNR Survey Section. The borough will be responsible for the expense of any survey. There is no requirement under AS 29.65.070 to appraise the land prior to conveyance.

H. Conditional Leases and Conditional Sales

KPB will receive management authority and equitable title to all land approved for conveyance by this PD when the FFD becomes effective. This will allow the borough to approve conditional leases and make conditional sales pursuant to AS 29.65.070(b), but not to dispose of land approved for conveyance until the land has been surveyed and ownership transferred to the borough.

I. Unauthorized Use

DNR has not physically inspected all areas of the land herein proposed for conveyance for unauthorized use, but it has reviewed department records and it is unaware of any existing unauthorized use. The KPB is expected to and has been given the opportunity to inspect the selected parcels and familiarize itself with the condition and quality of the land.

J. Disposition of Leases, Permits and Applications

Administration of active leases, permits, and easements issued by DNR Division of Mining Land and Water on land to be conveyed will be transferred to the KPB when the FFD becomes effective, unless such authorizations are specifically excluded from the conveyance. Applications for authorizations that have not been adjudicated will be closed.

K. Archaeological Resources

The State Office of History and Archaeology (OHA) maintain the Alaska Heritage Resources Survey (AHRs), which is an inventory of all reported historic and prehistoric sites in the state. KAP states there are cultural resources within some of the units. OHA states there are cultural resources within a couple of the regions, such that once these lands are conveyed, and the borough will need to take those actions required by law to protect the sites in accordance with AS 41.35.070 (d).

L. Form and Width Requirement

All municipal entitlement land selections shall be compact in form with its length not exceeding approximately four times its width pursuant to AS 29.65.070(c). The review of the borough's land selections proposed for conveyance in this decision is determined to be consistent with this statute

M. Agency Review

The intent of agency review is to solicit comments from agencies that may be affected by a municipal entitlement land conveyance. In the agency review process, agencies are given the opportunity to

evaluate and comment on individual selections, recommend that all or a portion of the selection be rejected, and recommend stipulations that may be appropriate to protect state interests if the land is approved for conveyance. In all cases, adequate justification must be included with the agency's comments.

State Agency Comments and DNR responses:

Some of the DNR responses are found at the end of each agency review comment received. Other DNR responses are within and throughout the agency comment received, for example, ADF&G, Mining and Forestry.

Comments from the State Pipeline Coordinators Office (SPCO):

The State Pipeline Coordinator's Office (SPCO) requests that conveyances to the Kenai Peninsula Borough for Units 104B, 104C, 182B, 182C (as shown and described in your email dated 10/24/2014) exclude the Kenai Kachemak Pipeline (KKPL) Right-of-Way Lease, ADL 228162, from the conveyances to the Kenai Peninsula Borough. Please reference both ADL 228162 and survey numbers EPF 20070004 and EPF 20040045 as applicable in the conveyance documents when excluding the KKPL Right-of-Way.

The SPCO review of the Kenai Peninsula Borough proposed conveyances identified that the KKPL Right-of-Way is adjacent to or overlapped by the proposed Kenai Peninsula Borough conveyance in the following survey sheets:

Units 104B and 104C

EPF 20070004 Sheet 5 - Kasilof Extension of the KKPL Right-of-Way located within Sec 33, T3N, R12W, SM

Unit 182B (which also overlaps Preference Right ADL 65244 application) EPF 20070004 Sheet 2 - Kasilof Extension of the KKPL Right-of-Way located within Sec 10, T2N, R12W, SM (Note: survey on this page erroneously identifies Range as 11W not 12W.)

Unit 182C

EPF 20040045 Sheets 18-19 – KKPL Right-of-Way located within Section 32, T2N, R12W, SM

DNR Response: Acknowledge

Comments from the Land Sales and Contract Administration Section (LSCAS):

LSCAS has a couple of comments:

Unit 314

KPB's selection is taking the middle out of a 160 ac unit leaving 2 small outside remainders; we should convey the entire unit.

Unit 48C

(S001S013W28) – KPB is leaving a small remnant; we should convey the entire unit.

DNR Response: These selections made by the KPB within Units 314 and 48C are classified as Resource Management (RMG), which are both conveyable classifications. The state land surrounding the selections was not selected by the borough and the borough cannot at this time select additional acreage as part of its entitlement. However, we will bring this to the attention of the borough and suggest that they consider your comment.

Comments from the Department of Transportation & Public Facilities (DOTPF):

We would request that Highway corridor widths be recognized at conveyance/transfer.

These widths should reflect the standard Federal Highway definitions:

Through roads (Seward & Sterling Highways), 300' wide corridor; Feeder roads (Hope Highway), 200' wide corridor; Local roads, 100' wide corridor.

DNR Response: DNR recognizes some of the KPB land selection are in areas with existing transportation easements/rights-of-way and acknowledges the states' needs to preserve them. When state land is conveyed to the borough, these existing rights-of-way are reserves in the conveyance document (Patent or QCD) specifically or under valid existing rights. Region 2: Hope Road, Region 2 & 3 Seward Hwy, Region 6: Coho Loop Road, and Region 6 & 7 Sterling Hwy, Old Sterling, North Fork Road, and Ohlson Mountain Road.

Comments from the AK Dpt of Fish and Game (ADF&G), Division Wildlife Conservation:

The Alaska Department of Fish and Game (ADF&G) has reviewed the Kenai Peninsula Borough (KPB)'s municipal entitlement selections of 42,906 acres to acquire state owned land. ADF&G concurs that units designated as important lands for fish and wildlife habitat by the Kenai Area Plan should not be made conveyable. Information collected since the publication of the KAP supports that these areas continue to be important for fish and wildlife. Streams and lakes that are important habitat for anadromous and resident fish species provide an important food source to bears. These units should remain classified as wildlife habitat and should remain in State ownership. For those units that are not designated by the KAP as wildlife habitat, ADF&G recommends that the State retain a minimum area landward of 200 feet from the ordinary high water mark (OHW) of water bodies catalogued by ADF&G as important habitat for anadromous fish species. This is consistent with the management intent and guidelines of the KAP.

Region 2

Seward Highway Hope Y to Kenai Lake (ADL 201306, 227985, 63912). The selected lands within Region 2 are generally located along the Seward Highway between the Hope Y and the south end of Kenai Lake. The numerous streams and lakes in Region 2 make it popular for sport fishing and important wildlife habitat.

ADL 201306

These lands contain brown bear movement corridors, moose winter and rutting habitat, as well as several streams and lakes that are important habitat for resident fish and the spawning, rearing, and migration of anadromous fish species. Ptarmigan Creek is catalogued by ADF&G as important habitat for king, sockeye, coho, chum and pink salmon (AWC 244-30-10010-2231). Trail Creek transects or is adjacent to these lands and is catalogued by ADF&G as important habitat for king, coho, sockeye, and pink salmon (AWC 244-30-10010-2225). Moose Creek and Carter Creek are both catalogued as sockeye salmon spawning areas and likely contain species of resident fish (AWC 244-30-10010-2225-3013 and 244-30-10010-2225-3013-4009). Grant Creek crosses these lands and is catalogued by

ADF&G as important habitat for anadromous fish (AWC 244-30-10010-2225-3004). Portions of Trail Creek, Trail Lake and Lower Trail Lake also appear to be within or adjacent to these lands and are catalogued by ADF&G as important habitat for king, sockeye, coho, and pink salmon (AWC 244-30-10010-2225, 244-30-10010-2225-0020, and 244-30-10010-2225-0010).

ADL 227985

These lands contain several streams and lakes that are important habitat resident fish and the spawning, rearing, and migration of anadromous fish species. Summit Creek and Quartz Creek flow through a unit of this selection and both are catalogued by ADF&G as important habitat for king, sockeye, coho, chum and pink salmon and whitefish (AWC 244-30-10010-2177-3063 and AWC 244-30-10010-2177). Lands in this selection are adjacent to Sixmile Creek which is catalogued by ADF&G as important habitat for anadromous fish species (AWC 247-60-10170). Canyon Creek is catalogued by ADF&G as important habitat for anadromous fish species (AWC 247-60-10170-2030) and it is also likely that, above its anadromous reach, Canyon Creek contains species of resident fish.

Summit Lake (A.K.A. Upper Summit Lake) has been stocked annually by ADF&G-Division of Sport Fish with Rainbow Trout since 1999. Juvenile Dolly Varden and Rainbow trout were documented in Colorado Creek. Lower Summit Lake has a natural population of rainbow trout. These waterbodies are important for sport fishing. ADF&G recommends that land within 200' of the OWHM of Summit Lake, Lower Summit Lake as well as its inlet and outlet streams, and Colorado Creek be retained by the State.

ADL 63912

These lands are adjacent to Upper Trail Lake which is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-30-10010-2225-0020).

DNR Response: The management units that adjoin Summit Lake contain land components that are retained by the state or are to be conveyed to the borough. Where the land is to be retained this issue is moot. In those portions of the unit that are conveyed (northeastern Lower Summit Lake and the area east of the outlet stream of Lower Summit Lake), DNR relies upon the borough's anadromous stream ordinance for effective protection. Colorado Creek is a navigable stream and DNR will retain the entirety of the streambed, measured from OHWM.

Region 3

Seward and Resurrection Bay (ADLs 201305 and 229760). The selected lands within Region 3 are generally located near Seward and Resurrection Bay. These lands provide important corridors for brown bears and contain several streams that support anadromous fish spawning, rearing, and migration.

ADL 201305

These lands are adjacent to Bear Lake and Grouse Lake and are transected by Grouse Creek and an unnamed stream which are catalogued by ADF&G as important habitat for anadromous fish (AWC 231-30-10080-2010-3065-4010-0010, 231-30-10080-2010-3065-4114-0010, 231-30-10080-2010-3065-4114, and 231-30-10080-2010-3065-4010-5006 respectively).

Region 6

Kasilof River Drainage (ADL 227969, 227978, 227988, 227996, 55708, 55713, and 55728). The lands selected in Region 6 are generally located in the Kasilof River drainage in the Kenai Peninsula Low lands between the Kenai River and Clam Gulch. Much of this region provides important habitat to wildlife including caribou, brown bears, moose and waterfowl.

ADL 227969, Unit 86A

These lands are adjacent to or within the Kasilof River Special Use Area, an area important for angler access to the Kasilof River and include one of the main access points to the beach. ADF&G objects to the conveyance of Unit 86A.

DNR Response: Management unit 86A has already been conveyed out of state ownership. We were unaware of this at the time of agency review.

ADL 227978

A portion of these lands are crossed by a tributary to Slikok Creek that is catalogued by ADF&G as important habitat for king and coho salmon (AWC 244-30-10010-2030-3025).

ADL 227996, Unit 89

These lands are important brown bear habitat and moose rutting and winter concentration area. ADF&G recommends that the State retain the lands in this unit due to the high value of resources.

DNR Response: DNR, in its preparation of the Kenai Area Plan, make basic decisions on the uses and values of state lands. This management unit is classified Resource Management Land, a conveyable classification, which, in this area plan, ranked lowest in terms of uses and values of all the classifications assigned. Because of this basic decision, it is difficult to argue that an overriding state interest exists. Under AS 29.65.050, DNR is required to convey land to be borough if it is in a conveyable classification and no significant state interests are present on the parcel. The unit is conveyable under the Resource Management land classification and no significant state interest exists. That said the borough, in a separate action from this decision, intends to relinquish its interests on 420 acres, retaining a selection of only 80 acres. That portion of the unit that is relinquished will remain in state ownership.

ADL 55708, Unit 71

These lands are known to have high concentrations of bear and moose. Additionally, this unit is crossed by a tributary to Slikok Creek that is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-30-10010-2030-3025). ADF&G objects to the conveyance of this unit due to its importance to fish and wildlife.

DNR Response: DNR, in its preparation of the Kenai Area Plan, make basic decisions on the uses and values of state lands. This management unit is classified Public Land, a conveyable classification and the management intent for this unit indicates that it is appropriate for conveyance providing adequate buffers are provided along Slikok Creek. The state will rely upon the anadromous waters protection ordinance of the borough for the provision of such protection.

Region 7

Homer including Ninilchik River, Deep Creek, and Anchor River drainages (ADLs: 64632, 206349, 206345, 206346, 206348, 217089, 222751, 227977, 227998, 228340, 53281, 55740, 55745 and 55746). The lands selected in Region 7 are generally located near Homer and in the Ninilchik River, Deep Creek, and Anchor River drainages. This region contains important habitat for fish and wildlife including the Caribou Hills Special Use Lands and Anchor River and Fritz Creek Critical Habitat Area.

ADL 64632

These lands are crossed by Stariski Creek, which is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-10-10050).

ADL 206349, Unit 340

These lands are crossed by Two Moose Creek, which is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-10-10010-2021). A gravel pit and an undersized culvert at the Sterling Highway have compromised the habitat and fish passage in Two Moose Creek. ADF&G recommends postponing the conveyance of Unit 340 at this time.

DNR Response: There is no basis for the postponement of this decision as it relates to this unit. The unit has a conveyable classification and there are no significant state interests that require protection. That said, the borough plans to relinquish this unit. If so, the unit will remain in state ownership.

ADL 206345

These lands appear to contain the headwaters of the Anchor River. ADF&G recommends retaining land within 200' of the headwaters of the Anchor River. And recommends that Unit 266A not be conveyed out of State ownership in order to protect the fish habitat and public use of the fishery.

DNR Response: There is no basis for rejecting this unit from conveyance. The unit is properly classified and there are no overriding state interests. Moreover, the management intent for this unit indicates that the parcel is appropriate for conveyance to the borough. The tributary that is mentioned will have a public use easement placed on it and riparian protection will be provided through the borough's anadromous stream protection ordinance.

ADL 206346, Unit 329

The headwaters of North Fork Anchor River, which is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-10-10010-2011-3071), originate in this unit. ADF&G recommends that an area landward 200 feet from the ordinary high water mark of the North Fork Anchor River and its tributaries be retained. Additionally, an easement for the North Fork Hill Road (A.K.A. North Fork Trail) reserves approximately 12.3 acres that is 66 feet wide by 8100 feet long in the northwest corner of this unit (ADL 225660).

DNR Response: DNR has rejected the conveyance of this unit. It is School Trust Land (Section 16), which is under active litigation. The borough also intends to relinquish this selection.

ADL 206348

These lands are crossed by Twitter Creek which is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-10-10010-2100).

ADL 222751

These lands appear to be identified as Caribou Hills Special Use lands. Additionally, two unnamed streams that are catalogued by ADF&G as important habitat for anadromous fish and their tributaries transect this Unit 260B (AWC 244-20-10100-2070-3042 and AWC 244-20-10100-2070).

ADF&G recommends retaining Unit 260B in State ownership.

DNR Response: DNR has rejected the conveyance of this unit. The borough also intends to relinquish this selection.

ADL 227977

These lands are important for moose winter habitat and waterfowl. An unnamed stream that is tributary to the Ninilchik River crosses these lands and is catalogued by ADF&G as important habitat for anadromous fish approximately a mile south of the conveyable unit (AWC 244-20-10090-2057).

The Chakok River also crosses these lands and is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-10-10010-2011-3031). Additionally, the Chakok is unique in the Anchor River drainage in that it supports steel head and most of the uplands along the river are not State owned. ADF&G recommends retaining Unit 314 in State ownership.

DNR Response: DNR, in its preparation of the Kenai Area Plan, made basic decisions on the uses and values of state lands. This management unit is classified Resource Management Land, a conveyable classification, which, in this area plan, ranked lowest in terms of uses and values of all the classifications assigned. Because of this basic decision, it is difficult to argue that an overriding state interest exists. Under AS 29.65.050, DNR is required to convey land to be borough if it is in a conveyable classification and no significant state interests are present on the parcel. The unit is conveyable under the Resource Management land classification and no significant state interest exists. That said, the borough, in a separate action from this decision, intends to relinquish its interests on this unit Bridge Creek, it appears to cross a portion of these lands and is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-10-10010-2100-3011).

Unit 213 and Unit 247B are adjacent to the Anchor River and Fritz Creek Critical Habitat Area. Access across these units to the CHA and the Anchor River should be reserved by the State.

ADL 227998

These lands provide winter access to forested areas. An unnamed stream that is a tributary to the Ninilchik River crosses these lands and is catalogued by ADF&G as important habitat for anadromous fish (AWC 244-20-10090-2030).

ADL 53281

These lands are adjacent to the Anchor River Critical Habitat Area. These lands drain into an unnamed stream that is catalogued by ADF&G as important habitat for anadromous fish less than a quarter of a mile to the north of this unit. This unit is crossed by a spur of the Watermelon Trail (A.K.A Beaver Flats Road) which was reserved by a public easement (ADL 229161).

DNR Response: Access to these units is provided for in this decision. An ‘along’ easement has been imposed on the unnamed streams, the public easement related to ADL 229161 will be imposed, and section line easements have been reserved.

Comments from the Alaska State Historic Preservation Office/ Office of History and Archaeology (SHPO/OHA):

The Alaska Heritage Resource database (AHRS) indicates there are multiple recorded cultural resources within portions of the proposed land conveyance areas:

Region 2

ADL 227985

SEW-00022: “Dahl”, former mining camp along Canyon Creek.

SEW-00366: “Johnson Pass Military Road”, 27 mi long route considered a district, determined to be eligible for the National Register of Historic Places.

SEW-00256: “Canyon Creek Trail”, determined to be eligible for the National Register of Historic Places.

SEW-00573: “Moose Pass Military Road”, connecting trail for the Iditarod historic trail [also in ADL 201306].

SEW-01047: “Mills Creek Trail”, no further information available.

SEW-01214: “Ditch Fragment”, part of a larger complex of mining ditches built between 1905- 1934.

SEW-01208: “Colorado Creek Trail South”, contributing feature to eligible Historic Mining Trails Historic District.

SEW-01227: “Historic Mining Trails Historic District”, include seven contributing features.

SEW-01334: “Fresno Creek Trail”, contributing feature to the Historic Mining Trails Historic District.

SEW-01271: number for a proposed historic mining district (no further information).

SEW-01040: “Gilpatrick Trail”, contributing feature to the Historic Mining Trails Historic District.

SEW-01050: “Colorado Creek Trail”, contributing feature to the Historic Mining Trail Historic District.

SEW-01224: “Historic Mining Ditches Historic District”, determined eligible for the National Register of Historic Places.

Region 2

ADL 201306

SEW-00029: Alaska Railroad was nominated to the National Register of Historic Places [also in ADL 201305].

SEW-00141: “Falls Creek Mine Trail”, mining trail determined to be eligible as a contributing site to the Falls Creek Mining District.

SEW-00148: “Seward-Moose Pass Trail”, part of the Iditarod National Historic Trail [also in ADL 201305].

SEW-00025: “Alaska Nellie’s Homestead”, “Roosevelt”, “Lawing”, former site of a railway station, roadhouse and homestead. Listed on the National Register of Historic Places.

SEW-00251: “Moose Pass-Portage”, portion of the Iditarod National Historic Trail.

SEW-01062: “Falls Creek Mining District”, remains of two historic lode mining properties.

Determined to be eligible for the National Register of Historic Places.

SEW-01077: “Carter Lake Trail”, ca 1955 construction date, roughly 3.3 mi long.

SEW-01454: “Grant Lake Road to Case Mine”, single track road, determined to be eligible for the National Register of Historic Places.

SEW-01455: “Grant Lake Trail”, determined to be eligible for the National Register of Historic Places.

SEW-01515, SEW-01516, SEW-01517, SEW-01518 – These four sites have all recently been assigned; no further information is available on them at this time.

Region 3

ADL 201305

SEW-00115: “Tunnel 0”, approx. 136’ long railroad tunnel constructed in 1917.

SEW-01079: “Lost Creek/ Brewer-Hayden Trail”, originally constructed to service the Brewer-Alaska Mine ca. 1911.

SEW-01173: “Railroad Tie Hackers Skid Road”, road used by railroad tie cutters. Determined to be eligible for the National Register of Historic Places.

SEW-01191: Trail segment associated with the Kenai Lumber Company, possible dated as early as 1960s.

Region 3

ADL 229760

There are no recorded cultural resource sites within this selection.

Region 6

ADL 55708

KEN-00135: “Federova Site”, reported to contain an undetermined number of house and cache pits

Region 6

ADLs 55713, 55728, 227969, 227978, 227996 & 227988

There are no recorded cultural resource sites within these selections.

Region 7

ADLs 227977, 227998, 55470, 64632, 206346, 55745, 55746, 206348, 206349, 228340, 53281, 206345, 222751 & 217089

There are no recorded cultural resource sites within these selections.

The regions shown in the documentation as a whole have a known rich prehistoric as well as historic era occupation, as such, please note that only a very small portion of the State has been surveyed for cultural resources and therefore the possibility remains that previously unidentified resources may be located within the identified conveyance areas. Should inadvertent discoveries of cultural resources occur during the duration of the project, our office shall be notified so that we may evaluate whether the resources should be preserved in the public interest (as specified at Section 41.35.070[d]).

DNR Response: DNR acknowledges OHA’s comments and have asserted the importance of protecting cultural resources in the PD. Lands approved for conveyance will be subject to a notification stipulation contacting SHPO to protect the public interest in cultural resources pursuant to AS 41.35.070(d).

Comments from the South Central Regional Office (SCRO): Easement Unit:

REGION 2

Unit 400:

The stream contained within ILMA ADL 228706 (KRSMA) crosses into Unit 400.

Retain public access on trails, roads.

Whole unit is coded KRSMA under ADL 228706

Unit 380J:

Iditarod National Historic Trail (ADL 228890-E, 1000' corridor with 100' easement to USFS).

RST-626 Falls Creek Mine Road

Retain public access on trails, roads.

Unit 401B:

INHT ADL 228890-F (1000' corridor with 100' easement to USFS).

Unit 382C:

KRSMA ILMA ADL 228706

Chugach Electric ADL 45003 utility easement

City of Seward ADL 219510 utility easement

Retain public access on trails, roads.

Unit 380J:

Entirely in KRSMA ILMA ADL 228706

Unit 385:

ADL 227897 lease (status of lease states it is already transferred to KPB)

KRSMA ILMA ADL 228706

Unit 410G:

RST-614 Colorado-Fox Creek

ADL 227468 Chugach Electric easement

ADL 231686-D Chugach Electric easement

ADL 227467 Chugach Electric easement

ADL 227467 DOA sublease

ADL 227467 NCW sublease

Unit 409B:

Retain public access on trails, roads.

RST-1323 Quartz Creek Trail

ADL 229786 DOTPF Material Sale

ADL 231206 Material Sale

ADL 230367-G Chugach Electric

ADL 231686-E Chugach Electric

Remove the INHT reference, as the alignment is the Seward Highway and DOT managed land per Omnibus

Unit 410C:

INHT in unit
Retain public access on trails, roads.

Unit 410D:

INHT in unit
Retain public access on trails, roads.

Unit 410E:

Question: Why is the whole unit included in the rejection instead of just a buffer width like 410D?

Unit 410F:

Retain public access on trails, roads.
ADL 231686-D Chugach Electric access route
ADL 230367-G Chugach Electric access route

Unit 281B:

ADL 226482 ILMA to DOTPF for Silvertip Maintenance Station
ADL 230444 Chugach Electric utility easement
Reject any part of ADL 231608 Material Site within the unit as it is on tidelands and used by the State.

Unit 281D:

Retain Wibel Mine Road
ADL 228163 ILMA to DOTPF for Seward Hwy amenities (amenities already constructed, would need to verify footprint and size)
ADL 226674 ROW to DOTPF for Seward Hwy

Unit 382I:

ADL 45003 Chugach Electric easement
ADL 219510 City of Seward utility easement
ADL 229202 Telalaska (fiber optic)
ADL 228014 Chugach National Forest for Trail Lake Boat Launch
ADL 228706 ILMA for KRSMA
INHT in unit

Unit 382E:

ADL 63153 Alascom lease on entire parcel (lease doesn't expire till 2041)
ADL 45003 Chugach Electric easement

REGION 3

Unit 368:

ADL 225622 906K concurrence for existing trails and roads
Existing Trails and Roads

Unit 371B:

ADL 227555 DOTPF (easement for Seward Hwy)
ADL 219510 City of Seward (utility easement)

INHT is in Unit 371A in sec 31, not 371B
Existing trails and roads
Iditarod Trail is the Alaska RR and not subject to this conveyance

REGION 6

Unit 86A:

DOTPF Cohoe Loop Road south side of parcel. Developed beach access road (runs south to north from Cohoe Loop Road) as per area plan. Kasilof River Special Use Area, ADL 230992 (can this be conveyed?) Retain existing roads and trails

Unit 110:

Parcel contains portion of airstrip connective with home mostly constructed on adjoining private land. Appears to be in trespass.

Unit 182D:

Contains easement for HEA transmission line, ADL 34494
Retain winter trail

Unit 104B:

DOTPF Cohoe Loop Road present in both parcels. ADL 42392 (HEA distribution line) present in both parcels. DOTPF gravel pit (ADL 65753) present, as noted in area plan.

Unit 104C:

Possible existing trespass trailer and access road blockage (ADL 228286)
Retain existing roads and trails

Unit 73:

ADL 217541 (HEA transmission line) present in parcel.
Public access on trails, roads

Unit 81:

ADL 63159 road easement

Unit 182B:

DOTPF Highway ADL 21251 (Cohoe Loop Rd)
Kenai Kachemak Pipeline ADL 228163
ADL 63002 road easement
Constructed road with SLE
Contains 55-yr lease (ADL 65244) valid through 2029
Contains HEA distribution line serving lease, which may require a separate authorization

Unit 182C:

Trespass structures present (ADL 231451)
Appears to contain a portion of a main access road to HEA transmission line ADL 34494

Unit 89:

Includes HEA transmission line ADL 217541 (issued in sec 10, but not sec 2 and 3).

Unit 94A:

ADL 37251 issued

Reject ADI 231494 Material Sale site, active (40ac). This is a major state gravel pit used by DNR/DOT

No Unit#: Parcel contains additional HEA distribution lines not currently under DNR authorization

REGION 7

Unit 266A:

Retain McNeil Powerline Trail (MPLT)

Trail to the Jones parking lot ADL 231361 that ties into MPLT

Unit 266B:

ADL 231361 Jones Parking lot

Unit 260B:

ADL 217541 HEA on Selection Boundary (section line)

ADL 226574 Caribou Hills Special Use Area

Retain existing Deep Creek Trail to Center Plateau (ADL 231258)

Unit 60:

LAS 27876 Large Scale Permit for Caribou Hills Cabin Hoppers, non-profit (Trails and Open Space)

Unit 62:

LAS 27876 Large Scale Permit for Caribou Hills Cabin Hoppers, non-profit (Trails and Open Space)

ADL 34494 HEA (Mapper does not show)

Unit 321A:

ADL 34494 HEA

Unit 333C:

Entire section is Non-state Reclamation Plan?

ADL 230928 Anchorage Point Energy-North Fork Pipeline

Unit 214A:

Local access road may cross NW corner, and/or provide beach access with adjoining DMLW parcel to south. Recommend reserving public access through parcel to Kachemak Bay.

Unit 213:

ADL 223128 60' public access road through center of conveyance

Unit 200B:

Retain Ohlson Mountain Road

PLO 2713 withdrew parcel for FAA. Is this State?

Parcel contains additional HEA distribution lines not currently under DNR authorization

Unit 247B:

ADL 222747 Public ROW issued

Unit 272:

ADL 39502 Public ROW issued
ADL 220356 Private ROW issued

Unit 237:

Parcels should be subject to existing roads (no apparent easement – Old Sterling Hwy, Luke Road, Silverberry St may be close enough to merit a reservation)
ADL 214658 Public utility easement issued
ADL 224657 Timber sale issued
ADL 34494 Public utility easement issued
ADL 64621 Public easement
Parcel contains additional HEA distribution lines not currently under DNR authorization

Unit 256:

Area may contain unauthorized airstrip

Unit 458:

ADL 200045 Public ROW issued

Unit 337A:

ADL 221048 ROW Permit issued to DMLW
ADL 209876 Public utility easement issued to HEA
ADL 214658 Public utility easement issued to HEA
ADL 217863 Application for an ILMA to DOTPF, DOT using

Unit 48B:

ADL 217541 Public utility easement issued to HEA
Parcel contains additional HEA distribution lines not currently under DNR authorization

Unit 48C:

LAS Land Use Permit issued to UAF-AFES Forest Growth and Yield Program

Unit 254C:

Retain existing roads and trails

Unit 217:

ADL 59921 Grazing Lease issued to Jerrel Viola
ADL 229161 Public Access Easement application from ADFG
ADL 200045 Public ROW issued to HEA

Unit 234B:

ADL 67125 Public ROW issued to HEA
ADL 200567 ROW permit issued to DMLW

DNR Response: DNR has reviewed the recommendations from SCRO and has incorporated their comments and recommendations, as applicable, into the stipulations and conditions of this decision. More specifically, important gravel extraction sites have been retained, selections affected by

KRSMA recommendations in the KAP and KRCMP have been retained by the state, and the Iditarod National Historic Trail has been reserved (retained) by the state.

Comments from the Division of Mining (DOM):

The Mining Section has comments on the Kenai Municipal Selections. Primarily, the selections just north of Summit Lake in the vicinity of Canyon, Mills and Juneau Creeks will likely have issues of split estate due to small scale mining activities. Under AS 38.05.125 the State retains the mineral estate, and the right of itself and its assigns to explore for and produce minerals. Under AS 38.05.130 the holder of a mineral right must make arrangements with the surface owner to compensate for any damages prior to mining. If the two parties are unable to come to agreement the Director of the Division of Lands will determine an appropriate bond to be arranged prior to mining. Split estate issues can be a significant problem. Mining Section found no mineral conflicts within Regions 3, 6, 7 and much of Region 2. However the part of Region 2 that involves ADL 227985, there are issues to mention:

Unit 410G:

There may be issues related to split-estate if the land estate is conveyed due to the presence of active state mining claims in this area. Two active state mining claims are ADL's 712966 and 703579. There are also active federal claims in the surrounding area.

Unit 410C, 410 D:

There will be issues related to split-estate if the land estate is conveyed due to the presence of active state mining claims in this area that partially overlap these units. Partial mineral conflict NWSW sec.28 (ADL 656923). ADL conflict in NESE sec.29 (ADL 656923). Units 410C, D, and E have a number of active small scale placer and suction dredge mining operations. Most of these units are covered by state mining claims: ADLs 656921, 656922, 656923, 645772, 645773, 645774, and 645775.

State and federal claims are staked along the creek north of this conveyance. Area is noted as "Glacier Lode" on topo map. Mineral deposits may be significant and include gold, copper, lead and zinc. Five active ADLs conflict with this unit in section 28 (ADL 645772, 645773, 645774, 645775, 537953) and additional federal claims surround the area.

DNR Response: The problems of split estates occur throughout Alaska and may very well be a problem in the conveyance of these units to the borough. However, the basis for rejecting a municipal selection does not take into account inconvenience or potential land management issues, it is entirely based on whether the unit of state land in question is in a conveyable classification or not (they are) and on whether a state interest exceeds that of the borough. There is no known state interest that exceeds the borough related to these units.

Unit 410D:

Two active ADL's conflict with this unit in section 29. (ADL 656291, 656922). Several years ago these ADLs with the site of the largest placer mining project within this area in recent history.

DNR Response: See previous response.

Unit 281D:

There may be issues related to split-estate if the land estate is conveyed due to the presence of active state mining claims in this area. Active ADL 719016 partially overlaps this unit. Numerous state and federal mining claims exist along creeks and Waterbodies in this general area. This is a popular area for recreational suction dredging.

DNR Response: Acknowledge

Comments from the Division of Forestry (DOF):

DOF had no concerns or comments for Region 7's Unit 48A (ADL 227998) within T1N, R11W sections 17, 18, 19, 20, 29 and 30 and T1N, R12W section 14. The areas that Forestry has concerns with are stated below:

Region 2

ADL 201306

Unit 376 should stay in state ownership because of its potential as a timber sale and the area could provide access off the Seward Highway.

DNR Response: DNR has rejected this unit. It remains in state ownership.

Region 7

ADL 227998

Unit 48A within T1N, R12W, Sec. 22, 23, 24, 27, 28, 29 and 34 should stay in state ownership because it was a former timber sale and it is planned for a future state forest. The same unit within T1N, R13W, Sec. 25 and 26 are planned timber sales and also planned to be included into a state forest. Unit 48A with in T1S, R13W, Sec. 13 and 14 should stay in state ownership because of the potential for future timber sale and is also planned to be part of a state forest.

DNR Response: DNR has rejected these areas. They remain in state ownership.

Comments from the Division of Outdoor Parks and Recreation (DPOR):

DPOR said that, in verbal comments to RADS, that on the KRSMA selections, the division's position is to uphold the KAP and KRCMP recommendations regarding lands recommended for inclusion into KRSMA

DNR Response: DNR has rejected these selections. They remain in state ownership.

Comments from the Reality Services Section (RSS):

Reality Services Title Unit as no comment.

DNR Response: Acknowledge

Comments from the Local Boundary Commission (LBC):

The LBC has no comment.

DNR Response: Acknowledge

X. DISCUSSION AND ALTERNATIVES

A. Discussion

This decision, which covers four regions within the KAP and encompasses over 43,348 acres, completes the current municipal entitlement of the KPB⁵. Of the four recent adjudications conducted by DNR for Priority Area 4, this has been the most difficult and most comprehensive. It has entailed a careful balancing of the interests of the state against those of the borough. Decisions as to whether to approve or reject a particular selection encompassed this general balancing process, but also entailed a determination of whether the selection was affected by a conveyable classification as defined by AS 29.65.130 and was not inconsistent with either the requirements of the two DNR plans affecting these selections – the KAP and KRCMP. In some cases it was determined that the now current classification or management intent requirements of these plans were no longer appropriate or pertinent, and revisions are identified in the accompanying Plan Amendment and Land Classification Order. If enacted, those selections affected by these revisions will be conveyed to the borough. In the event that the Plan Amendment/LCO is not approved, the parcels that could have been affected by the proposed changes will not be conveyed to the borough and the current plan designation land classification will be retained.

This decision approves for conveyance approximately 16,053 acres of state land, transferring management authority to the borough when the FFD becomes effective. DNR has determined that there are no overriding state interests in retaining these selections and the conveyance to the borough of these selections was consistent with the requirements of conveyance under AS 29.65, and not inconsistent with the management intent requirements of the KAP or KRCMP.

DNR proposes to conditionally approve 710 acres, described in TABLE 14. These areas, situated within portions of selections, may be conveyed to the borough under certain conditions. The borough has asked DNR, and DNR has accepted, that certain selections not be conveyed until the entirety of the current selections is adjudicated. The borough may then request DNR to transfer those selections to the KPB to fulfill portions of their remaining entitlement. Alternatively, the borough may elect to not request such conveyance. If the latter occurs, the state retains ownership of the plan and the plan amendment as it affects these parcels will not be executed. The specific aspects of the conveyance are described in more detail in TABLES 1 & 2.

Additionally, DNR proposes to reject approximately 26,585 acres of selections because the classifications that affect the selections are not conveyable under AS 29.65.130, management intent language for specific parcels indicate that they are to be retained by the state (and DNR found that the current management requirement remains appropriate), or an overriding state interest exists as stipulated in AS 29.65.050(c) that warrants retention by the state. See Tables 1-4 to ascertain why specific selections are approved, conditionally approved, or rejected.

⁵ It is recognized that a remaining entitlement may occur after this adjudication, and that this component of the borough's entitlement will be adjudicated subsequent to the Final Finding and Decision of this decision. The exact amount of the remaining entitlement will not be known until this adjudication is final.

The acreage approved for conveyance will be credited towards fulfillment of the KPB municipal land entitlement and management authority will be transferred as equitable title once the Final Finding and Decision (FFD) is effective.

B. Alternatives

1. Take no action to approval, reject or postpone the borough's land selections. This alternative would, in effect, preclude the borough's ownership of lands considered to be important to their land base. This action would be inconsistent with the purpose of the Municipal Entitlement Act and inconsistent with the basis for the disapproval of a municipal selection. Such selections can only be rejected when a state's interests outweigh the interest of the borough, and there is no basis for such a determination.
2. Reject the borough's selections in their entirety. This alternative would have the same effect as Alternative #1 and would, similarly, be inconsistent with the statutory basis for rejection of a municipal selection.
3. Approve in part with management authority transferred, postpone, reject in part, and retain in state ownership. This alternative is effective in meeting the intent of the Municipal Entitlement Act to convey appropriately classified state general grant land to the Kenai Peninsula Borough.

XI. RECOMMENDATION

A. Recommended Alternative.

DNR has determined that Alternative #3 is the preferred action and best fits the intent of the Municipal Entitlement Act. The Kenai Peninsula Borough land selections in Regions 2, 3, 6, and 7, in part, are approved for conveyance, subject to the recommended conditions, restrictions and reservations listed below.

B. Recommended Conditions, Restrictions and Reservations.

The state land proposed for conveyance to the Kenai Peninsula Borough will have imposed applicable conditions, restrictions and reservations upon transfer of equitable title and issuance of conveyance documents.

Conditions

1. All valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
2. Reservation of a 50-foot wide easement adjacent to surveyed and protracted section lines on each side in accordance with AS 19.10.010 and 11 AAC 51.025.

3. The location of the ordinary high water mark (OHWM) of public waters will be determined at the time of the survey in accordance to AS 35.05.127 and 11 AAC 51 to determine where access easements will be placed.
4. The location of the mean high water mark (MHWM) will be determined at the time of survey in accordance to AS 38.05.127 and 11 AAC 51.
5. Management authority for public access easements is transferred to the Kenai Peninsula Borough when the Final Finding and Decision becomes effective. No such easements may be vacated, abandoned or otherwise extinguished or rendered incapable of reasonable use by the public without approval of the State of Alaska, unless an alternative means for reasonable public access is provided and approved by the state.
6. Management authority will transfer to the Kenai Peninsula Borough on those lands approved for conveyance when the Final Finding and Decision becomes effective.
7. Administration of state leases and permits pertinent to the surface estate will be transferred to the Kenai Peninsula Borough once the Final Finding and Decision becomes effective. Administration of issued state leases and permits, in the mineral estate will remain with the state.
8. Lands approved for conveyance, when the Final Finding and Decision becomes effective, the Kenai Peninsula Borough may execute conditional leases and make conditional sales prior to issuance of a state patent in accordance to AS 29.65.070(b).
9. The net chargeable acreage approved for conveyance shall be credited towards partial fulfillment of the Kenai Peninsula Borough municipal land entitlement pursuant to AS 29.65.010.
10. Municipal selections that are identified as conditionally approved are only to be conveyed to the borough if it is determined subsequent to this decision, that these lands are identified by the borough as appropriate for inclusion their remaining entitlement. This determination by the borough (and submittal to the state) shall be made within 6 months of the date of adoption of the Final Finding and Decision. If the borough does not identify these selections for inclusion or does not act within the specified 6 months, these lands are to be retained by the state.

Reservations and Restrictions

Conveyance document will include the following as a subject to:

1. Valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
2. Reservation of a 50-foot wide easement on each side of all surveyed and protracted section lines in accordance with AS 19.10.010 and 11 AAC 51.025.
3. Reservation of a continuous public access easement, 50 feet wide upland of and adjoining the ordinary high water mark of all public waters and mean high water marks of all tidal shores pursuant to AS 38.05.127 and 11 AAC 51.
4. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125; and reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.

5. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.
6. Reservation of pipeline Right-of-Way for ADL 228162 as now or hereafter amended, including by any applicable unit agreement.
7. Reservation of an area of 200-foot landward from OHWM of the Trail River; this requirement is specific to management units 380J and 380N.
8. Imposition of a stipulation that requires adherence to the requirements of the Seward Highway Scenic Corridor Plan: 'The borough shall be subject to the Seward Highway Scenic Corridor Plan and specifically a 50-foot buffer area (easement) east of the Seward Highway and a vegetated scenic buffer (easement) of 300 feet west of the highway.' This requirement affects management Units 410C, 410E, and 410G.

C. LAND ACTION ON MUNICIPAL SELECTIONS

The acreages in TABLES 11, 12 and 13 are estimates and the final acreage amount will be determined at the time of survey. The determined acreage is a net chargeable acreage that will be credited towards partial fulfillment of the boroughs land entitlement at such time.

TABLE 11

LANDS PROPOSED FOR CONVEYANCE

The following lands were determined appropriate for conveyance. They were found consistent with the VUU requirements of AS 29.65.130(10), are either properly classified to permit conveyance in the Kenai Area Plan or are proposed for reclassification in the Plan Amendment that accompanies this decision, and significant state interests not present to warrant retaining these lands in state ownership. Approximately 16,053 acres of state land are to be conveyed to the borough.

Region	Map # Parcel Name	Seward Meridian Township, Range	Section Legal Description	KAP Unit	Acres
2	1 Hope Y	T. 8 N., R. 1 W., SM	Sec. 15: that portion in the NW¼NE¼ lying between the Hope Highway and East Fork Six Mile Creek, and that portion in the N½SW¼NE¼ lying between the Hope Highway and East Fork Six Mile Creek (51.6 ac), and SW¼SE¼ (40 ac) Sec. 22: NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼ (70 ac)	281B 281D	162
2	2 Summit Lake	T. 7 N., R. 1 W., SM	Sec. 28: Gov. Lots 1, 2 (207.04 ac), <i>excluding ASLS 970053, 20000038</i> Sec. 29: Gov. Lot 1 (124.71 ac), <i>excluding ASLS 970053, 990029, 990024, 20000038</i> Sec. 32: that portion lying southeast of the Seward Highway in the S½SW¼ (9+/- acres), shows as a triangular area.	410D 410C 410E 410F	341
		T. 6 N., R. 2 W., SM	Sec. 24: NE¼ (160 ac), that portion of N½SE¼ (38.2 ac), <i>excluding ASLS 950065 Lots 1 – 4, 6A, 9 – 11 (6.88 ac) and excluding ADL 220488 (9.5 ac), and E½SE¼SW¼ (13 ac), excluding ADL 220488 (7ac)</i>	409B	211

		T. 6 N., R. 1 W., SM	Sec. 5: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ excluding Tracts A, B & C, that portion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, that portion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$	410G	219
2	3 Moose Pass Upper Trail Lake	T. 5 N., R. 1 W., SM	Sec. 24: EPF 20060056 Lots 4, 5 the lands that fall south of the Seward Highway (25.02 ac)	382I	25
2	4 Moose Pass Lower Trail Lake	T. 5 N., R. 1 W., SM	Sec. 25: Lot 9, Block 2 of USS 2676 (.19 ac) Sec. 36: Lot 1 of Block 3 of USS 2676 (.65 ac) Gov. Lots 2, 3, 7, 8 (180 ac)	382B 382E	182
		T. 4 N., R. 1 W., SM	Sec. 1: Gov. Lots 9, 10 (62.39 ac), E $\frac{1}{2}$ SW $\frac{1}{4}$ (80 ac) Sec. 12: Gov. Lots 5, 6, 9, 10 (104.15 ac), E $\frac{1}{2}$ W $\frac{1}{2}$ (160 ac) Sec. 13: Gov. Lots 4, 5, 10, 11, the south 1/3 of Lot 9 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ (106.27 ac), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (40 ac), that portion in the USS 1778 in the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, (10 ac), ASLS 86-176 Lots 4, 6, 7, 11 (3.28 ac), Lot 1 USS 7391 of that portion in the SE $\frac{1}{4}$ (19 ac), Lot 1 & 4 of USS 8666 (10 ac)	382C 380C	
		T. 4 N., R. 1 E., SM	Sec. 7: that portion within Gov. Lots 3, 7 and Lot 5 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, excluding Vogt Lake and Lot 7, and USMS. (270 acres) Sec. 18: that portion within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Gov. Lots 4 & 5 (320 acres), Lot 2 of USS 8666 (10 ac)	380H	600
2	5 Ptarmigan Creek	T. 4 N., R. 1 W., SM	Sec. 24: Gov. Lots 1, 3, 4, 6 - 9, 11, excluding that portion of a 200-foot reservation along both shores of Trail River from the OHWM (270.65 ac), USS 2550 Lot H (.8 ac), W $\frac{1}{2}$ NW $\frac{1}{4}$ (80 ac) Sec. 25: Gov. Lots 1, 3, 5, 7, 9, excluding that portion of a 200-foot reservation along the east shore of Trail River from the OHWM. (116 ac)	400 380J 380M 380N	468
		T. 4 N., R. 1 E., SM	Sec. 19: Gov. Lots 1 - 4 (125 ac), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (40 ac) Sec. 30: Gov. Lots 1, 3, 4 (86.53 ac), E $\frac{1}{2}$ SW $\frac{1}{4}$ (80 ac)	380I 401B	332
3	1 Bear lake	T. 2 N., R. 1 W., SM	Sec. 36: W $\frac{1}{2}$ SE $\frac{1}{4}$ (80 ac)	371B	80
		T. 1 N., R. 1 W., SM	Sec. 1: E $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ (ac) <i>excluding the Alaska Railroad</i> Sec. 12: Gov. Lots 5 - 7 (57.63 ac) W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, (ac) <i>excluding the Alaska Railroad</i> Sec. 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ /SW $\frac{1}{4}$ (175 ac) <i>excluding bed of Salmon Creek from the OHWM to the OHWM.</i>	371B 368	693
		T. 1 N., R. 1 E., SM	Sec. 6: that portion in the W $\frac{1}{2}$ W $\frac{1}{2}$ near Bear Lake (71.86 ac)	368	

			Sec. 7: Gov. Lots 3, 4 (85.52 ac), that portion of Gov. Lot 1 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying south of the unnamed creek (.35 ac), that portion of Gov. Lot 2 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of the unnamed creek (39.19 ac), that portion in the NE $\frac{1}{4}$ of the S $\frac{1}{2}$ lying south of the unnamed creek, and that portion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying southeast of the unnamed creek (63 ac), and E $\frac{1}{2}$ SW $\frac{1}{4}$ (80 ac) Sec. 18: Gov. Lots 1-4 (154.16 ac) E $\frac{1}{2}$ W $\frac{1}{2}$ (160 ac), <i>excluding the bed of Salmon Creek from the OHWM to the OHWM.</i>		655
		T. 2 N., R. 1 E., SM	Sec. 31: W $\frac{1}{2}$ W $\frac{1}{2}$ (160 ac)	371A 371B	160
6	1 Cohoe Loop	T. 4 N., R. 11 W., SM	Sec. 13: SE $\frac{1}{4}$ (160 ac) Sec. 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (240 ac)	73 71	400
		T. 3 N., R. 12 W., SM	Sec. 3: Gov. Lot 1 (41.13 ac), portion Gov. Lot 2 (7 ac), SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ (50 ac)	86A	
		T. 3 N., R. 11 W., SM	Sec. 2: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (160 ac) Sec. 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ (340ac) Sec. 21: SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 ac) Sec. 29: E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ (20 ac)	89 97B 103	98 560
6	2 Clam Gulch	T. 3 N., R. 12 W., SM	Sec. 33: EPF 580039 Lot 3A, S $\frac{1}{2}$ Lot 1A (41 ac)	104C 104B	41
		T. 2 N., R. 12 W., SM	Sec. 2: Gov. Lot 4 (40 ac), N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ (20 ac) Sec. 3: Gov. Lots 1, 2 (80 ac) S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (160 ac) Sec. 9: NE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 ac) Sec. 32: SE $\frac{1}{4}$ (160 ac)	No unit No unit 110 182D	500
		T. 2 N., R. 11 W., SM	Sec. 5: that portion in the E $\frac{1}{2}$ SW $\frac{1}{4}$ west of winter trail (60 ac)	106A	60
7	1 Ninilchik River	T. 1 N., R. 13 W., SM	Sec. 25: NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (240 ac) Sec. 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ (140ac)	48C 60	380
		T. 1 N., R. 12 W., SM	Sec. 14: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ (120 ac) Sec. 20: N $\frac{1}{2}$ NW $\frac{1}{4}$ (80 ac) Sec. 22: N $\frac{1}{2}$ N $\frac{1}{2}$ (160 ac)	48A 48C 48A	360
		T. 1 N., R. 11 W., SM	Sec. 17: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ (480 ac) Sec. 18: NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ (280 ac) Sec. 19: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Gov. Lot 4 (160 ac) Sec. 20: E $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ (550 ac) Sec. 29: All (640 ac) Sec. 30: E $\frac{1}{2}$ (320 ac)	48A 48B	2,430
		T. 1 S., R. 13 W., SM	Sec. 3: N $\frac{1}{2}$ Gov. Lot 4 (20 ac) Sec. 4: NE $\frac{1}{4}$ Gov. Lot 1 (10 ac), S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ (50 ac)	48C 62	

			Sec. 7: SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 ac) Sec. 20: E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (70 ac) Sec. 28: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (400 ac)		590
7	2 Stariski Creek	T. 3 S., R. 14 W., SM	Sec. 14: W $\frac{1}{2}$ SW $\frac{1}{4}$ (77.5 ac) <i>excluding USS 4717 (2.5 ac)</i> Sec. 15: NE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 ac) Sec. 17: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ (400 ac) Sec. 19: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ (120 ac) Sec. 20: NW $\frac{1}{4}$ (160 ac)	348 321A	798
		T. 4 S., R. 14 W., SM	Sec. 1: S $\frac{1}{2}$ S $\frac{1}{2}$ (160 ac) Sec. 12: N $\frac{1}{2}$ (320 ac)	327	480
7	3 Caribou Hills	T. 4 S., R. 13 W., SM	Sec. 16: All (640 ac)	329	640
7	4 Anchor River	T. 4 S., R. 14 W., SM	Sec. 29: N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (90 ac) Sec. 31: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ Gov. Lot 4 (100 ac)	314 333C	190
		T. 5 S., R. 15 W., SM	Sec. 1: E $\frac{1}{2}$ of Gov. Lot 4 (20 ac) Sec. 4: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ (2.5 ac) Sec. 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ (70 ac) Sec. 13: W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ (30 ac) Sec. 14: NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ (127.5 ac) Sec. 23: S $\frac{1}{2}$ 2N $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ (245 ac) Sec. 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ <i>excluding the ILMA ADL 217863</i> , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ (285 ac)	237 241 253B 256 333C 337A	
		T. 5 S., R. 14 W., SM	Sec. 4: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (240 ac) Sec. 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 ac) Sec. 19: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ (120 ac) Sec. 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ (140 ac) Sec. 28: that portion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of North Fork Road (7.5 ac) Sec. 30: Gov. Lots 1, 2 (64 ac) NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N E $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ (260 ac) Sec. 32: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ (5 ac)	226 244 247B 255 259 272 333C 340	877

7	5 Ohlson Mountain	T. 5 S., R. 14 W., SM	Sec. 35: NE ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ , S ¹ / ₂ NE ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NE ¹ / ₄ (90 ac)	236B	90			
		T. 5 S., R. 13 W., SM	Sec. 22: N ¹ / ₂ , N ¹ / ₂ SW ¹ / ₄ (400 ac) Sec. 29: NE ¹ / ₄ , N ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ , N ¹ / ₂ SE ¹ / ₄ NW ¹ / ₄ , NW ¹ / ₄ SW ¹ / ₄ , S ¹ / ₂ SW ¹ / ₄ , NE ¹ / ₄ SE ¹ / ₄ , E ¹ / ₂ NW ¹ / ₄ SE ¹ / ₄ , N ¹ / ₂ NW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ , S ¹ / ₂ SW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ (500 ac) Sec. 30: Gov. Lots 1 – 4 (128 ac), N ¹ / ₂ NE ¹ / ₄ , E ¹ / ₂ SE ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ NW ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄ NW ¹ / ₄ , SE ¹ / ₄ SW ¹ / ₄ , W ¹ / ₂ NE ¹ / ₄ SW ¹ / ₄ , S E ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ , S ¹ / ₂ SE ¹ / ₄ , E ¹ / ₂ NE ¹ / ₄ SE ¹ / ₄ (330 ac)	217 234A		1,358		
				T. 5 S., R. 12 W., SM	Sec. 21: NE ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ , N ¹ / ₂ NW ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW (17.5 ac) Sec. 30: Gov. Lots 1 – 3 (95.39 ac), E ¹ / ₂ NW ¹ / ₄ (80 ac)		215 213	98
							T. 6 S., R. 14 W., SM	
		T. 6 S., R. 13 W., SM	Sec. 6: Gov. Lots 3, 4 (65.55 ac) E ¹ / ₂ SW ¹ / ₄ (80 ac)	458	146			
7	6 East End Road	T. 4 S., R. 11 W., SM	Sec. 28: S ¹ / ₂ SW ¹ / ₄ (80 ac) Sec. 29: W ¹ / ₂ (320 ac)	266A	440			
		T. 5 S., R. 12 W., SM	Sec. 24: NE ¹ / ₄ SE ¹ / ₄ (40 ac)	214A				
				TOTAL	16,053			

TABLE 12

LAND PROPOSED TO BE CONDITIONALLY APPROVED

The following lands may be conveyed to the borough if the conditions that are imposed in TABLE 1 & 2 are met. The lands within these units will be conveyed to the borough following the Final Finding and Decision and the determination by the borough that they want to acquire these lands as part of their remaining entitlement and inform the state of this interest. If the borough indicates that they intend to include unit 380H in their remaining entitlement, then the Plan Amendment will apply. Unit 371B would require no reclassification or plan amendment. If these lands are not to be conveyed to the borough the current classification in the KAP will continue to apply and will remain in state ownership.

Region	Map # Parcel Name	Seward Meridian Township, Range	Section Legal Description	KAP Unit	Acres
2	4 Moose Pass Lower Trail Lake	T. 4 N., R. 1 E., SM	Sec. 7: SE ¹ / ₂ , S ¹ / ₂ NE ¹ / ₄ , E ¹ / ₂ NE ¹ / ₄ NE ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ (270 ac) Sec. 18: E ¹ / ₂ (320 acres)	380H	590
3	1 Bear Lake	T. 2 N., R. 1 E., SM	Sec. 30: W ¹ / ₂ NW ¹ / ₄ , NW ¹ / ₄ SW ¹ / ₄ (120 ac)	371B	120
				TOTAL	710

TABLE 13

LAND PROPOSED TO BE REJECTED

The following lands are not to be conveyed to the borough because the classifications affecting them are not consistent with the requirements of VUU lands under AS 29.65.130(10), a management intent or guideline for a specific management unit in the KAP or KRCMP precludes conveyance, or/and a significant state interest exists and it was determined that the interests of the state outweigh those of the borough. This decision rejects 26,585 acres.

Region	Map # Parcel Name	Seward Meridian Township, Range	Section Legal Description	KAP Unit	Acres
2	2 Summit Lake	T. 7 N., R. 1 W., SM	Sec. 32: that portion of the selection, excepting that portion in Unit 410F lying southeast of the Seward Highway in the S½SW¼ (9+/- acres), a triangular area. (267acres),	410B 410C 410F	267
		T. 6 N., R. 2 W., SM	Sec. 24: Material Site/ADL 220488 in the S½ (16.7 ac)	409A	17
2	3 Moose Pass Upper Trail Lake	T. 5 N., R. 1 W., SM	Sec. 12: SE¼, SE¼SW¼ (200 ac) Sec. 13: Gov. Lots 1- 4 (107.28 ac) N½NE¼, SW¼NE¼, E½NW¼, SW¼NW¼, W½SW¼, NE¼SW¼, NW¼SE¼ (400 ac) Sec. 14: SE¼SE¼ (40 ac) Sec. 22: Gov. Lots 1, 2 (51.63 ac), S½2NW¼, NE¼SW¼, S½2SW¼, W½2SE¼, NE¼SE¼ (360 ac) Sec. 23: Gov. Lots 1 - 5 (151.35 ac), N½NE¼, E½W¼, SW¼NW¼ (200 ac) Sec. 24: Gov. Lots 1 - 3, 7, 8 (77.62ac) Sec. 25: Gov. Lots 1, 7 - 9, 14 (58.44 ac)	376 380E 382A 386 405 406 407	1,646
		T. 5 N., R. 1 E., SM	Sec. 7: Gov. Lots 1 - 15 (370.44 ac), E½NW¼ (80 ac) Sec. 18: Gov. Lots 1 - 10 (217.18 ac), E½NE¼ (80 ac) Sec. 19: Gov. Lots 1 - 5 (118.84 ac), W½NE¼, SE¼NW¼, E½SW¼ (200 ac) Sec. 30: Gov. Lots 1 - 4 (157 ac) S½NE¼, E½NW¼, E½SW¼, SE¼ (400 ac)	403 407	1,623
2	4 Moose Pass Lower Trail Lake	T. 5 N., R. 1 W., SM	Sec. 36: Gov. Lots 1, 4 - 6, 9, 10 (39 ac)	387 380D 380G	39
		T. 5 N., R. 1 E., SM	Sec. 31: Gov. Lots 1, 2, 5, 6, (152.42 ac), W½E½, E½W½ (320 ac)	380D 380F 380G 381	472
		T. 4 N., R. 1 W., SM	Sec. 1: Gov. Lots 1, 3 - 8, 11, 12 (36.81 ac) Sec. 12: Gov. Lots 1 - 4, 7, 8, 11, 12 (47.15 ac) Sec. 13: Gov. Lots 1, 7, 8, 9 (74.41 ac) and that remainder selection in Unit 382H, (80 ac)	380G 382H	238
		T. 4 N., R.1 E., SM	Sec. 6: Gov. Lots 1 - 11 (140.95 ac) W½E½, E½W½ (320 ac) Sec. 7: Gov. Lots 1, 2, 4, 5 (part), 6 (199.86 ac)	380F 380G 381	

			NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ (90 ac) Sec. 18: Gov. Lots 1-3 (85.82 ac)		837
2	5 Ptarmigan Creek	T. 4 N., R. 1 E., SM	Sec. 19: E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ (440 ac) Sec. 30: Gov. Lot 2 (31.73 ac), N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ (240 ac)	401A	712
		T. 4 N., R. 1 W., SM	Sec. 24: Gov. Lots 2, 5, 10 & 13 (49 ac), and that portion of a 200-foot reservation along both shores of Trail River Sec. 25: Gov. Lots 2, 4, 6, 8 (44.33 ac), and 200-foot reservation along the shore of Trail River Sec. 25: Transportation Corridor	385 380K 382G	93
3	1 Bear Lake	T. 2 N., R. 1 W., SM	Sec. 24: E $\frac{1}{2}$ (320 ac) Sec. 25: E $\frac{1}{2}$ (320 ac) Sec. 36: NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (240 ac)	371A	880
		T. 2 N., R. 1 E., SM	Sec. 19: All (640 ac) Sec. 30: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (520 ac) Sec. 31: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ (480 ac)		1,640
3	2 Japanese Creek	T. 1 N., R. 1 W., SM	Sec. 28: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ (120 ac)	373	120
3	3 Thumb Cove	T. 2 S., R. 1 E., SM	Sec. 8: USS 3570 Lots 1 and 2 (6 ac)	599	6
6	1 Cohoe Loop	T. 4 N., R. 11 W., SM	Sec. 20: NE $\frac{1}{4}$ (40 ac)	81	40
		T. 3 N., R. 12 W., SM	Sec. 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$ (40 ac), Gov. Lots 10 – 14, 16 (21ac)	94A 95	61
		T. 3 N., R. 11 W., SM	Sec. 4: W $\frac{1}{2}$ SW $\frac{1}{4}$ (80 ac) Sec. 5: E $\frac{1}{2}$ SE $\frac{1}{4}$ (80 ac)	61	160
6	2 Clam Gulch	T. 2 N., R. 12 W., SM	Sec. 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 ac)	182C	40
7	1 Ninilchik River	T. 1 N., R. 13 W., SM	Sec. 25: SW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 ac) Sec. 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 ac)	48A	80
		T. 1 N., R. 12 W., SM	Sec. 22: S $\frac{1}{2}$ S $\frac{1}{2}$ (80 ac) Sec. 23: S $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ (400 ac) Sec. 24: SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ (240 ac) Sec. 27: All (640 ac) Sec. 28: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ (120 ac) Sec. 29: N $\frac{1}{2}$ SE $\frac{1}{4}$ (80 ac) Sec. 34: SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (160ac)		1,720
		T. 1 N., R. 11 W., SM	Sec. 18: SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 ac)		40
		T. 1 S., R. 13 W., SM	Sec. 13: W $\frac{1}{2}$ SW $\frac{1}{4}$ (80 ac) Sec. 14: E $\frac{1}{2}$ SE $\frac{1}{4}$ (80 ac)		160
7	2 Stariski Creek	T. 2 S., R. 14 W., SM	Sec. 20: Gov. Lot 20 (5.81 ac)	No unit	6
7	3 Caribou Hills	T. 2 S., R. 11 W., SM	Sec. 31: All (640 ac)	45B	640

		T. 3 S., R. 13 W., SM	Sec. 23: All (640 ac) Sec. 26: All (640 ac) Sec. 35: All (640 ac) Sec. 36: All (640 ac)	267	2,560
		T. 3 S., R. 11 W., SM	Sec. 6: All (640 ac) Sec. 7: N½ (320 ac) Sec. 20: All (640 ac) Sec. 21: W½ (320 ac)	45B 260B	1,920
		T. 4 S., R. 12 W., SM	Sec. 8: E½ (320 ac) Sec. 9: All (640 ac) Sec. 10: All (640 ac) Sec. 11: All (640 ac) Sec. 14: All (640 ac) Sec. 15: All (640 ac) Sec. 16: All (640 ac) Sec. 17: All (640 ac) Sec. 18: All (640 ac) Sec. 19: All (640 ac) Sec. 20: All (640 ac) Sec. 21: All (640 ac) Sec. 22: All (640 ac) Sec. 23: All (640 ac)	266B	8,640
7	4 Anchor River	T. 5 S., R. 15 W., SM	Sec. 2: E½NW¼, NE¼SW¼, NW¼SE¼ (160 ac) Sec. 13: S½NW¼NW¼ (20 ac) Sec. 13: ASLS 950038 Tract A southwest of Sterling Highway Right of Way (10.42 ac) Sec. 24: NW¼NE¼NE¼, excluding ILMA ADL 217863 (10 ac),	338 265 254C	201
		T. 5 S., R. 14 W., SM	Sec. 28: That portion selected between North Fork Road and the original old North Fork Road (13.6 ac) Sec. 30: E½SE¼SE¼SE¼ (20 ac)	248A	34
7	5 Ohlson Mountain	T. 5 S., R. 14 W., SM	Sec. 35: NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, SW¼NE¼ (80 ac), N½NW¼, SE¼NW¼ (120 ac) W½NE¼SE¼, NW¼SE¼, SE¼SE¼ (100 ac)	236A	300
		T. 5 S., R. 13 W., SM	Sec. 34: NE¼NE¼ (40 ac)	200B	40
7	6 East End Road	T. 4 S., R. 11 W., SM	Sec. 29: S½SE¼ (80 ac) Sec. 31: All (640 ac) Sec. 32: All (640 ac)	266B	1,360
				TOTAL	26,585

XII. FINDINGS AND PRELIMINARY DECISION

The following are the findings for this Preliminary Decision:

1. That it is appropriate to convey approximately 16, 053 acres of state land to Kenai Peninsula Borough. The interest of the state to retain the land does not outweigh the interests of the borough to obtain the land.
2. That it is appropriate to reject 26,585 acres of borough selected lands for the reasons because the classifications affecting them are not consistent with the requirements of VUU lands under AS 29.65.130(10), a management intent or guideline for a specific management unit in the KAP or Kenai River Comprehensive Plan (KRCMP) precludes conveyance, or/and a significant state interest exists and it was determined that the interests of the state outweigh those of the borough. (See TABLES 1-4).
3. That it is appropriate to conditionally approved 710 acres for the reasons stated in TABLE 1 & 2 and in the conditions stated above.

This Preliminary Decision (PD) determines that Alternative #3 is the preferred alternative. The review and considered material in this PD finds that the recommended actions may be in the best interest of the state and the PD is hereby approved to proceed to public notice.

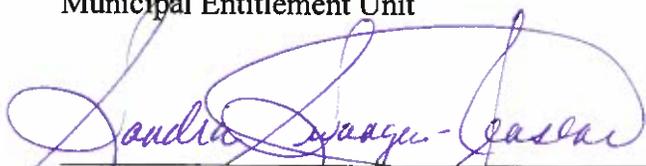
This is a PD and subsequent public review may result in changes to the preferred alternative(s) or disapproval of the proposed action altogether.



Mary Hermon
Natural Resource Specialist
Municipal Entitlement Unit

Date

1/6/15



Sandra Swanger-Jensen, Manager
Municipal Entitlement Unit

Date

1-6-2015

PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES

The public is invited to comment on the Preliminary Decision propose to transfer ownership of the state land to the Kenai Peninsula Borough and the accompanying plan amendment and land classification order (LCO). The LCO reclassifies 2,790 acres of state land. The areas of reclassification occur in Moose Pass, Seward, and central Kenai Peninsula.

Any comments must be received in writing to the Division of Mining, Land and Water, Resource Assessment and Development Section, Municipal Entitlement Unit, Attention: Mary Hermon at 550 West 7th Avenue, Suite 1050, Anchorage, Alaska 99501-3579 or by fax (907) 269-8915 or by electronic email mary.hermon@alaska.gov and **must be received on or before February 6, 2015** in order to ensure consideration.

A copy of this public notice is available online under the heading 'DNR Public Notices and Proposed Regulations' on the Alaska Online Public Notice System: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The PD, Plan Amendment, and LCO are attachments to the public notice and can be found at the bottom of the publication notice online under the heading 'Attachments, History, Details: Attachments'. The associated maps to the PD can be found on the Municipal Entitlement webpage: <http://dnr.alaska.gov/mlw/muni/>. Also, a copy of the PD, Plan Amendment, LCO and all associated maps to the decision are available on the Municipal Entitlement webpage: <http://dnr.alaska.gov/mlw/muni/>.

The postmasters in Anchor Point, Clam Gulch, Cooper Landing, Fritz Creek, Halibut Cove, Homer, Hope, Kachemak, Kasilof, Kenai, Moose Pass, Nanwalek, Nikiski, Nikolaevsk, Ninilchik, Port Graham, Seldovia, Seward, Soldotna, Sterling, and Tyonek will be asked to post the notice. Additionally, the notice will be sent to the Kenai Peninsula Borough and tribal governments in the area of this proposed land transfer.

Following the comment deadline, all written responses will be considered and this decision may be modified to incorporate public comments. Only persons who comment during the public comment period will be eligible to file an administrative appeal of the Final Finding and Decision (FFD). A copy of the FFD will be sent to any person who submitted comments on the preliminary decision. The final decision will include appeal instructions. Please direct any questions concerning this decision to Mary Hermon at (907) 269-6546, or by fax (907) 269-8915, or email: mary.hermon@alaska.gov

The Department of Natural Resources is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the department's Public Information Center in Anchorage between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday, at TDD# 1-907-269-8411.

ATTACHMENTS

Plan Amendment

Land Classification Order

Overall Map of each Region

Vicinity Maps: Regions: 2, 3, 6 & 7

Maps: Region 2 -Map 1A-5A: KPB Selections

Region 2-Map 1B-5B: Management Units

Region 3-Maps 1-3: KPB Selections

Region 3-Maps 1-3: Management Units

Region 6-Maps 1 & 2: KPB Selections

Region 6-Maps 1 & 2: Management Units

Region 7-Maps 1-6: KPB Selections

Region 7-Maps 1-6: Management Units