

## Chapter 4 - Park Use and Issues

### Introduction

This chapter characterizes and briefly discusses the current uses and recreational trends within the park units. Later in the chapter, issues identified during the planning process are presented. Management policies and recommendations in Chapters 5 & 6 address many of these issues.

### Overview of Current Use

Currently, most of the public use occurs during snow-free periods on the south side of the bay within KBSP (see Figure 1 - Park Use By Month on page 44 of this chapter). Most visitors to this unit arrive by commercial water taxi or personal boats; however, use of commercial and personal aircraft are a common means of access too. Commercial water taxis drop off and pick up clients from landing areas near trailheads or any number of points and beaches. Aircraft accessing the area land on salt water, gravel bars, and at several freshwater lakes. Most use in this area occurs on the salt water and beaches and the developed trail systems on the Grewingk Glacier forelands and the area around Halibut Cove and Halibut Cove Lagoon and China Poot Bay. While other developed trails and facilities exist within KBSP, they receive less traffic than those previously mentioned. Public use cabins are heavily used and can be very difficult to reserve seasonally due to their popularity. With the recent addition of the Kachemak Bay Water Trail, the marine tidelands are receiving increased use by kayakers and other people seeking to experience the bays, coves, and lagoon of the park units along Kachemak Bay. Winter use is low and primarily consists of backcountry skiing (see Figure 2 - Park Visit Activities on page 45 of this chapter), although some hiking, mountaineering, and kayaking also occur. Winter visitors near the year-round communities of Halibut Cove, Seldovia Village, and Seldovia typically access ski terrain adjacent to their residences by skinning.

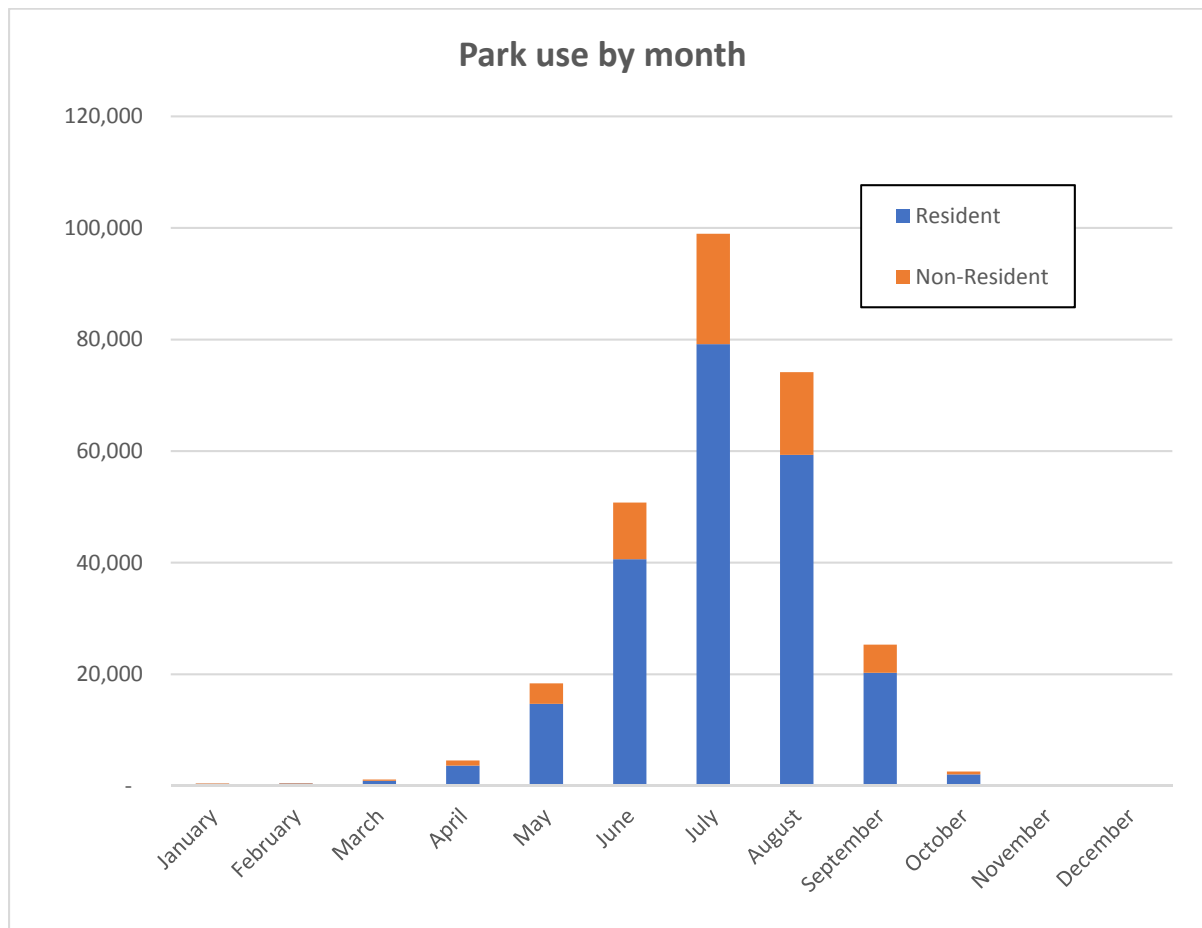
While exact numbers are not known, use of the lands and waters within KBSWP are significantly lower than the use occurring in the KBSP. The wilderness park can be accessed via an arduous trek over the southern spine of the Kenai Mountains (most commonly on the Tutka Alpine Traverse (AKA Backdoor Trail); via Rocky River Road (although this washed out in several places in 2012); or via boat or plane. For those that do make the trip, a truly remote experience is the reward.

Recreation within the units on the north side of the bay is currently limited due to a lack of developed facilities. Currently, developed recreation opportunities are provided at two of the units and include: mountain bike and beach access trails within the Diamond Creek SRS;

1 and, winter skiing and summer hiking trails within the Eveline SRS. The Overlook Park SRS  
 2 and the Cottonwood Eastland Unit of the KBSP have little to no development to support  
 3 recreational use. That is not to say that recreational use by the public does not occur in these  
 4 units, it does; however, the use is minimal and primarily occurs on user defined or social  
 5 trails.

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 7 The Tutka Bay Lagoon Hatchery has been in operation since 1976. This facility is owned by  
 8 the State of Alaska, Department of Fish and Game, and has been operated under contract by  
 9 Cook Inlet Aquaculture Association (CIAA) since 1992. The hatchery is permitted to collect  
 10 up to 125 million pink salmon eggs and has produced an average of 40 million pink salmon  
 11 fry annually during years of operation. While the bulk of those releases have been in Tutka  
 12 Lagoon, significant releases also occurred in Halibut Cove Lagoon from 1986–1992, as well  
 13 as from the fishing lagoon on the Homer Spit. On average, approximately 3% of the fish  
 14 released survive the ocean phase of their life history and return to these sites where they are  
 15 harvested by commercial or sport users.

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19 **Figure 1 - Park Use by Month.**  
 20 Use of KBSP and KBSWP by month, for the first 10 months of 2017. Note the extreme  
 21 spike of use in the summer use. Data from DPOR.



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**Figure 2 - Park Visit Activities.**

Activities respondents used the park units for, based on results of the 2013-14 questionnaire (122 respondents).

Eight tour services had permits to operate in KBSP park units in 2017. Tour options range from half-day guided kayaking instruction sessions to staying at a fully-inclusive, wilderness lodge with gourmet meals. Of the eight operators, half focus on sea-kayaking or other human-powered boating, offering instruction, equipment, and half- to multi-day guided trips. One of the operators is a ‘general guide service,’ willing to help individuals recreate via multi-sport trips in KBSP. Two of the operators are resort lodges, with fixed assets on the south side of the bay, but whose customers use the park units for hiking, bird-watching, and fishing, amongst other activities.

Fifteen water taxis were permitted to operate in KBSP in 2017. Services offered range from simple ‘cross-the-bay’ service in landing craft to cargo delivery and research support using larger and more capable vessels. Many of the water taxi permittees offer service to docks at Halibut Cove, Seldovia, public use cabins, and private lodges, as well as beach landings at Glacier Spit, China Poot, Saddle Trail, and elsewhere for hikers looking to explore the park.

1 Fishing charters use portions of the bay for salmon and halibut fishing. In addition, guided  
2 fishing excursions are available to the many streams that flow through the park, offering  
3 fishing for salmon, trout and Dolly Varden.  
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## 6 Use Trends

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8 The use of the park has increased over the years since its inception in 1970. In the first  
9 10 months of 2017, more than 270,000 people are estimated to have visited the park. Of  
10 these, the majority were Alaska residents (221,317 [80%]) while the remainder (55,327  
11 [20%]) were travelers from outside Alaska. Use is generally controlled by season, with the  
12 vast majority (81%) of users visiting in June, July, or August (see Figure 1 - Park Use By  
13 Month on page 44 of this chapter).  
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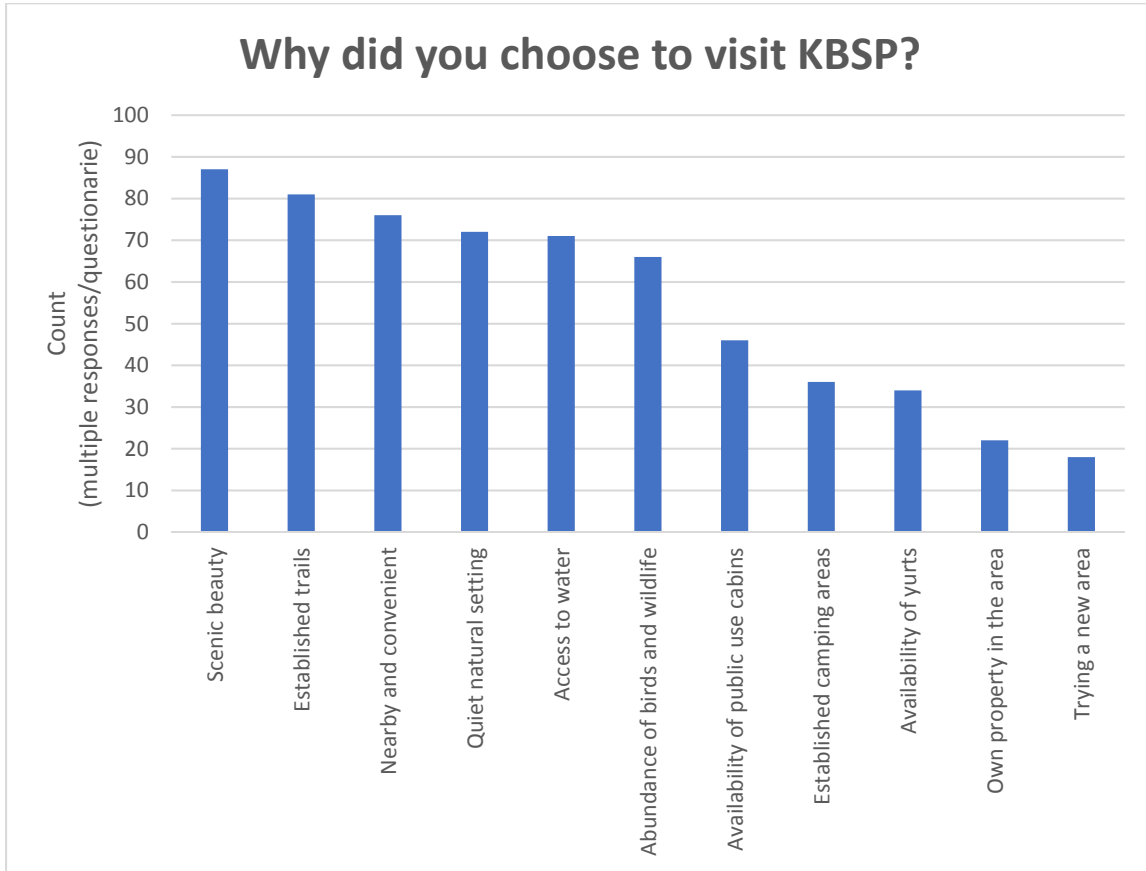
15 In late 2013, DNR released a two-part questionnaire seeking public input regarding  
16 recreational use, access, and facilities for KBSP and KBSWP. Part A consisted of ten  
17 questions related to recreation and facilities in KBSP and KBSWP, while Part B consisted of  
18 six questions specific to land owners within or adjacent to the park. 122 completed  
19 questionnaires were received by the January 31, 2014 deadline. See Appendix E for the  
20 Questionnaire and Response Summary. 117 of the questionnaire respondents had visited  
21 KBSP, while 100 had visited KBSWP.  
22

23 The primary reasons that users visited the park were to enjoy its scenery (87 [71%]  
24 respondents); hike an established trail (81 [66%] respondents); because it was nearby and  
25 convenient (76 [62%] respondents); and to enjoy the quiet natural setting (72 [59%]  
26 respondents) (see Figure 3 - Park Visitor Information on page 47 of this chapter). Users  
27 visited the units on the south side of Kachemak Bay more than the northside units, with fewer  
28 visitors to areas along the Gulf of Alaska, and the fewest to locations along the spine of the  
29 Kenai Mountains (see Figure 4 - Park Use Areas on page 48 of this chapter). Interestingly,  
30 there were nearly as many visitors to the points in the park farthest from Homer (Gore Point  
31 – 38 users; Nuka Island – 36 users) as there were to the park unit closest to Homer (Overlook  
32 Park – 39 users).  
33

34 Park units north of the bay can easily be visited from the road system, while nearly all  
35 visitors to park units on the south side of the bay use a boat to access the park. While in the  
36 park, recreational park users hike, camp, boat, stay in public use cabins, ski, fish, hunt, trap,  
37 and enjoy many other activities.  
38

39 Based on responses to the 2014 questionnaire, the most common recreational use of the park  
40 units is for general recreation which includes hiking and boating. Many respondents  
41 identified hiking as an activity they engaged in within the park units. Water-related activities  
42 such as boating, fishing (sport and personal use) were common uses of the marine waters. A  
43 good number of people reported that they view wildlife and go bird viewing/birding  
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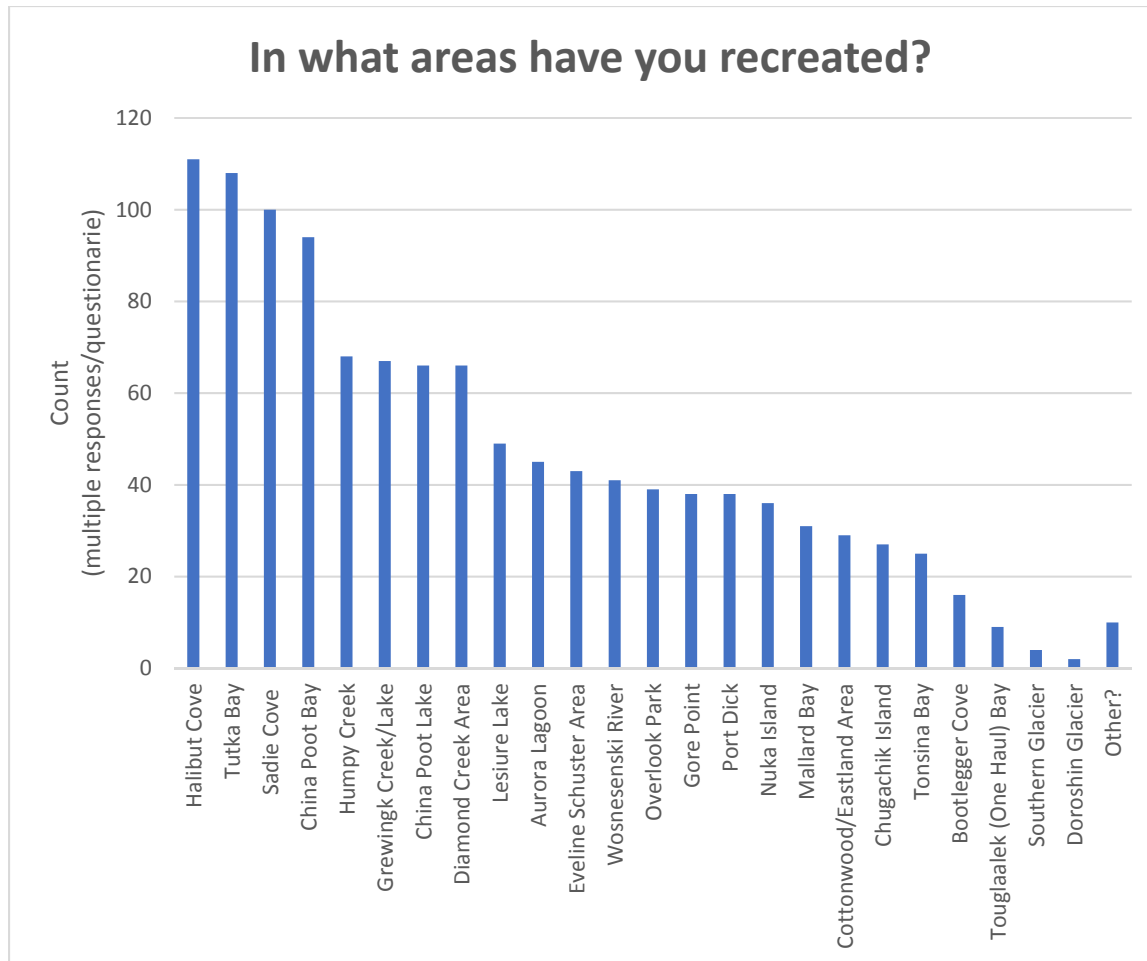
1 (71 [58%] respondents), camping at remote sites (54 [44%] respondents), and photography  
2 (49 [40%] respondents) – as ways they used the park units. Figure 2 Park Visit Activities  
3 shows the ranges of uses in more detail.  
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**Figure 3 - Park Visitor Information.**

Why visitors came to the park units, based on results of the 2013-14 questionnaire (122 respondents).



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**Figure 4 - Park Use Areas.**

Geographic areas where respondents reported recreation activities, based on 2013-14 questionnaire results. Respondents could select multiple areas of use (122 respondents).

### Changing Recreational Use

10 In addition to addressing issues, a park plan should also identify new or changing  
 11 recreational needs and use patterns and adjust management guidelines and facilities  
 12 recommendations to meet these needs while protecting park resources. Facilities  
 13 recommended in earlier plans may: be impaired by age; be inadequate for current use levels;  
 14 need to be re-designed and modernized to enhance use and safety; or need to be replaced to  
 15 address environmental impacts.

16  
 17 Since the last plan was completed for the park units, changes in technology and recreational  
 18 use patterns have necessitated a review of current and emerging recreational activities. Park  
 19 users are creative people, looking to push the limits of themselves, technology, and sport. In

1 some cases, DPOR may offer expanded recreational opportunities; in other cases some uses  
2 may be limited to protect resources.

### 3 4 Bicycling

5  
6 Off-road cycling has significantly increased in popularity since the last plan was completed.  
7 The recent development of fat-tire bikes, with tire widths > 3.5", enables cyclists to travel on  
8 a wider range of ground surfaces with the potential for less surface damage. Park users  
9 would like to be able to ride mountain bikes within KBSP and fat-tire bikes on the beaches of  
10 Kachemak Bay and the Gulf of Alaska.

### 11 12 Personal Watercraft

13  
14 Personal watercraft are a large segment of overall boat sales. Relatively recent advances in  
15 technology and design have largely addressed previous concerns related to fuel and exhaust  
16 emissions and noise. Interest in allowing this activity to occur within Kachemak Bay was  
17 expressed during the planning process as was support for retaining the current prohibition on  
18 their use.

### 19 20 Rock Climbing

21  
22 Kachemak Crack is a popular rock climbing spot and other climbing areas may be pioneered  
23 and become popular in the future. Mountaineering occurs within KBSP and KBSWP and  
24 includes the use of rock anchors. There are safety issues regarding permanently installed  
25 anchors and bolts. Users would like to see the permanently installed protection devices  
26 maintained by DPOR staff, but this presents maintenance and liability issues since rock  
27 climbing is allowed without authorization and placing a permanent anchor in the rock face is  
28 an action that needs to be authorized. DPOR staff are not trained and equipped to perform  
29 inspections or maintenance of the anchors to ensure safety.

### 30 31 Aircraft

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33 Use of rotary-winged aircraft (helicopters) has occurred in KBSP related to summer  
34 operations and relatively new operations have been permitted in the past that offer heli-skiing  
35 in the winter. DPOR has received new applications to authorize helicopter use in support of  
36 heli-skiing operations. Landing within the park is currently prohibited unless authorized.

37  
38 Unmanned Aerial Vehicles (UAVs), commonly referred to as drones, are increasing in  
39 popularity for both private and commercial use. Government agencies are also increasingly  
40 using drones to gather aerial data in a cost-effective manner.

### 41 42 Water trail

43  
44 Recently, the Kachemak Bay Water Trail was completed. The planning for this started in  
45 2011, and involved volunteers from Homer and the surrounding area. Working with the

1 National Park Service Rivers, Trails, and Conservation Assistance Program, the volunteers  
2 identified a 125-mile water trail from the Homer Spit to Seldovia.

3  
4 This route follows a series of waypoints around the bay, linking access locations, points of  
5 interest, day-use sites and camping/lodging locations along a “trail” usable by non-motorized  
6 and motorized vessels.

### 7 8 Surfing

9  
10 A number of users visit the Gulf of Alaska coastline in KBSP and KBSWP for surfing  
11 around Gore Point using aircraft or boats to access the area. At least one guide service offers  
12 charters to the Gore Point area for surfing the North Pacific swells.

## 13 14 15 **Access**

16 The extreme topography that makes the park so visually interesting also makes access to the  
17 bulk of the park difficult. The cost of ‘getting across the bay’ is prohibitive for many  
18 potential park visitors, and ideal beach landing sites with ready access to the interior of the  
19 park are limited. This is especially true on the Gulf of Alaska side of the park, where cost of  
20 transport is even higher (from Seward or Homer by boat, or by aircraft).

21  
22 Access issues can be separated into issues related to aircraft, human-powered, and motorized  
23 vehicle.

### 24 25 **Aircraft Access**

#### 26 27 **Fixed-wing aircraft**

28 Aircraft landings within KBSP and KBSWP are restricted under 11 AAC 20.110 and  
29 11 AAC 20.210, respectively. Current regulations allow aircraft landings on saltwater,  
30 gravel bars, Emerald Lake, China Poot Lake, Hazel Lake and Petrof Lake except for the  
31 purpose of practice landings. Within KBSWP, current regulations allow landings on  
32 saltwater and saltwater beaches or where authorized by the director under 11 AAC 18.010.  
33 Most of the landings within the park units are made by commercial flight operators. Flight-  
34 seeing and air taxi services offer an important recreation service and access to distant  
35 portions of the park.

36  
37 Conflicts can arise between those seeking a “backcountry” experience without intrusion of  
38 the “modern world” and those reaching the park by air. Aircraft can easily get to remote  
39 areas in the park, whereas other backcountry users may have made considerable efforts to get  
40 away from exactly this kind of activity.

#### 41 42 **Rotary-winged aircraft**

43 Under 11 AAC 20.110, helicopters cannot land within KBSP without an authorization issued  
44 under 11 AAC 18. Since 1989, the DPOR has authorized helicopter landings at a single  
45 designated landing zone on Grewingk Glacier as part of commercial flightseeing tours.



1 Recently, helicopter operators have applied for helicopter landings in support of heli-skiing  
2 operations. Typically, this type of use includes multiple flights to ferry skiers to the top of  
3 the run from the base. Other potential helicopter uses might include heli-hiking (transport  
4 from an access point to an elevated drop-off point in the summer, without ferry flights) or  
5 heli-backcountry-skiing (transport from an access point to an elevated drop-off point in the  
6 winter, without ferry flights).

7  
8 Homer Electric Association (HEA) utilizes helicopters for powerline maintenance and a  
9 number of landing sites are located at intervals adjacent to transmission lines. Helicopters  
10 are also used for search and rescue in the park when needed.

### 11 12 **Human-powered access**

13  
14 Human powered (walking and paddling) is allowed without authorization on all park-  
15 managed lands and waters and yet is limited due to most of the park's remoteness. There are  
16 no established foot trails connecting the park to the road system. The Kachemak Bay Water  
17 Trail is a 125-mile water trail that highlights specific points of interest in Kachemak Bay but  
18 is not restricted to human powered transport. Solely human powered access to the south side  
19 of the bay is rare due to its distance from access points (Homer or Seldovia). Use of bicycles  
20 within the park units is currently allowed without authorization on existing roads and parking  
21 areas only under 11 AAC 12.020. Use in other areas is prohibited and can only occur where  
22 authorized by the Director or where specifically allowed under unit specific regulations.

### 23 24 **Motorized vehicle access**

#### 25 26 **Boats**

27 Motorized boats are the most common method utilized to access the park units on the south  
28 side of the bay. Their use is allowed under park-specific regulations (11 AAC 20.115 and  
29 11 AAC 20.215). Visitors typically hire a water taxi or use their own vessels for access.  
30 Once in the park, water taxis typically drop visitors and return later to pick them up while  
31 private vessels may moor using an anchor, at a buoy, or at docking facilities. Docks and  
32 mooring buoys improve access to the park but can focus use, causing site degradation and  
33 sometimes private/public user conflicts.

#### 34 35 **Highway Vehicles**

36 Highway vehicle use is controlled by the same regulations applicable to all park units  
37 (11 AAC 12.020). Within these park units, vehicles are only allowed on the maintained  
38 roads and parking areas on the north side of the bay. Use of a vehicle within units on the  
39 south side of the bay is prohibited as there are no DPOR recognized roads or parking areas.

#### 40 41 **Off Highway Vehicles**

42 Off-road vehicle<sup>1</sup> (ORV) use is currently prohibited by general park regulations at 11 AAC  
43 12.020, which address vehicle control on all park units. Some evidence of past ORV use is

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<sup>1</sup> ORV is defined in DPOR regulation at 11 AAC 20.990(21)

1 noticeable on KBSP lands just south of the community of Halibut Cove. Other known use  
2 includes that of Homer Electric Association in support of transmission line maintenance.  
3 ORV use in other areas is minimal and primarily occurs on the tidelands adjacent to park  
4 units on the north side of the bay.  
5

### 6 **Personal Watercraft**

7 Use of personal watercraft (PWC) is currently prohibited in KBSP and KBSWP by  
8 regulation (11 AAC 20.115 and 11 AAC 20.215). A similar regulation prohibiting PWC use  
9 exists on marine waters within the Kachemak Bay Critical Habitat Area. PWC use was  
10 prohibited beginning in 2001 within these areas after being considered by managing agencies  
11 for two years.  
12

13 Comments both in favor and against PWC use were received during the recent public  
14 process. Allowing limited use of a PWC through a Special Park Use Permit on the marine  
15 waters in the KBSP was considered in the development of this plan but was eliminated from  
16 consideration due to joint jurisdiction of the marine waters. ADF&G and DPOR have  
17 overlapping jurisdiction within the KBSP, so regulations would need to be changed for both  
18 legislatively designated areas to allow PWC use on marine waters within KBSP.  
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## 21 **Commercial Use**

### 22 **Commercial Fishing, Aquaculture/Mariculture**

23 Commercial fishing has traditionally occurred within marine waters of KBSP. Currently,  
24 commercial fishing occurs for salmon, Pacific cod, lingcod, Pacific halibut, rockfish, and  
25 herring. Commercial harvest of shrimp and crab is not open due to low abundance levels.  
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29 The Tutka Bay Lagoon Hatchery (TBLH) was constructed by ADF&G in 1975 and was  
30 operated by the department until 1992 when it was leased to Cook Inlet Aquaculture  
31 Association (CIAA). The hatchery cultivated sockeye salmon from 1976–1978 as well as in  
32 1990, 1996, 1997, and 1999, and chum salmon from 1978-1990. Pink salmon have been  
33 cultivated since 1976 with no releases occurring from 2005–2011. Tutka Lagoon has been  
34 used as a remote release site for sockeye salmon releases from the Trail Lakes Hatchery since  
35 2005. Pink salmon produced at this facility have been remote released at three locations in  
36 Kachemak Bay: Halibut Cove (1986–1992), the Nick Dudiak Fishing Lagoon (1987–1992),  
37 and Halibut Cove bight (2012).  
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39 Net pens located outside of Tutka Lagoon have been used historically to provide fishing  
40 opportunity outside of Tutka Bay Lagoon (e.g., Halibut Cove Lagoon and Nick Dudiak  
41 Fishing Lagoon).  
42

43 In 2011 the DPOR received an application from CIAA to imprint pink salmon in net pens at  
44 the historic release site in Halibut Cove Lagoon. This permit was rejected with an alternate  
45 site outside of the lagoon (Halibut Cove bight) permitted by DPOR. With no proximate

1 freshwater imprinting source and a somewhat exposed location, returns to this site were  
2 disappointing. In 2013 the DPOR received an application from CIAA to imprint pink salmon  
3 in net pens at the head of Tutka Bay at a site approved by ADF&G. DPOR received  
4 numerous comments both in opposition and in support of the proposed move. The initial  
5 decision to deny the application to move the pens into the bay was reversed, and a decision to  
6 authorize net pens outside of Tutka Bay Lagoon at a location approximately 1 mile northwest  
7 of the site approved by ADF&G for a period of two years was made by DNR. Given the  
8 disappointing returns from the previous DPOR selected site, CIAA chose not to imprint and  
9 release fish from this location in 2017. In addition, remote releases of hatchery produced  
10 sockeye salmon have occurred within KBSP in China Poot Lake and Hazel Lake for 35 and  
11 26 years respectively. These releases support both commercial and sport fisheries, as well as  
12 the Kachemak Bay Personal Use Dipnet Fishery (5 AAC 77.545) that occurs in China Poot  
13 Bay.

### 14 **Commercial Recreation Activities**

15 DPOR generally encourages commercial activities that provide or enhance recreation  
16 services in state parks. Commercial activities should be consistent with the purpose of the  
17 park and the appropriate level of commercial development must be determined. Commercial  
18 uses of park lands and waters (except for some fishing uses) are managed by DPOR through  
19 a fee-based commercial use permit system. Commercial operators include such visitor  
20 services as water and air taxis, fishing charters, guided hiking and hunting, and wildlife tours.  
21 Production of films, publications, video guides, and commercials is also considered a  
22 commercial activity. In the face of recent fiscal budget concerns, there have been  
23 suggestions for the park to become more self-sufficient through the collection of additional  
24 commercial permit fees.  
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### 29 **DPOR Facilities and Trails**

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31 Park facilities include structures such as cabins, ranger stations, boat ramps, campgrounds  
32 and marine docks to name a few. Often associated with these facilities are trail systems –  
33 terra, snow, and water – that further facilitate public use in park units. A primary purpose of  
34 a plan is to recommend facility and trail development to not only meet the current  
35 recreational needs of the public, but also meet the expected potential recreational needs for  
36 the 20-year period of the plan. Costs associated with construction, operation, and  
37 maintenance were considered as a factor in recommending facilities and trails as were current  
38 and desired recreational use patterns. This plan recommends those facilities and trails that  
39 are consistent with the long-term vision for these units. In some instances, existing public  
40 facilities are inadequate to accommodate even current use levels (which can lead to  
41 degradation of park resources) or are situated in an area that no longer receives high levels of  
42 agency or public use (e.g. Halibut Cove Lagoon Ranger Station). Facilities developed by  
43 DPOR (when properly sited, designed, and developed) can accommodate use while at the  
44 same time minimizing impacts to the surrounding environment or neighboring private  
45 property.

1 Trails provide access for the public to enjoy scenic views, the wilderness quality, and other  
2 resources and recreation opportunities within the park units. When viewed as a system in  
3 concert with facilities, trails can greatly influence how and where the public chooses to  
4 recreate. Currently, most public use of trails occurs at Grewingk Glacier and in the vicinity  
5 of Halibut Cove and China Poot Lake. Much of the park units' interior or southern coast is  
6 unreachable by trail, and is visited only by those willing to bushwhack or fly in. The existing  
7 trails in certain areas are becoming more popular, and many could be upgraded to  
8 accommodate increased use and different use types. Although higher class trails (e.g. Class 4  
9 or 5 ADA-accessible terra trails) are suitable in some areas of the park units, they are not  
10 appropriate in all areas. There is a desire from users for multi-use trails, paths that can  
11 support "hut to hut" hiking between public use cabins, and trail networks that can  
12 accommodate 2-3 day long backpacking trips. Many of the trails on published maps were  
13 constructed long ago and have since fallen into disuse due to lack of maintenance. Multiple  
14 users have discovered trails marked on published maps are impassable due to downed trees  
15 and/or overgrown vegetation. Maintenance of existing trails is as important as construction  
16 of new trails – otherwise the investment in the new trail is lost. In addition, maps of the park  
17 units need to be updated to include changes to the trail system. For more on trails, see  
18 Appendix F – Trail Plan.  
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## 21 **Exxon Valdez Oil Spill**

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23 The Exxon Valdez Oil Spill (EVOS) directly impacted natural resources and the subsistence,  
24 private, and commercial interests that depend on those resources. The EVOS Trustee  
25 Council was formed to oversee ecosystem restoration through the use of a \$900 million civil  
26 settlement. The Council consists of three state and three federal trustees (or their designees).  
27 The Council is advised by members of the public and by members of the scientific  
28 community.<sup>2</sup> When EVOS funding has been used to acquire lands for habitat protection,  
29 conservation easements that restrict land use are routinely included. This plan identifies  
30 parcels that were purchased through EVOS funding that are being managed as part of the  
31 state park system. Management of these lands must be consistent with conservation  
32 easements associated with the land.  
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## 35 **Fees, Park Pass, and Visitor Use Management**

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37 User fees (commercial and visitor) play an important role in funding continued development  
38 and maintenance of state park facilities. Fees for camping, parking, and boat launching are  
39 generally collected by DPOR at the point of service. In the past user fees (excluding  
40 commercial operators) have not been charged in certain parks where facilities such as potable  
41 water, latrines, improved campsites, and fire grates are not available – Kachemak Bay State  
42 Park is one of these.

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<sup>2</sup> Taken from EVOS website: <http://www.evostc.state.ak.us/index.cfm?FA=aboutUs.home>

1 Collecting fees for access to a remote park, disconnected from the road system, with literally  
2 thousands of entry points, would be challenging.

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## 5 **Invasive and Non-Native Species**

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7 Invasive and non-native species introduction to lands and waters can impact recreational use  
8 and the natural function of the resources. Use of non-native vegetation does occur related to  
9 facility development, but DPOR staff minimize this use to needed areas.

10

11 The spruce bark beetle has devastated large sections of the park for the last 20 years. This  
12 natural occurrence is part of the native ecological cycle in Alaska, yet still significantly  
13 impacts the park. The primary impact is the large number of standing and fallen dead trees  
14 throughout park. These trees are a maintenance, public safety, and fire hazard within the  
15 park units.

16

17 There are dandelions present in the Upper Hazel Lake area. There is also a recent infestation  
18 of spruce aphid and orange hawkweed in KBSP.

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## 21 **Land and Water Conservation Fund**

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23 The Land and Water Conservation Fund (LWCF) is a federal grant program that is  
24 administered by the National Park Service (NPS). LWCF provides matching funding to state  
25 and local governments to acquire, develop, and plan for public outdoor recreation areas. In  
26 Alaska, DPOR is the government agency that disperses federal grant dollars under this  
27 program. LWCF provisions require the agency receiving the grant dollars to maintain the  
28 funded project for public use and must identify and reserve enough area around the project to  
29 ensure continued public use. The boundary for the reserved lands is included on a map that  
30 is mutually agreed to by the State and the NPS. Any property where LWCF funds have been  
31 expended may not be wholly or partly converted to anything other than public outdoor  
32 recreation uses without the prior approval of the Secretary of the U.S. Department of the  
33 Interior. If for some reason the recreational nature of the property is lost, it represents a  
34 conversion of use requiring mitigation in the form of acquisition of other recreational  
35 properties or outdoor recreational enhancement as approved by the National Park Service.  
36 The process to convert LWCF-protected lands can be lengthy and costly for the agency  
37 requesting the conversion.

38

39 The entirety of both KBSP and KBSWP are subject to LWCF program provisions. Actions  
40 that may represent a conversion of use include: installing above-ground utilities;  
41 development of roads with a non-recreational primary purpose; development for private  
42 purposes; or encroachments such as driveways.

43

44

1 **Park User Trespass**

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3 Trespass onto private lands can create conflict between park users and land owners. Whether  
4 unintentional, or with knowledge of the recreationist, use of private property by visitors to  
5 the park units has occurred, but this type of use should be curtailed.  
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8 **Private Structures and Uses**

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10 There are nearly 150 private parcels adjacent to the park units and over 200 private parcels  
11 bounded within the park units. (This includes the state and wilderness parks and the park  
12 units on the north side of Kachemak Bay.) Private parcels are generally five acres or less in  
13 size and are located along prime areas of the coast. Most of these parcels predate the  
14 establishment of the park and were obtained through state and federal land disposal  
15 programs. Private inholdings present potential areas of conflict between park users, park  
16 management, and private landowners regarding management practices, policies and the  
17 development of park facilities. The largest communities are Halibut Cove and subdivisions  
18 in Peterson Bay, Petrof View, and Bear Cove. There are also a number of private inholdings  
19 on the coast of Tutka Bay and Sadie Cove.  
20

21 DPOR has identified many unauthorized structures that may have been placed, constructed,  
22 or maintained in a park unit without a special park use permit issued under 11 AAC 18.010.  
23 A more detailed review of many of these structures in relation to property boundaries is  
24 warranted prior to contacting the upland owner to determine a corrective action. Other  
25 structures, such as docks or water collection and storage structures, that are clearly within a  
26 park unit will not need to undergo further review before a corrective action is determined.  
27 Similarly, some uses are occurring within park units that are prohibited or need to be  
28 authorized before they are conducted. These include: gathering firewood for use at adjacent  
29 private property, riding a bicycle off a road or parking area, or using hand tools to clear trails,  
30 to name a few. In some instances, DPOR may not be able to authorize structures or other  
31 permanent modifications to park resources. In these instances, DPOR will notify the owner  
32 of record of the prohibited structure and work with the owner to rectify the issue.  
33

34 Based on a 2004 survey by ADF&G, over 1000 docks, piers, walkways, and other types of  
35 mooring and access structures have been constructed, placed, or maintained on tide and  
36 submerged lands below mean-high-waterline within the Kachemak Bay Critical Habitat  
37 Area; some of these structures were also located within KBSP. Many of these structures  
38 required authorization by both DPOR and ADF&G prior to their construction or placement,  
39 but in many cases, this has not been completed. In 2015, ADF&G conducted an outreach  
40 effort, which resulted in permit renewals for a number of docks throughout the KBCHA.  
41

42 A review of available aerial imagery and on-the-ground reconnaissance reveals that electrical  
43 lines have been constructed within KBSP. In some cases, these lines appear to have been

1 constructed outside of existing easements. DPOR will work with Homer Electric  
2 Association (HEA) and property owners to rectify this issue.

3  
4 Many private parcels have unplanned and informal “social trail” networks connecting private  
5 land to the park. While relatively minimal in nature, many of these trails extend onto DPOR  
6 managed lands and connect to existing hiking trails. These trails invite use by the public –  
7 most have not been developed to sustainable trail standards and may be contributing to  
8 degradation of park resources.

## 11 **Disposals**

12  
13 When it created KBSP and KBSWP, the Alaska Legislature withdrew these lands from the  
14 public domain and designated them as special purpose sites under Article VIII, section 7 of  
15 the Alaska Constitution. This means that the State is prohibited from disposing of any real  
16 property interests, including granting leases and easements, from within KBSP and KBSWP.  
17 The land in the parks must be managed in accordance with the statutory direction in  
18 AS 41.21.131-134 and AS 41.21.140-142, respectively.

19  
20 KBSP was created May 9, 1970 and KBSWP was created March 9, 1972. As the above  
21 statutes state, private property rights and utility easements on land lying within the  
22 statutorily-described boundaries of the parks for which there are “valid entries or ...valid  
23 applications for lease filed under AS 38.05” before the creation of the relevant park are  
24 protected. Park management decisions must respect these valid entries while implementing  
25 statutory and regulatory park management mandates and protecting park resources.

## 28 **Visitor Safety**

29  
30 Recreating anywhere in Alaska’s frontcountry and backcountry comes with inherent risks.  
31 Weather, terrain, wildlife, earthquakes, tsunamis, availability of communications, trail  
32 conditions, and travel logistics are just a few of the possible variables that visitors to KBSP  
33 and KBSWP should prepare for. People are encouraged to research the conditions they are  
34 likely to encounter in the area where they are planning to recreate. Visitor safety is important  
35 to DPOR and up-to-date information is usually provided through websites, social media, or  
36 email.