

HOUSE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LANCASTER, Scalzi

Introduced: 3/9/01
Referred: Resources

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; Lot 2-A of ASLS 80-87

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 3, Anglers Acres Subdivision Lowe

Addition, Plat No. 97-19; 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

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

2 (5) all state-owned land in the Seward Recording District that is
3 located in the following parcels:

4 (A) Cooper Landing

5 Township 5 North, Range 3 West, Seward Meridian

6 Section 28: Tract B of ASLS 91-6

7 Lot 3 of USS 2523

8 That portion of Tract A of USS 5105 lying between

9 Lot 4 of USS 2523 and Tract A of USS 2361 and
10 the south boundary of the Sterling Highway

11 That portion of Tract A of USS 5105 lying south of

12 USS 3306, north and west of USS 2524, east of
13 USS 2524, west of USS 2523, and south of Bean
14 Creek Road

15 That portion of Tract A of USS 5105 lying south and

16 west of USS 3306, north and west of USS 2524, and
17 north and west of ASLS 81-197

18 That portion of Tract B of USS 5105 lying south of

19 the Kenai River and north of the Sterling Highway
20 right-of-way

21 Section 29: Tract B of ASLS 91-6

22 That portion of Tract A of USS 5105 lying south of

23 Bean Creek right-of-way excluding ASLS 96-6

24 That portion of Tract A of USS 5105 lying south and

25 west of USS 3306 and south and west of ASLS 81-
26 183

27 Tract D of USS 5105

28 Lot 5 of USS 2527

29 Section 30: Tract E

30 That portion of Tract B of USS 5105 within the

31 SE1/4SE1/4SE1/4, NE1/4SE1/4SW1/4

1 That portion of Tract B of USS 5105 within the
 2 S1/2SE1/4 lying north of the Kenai River excluding
 3 USS 1442 E1/2NE1/4NW1/4, W1/2W1/2,
 4 W1/2E1/2W1/2

5 Section 31: Lots 1, 12

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

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

12 Township 5 North, Range 4 West, Seward Meridian

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

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

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

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

23 Section 36: Lot 1 of USS 7286

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

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

30 That portion of the N1/2 lying north of the Kenai
 31 River

1 (B) Kenai Lake
2 Township 3 North, Range 1 East, Seward Meridian
3 Section 7: SW1/4, lying north and west of USS 9002,
4 excluding USS 1774
5 Township 4 North, Range 1 West, Seward Meridian
6 Section 22: S1/2S1/2
7 Section 23: S1/2S1/2, excluding USS 7391
8 Section 25: Lot 8
9 Section 26: N1/2, excluding USS 7391
10 Section 27: N1/2, excluding USS 2065
11 Township 4 North, Range 2 West, Seward Meridian
12 Section 6: Lots 1 and 2, excluding ASLS 85-399, and
13 that portion conveyed under ADL 201307
14 Tract D of ASLS 85-339
15 Section 18: Lots 1 - 3
16 Section 19: NW1/4, NE1/4SW1/4, SW1/4SE1/4 lying
17 south and west of Kenai Lake
18 Section 30: NE1/4, E1/2SE1/4 lying south and west of
19 Kenai Lake
20 Section 31: E1/2NE1/4
21 Section 32: Lots 1 - 3, SW1/4NW1/4, W1/2SW1/4,
22 SE1/4SW1/4
23 Township 4 North, Range 3 West, Seward Meridian
24 Section 1: Tract D of ASLS 85-339, Lots 2 - 4,
25 W1/2SW1/4
26 Section 2: Lot 1, W1/2NE1/4, SE1/4NE1/4, E1/2SE1/4
27 Section 12: Lots 1 - 4, W1/2W1/2, SE1/4SW1/4
28 Section 13: Lots 1, 2, SW1/4NE1/4, E1/2NW1/4,
29 NW1/4SE1/4, E1/2SE1/4
30 Township 5 North, Range 2 West, Seward Meridian
31 Section 31: Tracts A, B, C, and D of ASLS 85-339

1 Township 5 North, Range 3 West, Seward Meridian

2 Section 25: That portion of Tract A of USS 5105 lying
3 south of the Sterling Highway right-of-way

4 Section 26: That portion of Tract A of USS 5105 lying
5 south of the Sterling Highway right-of-way, excluding
6 PLO 829

7 Section 27: That portion of Tract A of USS 5105 lying
8 south of the Sterling Highway right-of-way and west
9 of USS 2521 Tract A

10 That portion of Tract A of USS 5105 lying south of
11 the Sterling Highway right-of-way and west of USS
12 2934 and south and east of ASLS 80-103

13 Section 34: That portion of Tract B of USS 5105 lying
14 east of ASLS 79-126 and between the north side of
15 Snug Harbor Road and the south side of Kenai Lake

16 Section 36: Tracts B and E of ASLS 85-339

17 That portion of Tract A of USS 5105 within the
18 NW1/4 lying south and west of the Sterling
19 Highway right-of-way, excluding ASLS 85-339

20 (C) Quartz Creek Lowlands

21 Township 5 North, Range 2 West, Seward Meridian

22 Section 15: S1/2N1/2

23 Section 16: S1/2N1/2, NE1/4NW1/4, NW1/4NE1/4
24 excluding Unit 408A of the Kenai Area Plan, N1/2S1/2

25 (D) Cooper Lake

26 Township 3 North, Range 2 West, Seward Meridian

27 Section 6: Lots 1 - 3, NE1/4, E1/2NW1/4,
28 NE1/4SW1/4, N1/2SE1/4

29 Township 3 North, Range 3 West, Seward Meridian

30 Section 1: Lots 1 - 4, E1/2NE1/4, NE1/4SE1/4

31 Township 4 North, Range 2 West, Seward Meridian

1 Section 31: W1/2E1/2, E1/2SE1/4
2 Township 4 North, Range 3 West, Seward Meridian
3 Section 36: All
4 (E) Upper and Lower Trail Lakes
5 Township 4 North, Range 1 East, Seward Meridian
6 Section 6: Lots 1 - 6, 8, 9, SE1/4SW1/4, SW1/4SE1/4
7 Section 7: Lots 1, 2, 5, 6, NW1/4NE1/4, NE1/4NW1/4
8 Section 18: Lots 1 - 3
9 Township 4 North, Range 1 West, Seward Meridian
10 Section 1: Lots 1, 4 - 8, and that portion of Lot 3 within
11 the SE1/4
12 Section 12: Lots 1 - 4, 7, 8, 11, 12, Those portions of
13 Lots 5 and 6 as shown on state status plats
14 Section 13: Tract B of ASLS 86-6
15 Lot 1
16 That portion of USS 1778 and USS 7391 lying within
17 the N1/2SE1/4
18 Township 5 North, Range 1 East, Seward Meridian
19 Section 5: S1/2SW1/4
20 Section 7: Lot 1, SE1/4 of Lot 2, Lots 5, 7, 9 - 14
21 Section 8: N1/2NW1/4
22 Section 18: Lots 2 - 7
23 Section 19: Lot 2
24 Section 31: That portion within the W1/2 of Lots 1, 2, 5
25 Lot 6
26 Township 5 North, Range 1 West, Seward Meridian
27 Section 13: Lots 1 - 4, E1/2NE1/4NE1/4,
28 S1/2SW1/4NE1/4, NW1/4SE1/4
29 Section 22: Lot 2, S1/2NE1/4SE1/4
30 Section 23: S1/2 of Lot 1, Lots 2 - 5, S1/2SE1/4NW1/4
31 Section 24: Lots 1 - 3, 6 - 8, portions of Lots 4 and 5 as

1 shown on state status plats
 2 Section 25: Lots 1, 2, 6 - 9, 14
 3 Tract I of USS 2529
 4 Block 7 of USS 2676
 5 Section 26: That portion of Lot 2 USS 7371 within state
 6 selection NFCG 192
 7 Lot 3 of USS 7371
 8 Section 27: Lot 1, NW1/4NE1/4
 9 Section 36: Lot 4
 10 Those portions of Lots 1, 5, and 6 excluding a
 11 lakeshore buffer 200 feet from the line of ordinary
 12 high water of Upper Trail Lake

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

- 15 Township 4 North, Range 1 East, Seward Meridian
- 16 Sections 6, 7, 18, 19
- 17 Township 4 North, Range 1 West, Seward Meridian
- 18 Sections 1, 12, 13, 24, 25
- 19 Township 5 North, Range 1 East, Seward Meridian
- 20 Sections 7, 18, 19, 31
- 21 Township 5 North, Range 1 West, Seward Meridian
- 22 Sections 13, 22 - 27, 36

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

- 26 (A) Cooper Creek
- 27 Township 5 North, Range 3 West, Seward Meridian
- 28 Section 31
- 29 (B) Bean Creek
- 30 Township 5 North, Range 3 West, Seward Meridian
- 31 Sections 29, 30

1 (C) Shackelford Creek
2 Township 5 North, Range 3 West, Seward Meridian
3 Section 34

4 (D) Quartz Creek
5 Township 5 North, Range 2 West, Seward Meridian
6 Sections 19, 20, 29, 30
7 Township 5 North, Range 3 West, Seward Meridian
8 Section 36

9 (E) Daves Creek
10 Township 5 North, Range 2 West, Seward Meridian
11 Sections 19, 20

12 (F) Crescent Creek
13 Township 5 North, Range 2 West, Seward Meridian
14 Sections 29, 30

15 (G) Dry Creek
16 Township 5 North, Range 2 West, Seward Meridian
17 Sections 30, 31

18 (H) Indian Creek
19 Township 5 North, Range 2 West, Seward Meridian
20 Sections 30, 31

21 * **Sec. 4.** AS 41.21.502(a)(5) is amended by adding a new subparagraph to read:

22 (F) Additional Kenai Lake lands
23 Township 4 North, Range 1 West, Seward Meridian
24 Section 13: Lots 5, 7, and 9
25 Section 24: Lot 2
26 Portions of Lots 3, 4, and 9 as shown on state status
27 plats
28 Lots 5, 7, 8, 10, 11
29 Section 25: Lots 3 - 5;

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

31 (c) **The state-owned land and water described in (a) of this section is open**

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

4 * **Sec. 6.** Sections 1, 2, 3, and 5 of this Act take effect immediately under AS 01.10.070(c).

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