

**Kenai River Comprehensive
Management Plan
December 1997**

**Appendix E
Memorandum of Understanding**

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Appendix E
Memorandum of Understanding

APPENDIX E

MEMORANDUM OF UNDERSTANDING

December, 1997

BETWEEN

THE STATE OF ALASKA

**DEPARTMENT OF NATURAL RESOURCES
DEPARTMENT OF FISH & GAME
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

AND

**THE U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
Alaska Region**

AND

**THE U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Alaska Region**

This Memorandum of Understanding between the State of Alaska (Departments of Natural Resources, Fish & Game, and Environmental Conservation) hereinafter referred to as the 'Departments,' and the United States Department of Interior, Fish and Wildlife Service, hereinafter referred to as the Service, United States Department of Agriculture, Forest Service, hereinafter referred to as the Forest Service, reflects the general policy guidelines within which the three agencies agree to operate in relation to the land, including submerged, tide and shoreland, and water of the Kenai River within the Plan Boundary of the Kenai River Comprehensive Management Plan (December, 1997).

WHEREAS, the State of Alaska, under Alaska Statute AS 41.21 established the Kenai River Special Management Area with the intent "to protect and perpetuate the fishery and wildlife resources and habitat in the unit and adjacent area, and to manage recreational uses and development activities in the unit and adjacent area", and required the preparation of a Kenai River Comprehensive Management Plan (Management Plan) under AS 41.21.506 for the Kenai River Special Management Area and its adjacent areas, and

WHEREAS, the Department of Natural Resources, under the Constitution, laws, and regulations of the State of Alaska, is responsible for supervision, improvement, development and maintenance of the State Park System, and furthermore, the Department is assigned responsibility by A.S. 41.21.500-514 for the control, maintenance, and development of the Kenai River Special Management Area, a unit of the State Park system and "to protect and perpetuate the fishery and wildlife resources and habitat in the unit and adjacent area, and to manage recreational uses and development activities in the unit and adjacent area", and

WHEREAS, the Department of Fish & Game, under the Constitution, laws, and regulations of the State of Alaska, is responsible for supervision, improvement, and protection of the biological resources of the State of Alaska and for the protection of certain critical habitat areas, and has specific responsibilities to protect and perpetuate the fishery and wildlife resources in the Kenai River Special Management Area and adjacent areas, and

December 3, 1997

WHEREAS, the Department of Environmental Conservation, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the protection of the natural environment and its associated critical resources,

WHEREAS, the Service, under the Constitution, laws of Congress, and regulations of the U.S. Department of the Interior, is responsible on the Kenai National Wildlife Refuge to conserve fish and wildlife populations and habitats in their natural diversity, ensure water quality and quantity, fulfill international treaty obligations with respect to fish and wildlife and their habitats, and to provide in a manner compatible with these responsibilities, opportunities for scientific research, interpretation, environmental education, land management training, and opportunities for fish and wildlife-oriented recreation; and both on and off the Refuge is responsible for identifying impacts on fish, wildlife, and habitat resources and recommending mitigation measures for federal construction projects, Federal Energy Regulatory Commission hydropower projects, and a wide variety of projects requiring Section 10/404 permits for dredging and filling in navigable waters and filling in lakes, streams, and wetlands, and

WHEREAS, the Forest Service, by authority of the Multiple-Use Sustained-Yield Act of 1960, the National Forest Management Act of 1974,, the Sikes Act of 1974, and the Economy Act of 1932, is responsible for the administration and multiple-use management of the natural resources within the boundaries of the Chugach National Forest, this management including the maintenance and improvement of habitat for fish and wildlife, the protection of historical and cultural resources, timber harvest and recreational opportunities in concert with other recognized uses and users of the lands and waters; and

WHEREAS, the Departments, the Service, and the Forest Service share a mutual concern for protection o fish and wildlife resources and their habitats, ensuring the highest practicable level of environmental protection, and for providing recreational opportunities for the visiting public compatible with such protection, and desire to develop and maintain a cooperative relationship which will be in the best interests of all parties, the involved fish and wildlife resources and their habitats, and produce the greatest public benefit; and

WHEREAS, the Departments, the Service, and the Forest Service recognize the increasing need to coordinate resource planning and policy development for the lands and waters of the Kenai River and specifically that area within the Plan Boundary of the Kenai River Comprehensive Management Plan (Revised, 1997).

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. All references to the Kenai River in the subsequent statements include the Kenai River and its tributaries, Skilak and Kenai Lakes, contiguous wetlands, and all other physical and hydraulic features included within the Plan Boundary of the Kenai River Comprehensive Management Plan as described on page 4 and as depicted in Appendix A of the Management Plan .
2. To the extent consistent with and allowed by each party's applicable laws, regulations, and policies, to recognize the planning, enforcement, and permit authority of each other party with respect to the lands and waters each party may manage on or near the Kenai River and to the maximum extent practicable and as allowed by each party's applicable mission, regulations, and policies, to implement the recommendations of the Kenai River Comprehensive Management Plan (1997).
3. To make their best efforts to protect, restore and enhance, the fish and wildlife habitats and productivity and public fish and wildlife resources and the recreational values of the aforementioned lands and waters insofar as such efforts are consistent with each party's mission, regulations, policies, and plans.

4. To support and coordinate each party's management and enforcement efforts insofar as those management and enforcement efforts do not conflict with the mission, regulations, policies, and plans governing the cooperating party's conduct.
5. To coordinate planning for management of fish and wildlife resources, recreational resources, and associated resources so that potential conflicts arising from differing missions, regulations and policies are recognized early in the planning process and are avoided or minimized.
6. To consult with each other when developing policy, regulations, or legislation which affects the development and protection of the natural, cultural, historical, recreational, and scenic resources of the Kenai River.
7. To consult with each other to resolve differences or potential differences, and to promote effective cooperation regarding the management of natural, cultural, historical, recreational, and scenic resources of the Kenai River.
8. To pursue the feasibility of combined cooperative permitting systems for public use activities for the purpose of simplifying the procedures for permit issuance; to implement the recommendations of the Kenai River Comprehensive Management Plan relating to permitting; and, if practicable and consistent with each agency's mission, regulations, and policies, to coordinate the permitting systems for public use activities at locations that may provide for increased ease of access and use by the public.
9. To support, where practicable and consistent with each agency's mission, regulations, and policies, the Kenai River Center in providing coordinated permitting activities, technical assistance, and information to the public.
10. To continue cooperative law enforcement efforts and pursue the feasibility of joint law enforcement authority and mutual enforcement of applicable State and Federal laws, regulations, and permit stipulations for public use activities on the Kenai River.
11. To develop such cooperative/interagency or memoranda of understanding between the parties as may be required to implement the policies contained herein or as needed to address other operational matters.
12. That this Memorandum of Understanding shall become effective when signed by the Commissioners of the Departments, the Alaska Regional Director of the U.S. Fish and Wildlife Service, and the Regional Forester of the USDA Forest Service, Alaska Region, and shall continue in force until terminated by a signatory party by providing notice in writing 120 days in advance of the intended date of termination.
13. That nothing in this agreement shall obligate any party in the expenditure of funds, or for future payments of money in excess of appropriations authorized by law.
14. That amendments to this Memorandum of Understanding may be proposed by any party to this agreement and shall become effective upon written approval by the authorized representative for each party.
15. That there shall be a Kenai River Technical Coordinating Group and that all parties through their designated representatives on this group will meet at least three times each year on or about September 15, December 15, and April 1. The purpose of this Group shall be to discuss issues of common importance, to coordinate management and enforcement programs, and provide information to the Kenai River Advisory Board. The Kenai River Advisory Board shall be able to request information and technical assistance in fulfilling their responsibilities, as required under Alaska statute. In addition to the agencies signatory to this Memorandum of Understanding, local and federal agencies can participate in this group, including but not limited to the Kenai Peninsula Borough, the

cities of Kenai and Soldotna, and the following federal agencies: U.S. Corps of Engineers, Environmental Protection Agency, and U.S. Geological Survey.

16. That nothing in this agreement is intended to enlarge or diminish the responsibility and authority of the State of Alaska or the Secretary of Interior or the Secretary of Agriculture over the management of any lands, waters, and/or interests therein.


17. That nothing in this agreement is intended to enlarge or diminish the responsibility and authority of the State of Alaska or the Secretary of Interior or the Secretary of Agriculture over the management of fish and wildlife and their habitats.

18. That nothing in this agreement is intended to enlarge or diminish the responsibility and authority of the State of Alaska or of the Secretary of Interior or the Secretary of Agriculture for enforcement of any laws, regulations, or permit conditions.



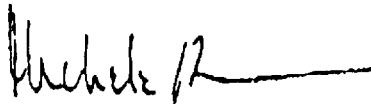
Date: 12/15/97

JOHN SHIVELY, Commissioner of the Department of Natural Resources, State of Alaska



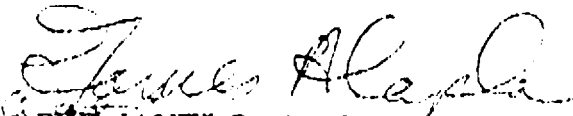
Date: 7.24.98

FRANK RUE, Commissioner of the Department of Fish & Game, State of Alaska



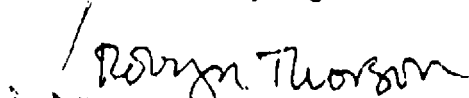
Date: 8/4/98

MICHELE BROWN, Commissioner of the Dept. of Environmental Conservation, State of Alaska



Date: 2/22/98

PHIL JANTKE, Regional Forester, Alaska Region, U.S. Forest Service



Date: 2/5/98

DAVID B. ALLEN, Regional Director, Alaska Region, U.S. Fish and Wildlife Service

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Appendix F
Leasehold Location Order #20

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND**

MINERAL LEASEHOLD LOCATION ORDER NO. 20

1.0 ORDER RESTRICTING TO LEASEHOLD LOCATION

After the effective date of this order (see paragraph 5), and unless otherwise closed to mineral entry, rights to locatable minerals in the land covered by this order may be acquired only under the leasehold location system, AS 38.05.205, and may not be acquired by locating a mining claim under AS 38.05.195.

2.0 LAND SUBJECT TO THE TERMS OF THIS ORDER IS DESCRIBED AS FOLLOWS:

<u>Land Description</u>	<u>Acreage (Approximate)</u>
See Table 1 and Maps 1 & 2	7,248

3.0 AUTHORITY FOR THE ORDER

This order is issued under the authority granted by AS 38.05.185 to the Department of Natural Resources of the State of Alaska.

4.0 FINDINGS AND DETERMINATIONS

The following findings and determinations are made:

4.1 The land described in paragraph 2.0 is found to be subject to potential use conflicts which require that mining only be allowed under written leases under AS 38.05.205. These potential use conflicts include, but are not necessarily limited to, the following:

a) These lands encompass areas that are immediately adjacent to the Kenai River, Trail River, and tributaries to the aforementioned streams and Kenai River and Kenai Lake. The Kenai river is a premier, world class fishery which is extensively used for recreation and economic uses. In excess of 125,000 sport fishers annually use the Kenai River. It is considered a world class salmon fishing stream and the premier King salmon fishing stream in the world. Economic uses dependent on the fishery resources of the Kenai River include the sport fishing guide, commercial (drift and set) fishing, and seafood processing industry. In addition, the importance of this fishery to attracting recreational fishers has created an extensive and growing recreation support industry. It is estimated that annually over \$50 million is generated by the commercial fishing industry and \$60 million by visitors using recreation support industries. Damage to the fishery or its habitat would have significant affects on the fishery as well as its dependent economic and recreational uses.

b) Because of the potential mineralized nature of the lands subject to this leasehold location order, mining may be a use of these lands. Mining activity within these lands must avoid direct and indirect impacts on fish passage, spawning, or rearing; wildlife resources; or recreational use. Leasehold location is an appropriate measure to allow mineral development with minimal impacts on the Kenai River, including significant tributary streams and lakes to this river.

4.2 The land described in paragraph 2.0 is found and determined to have mineral potential.

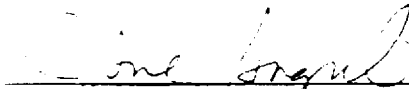
4.3 The stipulations identified in the Kenai River Comprehensive Management Plan (Revised, December 1997) relating to leasehold location orders (Recommendation 4.5.4.8) are to apply to all mining leases in the area affected by this leasehold location order and are to be used in approving plans of operations by DNR. Attachment A lists the stipulations identified in the Kenai River Management Plan.

5.0 EFFECTIVE DATE

This order is effective as of:

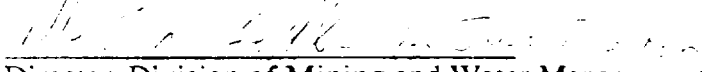
[] _____ (thirty days after the first public notice of this action)

[] The following (later) date: 150 days



Director, Division of Land

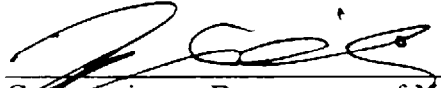
Date: 12/12/97



Director, Division of Mining and Water Management

Date: _____

Approved and ratified by:



Commissioner, Department of Natural Resources

Date: 12/15/97

ATTACHMENT A
(LEASEHOLD LOCATION ORDER NO. 20)

STIPULATIONS

to be applied in the approval of

PLANS OF OPERATIONS

1. The plans of operations must be consistent with the most recent version of the ADFG Best Management Practices for Placer Mining.
2. No surface entry will be allowed for mining operations or facilities within 200 feet or the ordinary high water mark of the Kenai and Trail Rivers, their tributaries¹, and Kenai as well as Lower & Upper Trail lakes, within the area affected by the Leasehold Location Order except that water pipes and pumps will be allowed if necessary to supply water to the mining operation, and underground mining operations may be allowed if they do not cause subsidence or other surface disturbance.
3. No living accommodations, either temporary or permanent, will be authorized within the area subject to the leasehold location order.
4. DNR will approve a plan of operations only when it can be demonstrated that the proposed mining operation will result in minimum practicable disturbance to the existing vegetation, and minimum construction and use of access roads and operational structures.
5. DNR will not approve a plan of operations that adversely affects fish passage, spawning, or rearing; other fish habitat; wildlife resources; recreational use; or use by the owner of adjacent private or municipal parcels. The ADFG must concur with all such approvals.
6. DNR will require reclamation to at least the minimums set by state reclamation law (AS 27.19 and 11 AAC 97), including revegetation by reseeding or replanting with appropriate species. Reclamation shall enhance fish passage and fish habitat and restore damaged riparian habitat.
7. The Kenai River Advisory Board will have the opportunity to review mining plans of operation.

¹ 'Tributaries' includes (only) the following: Bean, Crescent, Juneau, Shackleford, Slaughter, Quartz, Dry, Indian, and Dave's Creek.
December 3, 1997

Table 1 - Units Affected by Leasehold Location Order #20*19-Nov-98*

Unit	MTRS	Size	Location	Legal
378	T. 003 N., R. 001 E., Sec. 7	15.13	Mouth of Victor Creek	T. 003 N., R. 001 E., Section 7: SW1/4 lying north and west of USS 9002 excluding USS 1774.
380A	T. 004 N., R. 001 W., Sec. 13	0.086	Lower Trail Lake, south end, boat launch	T. 004 N., R. 001 W., Section 13: Tract B of ASLS 86-6.
380D	T. 005 N., R. 001 E., Sec. 31	98.91	East side Upper Trail Lake	T. 005 N., R. 001 E., Section 31: That portion of the west half of Lots 1, 2, and 5. T. 005 N., R. 001 W., Section 36: That portion of Lots 1, 5, and 6 excluding a 200 foot wide lakeshore buffer.
380E	T. 005 N., R. 001 W., Sec. 24	83.89	Upper Trail Lake, south arm, east shore (opposite Moose Pass town center)	T. 005 N., R. 001 W., Section 24: Lot 8; Section 25: Lots 1, 8, 9, and 14; Section 36: 200 feet from ordinary high water of Lots 1, 5, and 6.

Unit	MTRS	Size	Location	Legal
380G	T. 004 N., R. 001 E., Sec. 06	651.9	Lower Trail Lake, narrow channel	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, that portion of Lot 3 within the SE1/4; Section 12: Lots 1-4, that portion of Lots 5 and 6 as shown on State status plats, Lots 7, 8, 11 and 12; Section 13: Lot 1, that portion of USS 1778 and USS 7391 lying within the N1/2SE1/4; T. 005 N., R. 001 E., Section 31: Lot 6.
380J	T. 004 N., R. 001 W., Sec. 13	209.14	Trail River and Kenai Lake shore between USFS work center & campground	T. 004 N., R. 001 W., Section 13: Lots 5, 7, and 9; Section 24: Lot 2, Portion of Lots 3, 4, and 9, Lots 5, 7, 8, 10 and 11; Section 25: Lots 3-5.
380K	T. 004 N., R. 001 W., Sec. 04	8.14	Kenai Lake South of USFS work center	T. 004 N., R. 001 W., Section 25: Lot 8
382A	T. 005 N., R. 001 W., Sec. 24	31.36	Upper Trail Lake Ball diamond, boat launch and lake shore access	T. 005 N., R. 001 W., Section 24: Portions of Lots 4 and 5, Lot 6; Section 25: Lots 2, 6, and Tract I of USS 2529.
382D	T. 005 N., R. 001 W., Sec. 25	3.171	Lakefront Moose Pass	T. 005 N., R. 001 W., Section 25: USS 2676 Block 7

Unit	MTRS	Size	Location	Legal
383A	T. 004 N., R. 001 W., Sec. 22	730.96	Kenai Lake shore at mouth of Schilter Creek	T. 004 N., R. 001 W., Section 22: S1/2S1/2; Section 23: S1/2S1/2 excluding USS 7391; Section 26: N1/2 excluding USS 7391; Section 27: N1/2 excluding USS 2065.
384	T. 005 N., R. 001 W., Sec. 22	141.16	Moose Creek & Upper Trail Lake Wayside & Hatchery water source at Seward Hwy Mile 32	T. 005 N., R. 001 W., Section 26: That portion of Lot 2 USS 7371 within State Selection NFCG 192; Lot 3 USS 7371; Section 27: Lot 1, NW1/4NE1/4.
387	T. 005 N., R. 001 W., Sec. 36	0.49	Upper Trail Lake	T. 005 N., R. 001 W., Section 36: Lot 4
388	T. 003 N., R. 002 W., Sec. 06	1471.39	Cooper Lake, southeast end	T. 003 N., R. 002 W., Section 06: Lots 1 - 3, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4 (457.74 acres) T. 003 N., R. 003 W., Section 01: Lots 1 - 4, E1/2NE1/4, NE1/4SE1/4 (249.71 acres) T. 004 N., R. 002 W., Section 31: W1/2E1/2, E1/2SE1/4; T. 004 N., R. 003 W., Section 36: All (483.94 acres) Total Acres

Unit	MTRS	Size	Location	Legal
390	T. 004 N., R. 002 W., Sec. 18	1710.08	Kenai Lake, West Shore	T. 004 N., R. 002 W., Section 18: Lots 1-3, Section 19: NW1/4, NE1/4SW1/4, SW1/4SE1/4 lying south and west of Kenai Lake; Section 30: NE1/4, E1/2SE1/4 lying south and west of Kenai Lake; Section 31: E1/2NE1/4; Section 32: Lots 1-3, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4. T. 004 N., R. 003 W., Section 01: Lots 2-4, W1/2SW1/4; Section 02: Lot 1, W1/2NE1/4, SE1/4NE1/4, E1/2SE1/4; Section 12: Lots 1-4, W1/2W1/2, SE1/4SW1/4; Section 13: Lots 1 and 2, SW1/4NE1/4, E1/2NW1/4, NW1/4SE1/4, E1/2SE1/4.
391A	T. 005 N., R. 003 W., Sec. 30	36.13	Three parcels	T. 005 N., R. 003 W., Section 30: Tract E; Section 31: Lots 1 and 12.
391B	T. 005 N., R. 003 W., Sec. 30	70	North of river, both sides of Bean Creek Road	T. 005 N., R. 003 W. Section 30: NE1/4SE1/4SW1/4, S1/2SE1/4 that portion lying North of the Kenai River and excluding USS 1442.

Unit	MTRS	Size	Location	Legal
391C	T. 005 N., R. 003 W., Sec. 29	6.58	South of river along highway	T. 005 N., R. 003 W., Section 29: Tract D of USS 5105, Lot 5 of USS 2527; Section 30: That portion of Tract B of USS 5105 within the SE1/4SE1/4SE1/4; Section 31: That portion of Tract B of USS 5105 within the NE1/4NE1/4 lying south of the Kenai River and North of the Sterling Highway; Section 32: That portion of Tract B of USS 5105 within the NW1/4NW1/4 lying south of the Kenai River and North of the Sterling Highway.
391D	T. 005 N., R. 003 W., Sec. 29	25	North of Kenai River	T. 005 N., R. 003 W., Section 29: That portion of Tract A of USS 5105 lying south of Bean Creek right-of-way excluding ASLS 96-6.
391E	T. 005 N., R. 003 W., Sec. 28	7.5	South of Kenai River	T. 005 N., R. 003 W., Section 28: That portion of Tract B of USS 5105 lying south of the Kenai River and north of the Sterling Highway right-of-way.
391G	T. 005 N., R. 003 W., Sec. 28	22	North of Kenai River	T. 005 N., R. 003 W., Sections 28 and 29: Tract B of ASLS 91-6, that portion of Tract A of USS 5105 lying south and west of USS 3306, north and west of USS 2524, and south and west of ASLS 81-183 and North and west of ASLS 81-197.
391H	T. 005 N., R. 003 W., Sec. 28	5	North of Kenai River	T. 005 N., R. 003 W., Section 28: That portion of Tract A of USS 5105 lying south of USS 3306, north and west of USS 2524, and east of USS 2524, west of USS 2523 and south of Bean Creek Road.

Unit	MTRS	Size	Location	Legal
391I	T. 005 N., R. 003 W., Sec. 28	4.41	North of River	T. 005 N., R. 003 W., Section 28: Lot 3 of USS 2523
391J	T. 005 N., R. 003 W., Sec. 28	1	North of Kenai River	T. 005 N., R. 003 W., Section 28: That portion of Tract A of USS 5105 lying between Lot 4 of USS 2523 and Tract A of USS 2361 and the south boundary of the Sterling Highway.
391K	T. 005 N., R. 003 W., Sec. 27	0.75	North of Kenai River	T. 005 N., R. 003 W., Section 27: That portion of Tract A of USS 5105 lying south of the Sterling Highway and west of USS 2521 Tract A.
391L	T. 005 N., R. 003 W., Sec. 25	75	North Kenai Lake Shoreline	T. 005 N., R. 003 W., Section 25: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way; Section 26: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way excluding PLO 829; Section 27: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way and west of USS 2934 and south and east of ASLS 80-103; Section 36: That portion of Tract A of USS 5105 within the NW1/4 lying south and west of the Sterling Highway right-of-way excluding ASLS 85- 339.
391M	T. 004 N., R. 002 W., Sec. 6	9.18	North Kenai Lake shoreline	T. 004 N., R. 002 W., Section 6: Lots 1 and 2 excluding ASLS 85-339 and that portion conveyed under ADL 201307.

Unit	MTRS	Size	Location	Legal
391N	T. 005 N., R. 003 W., Sec. 34	65	South of Kenai Lake, west end shoreline	T. 005 N., R. 003 W., Section 34: That portion of Tract B of USS 5105 lying east of ASLS 79-126 and between the north side of Snug Harbor Road and the south side of Kenai Lake.
391Q	T. 004 N., R. 002 W., Sec. 06	5.91	Kenai Lake frontage	Tracts B, C, D, and E of ASLS 85-339 These tracts are within: T. 004 N., R. 002 W., Section 6; T. 004 N. 003 W., Section 1; T. 005 N., R. 002 W., Section 31; T. 005 N. R. 003 W., Section 36;
392A	T. 005N., R. 003 W. Sec. 31	8.56	Cooper Creek	T. 005 N., R. 003 W., Section 31: All State-owned shorelands and water known as Cooper Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Cooper Creek.
392B	T. 005 N., R. 003 W. Sec. 29	44.12	Bean Creek	T. 005 N., R. 003 W., Sections 29 and 30: All State-owned shorelands and water known as Bean Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Bean Creek.

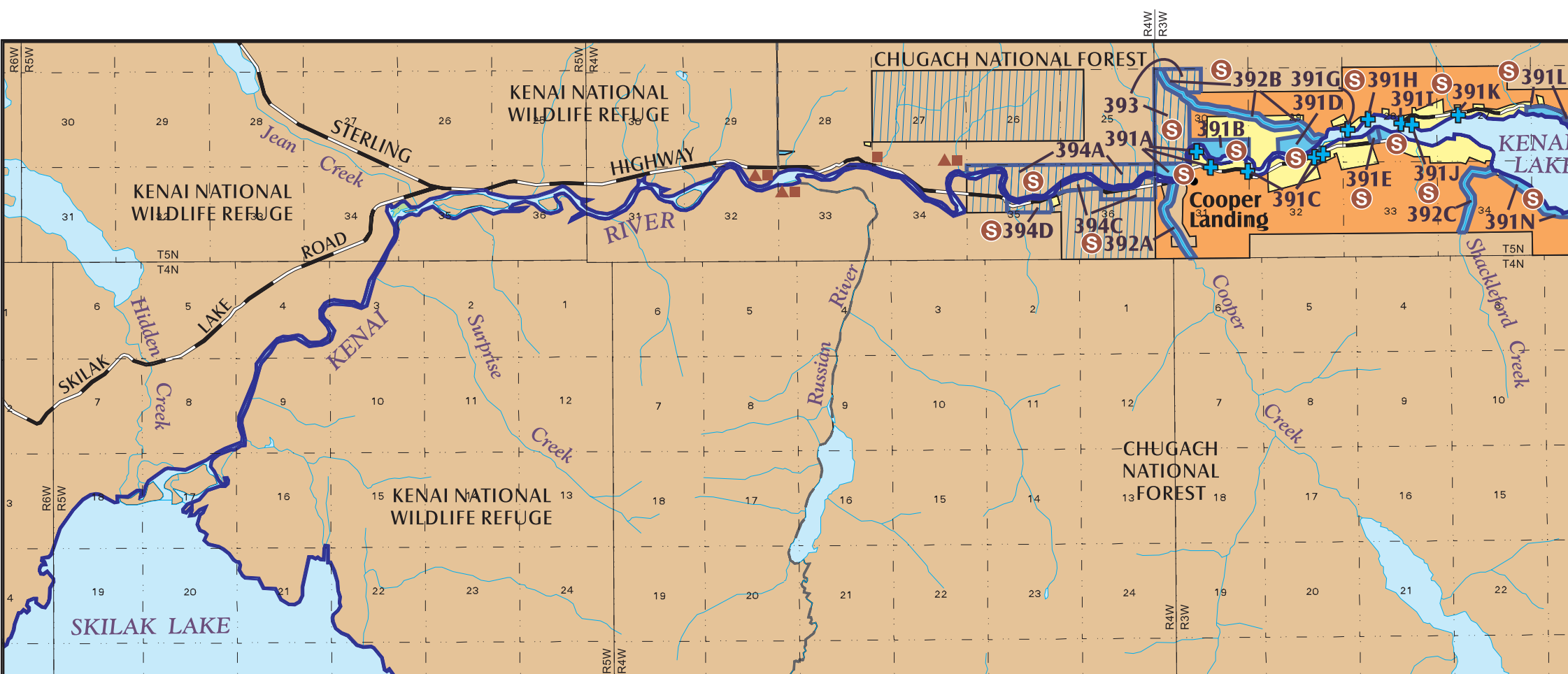
Unit	MTRS	Size	Location	Legal
392C	T. 005 N., R. 003 W. Sec. 34	39.47	Shackleford Creek	T. 005 N., R. 003 W., Section 34: All State-owned shorelands and water known as Shackleford Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Shackleford Creek.
392D	T. 005 N., R. 002 W. Sec. 19	144.75	Quartz Creek	T. 005 N., R. 002 W., Sections 19, 20, 29 and 30; T. 005 N., R. 003 W., Section 36: All State-owned shorelands and water known as Quartz Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Quartz Creek.
392E	T. 005 N., R. 003 W. Sec. 19	26.82	Daves Creek	T. 005 N., R. 002 W., Sections 19 and 20: All State-owned shorelands and water known as Daves Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Daves Creek.
392F	T. 005 N., R. 002 W. Sec. 29	40.4	Crescent Creek	T. 005 N., R. 002 W., Sections 29 and 30: All State-owned shorelands and water known as Crescent Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Crescent Creek.

Unit	MTRS	Size	Location	Legal
392G	T. 005 N., R. 002 W. Sec.30	52.53	Dry Creek	T. 005 N., R. 002 W., Sections 30 and 31: All State-owned shorelands and water known as Dry Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Dry Creek.
392H	T. 005 N., R. 002 W. Sec. 30	22.22	Indian Creek	T. 005 N., R. 002 W., Sections 30 and 31: All State-owned shorelands and water known as Indian Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Indian Creek.
393	T. 005 N., R. 003 W., Sec. 30	260	Mouth of Juneau Creek & Bean Creek	T. 005 N., R. 003 W., Section 30: E1/2NE1/4NW1/4, W1/2W1/2, W1/2E1/2W1/2
394A	T. 005 N., R. 004 W., Sec. 35	220	North of Kenai River	T. 005 N., R. 004 W., Section 35: that portion of USS 1559 within the N1/2 and lying north of the Kenai River, N1/2 that portion lying north of the Kenai River; Section 36: N1/2 that portion lying north of the Kenai River.
394C	T. 005 N., R. 004 W., Sec. 35	280	River and Highway frontage between Cooper Creek Campground and Gwyn's Lodge	T. 005 N., R. 004 W., Section 35: E1/2NE1/4 lying north and east of USS 3392, south of the Kenai River and north of the Sterling Highway; Section 36: USS 7286 Lot 1; that portion of the N1/2 lying between the south bank of the Kenai River and the north side of the Sterling Highway right-of-way; that portion of the N1/2SE1/2NE1/4 and the NE1/4SE1/4NW1/4 lying south of the Sterling Highway.

Unit	MTRS	Size	Location	Legal
394D	T. 005 N., R. 004 W., Sec. 35	32.5	Wetland's west of Gwyn's Lodge on Sterling Hwy	T. 005 N., R. 004 W., Section 35: That portion of the S1/2N1/2NE1/4 and a portion of the E1/2E1/2NW1/4 lying south of the Kenai River; S1/2NE1/4 lying south of the Kenai River excluding USS 3392.
397	T. 005 N., R. 002 W., Sec. 31	3.28	East Quartz Creek Tract A; parcel 1 mile SE of Quartz Creek on Kenai Lake shore	T. 005 N., R. 002 W., Section 31: Tract A of ASLS.85-339.
405	T. 005 N., R. 001 E., Sec. 05	754.2	North shore Upper Trail Lake, including Johnson Pass Trail & Johnson Creek outlet	T. 005 N., R. 001 E., Section 05: S1/2SW1/4; Section 07: Lot 1, SE1/4 of Lot 2, Lots 5, 7, 9-12; Section 08: N1/2NW1/4; Section 18: Lots 3 - 7; T. 005 N., R. 001 W., Section 13: Lots 1-4, E1/2NE1/4NE1/4, S1/2SW1/4NE1/4, NW1/4SE1/4; Section 22: Lot 2, S1/2NE1/4SE1/4; Section 23: S1/2 of Lot 1, Lots 2-5, S1/2SE1/4NW1/4; Section 24: Lots 1-3.
407	T. 005 N., R. 001 E., Sec. 07	6.19	Slivers of land between Upper Trail Lake shore & Alaska RR	T. 005 N., R. 001 E., Section 07: Lots 13 and 14; Section 18: Lot 2; Section 19: Lot 2; T. 005 N., R. 001 W., Section 24: Lot 7, Section 25: Lot 7
408B	T. 005 N., R. 002 W, Sec. 15	378.5	Quartz and Daves Creek Lowlands, mile 38.5 to mile 40 along Sterling Hwy.	T. 005 N., R. 002 W., Section 15: S1/2N1/2; Section 16: S1/2N1/2, NE1/4NW1/4, NW1/4NE1/4 excluding Unit 408A; and N1/2S1/2.

Unit	MTRS	Size	Location	Legal
608	T. 004 N., R. 001 E, Sec. 6	643.72	Trail River and Upper and Lower Trail Lakes	All State-owned shorelands and water known as Trail River and Upper and Lower Trail Lakes within: T. 004 N., R. 001 E., Sections 6, 7, 18, 19; T. 004 N., R. 001 W., Sections 1, 12, 13, 24 and 25; T. 005 N., R. 001 E., Sections 7, 18, 19, 31; T. 005 N., R. 001 W., Sections 13, 22 - 27, and 36.

Map 1 Upper River Segment

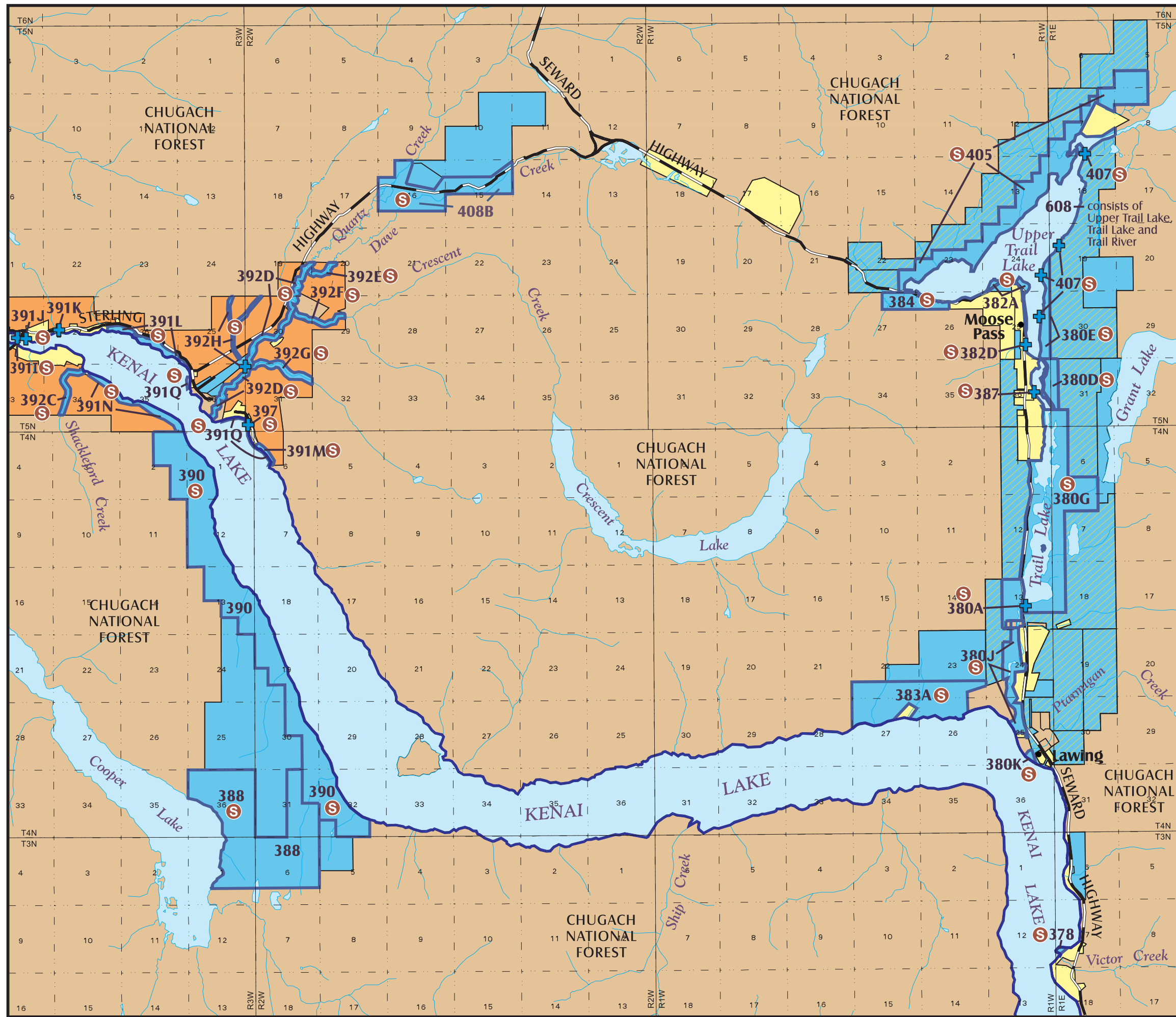


LEGEND

Affected Parcels:		Projects:	
			Parcels affected by Proposed Leasehold Location Order and Special Use Designation
Land Ownership:		Proposed Additions to KRSMA:	
	ANY COLOR		State
	State Selected		State parcels smaller than 2 acres
	Borough	Map features	
	Federal (Nat'l. Forest, Refuge, Wilderness)		Main roads
	Private		

Note 1: Parcel numbers reference the revised Kenai River Comprehensive Management Plan (December 1997).
 Note 2: See also Table 1, attached, for further parcel description.
 Note 3: Parcels 393, 394A, and 394D are in state selected status. When these parcels are conveyed to the state, they will be administered consistent with the Leasehold Location Order and Special Use Designation.

Map 2 Kenai Lake



LEGEND

Affected Parcels:
 Parcels affected by Proposed Leasehold Location Order and Special Use designation

Land Ownership:
 ANY COLOR KRSMA - Managed by Alaska State Parks
 Other State Owned
 Borough
 Borough selected
 Federal (Nat'l. Forest, Refuge, Wilderness)
 Private

Proposed Additions to KRSMA:
 State
 State parcels smaller than 2 acres

Map features
 Main roads

Note 1: Parcel numbers reference the revised Kenai River Comprehensive Management Plan (December 1997).
 Note 2: See also Table 1, attached, for further parcel description.



Appendix G
Special Land Use Designation

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND**

**DESIGNATION OF SPECIAL USE LANDS
STATE LAND ADJACENT TO KENAI AND TRAIL RIVERS
and
KENAI LAKE AND UPPER & LOWER TRAIL LAKES**

ADL 226527

AUTHORITY: Pursuant to 11 AAC 96.010(a)(2) and 11 AAC 96.101(b), the tributary streams of the Kenai River and Kenai Lake and the parcels of state land adjacent to Kenai and Trail Rivers and Kenai Lake and Upper & Lower Trail Lakes (as described on Table 1 and depicted on Maps 1 and 2) are designated as special use lands. This document outlines those activities that require an authorization within the designated area.

PURPOSE: The purpose of this Special Use Designation 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. This designation implements certain of the state land and water recommendations of the Kenai River Comprehensive Management Plan (Revised, September 1997).

USES REQUIRING A PERMIT: The following uses proposed on those lands designated as special use lands under this notice shall require a permit from the department:

Any disturbance to the land that might involve clearing trees, brush, or vegetation; the movement and/or excavation of soil or material; construction or placement of any structure(s); or any activity that tend to reduce fish and wildlife productivity or result in significant disturbance to fish and wildlife habitat.

USES NOT REQUIRING A PERMIT: The activity that is allowed (provided it is compatible with the purposes of this Special Use Designation) without requiring a permit is:

- public access for sport fishing, hunting, and recreational purposes
- other generally allowable uses according to 11 AAC 96.010 not including operating a short-term camp for commercial recreational purposes or brushing or cutting for survey or other purposes.

MANAGEMENT AGENCY: The lands affected by the Special Use Designation will be managed by the Division of Parks & Outdoor Recreation, in accordance with the statutory objectives of the Kenai River Special Management Area (AS 41.21.500) and the Cooperative Management Agreement between the Division of Land and the Division of Parks & Outdoor Recreation (Attachment A).

PERIODIC REVIEW: This Special Use Designation is subject to periodic review every five years for consistency and compliance with the terms and conditions under which it was issued.

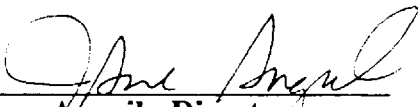
TERMINATION OR AMENDMENT: If any portion of the area encompassed by the Special Use Designation is added by the Legislature into the Kenai River Special Management Area, the Special Use Designation will terminate.

Any amendments to this agreement may be proposed by either division and shall become effective upon approval of both parties.

DECISION: It is my decision to designate those state lands described on Table 1 and depicted on Maps 1 and 2 of this document as special use lands in accordance with 11 AAC 96.010(a)(2) and 11 AAC 96.010(b). I find that this action is consistent with the department's management authority and the Kenai River Comprehensive Management Plan (Revised, 1997) and is in the best interest of the state.

In ninety days from the date of this designation, or by written notice of the designation before the end of the 90 day period, the activities described herein shall be managed according to the terms of this Special Use Designation.

DIVISION OF LAND
DEPARTMENT OF NATURAL RESOURCES


Jane Angvik, Director

Date 12/12/97

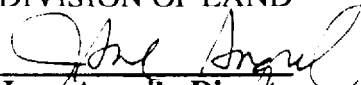
ATTACHMENT A
MANAGEMENT AGREEMENT
between the
DIVISION OF PARKS & OUTDOOR RECREATION
and
DIVISION OF LAND
for the
SPECIAL USE AREA
STATE LAND ADJACENT TO KENAI AND TRAIL RIVERS
and
KENAI LAKE AND UPPER & LOWER TRAIL LAKES

ADL NO. 226527

This agreement is entered into between the Division of Parks & Outdoor Recreation (DOPOR) and the Division of Land (DOL), Alaska Department of Natural Resources, and concerns the management of state land and resources within the Special Use Designation: State Land Adjacent to Kenai and Trail Rivers and Kenai Lake and Upper & Lower Trail Lakes (Special Use Designation). It describes the management responsibilities of each division and establishes the procedures to be followed in managing the land and resources within the Special Use Designation.

- 1. PURPOSE:** This management agreement is intended to assist in the management of state land and resources in the Special Use Designation, consistent with the recommendations of the Kenai River Comprehensive Management Plan (Revised, September 1997). It is also intended to help protect the fishery and habitat resources of the Kenai River, consistent with the objectives of the Kenai River Special Management Area.
- 2. AUTHORITY:** This agreement is entered into pursuant to the authority contained in Alaska Statutes 38.04, 38.05, and AS 41.21.500 through AS 41.21.514.
- 3. PARCEL DESCRIPTION:** The lands affected by this Management Agreement are identified in Table 1 and depicted on Maps 1 and 2.
- 4. MANAGEMENT INTENT:** It is the intent to this agreement that DOPOR assume management authority of the state lands affected by the Special Use Designation.
- 5. REVIEW:** This management agreement will be reviewed every five years in association with the review of the Special Use Designation (ADL 226527).
- 6. TERM:** This agreement shall remain in effect until terminated in writing by either division, or if the Legislature acts to incorporate the parcels in the Special Use Designation into the Kenai River Special Management Area.
- 7. EFFECTIVE DATE:** The effective date of this agreement shall be from the date of signature of all parties.

DIVISION OF LAND


Jane Angvik, Director

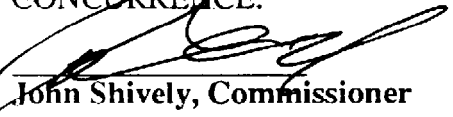
Date 12/12/97

DIVISION OF PARKS & OUTDOOR RECREATION


Jim Stratton, Director

Date 15 DEC 97

CONCURRENCE:


John Shively, Commissioner

Date 12/15/97

Table 1 - Units Affected by Special Use Designation ADL #226527

19-Nov-98

Unit	MTRS	Size	Location	Legal
378	T. 003 N., R. 001 E., Sec. 7	15.13	Mouth of Victor Creek	T. 003 N., R. 001 E., Section 7: SW1/4 lying north and west of USS 9002 excluding USS 1774.
380A	T. 004 N., R. 001 W., Sec. 13	0.086	Lower Trail Lake, south end, boat launch	T. 004 N., R. 001 W., Section 13: Tract B of ASLS 86-6.
380D	T. 005 N., R. 001 E., Sec. 31	98.91	East side Upper Trail Lake	T. 005 N., R. 001 E., Section 31: That portion of the west half of Lots 1, 2, and 5. T. 005 N., R. 001 W., Section 36: That portion of Lots 1, 5, and 6 excluding a 200 foot wide lakeshore buffer.
380E	T. 005 N., R. 001 W., Sec. 24	83.89	Upper Trail Lake, south arm, east shore (opposite Moose Pass town center)	T. 005 N., R. 001 W., Section 24: Lot 8; Section 25: Lots 1, 8, 9, and 14; Section 36: 200 feet from ordinary high water of Lots 1, 5, and 6.

Unit	MTRS	Size	Location	Legal
380G	T. 004 N., R. 001 E., Sec. 06	651.9	Lower Trail Lake, narrow channel	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, that portion of Lot 3 within the SE1/4; Section 12: Lots 1-4, that portion of Lots 5 and 6 as shown on State status plats, Lots 7, 8, 11 and 12; Section 13: Lot 1, that portion of USS 1778 and USS 7391 lying within the N1/2SE1/4; T. 005 N., R. 001 E., Section 31: Lot 6.
380J	T. 004 N., R. 001 W., Sec. 13	209.14	Trail River and Kenai Lake shore between USFS work center & campground	T. 004 N., R. 001 W., Section 13: Lots 5, 7, and 9; Section 24: Lot 2, Portion of Lots 3, 4, and 9, Lots 5, 7, 8, 10 and 11; Section 25: Lots 3-5.
380K	T. 004 N., R. 001 W., Sec. 04	8.14	Kenai Lake South of USFS work center	T. 004 N., R. 001 W., Section 25: Lot 8
382A	T. 005 N., R. 001 W., Sec. 24	31.36	Upper Trail Lake Ball diamond, boat launch and lake shore access	T. 005 N., R. 001 W., Section 24: Portions of Lots 4 and 5, Lot 6; Section 25: Lots 2, 6, and Tract I of USS 2529.
382D	T. 005 N., R. 001 W., Sec. 25	3.171	Lakefront Moose Pass	T. 005 N., R. 001 W., Section 25: USS 2676 Block 7

Unit	MTRS	Size	Location	Legal
383A	T. 004 N., R. 001 W., Sec. 22	730.96	Kenai Lake shore at mouth of Schilter Creek	T. 004 N., R. 001 W., Section 22: S1/2S1/2; Section 23: S1/2S1/2 excluding USS 7391; Section 26: N1/2 excluding USS 7391; Section 27: N1/2 excluding USS 2065.
384	T. 005 N., R. 001 W., Sec. 22	141.16	Moose Creek & Upper Trail Lake Wayside & Hatchery water source at Seward Hwy Mile 32	T. 005 N., R. 001 W., Section 26: That portion of Lot 2 USS 7371 within State Selection NFCG 192; Lot 3 USS 7371; Section 27: Lot 1, NW1/4NE1/4.
387	T. 005 N., R. 001 W., Sec. 36	0.49	Upper Trail Lake	T. 005 N., R. 001 W., Section 36: Lot 4
388	T. 003 N., R. 002 W., Sec. 06	1471.39	Cooper Lake, southeast end	T. 003 N., R. 002 W., Section 06: Lots 1 - 3, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4 (457.74 acres) T. 003 N., R. 003 W., Section 01: Lots 1 - 4, E1/2NE1/4, NE1/4SE1/4 (249.71 acres) T. 004 N., R. 002 W., Section 31: W1/2E1/2, E1/2SE1/4; T. 004 N., R. 003 W., Section 36: All (483.94 acres) Total Acres

Unit	MTRS	Size	Location	Legal
390	T. 004 N., R. 002 W., Sec. 18	1710.08	Kenai Lake, West Shore	T. 004 N., R. 002 W., Section 18: Lots 1-3, Section 19: NW1/4, NE1/4SW1/4, SW1/4SE1/4 lying south and west of Kenai Lake; Section 30: NE1/4, E1/2SE1/4 lying south and west of Kenai Lake; Section 31: E1/2NE1/4; Section 32: Lots 1-3, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4. T. 004 N., R. 003 W., Section 01: Lots 2-4, W1/2SW1/4; Section 02: Lot 1, W1/2NE1/4, SE1/4NE1/4, E1/2SE1/4; Section 12: Lots 1-4, W1/2W1/2, SE1/4SW1/4; Section 13: Lots 1 and 2, SW1/4NE1/4, E1/2NW1/4, NW1/4SE1/4, E1/2SE1/4.
391A	T. 005 N., R. 003 W., Sec. 30	36.13	Three parcels	T. 005 N., R. 003 W., Section 30: Tract E; Section 31: Lots 1 and 12.
391B	T. 005 N., R. 003 W., Sec. 30	70	North of river, both sides of Bean Creek Road	T. 005 N., R. 003 W. Section 30: NE1/4SE1/4SW1/4, S1/2SE1/4 that portion lying North of the Kenai River and excluding USS 1442.

Unit	MTRS	Size	Location	Legal
391C	T. 005 N., R. 003 W., Sec. 29	6.58	South of river along highway	T. 005 N., R. 003 W., Section 29: Tract D of USS 5105, Lot 5 of USS 2527; Section 30: That portion of Tract B of USS 5105 within the SE1/4SE1/4SE1/4; Section 31: That portion of Tract B of USS 5105 within the NE1/4NE1/4 lying south of the Kenai River and North of the Sterling Highway; Section 32: That portion of Tract B of USS 5105 within the NW1/4NW1/4 lying south of the Kenai River and North of the Sterling Highway.
391D	T. 005 N., R. 003 W., Sec. 29	25	North of Kenai River	T. 005 N., R. 003 W., Section 29: That portion of Tract A of USS 5105 lying south of Bean Creek right-of-way excluding ASLS 96-6.
391E	T. 005 N., R. 003 W., Sec. 28	7.5	South of Kenai River	T. 005 N., R. 003 W., Section 28: That portion of Tract B of USS 5105 lying south of the Kenai River and north of the Sterling Highway right-of-way.
391G	T. 005 N., R. 003 W., Sec. 28	22	North of Kenai River	T. 005 N., R. 003 W., Sections 28 and 29: Tract B of ASLS 91-6, that portion of Tract A of USS 5105 lying south and west of USS 3306, north and west of USS 2524, and south and west of ASLS 81-183 and North and west of ASLS 81-197.
391H	T. 005 N., R. 003 W., Sec. 28	5	North of Kenai River	T. 005 N., R. 003 W., Section 28: That portion of Tract A of USS 5105 lying south of USS 3306, north and west of USS 2524, and east of USS 2524, west of USS 2523 and south of Bean Creek Road.

Unit	MTRS	Size	Location	Legal
391I	T. 005 N., R. 003 W., Sec. 28	4.41	North of River	T. 005 N., R. 003 W., Section 28: Lot 3 of USS 2523
391J	T. 005 N., R. 003 W., Sec. 28	1	North of Kenai River	T. 005 N., R. 003 W., Section 28: That portion of Tract A of USS 5105 lying between Lot 4 of USS 2523 and Tract A of USS 2361 and the south boundary of the Sterling Highway.
391K	T. 005 N., R. 003 W., Sec. 27	0.75	North of Kenai River	T. 005 N., R. 003 W., Section 27: That portion of Tract A of USS 5105 lying south of the Sterling Highway and west of USS 2521 Tract A.
391L	T. 005 N., R. 003 W., Sec. 25	75	North Kenai Lake Shoreline	T. 005 N., R. 003 W., Section 25: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way; Section 26: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way excluding PLO 829; Section 27: That portion of Tract A of USS 5105 lying south of the Sterling Highway right-of-way and west of USS 2934 and south and east of ASLS 80-103; Section 36: That portion of Tract A of USS 5105 within the NW1/4 lying south and west of the Sterling Highway right-of-way excluding ASLS 85- 339.
391M	T. 004 N., R. 002 W., Sec. 6	9.18	North Kenai Lake shoreline	T. 004 N., R. 002 W., Section 6: Lots 1 and 2 excluding ASLS 85-339 and that portion conveyed under ADL 201307.

Unit	MTRS	Size	Location	Legal
391N	T. 005 N., R. 003 W., Sec. 34	65	South of Kenai Lake, west end shoreline	T. 005 N., R. 003 W., Section 34: That portion of Tract B of USS 5105 lying east of ASLS 79-126 and between the north side of Snug Harbor Road and the south side of Kenai Lake.
391Q	T. 004 N., R. 002 W., Sec. 06	5.91	Kenai Lake frontage	Tracts B, C, D, and E of ASLS 85-339 These tracts are within: T. 004 N., R. 002 W., Section 6; T. 004 N. 003 W., Section 1; T. 005 N., R. 002 W., Section 31; T. 005 N. R. 003 W., Section 36;
392A	T. 005N., R. 003 W. Sec. 31	8.56	Cooper Creek	T. 005 N., R. 003 W., Section 31: All State-owned shorelands and water known as Cooper Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Cooper Creek.
392B	T. 005 N., R. 003 W. Sec. 29	44.12	Bean Creek	T. 005 N., R. 003 W., Sections 29 and 30: All State-owned shorelands and water known as Bean Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Bean Creek.
392C	T. 005 N., R. 003 W. Sec. 34	39.47	Shackleford Creek	T. 005 N., R. 003 W., Section 34: All State-owned shorelands and water known as Shackleford Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Shackleford Creek.

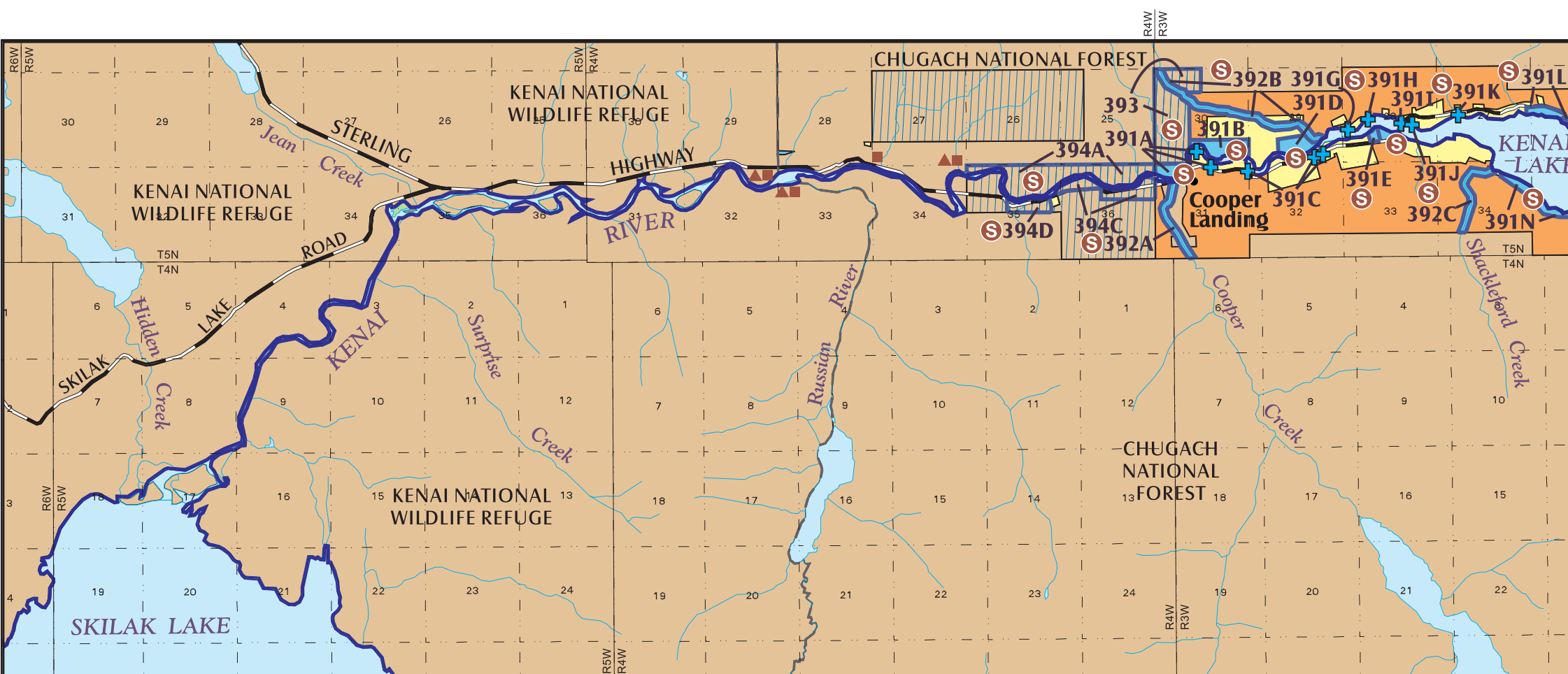
Unit	MTRS	Size	Location	Legal
392D	T. 005 N., R. 002 W. Sec. 19	144.75	Quartz Creek	T. 005 N., R. 002 W., Sections 19, 20, 29 and 30; T. 005 N., R. 003 W., Section 36: All State-owned shorelands and water known as Quartz Creek and the riparian corridor of State- owned land 200' landward from the ordinary high water on each side of Quartz Creek.
392E	T. 005 N., R. 003 W. Sec. 19	26.82	Daves Creek	T. 005 N., R. 002 W., Sections 19 and 20: All State-owned shorelands and water known as Daves Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Daves Creek.
392F	T. 005 N., R. 002 W. Sec. 29	40.4	Crescent Creek	T. 005 N., R. 002 W., Sections 29 and 30: All State-owned shorelands and water known as Crescent Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Crescent Creek.
392G	T. 005 N., R. 002 W. Sec.30	52.53	Dry Creek	T. 005 N., R. 002 W., Sections 30 and 31: All State-owned shorelands and water known as Dry Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Dry Creek.
392H	T. 005 N., R. 002 W. Sec. 30	22.22	Indian Creek	T. 005 N., R. 002 W., Sections 30 and 31: All State-owned shorelands and water known as Indian Creek and the riparian corridor of State-owned land 200' landward from the ordinary high water on each side of Indian Creek.

Unit	MTRS	Size	Location	Legal
393	T. 005 N., R. 003 W., Sec. 30	260	Mouth of Juneau Creek & Bean Creek	T. 005 N., R. 003 W., Section 30: E1/2NE1/4NW1/4, W1/2W1/2, W1/2E1/2W1/2
394A	T. 005 N., R. 004 W., Sec. 35	220	North of Kenai River	T. 005 N., R. 004 W., Section 35: that portion of USS 1559 within the N1/2 and lying north of the Kenai River, N1/2 that portion lying north of the Kenai River; Section 36: N1/2 that portion lying north of the Kenai River.
394C	T. 005 N., R. 004 W., Sec. 35	280	River and Highway frontage between Cooper Creek Campground and Gwyn's Lodge	T. 005 N., R. 004 W., Section 35: E1/2NE1/4 lying north and east of USS 3392, south of the Kenai River and north of the Sterling Highway; Section 36: USS 7286 Lot 1; that portion of the N1/2 lying between the south bank of the Kenai River and the north side of the Sterling Highway right-of-way; that portion of the N1/2S1/2NE1/4 and the NE1/4SE1/4NW1/4 lying south of the Sterling Highway.
394D	T. 005 N., R. 004 W., Sec. 35	32.5	Wetland's west of Gwyn's Lodge on Sterling Hwy	T. 005 N., R. 004 W., Section 35: That portion of the S1/2N1/2NE1/4 and a portion of the E1/2E1/2NW1/4 lying south of the Kenai River; S1/2NE1/4 lying south of the Kenai River excluding USS 3392.
397	T. 005 N., R. 002 W., Sec. 31	3.28	East Quartz Creek Tract A; parcel 1 mile SE of Quartz Creek on Kenai Lake shore	T. 005 N., R. 002 W., Section 31: Tract A of ASLS 85-339.

Unit	MTRS	Size	Location	Legal
405	T. 005 N., R. 001 E., Sec. 05	754.2	North shore Upper Trail Lake, including Johnson Pass Trail & Johnson Creek outlet	T. 005 N., R. 001 E., Section 05: S1/2SW1/4; Section 07: Lot 1, SE1/4 of Lot 2, Lots 5, 7, 9-12; Section 08: N1/2NW1/4; Section 18: Lots 3 - 7; T. 005 N., R. 001 W., Section 13: Lots 1-4, E1/2NE1/4NE1/4, S1/2SW1/4NE1/4, NW1/4SE1/4; Section 22: Lot 2, S1/2NE1/4SE1/4; Section 23: S1/2 of Lot 1, Lots 2-5, S1/2SE1/4NW1/4; Section 24: Lots 1-3.
407	T. 005 N., R. 001 E., Sec. 07	6.19	Slivers of land between Upper Trail Lake shore & Alaska RR	T. 005 N., R. 001 E., Section 07: Lots 13 and 14; Section 18: Lot 2; Section 19: Lot 2; T. 005 N., R. 001 W., Section 24: Lot 7, Section 25: Lot 7
408B	T. 005 N., R. 002 W., Sec. 15	378.5	Quartz and Daves Creek Lowlands, mile 38.5 to mile 40 along Sterling Hwy.	T. 005 N., R. 002 W., Section 15: S1/2N1/2; Section 16: S1/2N1/2, NE1/4NW1/4, NW1/4NE1/4 excluding Unit 408A; and N1/2S1/2.

Unit	MTRS	Size	Location	Legal
608	T. 004 N., R. 001 E, Sec. 6	643.72	Trail River and Upper and Lower Trail Lakes	All State-owned shorelands and water known as Trail River and Upper and Lower Trail Lakes within: T. 004 N., R. 001 E., Sections 6, 7, 18, 19; T. 004 N., R. 001 W., Sections 1, 12, 13, 24 and 25; T. 005 N., R. 001 E., Sections 7, 18, 19, 31; T. 005 N., R. 001 W., Sections 13, 22 - 27, and 36.

Map 1 Upper River Segment

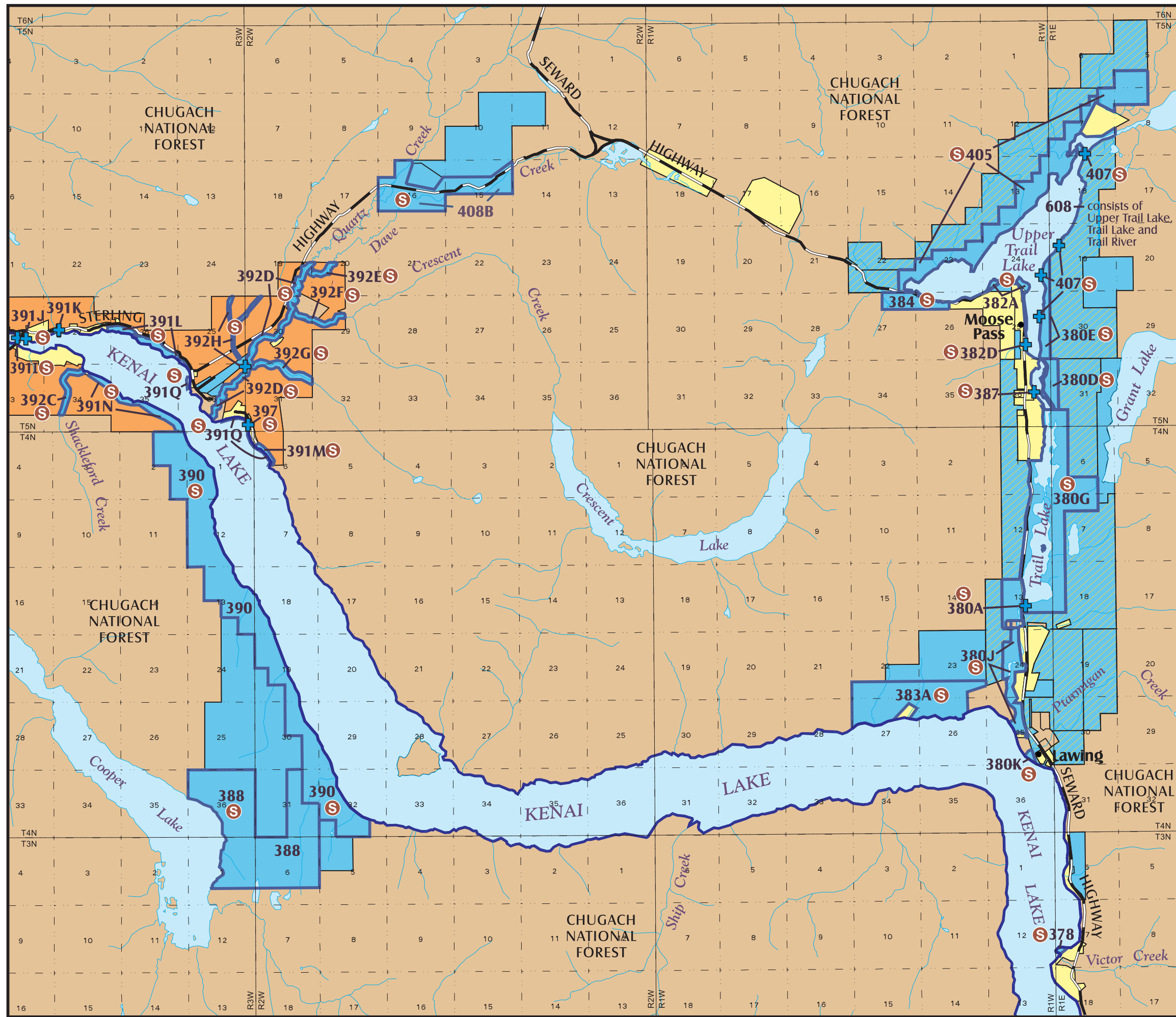


LEGEND

Affected Parcels:		Projects:	
			Parcels affected by Proposed Leasehold Location Order and Special Use Designation
Land Ownership:		Proposed Additions to KRSMA:	
	ANY COLOR		State
	State Selected		State parcels smaller than 2 acres
	Borough	Map features	
	Federal (Nat'l. Forest, Refuge, Wilderness)		Main roads
	Private		

Note 1: Parcel numbers reference the revised Kenai River Comprehensive Management Plan (December 1997).
 Note 2: See also Table 1, attached, for further parcel description.
 Note 3: Parcels 393, 394A, and 394D are in state selected status. When these parcels are conveyed to the state, they will be administered consistent with the Leasehold Location Order and Special Use Designation.

Map 2 Kenai Lake



LEGEND

Affected Parcels:

- S + Parcels affected by Proposed Leasehold Location Order and Special Use designation

Land Ownership:

- ANY COLOR KRSMA - Managed by Alaska State Parks
- Other State Owned
- Borough
- Borough selected
- Federal (Nat'l. Forest, Refuge, Wilderness)
- Private

Proposed Additions to KRSMA:

- State
- + State parcels smaller than 2 acres

Map features

- Main roads

Note 1: Parcel numbers reference the revised Kenai River Comprehensive Management Plan (December 1997).
Note 2: See also Table 1, attached, for further parcel description.



Appendix H
Kenai River Special Management Area
Statute 41.21.502

Sec. 41.21.502. Kenai River Special Management Area established.

(a) The surface estate in the land and water presently owned by the state and all land and water acquired by the state in the future, including shore, tide, and submerged land, lying within the parcels described in this section is designated as the Kenai River Special Management Area:

- (1) the Kenai River at the common section line of Sections 16 and 17, Township 5 North, Range 11 West, Seward Meridian, upstream to and including the waters of the Kenai and Skilak Lakes;
- (2) the Moose River from its confluence with the Kenai River upstream to the Sterling Highway Bridge;
- (3) the Funny River from its confluence with the Kenai River upstream to the Funny River Road Bridge;
- (4) the state land in the Kenai Recording District that is located within the following parcels:

(A) Kenai Keys

Township 5 North, Range 8 West, Seward Meridian

Section 26: General Land Office Lot 9

Section 36:

According to the Stephenkie Alaska Subdivision,
Alaska State Land Survey No. 73-146:
Lots 2, 3, 5 - 8 and 12 - 33 of Block 2

Tract B

A small un-meandered island located within the
SE1/4SE1/4 of Section 36

General Land Office Lots 2, 3

SW1/4NE1/4

NE1/4NW1/4

Excluding the Kenai Keys Road Right-of-Way and Stephenkie Alaska Subdivision, Alaska State Land Survey No. 73-146

(B) Bing's Landing

Township 5 North, Range 8 West, Seward Meridian

Section 16: Portion of W1/2W1/2 lying south of the Sterling Highway

Section 20: Lot 1

Section 21: Lot 3

(C) Izaak Walton

Township 5 North, Range 8 West, Seward Meridian

Section 7:

Parcel #1: Starting at the Southwest corner of Lot 6, Section 7, T5N, R8W, go South 0° 08' East a distance of 888.1 feet to the center of road to corner no. 1, which is the true point of beginning; then North 73° 5' West along the center of the road a distance of 727 feet to corner no. 2; then in a southwesterly direction a distance of 515.6 feet plus or minus, along the line of mean high water of Moose River to point no. 3; then a distance of 108 feet plus or minus, to point no. 4 along the line of mean high water of Moose River to Kenai River; then a distance of 75.3 feet plus or minus, to point no. 5 along that river; then upstream a distance of 808.6 feet plus or minus, at mean high water along Kenai River to point no. 6; then North 0° 8' West 150 feet to point no. 7; then south 89° 57' East a distance of 208 feet to point no. 8; then North 0° 08' West 213.9 feet to point no. 1, which is the true point of beginning.

Parcel #2: Starting at the Southwest corner of Lot 6, Section 7, T5N, R8W, go South 0° 08' East a distance of 1102.0 feet to corner no. 1, which is the true point of beginning; then North 89° 57' West 208.0 feet to corner no. 2; then South 0° 08' East 150 feet plus or minus to corner no. 3, which is a point at mean high water of the Kenai River, then Southeasterly a distance of 238 feet plus or minus, along the line of high water of that river to corner no. 4, which is a point 268 feet plus or minus, South 0° 08' East of corner no. 1, then North 0° 08' West 268 feet plus or minus to corner no. 1, which is the true point of beginning, containing one acre plus or minus.

(D) Nilnunqa

Township 5 North, Range 8 West, Seward Meridian

Section 7: Lot 10

(E) Funny River

Township 5 North, Range 9 West, Seward Meridian

Section 28: SE1/4SE1/4

Tract 6, Heistand Subdivision,

Addition No. 2

Section 33: Lots 1, 3

SE1/4NW1/4

portion of NE1/4 lying west of the Funny River Road

(F) Morgan's Landing

Township 5 North, Range 9 West, Seward Meridian

Section 21: SW1/4SE1/4

Section 28: Lots 2, 3, 7 - 9, 14, 15

NE1/4NW1/4

NW1/4SW1/4

Section 33: Lot 2

- (G) Kenai River Islands
 Township 5 North, Range 8 West, Seward Meridian
 Section 27: Lots 10, 17
 Township 5 North, Range 10 West, Seward Meridian
 Section 6: Lots 9 - 10
 Section 7: Lots 2 - 4, 8, 11, 16
 Section 18: Lots 2, 3, 14
 Section 19: Lots 3, 17
 Section 30: Lots 2, 8
 Section 31: Lots 7, 10
 Section 32: Lot 7
 Section 33: Lots 5, 8
 Section 34: Lot 10
 Township 5 North, Range 11 West, Seward Meridian
 Section 36: Lot 2 within NE1/4
- (H) Slikok Creek
 Township 5 North, Range 11 West, Seward Meridian
 Section 36: Tract "A", Slikok Creek Alaska Subdivision
- (I) Big Eddy
 Township 5 North, Range 11 West, Seward Meridian
 Section 24: Lots 14, 15
 NW1/4NE1/4SE1/4
- (J) Ciechanski
 Township 5 North, Range 11 West, Seward Meridian
 Section 24: Lot 1
- (K) Kenai River Flats
 Township 5 North, Range 11 West, Seward Meridian
 Section 15: Lot 8
 NW1/4SE1/4
 N1/2SW1/4
 N1/2S1/2SW1/4
- (L) Other Lower River Land
 Township 5 North, Range 10 West, Seward Meridian
 Section 6: Lot 8
 Section 7: Lots 5 - 7, 15
 Section 18: Lots 4 - 7, 10 - 13
 NE1/4SW1/4
 E1/2NW1/4
 Section 19: Lot 16
 Township 5 North, Range 11 West, Seward Meridian
 Section 1: Lot 10
 Section 12: Lots 1 - 3, 7 - 10, 13
 N1/2SE1/4
 SE1/4NE1/4
 NE1/4SW1/4
 Section 13: Lot 1
 SW1/4NW1/4
 Section 14: Lots 2, 7
 Section 16: Lots 1 - 10
 SE1/4
 NW1/4NW1/4
 SE1/4SW1/4.

(b) Subject to valid existing rights, the land and water described in (a) of this section is designated as a special purpose area under art. VIII, Sec. 7, of the Alaska Constitution.

(c) Except for oil and gas leasing under AS 38.05.180 , the mineral estate in the State-owned land and water described in (a) of this section is closed to mineral entry under AS 38.05.181 - 38.05.275. (Section 2 ch 74 SLA 1984)

Conditional amendment of paragraph (a)(4)(H). -- Section 1, ch. 148, SLA 1990, authorizes a land exchange with the University of Alaska. On the first day of the month following certification of that exchange, Sections 2 and 4, ch. 148, SLA 1990, provide that (a)(4)(H) of this section will be amended to read as follows:

“(H) Slikok Creek
 Township 5 North, Range 11 West, Seward Meridian
 Section 36: portions of S1/2NW1/4 and Tract "A", Slikok Creek Alaska subdivision that are not managed by the University of Alaska.”
 As of November, 1997, the land exchange had not occurred, nor were there any continuing negotiations for the land exchange.

Sec. 41.21.504. Designation of management responsibilities.

(a) The land and water described in AS 41.21.502 (a) is assigned to the department for control, maintenance, and development consistent with the purposes of AS 41.21.500 - 41.21.514.

- (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicability of
- (1) AS 41.99.010 and AS 16 regarding the responsibilities of the Department of Fish and Game or the Board of Fisheries or the Board of Game;
 - (2) AS 46.03 regarding the responsibilities of the Department of Environmental Conservation; or
 - (3) AS 44.19.145 (a)(11) and AS 46.40.100 regarding the responsibilities of state agencies and municipalities.

NOTES TO DECISIONS

Applied in State vs. Lawrence, 858 P.2d 635 (Alaska Ct. App. 1993).

Sec. 41.21.506. Comprehensive management plan; regulations.

(a) The commissioner shall develop and adopt a comprehensive management plan for the Kenai River Special Management Area in consultation with the Kenai Peninsula Borough. The plan may include the land adjacent to the rivers described in AS 41.21.502 (a)(1) - (3) whether the land is owned by the state or privately owned and may include other land considered appropriate by the commissioner and the Kenai Peninsula Borough. The commissioner shall periodically review the plan and adopt changes to the plan in consultation with the Kenai Peninsula Borough.

(b) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514 and to implement the plan adopted under (a) of this section. The regulations must

- (1) designate incompatible uses and prohibit or restrict them, and
- (2) establish a registration, licensing, or comparable procedure for professional fishing guides and such additional fishing guide controls as the commissioner considers necessary.

(c) Until regulations adopted under AS 41.21.500 - 41.21.514 take effect, existing state regulations otherwise applicable to the Kenai River Special Management Area remain in effect.

(d) A regulation adopted under this section applies to land owned by the state but does not apply to land not owned by the state that is located within the boundaries of a municipality unless the regulation has been approved by the municipality.

(e) The provisions of AS 41.21.025 (b) and (c) do not apply to the land and water described in AS 41.21.502 (a).

Effect of amendments. The 1998 amendment deleted "Within 2 years from June 2, 1984" at the beginning of the first sentence in subsection (a).

NOTES TO DECISIONS

State Park regulations govern Kenai River Area. -- The legislature intended the Kenai River Area to be a state park and intended the normal state park regulations to govern the area unless those regulations were inconsistent with a regulation promulgated specifically for the area under AS 41.21.506(b). State vs. Lawrence. 858 P.2d 635 (Alaska Ct. App. 1993).

Sec. 41.21.508. Acquisition of additional land; adjustment of boundaries.

(a) The commissioner may acquire title to or an interest in land or improvements on land that is adjacent to or within the boundaries of the Kenai River Special Management Area in the name of the state in order to achieve the purposes of AS 41.21.500 - 41.21.514, by lease, purchase, exchange under AS 38.50, bequest, gift, or other lawful means but not by eminent domain.

(b) The commissioner may adjust the boundaries of the Kenai River Special Management Area under AS 38.05.295 - 38.05.300 by adding state-owned land and water to the Kenai River Special Management Area to achieve the purposes of AS 41.21.500 - 41.21.514.

Sec. 41.21.510. Advisory committee.

(a) In developing and implementing the management plan required by AS 41.21.506(a), the commissioner shall appoint an advisory board. The commissioner and the advisory board shall jointly hold public meetings during development of the management plan in the areas affected. The commissioner shall consult with and solicit recommendations from the advisory board and from federal and state agencies, interest groups, and other interested members of the public.

(b) The advisory board appointed under this section shall be representative of user groups, resident property owners, municipalities, agencies of the state and federal governments, and other interest groups. A majority of the members of the advisory group shall be residents of the Kenai Peninsula Borough.

Sec. 41.21.512. Cooperative management agreements.

The commissioner may enter into cooperative management agreements with a federal agency, a municipality, another state agency, or a private landowner to achieve the purposes of AS 41.21.500 - 41.21.514.

Sec. 41.21.514. Civil enforcement.

In addition to any other remedy provided by law, the attorney general may seek an injunction and damages at the request of the commissioner for a violation of a regulation adopted under AS 41.21.500 - 41.21.514 or a regulation that is applicable to the Kenai River Special Management Area established under AS 41.21.502.