

SENATE CS FOR CS FOR HOUSE BILL NO. 165(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/8/02

Referred: Resources, Finance

Sponsor(s): REPRESENTATIVES LANCASTER, Scalzi

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Kenai River Special Management Area; and providing for an
2 effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 PURPOSE. The purpose of this Act is to further the implementation of the Kenai
7 River Comprehensive Management Plan by making additions of certain state-owned land and
8 water as described in this Act to the Kenai River Special Management Area.

9 * **Sec. 2.** AS 41.21.502(a)(4)(L) is amended to read:

10 (L) Other Lower River Land

11 **Township 5 North, Range 9 West, Seward Meridian**

12 **Section 22: Lots 4, 9, 10, NE1/4SW1/4**

13 Township 5 North, Range 10 West, Seward Meridian

14 Section 6: Lot 8

Section 7: Lots 5 - 7, 15

Section 18: Lots 1, 2, 4 - 6,

Tract A, Larry's Fishing Hole Subdivision, Plat
No. 90-42

Government Lots 4 - 7, 10 - 13

NE1/4SW1/4

E1/2NW1/4

Section 19:

Tracts A and B, Timberland Terrace Phase 1
Subdivision, Plat 97-26

Lot 4, Kobylarz Subdivision, according to the
official plat filed under Plat No. 92-24, Kenai
Recording Office

Beginning at the section corner common to
Sections 19, 20, 29, and 30, Township 5 North,
Range 10 West, Seward Meridian, traverse west
along the section line common to Sections 19 and
30 a distance of 1320 feet, thence north along the
1/16 section line a distance of 1420 feet to Corner
No. 1 and the point of beginning, thence west 100
feet to Corner No. 2, thence north to the thalweg
of the Kenai River and Corner No. 3, thence east
along the thalweg of the Kenai River to the point
of intersection with 1/16 section line and Corner
No. 4, thence south along the 1/16 section line to
Corner No. 1, and the point of beginning, located
in the Kenai Recording District, as may be
modified by a record of survey accepted by the
state

Lot 16

Section 30: Tracts A, J, and K, Channel Shores

Subdivision, Plat No. 85-102

Section 31: Lots 2, 3, and 11, excluding the following subdivisions, as shown in record of survey no. 96-7: Halcyon Subdivision, Lot 1, Block 1, plat of survey no. K-1706; Halcyon Subdivision Lot 5, Block 1, plat of survey no. 73-9; Halcyon Subdivision plat of survey no. 76-75; Halcyon Subdivision Addition No. 4, plat of survey no. 77-47; Halcyon Subdivision Addition No. 5, plat of survey no. 77-82; Halcyon Subdivision No. 3, plat of survey no. 78-25; Halcyon Subdivision Amended Plat Lot 1-B, Block 1, plat of survey no. 78-96; Halcyon Subdivision Addition No. 7, plat of survey no. 79-155; Halcyon Subdivision Addition No. 8, plat of survey no. 83-174; Halcyon Subdivision Addition No. 9, plat of survey no. 84-47; Halcyon Subdivision No. 10, plat of survey no. 84-244; Halcyon Subdivision No. 9, plat of survey no. 86-98RS; Halcyon Subdivision No. 9, plat of survey no. 86-99RS; Halcyon Subdivision No. 11, plat of survey no. 92-41; Halcyon Subdivision No. 8 Amended, plat of survey no. 92-72; and Halcyon Subdivision No. 12, plat of survey no. 93-8; and excluding that portion of Government Lot 3 east of Daisy Drive conveyed by warranty deed recorded March 10, 1989, in book 343, page 15, Kenai Recording Office.

Section 32: Lot 1-B-1, ASLS No. 97-25, a subdivision of Lot 1-B, Fisherman's Square Subdivision, Addition No. 1, within the W1/2SW1/4;

Section 33: Lot 6-B, Mullen Homestead River Addition Phase 1, Plat No. 97-89;

Section 34: Lot 7, NE1/4SE1/4

Township 5 North, Range 11 West, Seward Meridian

Section 1: **Lots 9 and [LOT] 10**

Section 11: Tract A-1A, Cone Tracts; Lot 3, excluding that portion north of the south right-of-way boundary of the Beaver Loop Road and all land west of and including the Cone Tracts A-1A and A-1B Subdivision and SE1/4NW1/4, and the N1/2NW1/4, excluding that portion of the south right-of-way boundary of the Beaver Loop Road and all land west of and including the Cone Tracts A-1A and A-1B Subdivision

Section 12: Lots 1 - 3, 7 - 10, 13

N1/2SE1/4

SE1/4NE1/4

NE1/4SW1/4

N1/2SW1/4SE1/4

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.

Section 24: That portion of Lot 11 within LSH 148

Section 25: Lot 3

Section 36: That strip of land between the line of ordinary high water of the Kenai River and EPF 21-11, Block 1

* **Sec. 3.** AS 41.21.502(a) is amended by adding new paragraphs to read:

(5) all state-owned land in the Seward Recording District that is

1 located in the following parcels:

2 (A) Cooper Landing

3 Township 5 North, Range 3 West, Seward Meridian

4 Section 28: Tract B of ASLS 91-6

5 Lot 3 of USS 2523

6 That portion of Tract A of USS 5105 lying between
7 Lot 4 of USS 2523 and Tract A of USS 2361 and
8 the south boundary of the Sterling Highway

9 That portion of Tract A of USS 5105 lying south of
10 USS 3306, north and west of USS 2524, east of
11 USS 2524, west of USS 2523, and south of Bean
12 Creek Road

13 That portion of Tract A of USS 5105 lying south and
14 west of USS 3306, north and west of USS 2524, and
15 north and west of ASLS 81-197

16 That portion of Tract B of USS 5105 lying south of
17 the Kenai River and north of the Sterling Highway
18 right-of-way

19 Section 29: Tract B of ASLS 91-6

20 That portion of Tract A of USS 5105 lying south of
21 Bean Creek right-of-way excluding ASLS 96-6

22 That portion of Tract A of USS 5105 lying south and
23 west of USS 3306 and south and west of ASLS 81-
24 183

25 Tract D of USS 5105

26 Lot 5 of USS 2527

27 Section 30: Tract E

28 That portion of Tract B of USS 5105 within the
29 SE1/4SE1/4SE1/4, NE1/4SE1/4SW1/4

30 That portion of Tract B of USS 5105 within the
31 S1/2SE1/4 lying north of the Kenai River excluding

1 USS 1442 E1/2NE1/4NW1/4, W1/2W1/2,
2 W1/2E1/2W1/2

3 Section 31: Lots 1, 12

4 That portion of Tract B of USS 5105 within the
5 NE1/4NE1/4 lying south of the Kenai River and
6 north of the Sterling Highway

7 Section 32: That portion of Tract B of USS 5105 within
8 the NW1/4NW1/4 lying south of the Kenai River and
9 north of the Sterling Highway

10 Township 5 North, Range 4 West, Seward Meridian

11 Section 35: That portion of USS 1559 within the N1/2
12 and lying north of the Kenai River

13 That portion of the E1/2NE1/4 lying north and east of
14 USS 3392, south of the Kenai River, and north of
15 the Sterling Highway

16 That portion of the S1/2N1/2NE1/4 and that portion
17 of the E1/2E1/2NW1/4 lying south of the Kenai
18 River

19 That portion of the S1/2NE1/4 lying south of the
20 Kenai River, excluding USS 3392

21 Section 36: Lot 1 of USS 7286

22 That portion of the N1/2 lying between the south
23 bank of the Kenai River and the north side of the
24 Sterling Highway right-of-way

25 That portion of the N1/2S1/2NE1/4 and
26 NE1/4SE1/4NW1/4 lying south of the Sterling
27 Highway

28 That portion of the N1/2 lying north of the Kenai
29 River

30 (B) Kenai Lake

31 Township 3 North, Range 1 East, Seward Meridian

1 Section 7: SW1/4, lying north and west of USS 9002,
 2 excluding USS 1774
 3 Township 4 North, Range 1 West, Seward Meridian
 4 Section 22: S1/2S1/2
 5 Section 23: S1/2S1/2, excluding USS 7391
 6 Section 25: Lot 8
 7 Section 26: N1/2, excluding USS 7391
 8 Section 27: N1/2, excluding USS 2065
 9 Township 4 North, Range 2 West, Seward Meridian
 10 Section 6: Lots 1 and 2, excluding ASLS 85-399, and
 11 that portion conveyed under ADL 201307
 12 Tract D of ASLS 85-339
 13 Township 4 North, Range 3 West, Seward Meridian
 14 Section 1: Tract D of ASLS 85-339
 15 Township 5 North, Range 2 West, Seward Meridian
 16 Section 31: Tracts A, B, C, and D of ASLS 85-339
 17 Township 5 North, Range 3 West, Seward Meridian
 18 Section 25: That portion of Tract A of USS 5105 lying
 19 south of the Sterling Highway right-of-way
 20 Section 26: That portion of Tract A of USS 5105 lying
 21 south of the Sterling Highway right-of-way, excluding
 22 PLO 829
 23 Section 27: That portion of Tract A of USS 5105 lying
 24 south of the Sterling Highway right-of-way and west
 25 of USS 2521 Tract A
 26 That portion of Tract A of USS 5105 lying south of
 27 the Sterling Highway right-of-way and west of USS
 28 2934 and south and east of ASLS 80-103
 29 Section 34: That portion of Tract B of USS 5105 lying
 30 east of ASLS 79-126 and between the north side of
 31 Snug Harbor Road and the south side of Kenai Lake

1 Section 36: Tracts B and E of ASLS 85-339
 2 That portion of Tract A of USS 5105 within the
 3 NW1/4 lying south and west of the Sterling
 4 Highway right-of-way, excluding ASLS 85-339
 5 (C) Quartz Creek Lowlands
 6 Township 5 North, Range 2 West, Seward Meridian
 7 Section 15: S1/2N1/2
 8 Section 16: S1/2N1/2, NE1/4NW1/4, NW1/4NE1/4
 9 excluding Unit 408A of the Kenai Area Plan, N1/2S1/2
 10 (D) Upper and Lower Trail Lakes
 11 Township 4 North, Range 1 East, Seward Meridian
 12 Section 6: Lots 1 - 6, 8, 9, SE1/4SW1/4, SW1/4SE1/4
 13 Section 7: Lots 1, 2, 5, 6, NW1/4NE1/4, NE1/4NW1/4
 14 Section 18: Lots 1 - 3
 15 Township 4 North, Range 1 West, Seward Meridian
 16 Section 1: Lots 1, 4 - 8, and that portion of Lot 3 within
 17 the SE1/4
 18 Section 12: Lots 1 - 4, 7, 8, 11, 12, Those portions of
 19 Lots 5 and 6 as shown on state status plats
 20 Section 13: Tract B of ASLS 86-6
 21 Lot 1
 22 That portion of USS 1778 and USS 7391 lying within
 23 the N1/2SE1/4
 24 Township 5 North, Range 1 East, Seward Meridian
 25 Section 5: S1/2SW1/4
 26 Section 7: Lot 1, SE1/4 of Lot 2, Lots 5, 7, 9 - 14
 27 Section 8: N1/2NW1/4
 28 Section 18: Lots 2 - 7
 29 Section 19: Lot 2
 30 Section 31: That portion within the W1/2 of Lots 1, 2, 5
 31 Lot 6

1 Township 5 North, Range 1 West, Seward Meridian

2 Section 13: Lots 1 - 4, E1/2NE1/4NE1/4,
3 S1/2SW1/4NE1/4, NW1/4SE1/4

4 Section 22: Lot 2, S1/2NE1/4SE1/4

5 Section 23: S1/2 of Lot 1, Lots 2 - 5, S1/2SE1/4NW1/4

6 Section 24: Lots 1 - 3, 6 - 8, portions of Lots 4 and 5 as
7 shown on state status plats

8 Section 25: Lots 1, 2, 6 - 9, 14

9 Tract I of USS 2529

10 Block 7 of USS 2676

11 Section 26: That portion of Lot 2 USS 7371 within state
12 selection NFCG 192

13 Lot 3 of USS 7371

14 Section 27: Lot 1, NW1/4NE1/4

15 Section 36: Lot 4

16 Those portions of Lots 1, 5, and 6 excluding a
17 lakeshore buffer 200 feet from the line of ordinary
18 high water of Upper Trail Lake

19 (6) all state-owned shorelands and water known as Trail River and
20 Upper and Lower Trail Lakes within the following parcels:

21 Township 4 North, Range 1 East, Seward Meridian

22 Sections 6, 7, 18

23 Township 4 North, Range 1 West, Seward Meridian

24 Sections 1, 12, 13, 24, 25

25 Township 5 North, Range 1 East, Seward Meridian

26 Sections 7, 18, 19, 31

27 Township 5 North, Range 1 West, Seward Meridian

28 Sections 13, 22 - 27, 36

29 (7) all state-owned shorelands and water within the riparian corridor of
30 the state-owned land 200 feet landward from the line of ordinary high water on each
31 side of each of the following waterways:

- 1 (A) Cooper Creek
 2 Township 5 North, Range 3 West, Seward Meridian
 3 Section 31
- 4 (B) Bean Creek
 5 Township 5 North, Range 3 West, Seward Meridian
 6 Sections 29, 30
- 7 (C) Shackelford Creek
 8 Township 5 North, Range 3 West, Seward Meridian
 9 Section 34
- 10 (D) Quartz Creek
 11 Township 5 North, Range 2 West, Seward Meridian
 12 Sections 19, 20, 29, 30
 13 Township 5 North, Range 3 West, Seward Meridian
 14 Section 36
- 15 (E) Daves Creek
 16 Township 5 North, Range 2 West, Seward Meridian
 17 Sections 19, 20
- 18 (F) Crescent Creek
 19 Township 5 North, Range 2 West, Seward Meridian
 20 Sections 29, 30
- 21 (G) Dry Creek
 22 Township 5 North, Range 2 West, Seward Meridian
 23 Sections 30, 31
- 24 * **Sec. 4.** AS 41.21.502(a)(5) is amended by adding a new subparagraph to read:
- 25 (E) Additional Trail River lands
 26 Township 4 North, Range 1 West, Seward Meridian
 27 Section 13: Portions of lots 4, 5, and 7 that are east of
 28 the Seward Highway right-of-way and west of Lower
 29 Trail Lake; Portions of Lots 7, 8, and 9 that are within
 30 the 200 feet of the Trail River ordinary high water line
 31 or within the 100-year flood boundary for the river,

1 whichever is greater;

2 Section 24: Portions of lots 3, 4, 7, 8, and 11 within 200
3 feet of the Trail River ordinary high water line or
4 within the 100-year flood boundary for the river,
5 whichever is greater;

6 Lots 2, 5, and 10

7 Section 25: Portions of lots 3 and 5 that are within 200
8 feet of the Trail River and Kenai Lake ordinary high
9 water lines or within the 100-year flood boundary for
10 the river and lake, whichever is greater; in this
11 subparagraph, the 100-year flood boundary is that
12 shown on the Federal Emergency Management
13 Agency Flood Boundary and Floodway Map for this
14 area, dated May 19, 1981;

15 * **Sec. 5.** AS 41.21.502(c) is amended to read:

16 (c) **The mineral estate in the state-owned land and water described in (a)**
17 **of this section is open to** [EXCEPT FOR] oil and gas leasing under AS 38.05.180.
18 **The** [, THE] mineral estate in the **state-owned** [STATE-OWNED] land and water
19 described in **(a)(1) - (4)** [(a)] of this section is closed to mineral entry under
20 AS 38.05.181 - 38.05.275.

21 * **Sec. 6.** Sections 1 - 3 and 5 of this Act take effect immediately under AS 01.10.070(c).

22 * **Sec. 7.** Section 4 of this Act takes effect on the date that the commissioner of natural
23 resources notifies the revisor of statutes and the lieutenant governor that the selection by the
24 Kenai Peninsula Borough of the land added to the Kenai River Special Management Area by
25 sec. 4 of this Act has been denied or relinquished under AS 29.65.