

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

DRAFT LAND CLASSIFICATION ORDER
No. SC-99-02A15

Related to the
Kenai Peninsula Borough Municipal Entitlement – ADL 201306

- I. Name: Kenai Peninsula Borough Municipal Entitlement
- II. The classifications in Part III are based on written justification contained within the following:
- a Final Finding and Decision for Kenai Peninsula Borough’s Municipal Entitlement, dated February 24, 2015; and
 - an Amendment to the Kenai Area Plan
- III.

Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this Action
Section 1, Township 4 North, Range 1 West, Copper River Meridian South portion Lot 3	17	NFCG 13	Wildlife Habitat/Public Recreation	Public Recreation
Section 12, Township 4 North, Range 1 West, Copper River Meridian Lots 2 and 7	17	NFCG 13	Wildlife Habitat/Public Recreation	Public Recreation
Section 13, Township 4 North, Range 1 West, Copper River Meridian That portion of USS 7391 in NE1/4SE1/4 and that portion of USS 1778 in N1/2SE1/4	46	NFCG 13	Wildlife Habitat/Public Recreation	Public Recreation

- IV. This order replaces and supersedes the existing land classification order that affects these parcels.
- V. This order is issued under the authority granted to the Commissioner of the Department of Natural Resources by *AS 38.04.065 Land Use Planning and Classification* and *AS 38.05.300 Classification of Land*. The above-described lands are hereby designated and classified as indicated. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

Approved: _____ Date: _____
Corri A Feige, Commissioner
Department of Natural Resources

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

DRAFT KENAI AREA PLAN AMENDMENT
SC-99-02A15

Region 2 – Management Unit: 380G

related to the
Kenai Peninsula Borough Municipal Entitlement – ADL 201306

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(b) Land Use Planning and Classification* and *11 AAC 55.010-030 Land Planning and Classification* for land use plans and hereby adopts the amendment. DNR will manage state lands within the area of the revision consistent with this designation and management intent.

Designation: Approximately 80 acres within Unit 380G (see attached map) will be incorporated into a new management subunit, 380G(1) that is designated Public Recreation and Tourism – dispersed use (rd) and classified Public Recreation Land. The new management subunit will include five parcels of land within Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian and described as the following:

Section 1, South portion of Lot 3 (approx. 17 ac.)

Section 12, Lots 2 and 7 (approx. 17 ac.)

Section 13, That portion of USS 7391 in the NE1/4 SE1/4 and that portion of USS 1778 in the N1/2 SE1/4 (approx. 46 ac.)

The remainder of Unit 380G will remain designated Habitat and Public Recreation and Tourism – dispersed use.

Management Intent Unit 380G(1): Manage for dispersed recreation. The unit may be conveyed to the Kenai Peninsula Borough (KPB) should KPB meet the conveyance conditions stipulated in Municipal Entitlement Final Finding and Decision for ADL 201306, dated February 24, 2015.

This plan amendment is dependent on an associated plan amendment to the Kenai River Comprehensive Management Plan. If the related action does *not* occur, the current plan management intent for Unit 380G is retained.

Approved: _____
Corri A. Feige, Commissioner
Department of Natural Resources

Date

ATTACHMENT

to the
**DRAFT KENAI AREA PLAN AMENDMENT
SC-99-002A15**

Related to the
Kenai Peninsula Borough Municipal Entitlement - ADL 201306

Location and Legal Description: Five parcels located south of Upper Trail Lake and Lower Trail Lake in the Kenai Peninsula Borough within Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, containing approximately 80 acres.

Specifically: Section 1, South portion of Lot 3 (approx. 17 ac.)

Section 12, Lots 2 and 7 (approx. 17 ac.)

Section 13, That portion of USS 7391 in the NE1/4 SE1/4 and that portion of USS 1778 in the N1/2 SE1/4 (approx. 46 ac.)

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 Plans* defines when a revision constitutes a plan amendment.

Current Plan: Unit 380G is currently designated as Habitat (ha) and Public Recreation and Tourism - dispersed use (rd). These designations convert to the classifications of Wildlife habitat land and Public recreation land. The management intent for this unit states:

The east side of the Trail River and Lake system is used as a brown bear movement corridor between Trail Creek and Snow River drainages. Important Kenai River habitat and recreation values. Scenic waterfall at the outlet of Grant Lake. Scenic: precipitous mountain walls with over 3,500- foot relief on the east shore of the lake. Riparian habitat values for Kenai River fishery, scenic viewshed from Seward Highway. Grant Creek is an anadromous fish stream below the falls that prevent fish passage to Grant Lake. Lower creek supports king, coho and sockeye salmon spawning. The riparian and lacustrine areas provide habitat for mink and river otters. Moose use unit for winter range. Mountain goat winter habitat between 500 and 1,000'. The Iditarod National Historic Trail traverses this unit. Other trails in the unit include the Grant Lake Trail, Al Solar's Mill Road, Vagt Lake Trail, Crown Point Mine Road and Trail. Potential hut-to-hut trail area. Proposed addition to the Kenai River Special Management Area. Manage for trails-related recreation. Also see the "Management Intent for Multiple Units" and "Specific Management Intent for Units" sections for this region. See Chapter 2 guidelines on the INHT.

Proposed Plan Amendment: Approximately 80 acres within unit 380G will be incorporated into a new subunit 380G(1) and designated Public Recreation and Tourism – dispersed use. Refer to the attached map for a depiction of the subject parcels. The proposed management intent of new unit 380G(1) states:

Manage for dispersed recreation. The unit may be conveyed to the Kenai Peninsula Borough (KPB) should KPB meet the conveyance conditions stipulated in Municipal Entitlement Final Finding and Decision for ADL 201306, dated February 24, 2015.

The management intent and designations of the remainder of Unit 380G would remain unchanged.

Explanation: The purpose of this amendment is to enable conveyance of state land to the Kenai Peninsula Borough (KPB) in order to satisfy their municipal entitlement. The Kenai Peninsula Borough Municipal Entitlement Final Finding and Decision for ADL 201306, dated February 24, 2015, conditionally approved lands located in Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, which are included in the Kenai Area Plan (KAP) and referred to as Unit 380G(1) in the FFD. The conditions DNR expected the Kenai Peninsula Borough (KPB) to satisfy in order to consider conveyance of lands in Unit 380G(1) are as follows:

“The borough shall prepare and adopt a land management plan for this area, or it shall be included in a local comprehensive plan within five (5) years from the dates of adoption of the FFD. This plan is to ensure adequate screening from the Seward Highway, the protection of anadromous streams, and the provision of a lakeshore buffer of at least 100 feet. The plan shall provide sufficient management detail to locate uses and shall identify mitigation stipulations to ensure the protection of significant wetlands, riparian areas, and the hydrologic connections from streams to Lower Trail Lake. To effectuate this plan and result in the conveyance of state land will require an amendment to the KAP and Kenai River Comprehensive Management Plan (KRCMP). The borough shall request the initiation of the Plan Amendment process for the two plans and shall be responsible for the provision of required information to the state, if requested, in these actions. The amendment of these plans shall occur within the 5-year period.”

The FFD also stipulates that if the local plan and amendments are not complete within the five-year period or if the outcome of that process is the inability to amend either of these plans, these selections are rejected, and the land remains in state ownership. KPB was granted a 2-year extension to satisfy these conditions. KPB satisfied the FFD requirement by issuing a plan amendment to the Comprehensive Plan for Moose Pass adopted by borough Ordinance 2021-36 in October 2021.

Currently, Unit 380G has a co-classification, Wildlife habitat land and Public recreation land, which is allowed from *AS 38.05.300* and *11 AAC 55.040(d)*. Co-classifications reflect both primary and underlying resources associated with the land, although they are co-equal in authority. Wildlife habitat land is a non-conveyable classification, and subsequently, Unit 380G(1) needs to be amended to the conveyable classification of Public recreation land to effectuate conveyance of these lands to KPB.

This plan amendment is contingent upon the approval of the related action involving changes to the KRCMP and the deletion for the subject parcel's inclusion in KRSMA to effectuate conveyance of these lands to KPB.

Assessment: The following alternatives are being considered:

1. (Preferred) Amend the Kenai Area Plan as described above. Amending the plan is the preferred alternative since KPB has indicated, by amending their local management plan, these parcels would be managed under the same protections the KAP intended for recreational, scenic, and habitat uses.
2. (Status Quo) Do not amend the plan. This alternative is not preferred. Under the FFD, the lands were conditionally approved to KPB indicating DNR's intent to approve conveyance to KPB once they satisfied the requirements set forth by the FFD. KPB completed its requirement to amend their local management plan and it would be in the best interest of the State to follow through with the requirements of the conditional approval.

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

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

DRAFT KENAI RIVER COMPREHENSIVE MANAGEMENT PLAN AMENDMENT

related to the
Kenai Peninsula Borough Municipal Entitlement – ADL 201306
Kenai Area Plan - Region 2 – Management Unit: 380G

The Commissioner of the State of Alaska, Department of Natural Resources (DNR) finds that the following amendment to the Kenai River Comprehensive Management Plan (KRCMP), described more fully in the Attachment, meets the requirements of *AS 41.21.500-514 Comprehensive Management Plan; regulations* and does hereby adopt it as the policy of DNR. DNR will manage state lands within the area of the revision consistent with this plan amendment.

Recommendation: Recommendation 4.5.4.6 is to be amended to remove a portion of the Kenai Area Plan’s Management Unit 380G from the listing of areas to be added to the Kenai River Special Management Area (KRSMA) in Table 4-6d. Specifically impacted are five parcels located south of Upper Trail Lake and Lower Trail Lake in the Kenai Peninsula Borough within Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, containing approximately 80 acres.

Specifically: Section 1, South portion of Lot 3 (approx. 17 ac.)
Section 12, Lots 2 and 7 (approx. 17 ac.)
Section 13, That portion of USS 7391 in the NE1/4 SE1/4 and that portion of USS 1778 in the N1/2 SE1/4 (approx. 46 ac.)

Special Use Designation: With the removal of these parcels from being added to KRSMA, these parcels will be deleted from the Special Use Designation (SUD), ADL 226527. This updates the inclusive SUD legal description and acreage for Unit 380G Lower Trail Lake, narrow channel (Appendix G, Table 1) to read:

T. 004 N., R. 001 E.,
Section 06: Lots 1-6, 8, and 9, SE1/4SW1/4, SW1/4SE1/4;
Section 07: Lots 1, 2, 5, and 6, NW1/4NE1/4, NE1/4NW1/4;
Section 18: Lots 1-3;
T. 004 N., R. 001 W.,
Section 01: Lots 1, 4-8;
Section 12: Lots 1, 3, and 4, that portion of Lots 5 and 6 as shown on State status plats, Lots 8, 11, and 12;
Section 13: Lot 1;
T. 005 N., R. 001 E.,
Section 31: Lot 6.
Approximately 571.9 acres.

This plan amendment is dependent on an associated plan amendment to the Kenai Area Plan and the approval of Land Classification Order SC-99-02A15. If any related actions including the plan amendment and land classification order do *not* occur, the current plan recommendation to retain this unit and incorporate it into the KRSMA as provided for in Recommendation 4.5.4.6 (Table 4-6d) in the KRCMP is retained.

Approved: _____
Corri A. Feige, Commissioner
Department of Natural Resources

_____ Date

ATTACHMENT

to the DRAFT KENAI RIVER COMPREHENSIVE MANAGEMENT PLAN AMENDMENT

Related to the Kenai Peninsula Borough Municipal Entitlement - ADL 201306 Kenai Area Plan - Region 2 – Management Unit: 380G

Location and Legal Description: Five parcels located south of Upper Trail Lake and Lower Trail Lake in the Kenai Peninsula Borough within Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, containing approximately 80 acres.

Specifically: Section 1, South portion of Lot 3 (approx. 17 ac.)

Section 12, Lots 2 and 7 (approx. 17 ac.)

Section 13, That portion of USS 7391 in the NE1/4 SE1/4 and that portion of USS 1778 in the N1/2 SE1/4 (approx. 46 ac.)

Authority: The authority to revise management plans derives from *AS 41.21.506 Comprehensive management plan; regulations* and resides with the Department of Natural Resources (DNR) Commissioner.

Current Plan: These lands are part of Unit 380G, as identified in the Kenai Area Plan (KAP) and the Kenai River Comprehensive Management Plan (KRCMP) and are currently identified for inclusion in the Kenai River Special Management Area (KRSMA).

Recommendation 4.5.4.6 (page 75) states the intent to incorporate State land into KRSMA. The recommendation specifies:

“That DNR develop and submit to the Legislature amendments to the legal description that established KRSMA, to include State properties identified in Table 4-6a through 4-6d on pages 76-78 and depicted on Maps 4-1 through 4-4 on pages 49-55. Borough properties intended for eventual inclusion are also identified in this Table. Until these properties are included within KRSMA, the Division of Land should establish a ‘special use area’ as provided under 11 AAC 96.010(b) to administer the tracts in state ownership. To the extent allowed under this regulatory authority, these lands will be administered by the Department to ensure consistency with the statutory objectives of the Special Management Area (since these parcels are intended for eventual inclusion within KRSMA). The Division of Lands may enter into a management agreement to transfer the responsibilities for day to day administration to DOPOR. Note: this recommendation has been implemented (see Appendix).”

Table 4-6d includes Unit 380G as intended for incorporation into KRSMA.

Appendix G includes Unit 380G in Table 1 thereby identifying those lands to be designated as special use lands. The purpose of this Special Use Designation, serialized as ADL 226527, is to:

“...protect and perpetuate the fishery and wildlife resources and habitat along the stream corridors flowing into Kenai and Trail Rivers and Kenai and Upper & Lower Trail Lakes. It will also provide for the management of those recreational uses and development activities that may occur within the area.”

Proposed Plan Amendment: Refer to the attached map for a depiction of the subject parcels. Recommendation 4.5.4.6 is to be amended to edit the listing of areas to be added to KRSMA in Table 4-6d to delete the subject parcels. The lands to be removed are five parcels located south

Attachment to the Kenai River Comprehensive Management Plan

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of Upper Trail Lake and Lower Trail Lake in the Kenai Peninsula Borough within Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, containing approximately 80 acres.

Specifically: Section 1, South portion of Lot 3 (approx. 17 ac.)

Section 12, Lots 2 and 7 (approx. 17 ac.)

Section 13, That portion of USS 7391 in the NE1/4 SE1/4 and that portion of USS 1778 in the N1/2 SE1/4 (approx. 46 ac.)

Approximately 80 acres of Unit 380G will be withdrawn from the Special Use Designation (SUD), ADL 226527. This updates the inclusive SUD legal description and acreage for Unit 380G Lower Trail Lake, narrow channel (Appendix G, Table 1) to read:

T. 004 N., R. 001 E.,

Section 06: Lots 1-6, 8, and 9, SE1/4SW1/4, SW1/4SE1/4;

Section 07: Lots 1, 2, 5, and 6, NW1/4NE1/4, NE1/4NW1/4;

Section 18: Lots 1-3;

T. 004 N., R. 001 W.,

Section 01: Lots 1, 4-8;

Section 12: Lots 1, 3, and 4, that portion of Lots 5 and 6 as shown on State status plats, Lots 8, 11, and 12;

Section 13: Lot 1;

T. 005 N., R. 001 E.,

Section 31: Lot 6.

Approximately 571.9 acres.

Explanation: The purpose of this amendment is to enable conveyance of state land to the Kenai Peninsula Borough (KPB) to satisfy their municipal entitlement. KPB Municipal Entitlement Final Finding and Decision (FFD) serialized as ADL 201306, dated February 24, 2015, conditionally approved lands located in Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, which are included in KAP and referred to as Unit 380G(1) in the FFD. The conditions DNR expected KPB to satisfy in order to consider conveyance of lands in Unit 380G(1) are as follows:

“The borough shall prepare and adopt a land management plan for this area, or it shall be included in a local comprehensive plan within five (5) years from the dates of adoption of the FFD. This plan is to ensure adequate screening from the Seward Highway, the protection of anadromous streams, and the provision of a lakeshore buffer of at least 100 feet. The plan shall provide sufficient management detail to locate uses and shall identify mitigation stipulations to ensure the protection of significant wetlands, riparian areas, and the hydrologic connections from streams to Lower Trail Lake. To effectuate this plan and result in the conveyance of state land will require an amendment to the KAP and Kenai River Comprehensive Management Plan (KRCMP). The borough shall request the initiation of the Plan Amendment process for the two plans and shall be responsible for the provision of required information to the state, if requested, in these actions. The amendment of these plans shall occur within the 5-year period.”

The FFD also stipulates that if the local plan and amendments are not complete within the five-year period or if the outcome of that process is the inability to amend either of these plans, these selections are rejected, and the land remains in state ownership. KPB was granted a 2-year extension to satisfy these conditions. KPB satisfied the FFD requirement by issuing a plan amendment to the Comprehensive Plan for Moose Pass, adopted by borough Ordinance 2021-36 in October 2021. Accordingly, it is appropriate to delete the requirement to retain this unit in state ownership and not include these lands in KRSMA.

Attachment to the Kenai River Comprehensive Management Plan

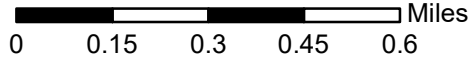
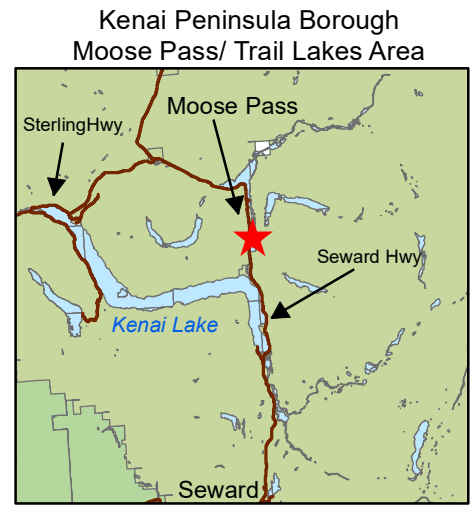
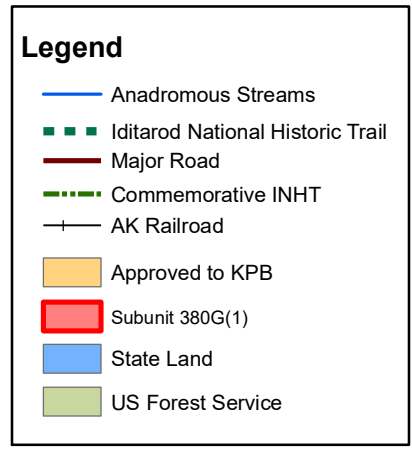
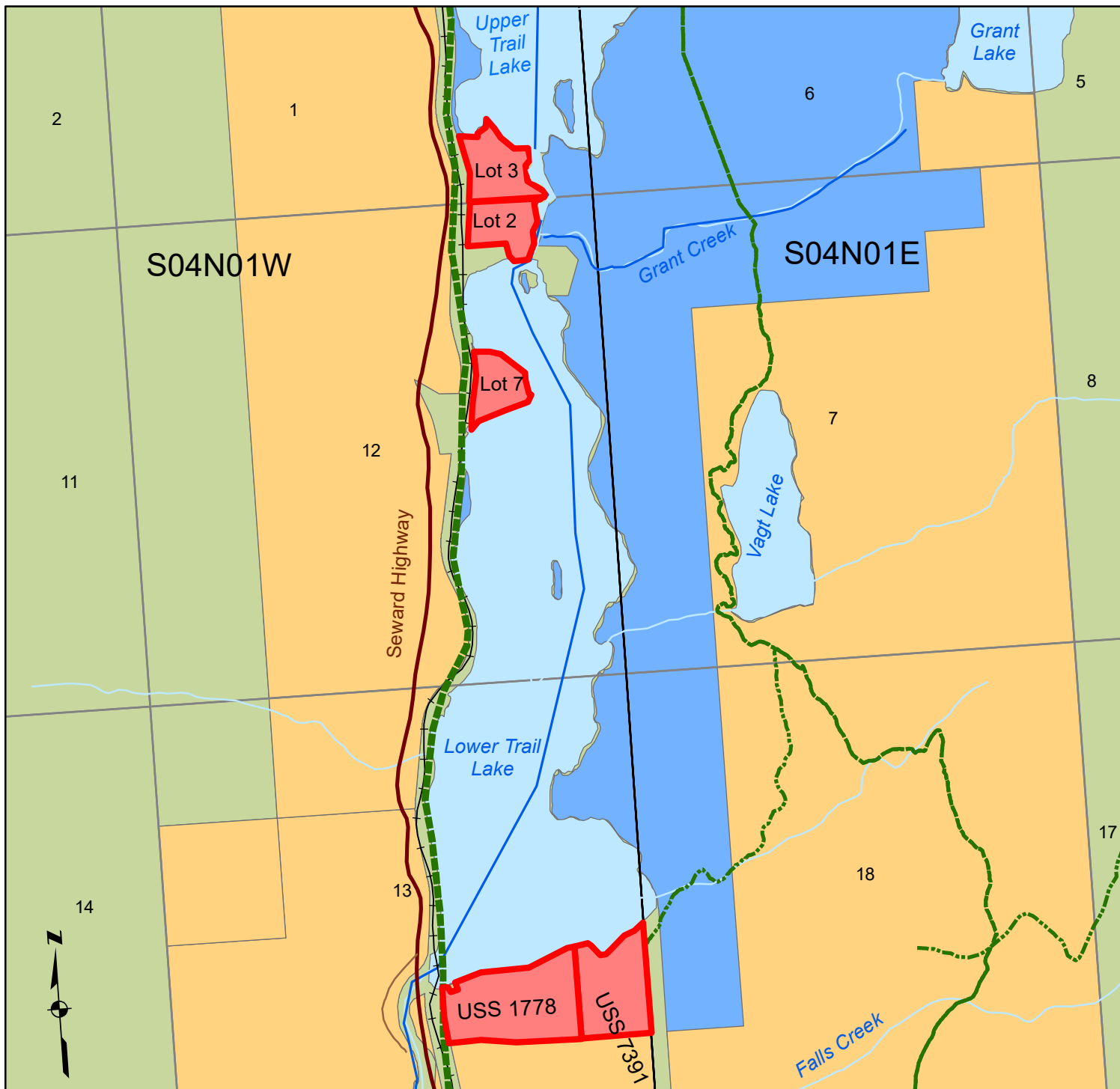
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This plan amendment is contingent upon the approval of the associated actions involving changes to the KAP and creation of Unit 380G(1) with the designation of Public Recreation and Tourism to effectuate conveyance of these lands to KPB.

Assessment: The following alternatives are being considered:

1. (Preferred) Amend the Kenai River Comprehensive Management Plan as described above. Amending the plan is the preferred alternative since KPB has indicated, by amending their local management plan, these parcels would be managed under the same protections the KRCMP intended for recreational, scenic, and habitat uses.
2. (Status Quo) Do not amend the plan. This alternative is not preferred. Under the FFD, the lands were conditionally approved to KPB indicating DNR's intent to approve conveyance to KPB once they satisfied the requirements set forth by the FFD. KPB completed its requirement to amend their local management plan and it would be in the best interest of the State to follow through with the requirements of the conditional approval.

Kenai Peninsula Borough
 Moose Pass Area
 Region 2, KAP
 Amendment to the Kenai Area Plan
 and
 Kenai River Comprehensive Management Plan



This map is for graphic representation only. It is intended to be used as a guide and may not show exact locations of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Created by SOA-DNR-DMLW-LCS-ME

January 2022

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

Attachment: PUBLIC NOTICE

Requesting Input for Draft Plan Amendments:
Draft Kenai Area Plan Amendment – AS 38.04.065
Draft Kenai River Comprehensive Management Plan Amendment – AS 41.21.506

Related to the
Kenai Peninsula Borough Municipal Entitlement – ADL 201306

COMMENT PERIOD ENDS: 4:30 PM, FRIDAY, FEBRUARY 25, 2022

The Department of Natural Resource (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) has prepared Draft Plan Amendments (Draft) for the Kenai Area Plan (KAP) and the Kenai River Comprehensive Management Plan (KRCMP). KPB Municipal Entitlement Final Finding and Decision (FFD) serialized as ADL 201306, dated February 24, 2015, conditionally approved 5 parcels of land located in Sections 1, 12, and 13, Township 4 North, Range 1 West, Seward Meridian, totaling approximately 80 acres in the Moose Pass area along the Upper and Lower Trail Lakes. These plan amendments would enable conveyance of those 5 parcels to KPB as the final requirement of their conditional approval.

Pursuant to AS 38.05.945 Notice, the public is invited to comment on this Draft which proposes to amend the KAP and the KRCMP. **The deadline for submitting public comment is 4:30 PM, Friday, February 25, 2022.** Only persons from whom LCS receives timely written comment during the identified comment period will be eligible to request a reconsideration of the Final Plan Amendment (Final). Comments must be received in writing to the Division of Mining, Land and Water, Attention: Mary Hermon, at 550 West 7th Avenue, Suite 640, Anchorage, Alaska 99501, by fax at (907) 269-8916, or by email at mary.hermon@alaska.gov. If you have questions, call Mary Hermon at (907) 269-6546.

The public notice is available on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The Draft is available on the DMLW Municipal Entitlement web site at: <http://dnr.alaska.gov/mlw/muni/> and on the DMLW Land Sales website at: <http://landsales.alaska.gov>.

Following the comment deadline, those written responses received will be considered. Only persons who comment during this public comment period will be eligible to request a reconsideration of the Final. A copy of the Final will be sent to any person who comments on the Draft. The Final will include the reconsideration instructions. Please direct all inquiries or questions to Mary Hermon, at the above address, electronic mail, phone or by fax.

DNR 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 DNR, Public Information Center in Anchorage between the hours of operation: 10:00 AM to 5:00 PM, Monday through Friday at TTY: 711 for Alaska relay or 800-770-8973 or go to <http://dnr.alaska.gov/commis/pic/>

If no significant change is required, the Draft, including any minor changes, will be issued as the Final, without further notice.

DNR reserves the right to waive technical defects in this notice.