

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

**KENAI AREA PLAN AMENDMENT SC-99-002A12**

**Region 7 – Homer, Management Units 237 and 244**

related to the  
**Forest Knolls Subdivision – ADL 232332**

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

- Designation Unit 237: Approximately one acre of uplands within this unit will be removed and placed into Unit 244. The designation for this one acre changes from Resource Management – High Value to Settlement. The remainder of Unit 237 remains designated Resource Management – High Value. These changes are denoted in the Amendment Attachment and are included in Attachment A, Vicinity Map.
- Acres: Unit 237 is changed from 5,308 to 5,307
- Management Intent: Use updated Unit 244 management intent. The management intent for the rest of Unit 237 remains unchanged.
  
- Designation Unit 244: Approximately 136 acres of this unit will change from General Use to Settlement.
- Acres: Acreage listed in Kenai Area Plan is 144, which has been discovered to be incorrect; the actual acreage is 135. Adding the one acre from Unit 237 increases the acreage to 136.
- Management Intent: Changes to “Parcel is suitable for settlement. Retain wetlands in state ownership if appropriate.”

/s/

\_\_\_\_\_  
Concurrence by: Brent Goodrum  
Director  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

3 APR 2018

\_\_\_\_\_  
Date

/s/

\_\_\_\_\_  
Approved by: Andrew T. Mack  
Commissioner  
Department of Natural Resources  
State of Alaska

April 3, 2018

\_\_\_\_\_  
Date

# ATTACHMENT

to the  
**KENAI AREA PLAN AMENDMENT SC-99-002A12**

**Region 7 – Homer, Management Unit 237 and 244**

related to the  
**Proposed Forest Knolls Subdivision – ADL 232332**

Location: Approximately 5.5 air miles southeast of Anchor Point along Old Sterling Highway within a portion of Section 30, Township 5 South, Range 14 West, Seward Meridian.

Authority: The authority to revise plans derives from *AS 38.04.065(b) Land Use Planning and Classification*. *11 AAC 55.030(f) Land Use Plan* defines when a revision constitutes a plan amendment.

Current Plan: The plan amendment encompasses approximately one acre of management unit 237 and all of unit 244. Unit 237 is designated Resource Management-High Value and Unit 244 is designated General Use.

Proposed Plan Amendment: Amend the boundary of Unit 237 to remove approximately one acre of developable land and add it to Unit 244. Amend designation of expanded Unit 244 to Settlement for the purpose of a land sale.

*Revised legal description for Unit 244:*

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  north of Old Sterling Hwy and NE $\frac{1}{4}$ , excluding:

- E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; and
- SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

within Section 30, Township 5 South, Range 14 West, Seward Meridian

Explanation: The Kenai Area Plan was adopted in 2000. This amendment will remove approximately one acre from the 5,308 acres of coastal bluff and uplands of Unit 237 and will combine it with the adjacent Unit 244. This one acre is cut off from the rest of Unit 237 by the Old Sterling Hwy, thereby making this one acre unusable for the management intent of Unit 237 which relates to factors such as potential trails along bluff and creeks, bald eagles and waterfowl sites, moose areas, cultural sites, timber harvest area, municipal conveyance areas, and retention of a 1 ½ mile buffer to protect eroding coastal bluffs and streams for potential trails and other public uses. No bald eagle nests, waterfowl or cultural sites were observed at this location. Moose may be found throughout the entire region; timber harvest activity has not occurred here. Kenai Peninsula Borough Municipal Entitlement selection of this spot was relinquished in 2015. Removal of approximately 1 acre of high value resource management land, located at an extreme interior/upland edge of the unit well beyond the 1½ mile coastal buffer noted, should have no impact on the rest of the 5,307 acres of Unit 237. This one acre is suitable for disposal. This amendment will also change the designation of Unit 244 to Settlement as it is appropriate for disposal and will allow for the sale of suitable upland areas

## **Attachment to the Kenai Area Plan Amendment**

Region 7, Homer, portion of Unit 237 and Unit 244  
related to a Proposed Land Offering in the Kenai Peninsula Borough  
Forest Knolls Subdivision – ADL 232332  
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and the retention of wetland and greenbelt areas as appropriate. There is a demand from the public to obtain Settlement-classified land in the area. The parcels are appropriate for offering as provided in the Preliminary Decision dated August 31, 2017.

Assessment: The following alternatives are being considered:

1. (Preferred) Amend the Kenai Area Plan as described above to more appropriately designate and utilize resources. Amending the plan is the preferred alternative as it will allow the sale of settlement appropriate land to be classified settlement, providing the public an opportunity to obtain property in a desirable area. Amending the plan will also provide for the opportunity to protect wetlands.
2. (Status Quo) Do not amend the Kenai Area Plan. This alternative is not preferred as it would disallow the offering of settlement appropriate land and deny Alaskans the opportunity to obtain land in this area.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for the proposed Forest Knolls Subdivision – ADL 232332 issued on August 31, 2017 and the proposed action is consistent with that portion of the statute.

### **Reconsideration Provision**

A person affected by this decision who provided timely written comment on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040 (c) and (d) and may be mailed or delivered to: Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov).

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st day after issuance. Failure of the commissioner to act on a request for reconsideration within 30 days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.