

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Kenai Peninsula Borough Mayor *CP*
Melanie Aeschliman, Planning Director *MA*
Marcus Mueller, Land Management Officer *MM*

FROM: Aaron Hughes, Land Management Agent *AH*

DATE: October 14, 2021

RE: Amendment to Ordinance 2021-36, Adopting an Amendment to the Document Referred to as the "Comprehensive Plan for Moose Pass, 1993" Regarding Municipal Entitlement Land known as Kenai Area Plan Unit 380G(1) (Mayor)

This amendment is submitted after receiving feedback and instruction from the State of Alaska after their review of the proposed plan amendment.

[Please note the bold underlined language is new and the bold strikeout language in brackets is to be deleted.]

- Amend the third whereas clause as follows:

WHEREAS, [TWO] five tracts of land selected by the borough referred to as Kenai Area Plan Unit 380G(1) ("Unit 380G(1)"), containing approximately **[40] 80** acres, were conditionally approved by the state for conveyance to the borough once specific area plan amendments concerning future use and management of the lands had been adopted; and

- Amend Section 1 as follows:

SECTION 1. That the assembly amends the "Comprehensive Plan for Moose Pass, 1993" to include the following:

"An amendment to the **[DOCUMENT REFERRED TO AS THE] plan entitled** "Comprehensive Plan for Moose Pass, 1993" regarding municipal entitlement land known as Kenai Area Plan Unit 380G(1) **OCTOBER 2021**"

Your time in review of the attached amendment is appreciated.

An Amendment to the plan entitled
“Comprehensive Plan: Moose Pass, February 1993” Regarding Municipal
Entitlement Land known as Kenai Area Plan Unit 380G(1)

October 2021

Background

The Kenai Peninsula Borough (KPB) has selected lands owned by the State of Alaska (SOA) within Moose Pass through the State of Alaska municipal entitlement program (AS 29.65). The Alaska Department of Natural Resources (ADNR), which administers the municipal entitlement program through its Division of Mining, Land, and Water (DMLW), has reviewed and made final determinations for all KPB municipal entitlement selections to date. Some of the lands were conditionally approved, meaning that they would receive final approval for conveyance only after certain conditions required of the state were met.

The Final Finding and Decision dated February 24, 2015 (FFD) placed conditions on approval of several parcels of land within Moose Pass. KPB has met conditions for the majority of these lands. Five parcels, totaling approximately 80.38 acres of land within Moose Pass, had conditions requiring a plan amendment to address DMLW concerns regarding future use of the land. Conditions initially had to be fulfilled by February 24, 2020. KPB has been granted an extension until February 24, 2022 to meet said conditions.

This plan amendment will address future land use of the five parcels of selected lands to meet the conditions of approval required by the state. The lands are referred to within the FFD as 380G(1). The following requirement stated within the FFD will be addressed in this amendment:

At a minimum this plan is to ensure adequate screening from the Seward Highway, the protection of anadromous streams, and the provision of a lakeshore buffer of at least 100-feet. The plan shall provide management detail to locate uses and shall identify mitigation stipulations to ensure the protection of significant wetlands, riparian areas, and the hydrologic connections from streams to Lower Trail Lake.

Plan Amendment

Under the Section 1, Background and Objectives, of the Moose Pass comprehensive plan, this plan amendment adds a new subsection C(5) entitled “Kenai Area Plan Management Subunit 380G(1)”. This subsection will include the following:

Intent: The lands herein identified as Unit 380G(1) are located between the Seward Highway and Alaska Railroad rights-of-way to the west and the Upper and Lower Trail Lakes to the east. These lands are a component of the scenic viewshed from the Seward

Highway and are situated next to anadromous waterbodies. The strategies outlined below aim at protecting the viewshed of the highway corridor as well as the anadromous waterbodies adjacent to Unit 380G(1).

Location: The lands within the area designated as Unit 380G(1) are located between mileposts 26.5 and 27 of the Seward Highway, east of the highway along Lower and Upper Trail Lakes. Unit 380G(1) is made up of a northern and a southern part. The northern part is described as that part of Government Lot 3 within the SE $\frac{1}{4}$ of Section 1, T. 4 N., R. 1 W. and Government Lot 2 of Section 12, T. 4 N., R. 1 W., SM. Government Lot 7, Section 12, T. 4 N., R. 1 W., SM. The southern part is described as that portion of USS 7391 located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of USS 1778 located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13, Township 4 North, Range 1 West, SM.

Classification: Unit 380G(1), has been Classified “Recreational” as defined in Kenai Peninsula Borough Classification Resolution 2016-045.

Management strategies: To protect the Seward Highway viewshed and the anadromous waterbodies, in addition to the management direction under the Recreational land classification, the following management strategies should be followed:

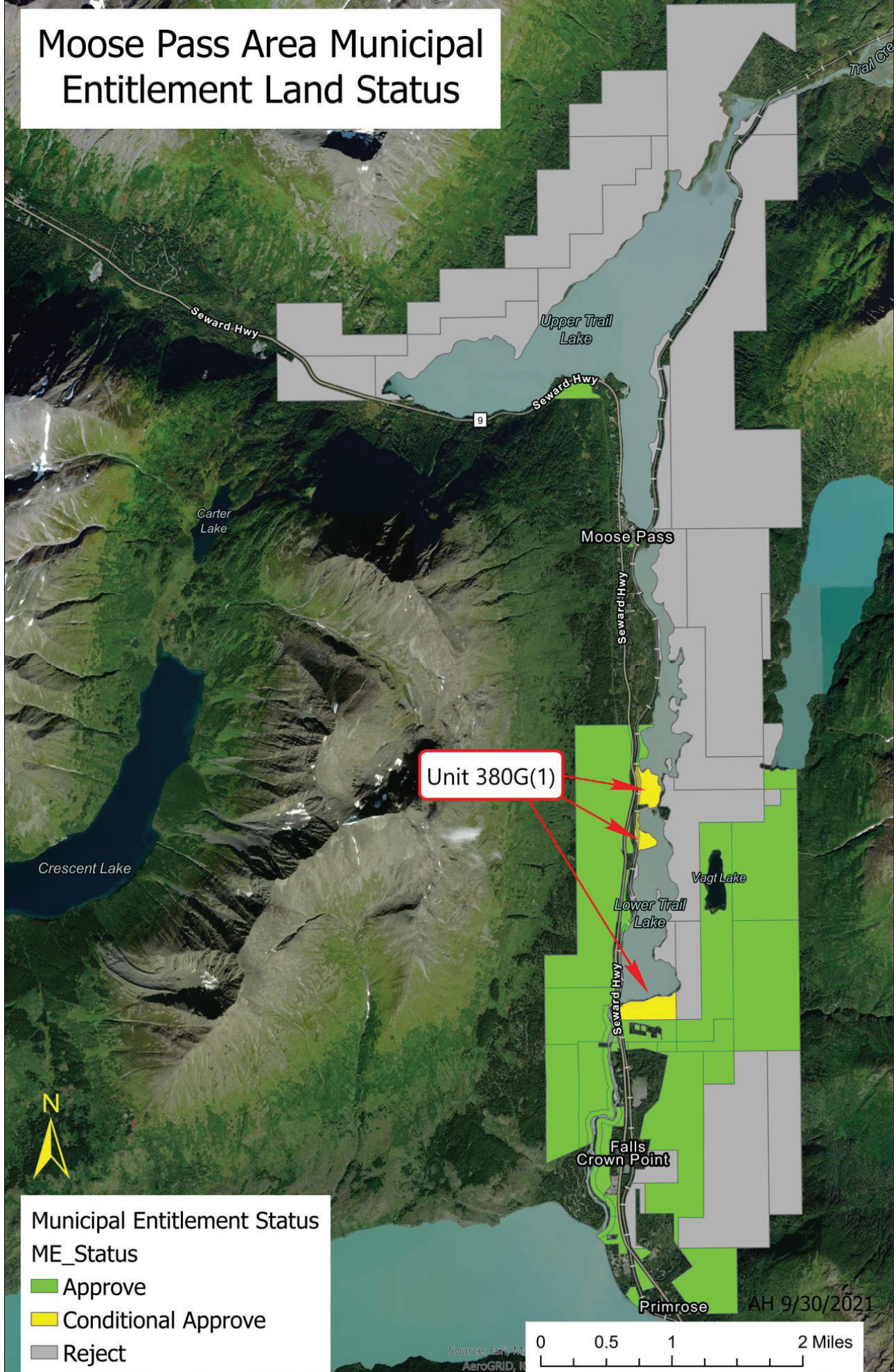
- a) Along those portions of Unit 380G(1) adjacent to the Seward Highway, in order to protect the Seward Highway viewshed a 15-foot vegetation buffer should be maintained along the Alaska Railroad right-of-way on the west side of the property. Currently there is adequate vegetation both between the Seward Highway and Alaska Railroad rights-of-way and within the railroad right-of-way adjacent to Unit 380G(1). However, in the event this vegetation is removed, the 15-foot vegetation buffer within Unit 380G(1) would help protect the viewshed from the Seward Highway.
- b) In order to protect the anadromous waterbodies of Upper and Lower Trail Lakes from increasing public use, the KPB provisions for protection of anadromous waters (KPB 17.10.21(18)) should be extended from 50 feet to 100 feet along the lake shore within Unit 380G(1).

Management Detail:

Location of Uses: The KPB has no planned potential uses outside of continued existing general recreation. Planned development consists of Vagt Trailhead, located within an easement retained by the Chugach National Forest. Any future uses shall take into consideration the Amended Moose Pass Area Plan and existing Land Classifications assigned to subject parcel(s) by Resolution. Potential future use shall be subject to the management strategies as defined above.

Mitigation Stipulations: In the event protective buffers to significant wetlands, riparian areas, and hydrologic connections from streams to Lower Trail Lake, are disturbed, damaged, or become degraded, the KPB shall conduct restorative revegetation measures within the impacted area using native vegetation similar to adjacent unimpacted areas. Situations involving immediate erosion concerns shall be addressed in a manner as to address erosion potential and sediment control while developing an appropriate revegetation plan.

Moose Pass Area Municipal Entitlement Land Status



Municipal Entitlement Status
ME_Status
Approve
Conditional Approve
Reject

0 0.5 1 2 Miles

AH 9/30/2021

Source: Esri, Mapbox, AeroGRID, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community