

Per Eric (12/13-)

this is what is
available

Jeff- publically for parcels listed
below-

rec'd

12/11/95

this is a report to
Congress on the Kenai
Natives Association small
parcels KEN-1002, KEN-1003,
KEN-1004. this is the only
document that gives an
"appraisal" for the properties
USFWS does not make the
appraisals public this
info was sent to us
from Gary Muehlenhardt
of USFWS.

Jami

this is for the OSPIC.

**The Kenai Natives Association, Inc.,
and
U.S. Fish and Wildlife Service
Negotiated Exchange/Acquisition Package**

RECEIVED

In Response to

DEC 11 1993

Public Law 102-458

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

**Kenai Natives Association, Inc.
The Tangent Building, Suite 203
215 Fidalgo Street
Kenai, Alaska 99611**

and

**United States Department of the Interior
Fish and Wildlife Service - Region 7
1011 East Tudor Road
Anchorage, Alaska 99503**

**A Summary of
The Kenai Natives Association, Inc., and U.S. Fish and Wildlife Service
Negotiated Exchange/Acquisition Package**

U. S. Fish and Wildlife Service Receives:

	Acres	Value	KNA's Requested Value
Stephanka Tract ¹	803	\$3,262,000	
Moose River Patented Tract	1,243	572,000	
Beaver Creek Tract	2,120	597,000	
Swanson River Road West Tract	10,172	4,060,000 ²	\$ 7,500,000 ²
KNA's Remaining Entitlement	1,207	556,000 ³	
Communications Repeater Site Easement	<1	10,000	
TOTALS	15,545	\$9,057,000	\$12,497,000

Kenai Natives Association, Inc. Receives:

Swanson River Road East Tract	1,826	\$ 597,000 ⁴	
U.S. Survey 1435	5	247,000 ⁵	
National Register of Historic Places Nomination		15,000	
Remove Land from Refuge and Subsurface Estate (Less Coal, Oil, and Gas) ⁷		750,000 ⁶	
TOTALS	1,831	\$1,609,000	\$1,609,000

Cash Equivalency		\$7,448,000	\$10,888,000
Land and Water Conservation Fund		\$4,431,000	\$ 4,431,000
Federal Excess Land Account ⁸		\$3,017,000	\$ 6,457,000

1 Approximately 592 acres of this tract are recommended for inclusion in wilderness. Congressional approval is needed.

2 A congressional resolution of value is needed.

3 Value extrapolated from approved appraisal. Value needs congressional approval.

4 Approximately 624 acres of wilderness lie within the parcel. Changing wilderness boundaries needs congressional approval.

5 U.S. Survey 1435 is withdrawn by Executive Order. Congressional approval is needed for transfer to KNA.

6 Removal of lands from the Refuge and the negotiated value of removal/subsurface estate needs congressional approval.

7 Includes Swanson River Road East Tract (1,826 acres) and KNA retained/patented lands (3,238 acres), and the underlying Service subsurface estate.

8 Establishment of a federal excess land account needs Congressional approval.

PUBLIC LAW 102-458

REPORT TO CONGRESS

Pursuant to Public Law 102-458 (Act), enacted October 23, 1992, the Secretary of the Interior and Kenai Natives Association, Inc. (KNA), were mandated to negotiate an agreement for the exchange/acquisition of interests in lands belonging to KNA and under the jurisdiction of the U.S. Fish and Wildlife Service (Service) in Alaska. Further, the Act directed that independent third party appraisers value the interests under consideration. The Service and KNA each contracted for appraisal services by December 1992. Appraisal instructions were written by the Service, and reviewed and accepted by KNA. Two appraisal issues, the affects on value of Alaska Native Claims Settlement Act Section 22(g) and the affects on value of split estates (surface and subsurface), lack market data from which to draw value conclusions. It was decided that properties located within the Kenai National Wildlife Refuge (Refuge) would be appraised as fee simple estates, less coal, oil, and gas rights, a condition typical in the local market. It was determined that the value of the two appraisal issues lacking market data would be negotiated by the parties and would be subject to approval by Congress.

Due to the complexity of and number of parcels involved in the appraisal assignment, the appraisal process was not completed until mid-April 1993. The appraisal review process was completed in August. Pursuant to the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Uniform Act), a single appraisal was approved for use by the Service in negotiations. The Service's contracted appraisal was deemed to be more consistent with Uniform Appraisal Standards for Federal Land Acquisitions.

During the appraisal period, the parties met numerous times to discuss issues and clarify goals. Formal negotiations began August 17, 1993. On September 8, 1993, the Service and KNA reached agreement on an acquisition/exchange package, which is summarized below as well as on the opposing page fold-out and a map at the conclusion of the report.

According to legislative history, the Act's intent is to assist KNA in achieving economic viability. To that end, approximately 5,064 acres of land currently subject to Refuge laws and regulations will be removed from the Refuge to allow development for and by the KNA shareholders. Of the acreage needed, approximately 1,826 acres is currently under Service jurisdiction and will be transferred to KNA. The remainder of the lands to be removed from the Refuge is surface estate patented to KNA. The Service's subsurface estate (less coal, oil, and gas) underlying the 5,064 surface-estate acres will be transferred to KNA subject to Cook Inlet Region, Inc.'s, rights under Public Law 94-204 Section 12(b). A value of \$750,000 was negotiated for the subsurface estate and the removal of lands from the Refuge. Congressional approval is needed for removal of lands from the Refuge and for the negotiated value.

The 1,826 acres of government lands to be transferred to KNA are mostly uplands vegetated with mature and intermediate stage forest. Lynx, coyote, snowshoe hare, wolf and moose occur on these lands. Wolf and lynx den in the area. The patented KNA lands that would no longer be subject to Refuge laws and regulations are adjacent to the government parcel and contain similar habitat and wildlife.

Of the 1,826 acres of government lands to be transferred to KNA, approximately 624 acres are in a designated wilderness area. Congressional authorization is needed for the removal of lands from a wilderness area.

United States Survey 1435, a 5.42-acre site withdrawn by Executive Order for use as a headquarters site by the Service and located in the City of Kenai, will transfer to KNA. Congressional authorization is needed for the transfer.

Additionally, the Service will do what is required to nominate KNA's Stephanka Tract, which contains archaeological remains of the original Kenaitze Indian settlement, to the National Register of Historic Places. The costs attributed to this effort were determined by the Service and accepted by KNA. Finally, the Secretary is responsible for conducting land surveys and contaminants surveys, acquiring title policies, and recording of title documents. These are no cost benefits to KNA.

The Service will benefit by having approximately 14,338 acres of KNA interim conveyed or patented lands returned to the Refuge. Kenai Natives Association, Inc., relinquishes all selections, which include about 1,207 acres of waived remaining entitlement. The corporation has not prioritized the location of its remaining entitlement within the selected lands. Lands returning to the Refuge contain high value riparian habitats, wetlands, and forested uplands--habitat important to bald eagles, neotropical migrants, moose and caribou populations, as well as other mammals, e.g., lynx, coyote, bear, and wolf, and to staging and nesting trumpeter swans and other waterfowl. The lands include important watersheds for rivers and streams supporting valuable sport and commercial fisheries in the Kenai Peninsula. The value of the selected, remaining entitlement was extrapolated from the approved appraisal. The value needs congressional approval.

Approximately 326 acres of KNA's relinquished selections are in designated wilderness, while 592 acres of KNA interim conveyed lands lying south and west of the Kenai River are adjacent to a wilderness boundary. We recommend those 592 acres be included in the designated wilderness area. Congressional authorization is needed to add lands to the wilderness area.

Finally, Kenai Natives Association, Inc., will grant an easement to the Service for a radio communications repeater site, located on Service lands to be transferred to KNA, for as long as the site is used for that purpose.

Although there were differences in land values between the Service and KNA appraisals, KNA accepted the approved market value of all parcels under consideration save one, the KNA-Swanson River Road West Tract. The disparity in the valuation of this particular tract is significant. The Service is required by law to deal in terms of the approved appraised value of \$4,060,000. The KNA appraisal valued the tract at \$11,596,000. Kenai Natives Association, Inc., feels it cannot accept less than \$7,500,000 for the tract. A Congressional resolution of value is needed.

Three of the KNA parcels to be returned to the Refuge are on the Service's Land Acquisition Priority System list submitted to the Secretary for Fiscal Year 1995 funding under the Land and Water Conservation Fund Act. The parcels are collectively identified as the Kenai River Project and are appraised at \$4,431,000. Land and Water Conservation Fund monies to be paid to KNA are subject to the appropriations process. Kenai Natives Association, Inc., has agreed to place the balance of monies due them as a result of this exchange/acquisition into a federal excess land account as was developed for Gold Creek in Public Law 102-415. Congressional authorization is needed for the establishment of such an account.

We feel the package fairly meets the needs and interests of both the United States and Kenai Natives Association, Inc. Subject to resolution of value for the KNA - Swanson River Road West Tract, we encourage Congress to accept the terms of the negotiated package outlined in this joint report. To implement the negotiated package, we urge Congress to consider legislating its approval of:

- The transfer of approximately 1,826 acres of Service surface estate and approximately 5,064 acres of Service subsurface estate (less coal, oil, and gas) to KNA,
- The negotiated value of the Service's subsurface estate and removal of 5,064 acres from the Refuge,
- The transfer of U.S. Survey 1435, an Executive Order withdrawal, to KNA,
- The extrapolated value of KNA's remaining entitlement,
- The establishment of a federal excess land account on behalf of KNA,
- The removal of approximately 624 acres from a designated wilderness area, and
- The inclusion of approximately 592 acres into a designated wilderness area.

Katherine W. Boling
Katherine W. Boling, President
Kenai Natives Association, Inc.

October 6, 1993
Date Signed

Molly Beattie
Molly Beattie, Director
U.S. Fish and Wildlife Service

23 August 94
Date Signed

Appendix

TABLE OF APPENDICES

Exhibit A. Kenai National Wildlife Refuge: Generalized Land Status

Exhibit B, Kenai National Wildlife Refuge Kenai Natives Association, Inc.,
Land Status

Exhibit C. FWS - Old Kenai Headquarters Site, U.S. Survey 1435

Finding of No Significant Impact

Refuge Compatibility Determination

Statement of Compliance

Alaska National Interest Lands Conservation Act - Section 810 Subsistence
Evaluation and Finding

United States Fish and Wildlife Service Environmental Action Memorandum

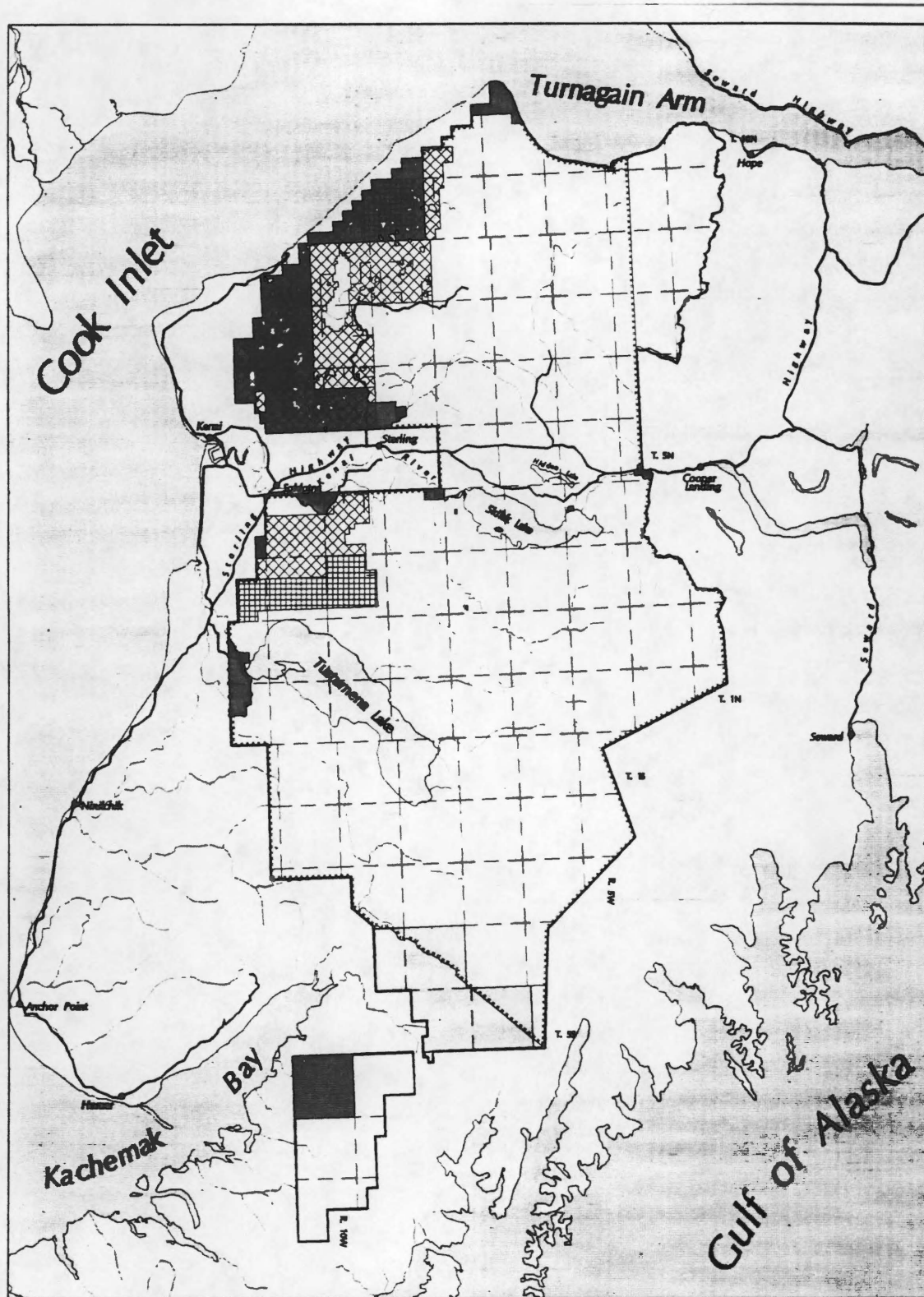
Environmental Assessment

Public Law 102-458 [H.R. 6072]; October 23, 1992 (Appendix D, page 53 of
the Environmental Assessment)

Interim Conveyance 306

Notice of Intent to Issue Patent

United States Patent 50-92-0647



Kenai National Wildlife Refuge: Generalized Land Status

Legend



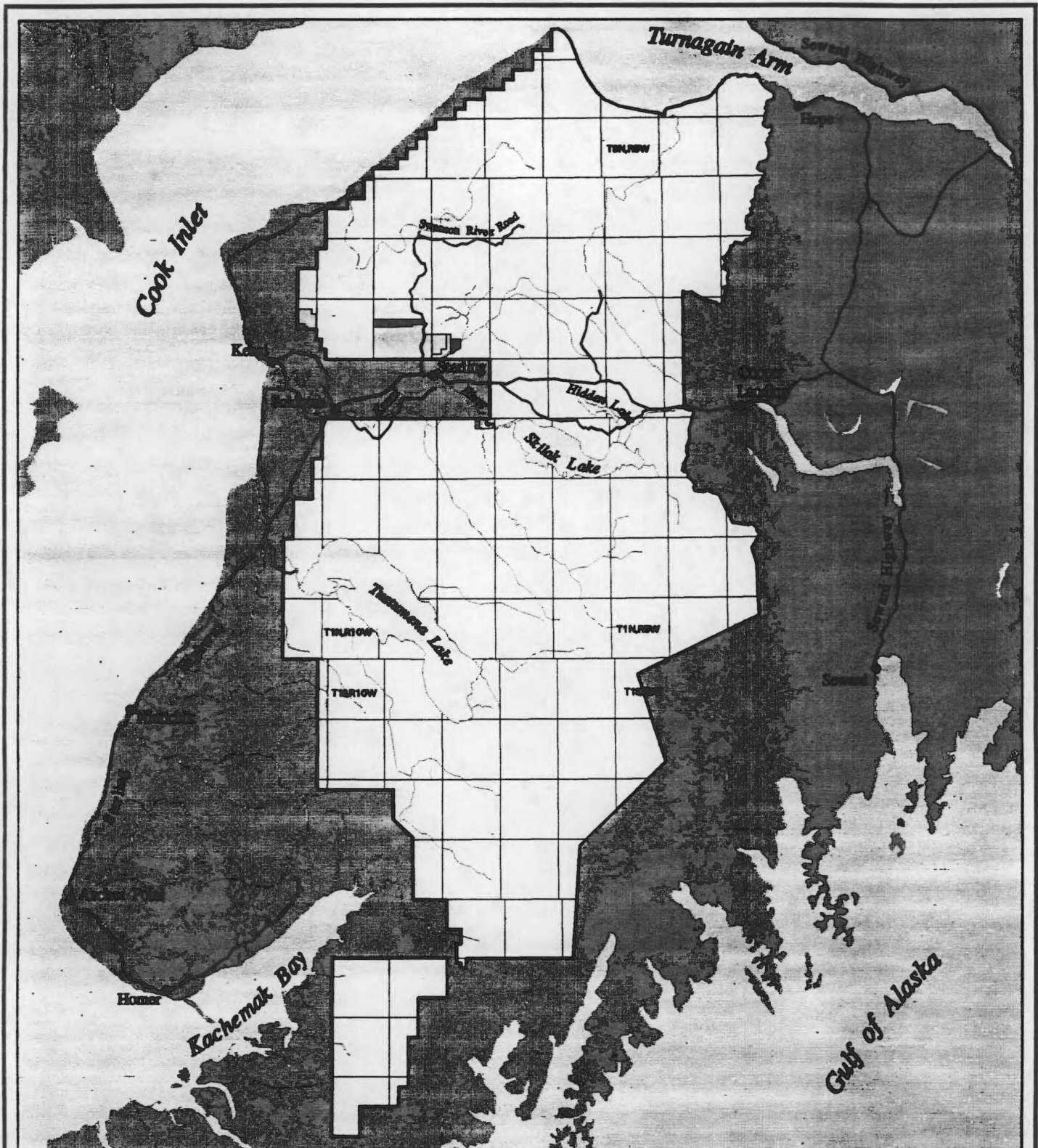
- Native Conveyed
- Native Selected
- State Conveyed
- State Selected
- Conflicting Selections
- Other Private
- Other Federal Land
- ▨ Coal, Oil, & Gas only conveyed to CRII
- ▩ Coal, Oil & Gas only selected by CRII
- ▤ Refuge Boundary
- ▥ Interim Boundary
- ▧ Pro-ANILCA Boundary

Notes

- 1 - Land status represents USFWS interpretation of BLM records.
- 2 - Small parcels may not show at this scale.
- 3 - Projected to UTM zone 5, NAD 83 datum.

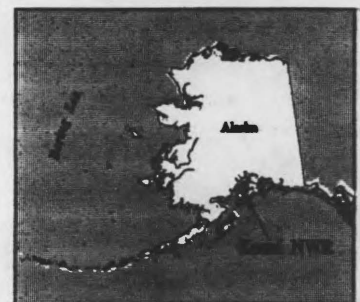


Exhibit B



Kenai National Wildlife Refuge Kenai Natives Association, Inc. Land Status

- ☐ KNA patented/interim conveyed land
- ☒ KNA selected land
- ☐ Refuge land
- ☒ Non-refuge land



FWS - OLD KENAI HEADQUARTERS SITE

CITY
WATER
RESERVE
T. 5 N., R. 11 W., S.M.

5.42 acres



Exhibit C

FINDING OF NO SIGNIFICANT IMPACT

1992-93 KNA/CIRI Land Exchange Kenai National Wildlife Refuge

ABSTRACT:

On October 23, 1992, the President signed P.L. 102-458, directing the Secretary of the Interior to enter into negotiations with the Kenai Natives Association, Inc. (KNA) and the Cook Inlet Region, Inc. (CIRI) for the exchange or acquisition of lands. Negotiations are currently in progress and exchange parcels have not yet been designated. Past negotiations indicate that the exchange may include surface and/or subsurface estate in the Kenai National Wildlife Refuge (Kenai NWR). The exchange may also necessitate a small change in wilderness boundaries. One section (about 623 acres) of refuge land is desired by KNA and may be removed from the Kenai Wilderness. In exchange, KNA is offering the Stephanka parcel adjacent to designated wilderness. The Stephanka parcel is better quality wildlife habitat than the refuge parcel desired by KNA. The portion of KNA's Stephanka parcel south and west of the Kenai River and the three small islands in the river (totalling about 558 acres) would be included in the Kenai Wilderness. This exchange is congressionally authorized and is not governed by normal rules of acquisition. The final settlement may require that portions of the refuge boundary be redesignated to include or exclude certain tracts of land. If an exchange cannot be accomplished, a settlement may be determined by a congressional committee.

FINDINGS:

Based on a review and evaluation of the information contained in the supporting references listed below, I have determined that the proposed action is not a major federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. The environmental assessment conducted by the U.S. Fish and Wildlife Service (Reference 1) supports the conclusion that, with the stipulated conditions, the impact does not exceed a threshold of significance. Accordingly, the preparation of an environmental impact statement on the proposed action is not required.

Conditions of Exchange:

1. The removal of the FWS-Swanson River Road East tract from the Kenai NWR would result in a loss of approximately 623 acres of wilderness area. To compensate for this loss, the portions of the Stephanka tract south and west of the Kenai River and the small islands in the river (totalling about 558 acres) would be designated wilderness.

Supporting Documents:

1. Environmental Assessment of P.L. 102-458, Negotiations with Cook Inlet Region, Inc. and Kenai Natives Association, Inc. for the Exchange or Acquisition of Land, May, 1993.
2. Statement of Compliance.
3. Refuge Compatibility Determination, August 1993.

Walter D. Stuebel
Regional Director

8/4/93
Date

REFUGE COMPATIBILITY DETERMINATION

H.R. 6072 Land Exchange Proposal

Station Name: Kenai National Wildlife Refuge

Date established: Originally established December 16, 1941, refuge boundaries adjusted May 22, 1964 (PLO 3400), expanded and redesignated December 2, 1980.

Establishing Authority: Executive Order No. 8979, December 16, 1941.

Redesignation Authority: Alaska National Interest Lands Conservation Act (ANILCA), December 2, 1980.

Purposes for Which Refuge was Established:
ANILCA, Section 303(4)(B):

"(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to moose, bear, mountain goats, Dall sheep, wolves and other furbearers, salmonids and other fish, waterfowl and other migratory and nonmigratory birds;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge;

(iv) to provide in a manner consistent with subparagraphs (i) and (ii), opportunities for scientific research, interpretation, environmental education, and land management training; and

(v) to provide, in a manner compatible with these purposes, opportunities for fish and wildlife-oriented recreation."

Description of Proposed Action: On October 23, 1992, the President signed P.L. 102-458, directing the Secretary of the Interior to enter into negotiations with the Kenai Natives Association, Inc. (KNA) and the Cook Inlet Region, Inc. (CIRI) for the exchange or acquisition of lands. Negotiations are currently in progress and exchange parcels have not yet been designated. Past negotiations indicate that the exchange may include surface and/or subsurface estate in the Kenai National Wildlife Refuge (Kenai NWR). This exchange is congressionally authorized and is not governed by normal rules of acquisition. The final settlement may require that portions of the refuge boundary be redesignated to include or exclude certain tracts of land. If an exchange cannot be accomplished, a settlement may be determined by a congressional committee.

Anticipated Impacts on Refuge Purposes: The lands to be exchanged have not yet been designated. Past attempts to complete land exchanges indicate that KNA and CIRI will want the ANCSA 22(g) restriction removed from a portion of their land. Successful negotiations will probably require that several upland areas be removed from the refuge in exchange for the acquisition of several riparian areas. One of the tracts that may be removed from the refuge contains a portion of wilderness area.

Review of an environmental assessment prepared by the U.S. Fish and Wildlife Service, indicates that this action, if subject to the conditions described below, should not have any long term impact to the wildlife resources and environmental quality of the Kenai National Wildlife Refuge.

The above action should not interfere with the purposes of the refuge if the Stephanka tract is designated as wilderness.

Determination: This use is compatible ☒.

This use is not compatible ☐.

Supporting Documents:

1. Environmental Assessment
2. Section 810 Evaluation and Finding

Prepared by:

Hilman A. Mai
Biological Technician
Division of Realty

Date: 3-JUN-93

Reviewed by:

Sharon Janis
Chief
Division of Realty

Date: June 3, 1993

Approved by:

David W. Doshier
Refuge Manager
Kenai NWR

Date: June 9, 1993

I concur:

Walter D. Stiegitz
Regional Director

Date: 8/4/93

STATEMENT OF COMPLIANCE

1992-93 KNA/CIRI Land Exchange

Location: Kenai National Wildlife Refuge, Soldotna, Alaska

Description: On October 23, 1992, the President signed P.L. 102-458, directing the Secretary of the Interior to enter into negotiations with the Kenai Natives Association, Inc. (KNA) and the Cook Inlet Region, Inc. (CIRI) for the exchange or acquisition of lands. Negotiations are currently in progress and exchange parcels have not yet been designated. Past negotiations indicate that the exchange may include surface and/or subsurface estate in the Kenai National Wildlife Refuge (Kenai NWR). This exchange is congressionally authorized and is not governed by normal rules of acquisition. The final settlement may require that portions of the refuge boundary be redesignated to include or exclude certain tracts of land. If an exchange can not be accomplished, a settlement may be determined by a congressional committee.

National Environmental Policy Act: See attached Environmental Assessment and Finding of No Significant Impact prepared by the U.S. Fish and Wildlife Service.

Endangered Species: There are no threatened, endangered, or listed species in the parcels under consideration for exchange. Ted Bailey (fish and wildlife biologist, Kenai National Wildlife Refuge) and Brian Anderson (endangered species specialist, Western Alaska Ecological Services) were consulted.

Coastal Zone Management Act, Section 307: All of the tracts involved in this exchange are within the coastal zone. The exchange itself will not have any effect on the coastal zone; however, a coastal zone consistency determination is currently being prepared by the State of Alaska, Division of Governmental Coordination. Any future development in the area would have to comply with the Alaska Coastal Zone Program.

Clean Water Act: The exchange will not affect water quality; however, future development in the area would have to comply with the Clean Water Act.

Subsistence Evaluation and Finding, Section 810 - ANILCA: Subsistence use of the area should not be restricted by this action. See the Subsistence Evaluation and Finding prepared by the U.S. Fish and Wildlife Service, dated May 17, 1993.

National Historic Preservation Act, Section 106: Several tracts that are to be acquired by the Fish and Wildlife Service contain archaeological resources. Federal management should provide the resources with increased protection.

Executive Order 11988 - Floodplain Management: Not applicable.

Executive Order 11990 - Protection of Wetlands: The exchange will not affect wetlands; however, future development in the area would have to comply with the Clean Water Act.

Executive Order 12372 - Intergovernmental Review of Federal Programs:

Intergovernmental review is currently being completed through the State of Alaska, Division of Governmental Coordination.

Public Participation: Due to the small size of the project area and the consistency review process mentioned above, no formal public participation activities were conducted; however, interested parties were sent copies of the environmental assessment.

Prepared by:

Hilmar Maier
Biological Technician

Date: 7-1-93

Approved by:

William D. Stiegitz
Regional Director

Date: 8/4/93

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT-SECTION 810 SUBSISTENCE EVALUATION AND FINDING

Abstract:

On October 23, 1992, the President signed P.L. 102-458, directing the Secretary of the Interior to enter into negotiations with the Kenai Natives Association, Inc. (KNA) and the Cook Inlet Region, Inc. (CIRI) for the exchange or acquisition of lands. Negotiations are currently in progress and exchange parcels have not yet been designated. Past negotiations indicate that the exchange may include surface and/or subsurface estate in the Kenai National Wildlife Refuge (Kenai NWR). The negotiations are congressionally authorized and are not governed by normal rules of acquisition. The final settlement may require that portions of the refuge boundary be redesignated to include or exclude certain tracts of land. If an exchange cannot be accomplished, a settlement may be determined by a congressional committee.

Evaluation:

1. Effect of the proposed action on subsistence uses and needs.

Management of subsistence uses on federal lands was regulated by the State of Alaska prior to July 1, 1990. The State considered most of the Kenai Peninsula non-rural (ADF&G, 1990) and therefore not subject to the subsistence preference. Documenting subsistence use on the Kenai Peninsula was given low priority; thus, little is known quantitatively about personal use of wild resources in this area. Surveys conducted in the early 1980's (Reed, 1985) and in 1991 (Seitz et al., 1992) studied patterns of non-commercial resource use in several western and central Kenai Peninsula communities. Results of these studies indicated that these areas were not subsistence based.

Several Kenai Peninsula communities were designated as rural when the federal government assumed management of subsistence resources on federal lands. Rural residents were given priority over the general population for the consumptive use of fish and wildlife on public lands (sec. 804, ANILCA).

Subsistence uses are defined as the use of wild resources for personal consumption by rural Alaska residents (sec. 803, ANILCA). While there is no documented evidence that rural communities of the Kenai Peninsula are currently subsistence based, the subsistence use of resources by individuals can not be discounted. Reed (1985) and Seitz et al. (1992) indicated that the use of wild resources is important to individual rural families.

The areas of the proposed action have not been found to be heavily used for subsistence activities. The above action will remove several upland areas from the refuge and add several riparian areas to the refuge. The effect on moose should be minor. Salmon have traditionally provided the majority of subsistence resources on the Kenai Peninsula (Seitz et al., 1992). The proposed exchange may offer additional protection for subsistence uses of anadromous fish streams. Subsistence activities on the Kenai

Peninsula should, in general, be negligibly affected; fishery use, however, may be enhanced by this action.

2. Availability of other lands for the intended purpose.

The lands to be exchanged or acquired have not yet been designated, thus other tracts of land may become available prior to the completion of negotiations.

3. Other alternatives which would reduce or eliminate the use, occupancy or disposition of public lands needed for subsistence purposes.

To comply with P.L. 102-458, the Fish and Wildlife Service must expedite negotiations with KNA and CIRL. If the desired tracts are within the Kenai NWR they must be considered for exchange or acquisition.

Finding:

The above action is not foreseen to significantly restrict subsistence uses of the affected area.

Sources of Information:

Reed, C.E. 1985. The role of wild resource use in communities of the central Kenai Peninsula and Kachemak Bay, Alaska. Tech. Pap. No. 106. Division of Subsistence, Alaska Dept. of Fish and Game. Anchorage, AK. 210 pp.

Seitz, J., L. Tomrdle and J.A. Fall. 1992. The use of fish and wildlife in the upper Kenai Peninsula communities of Hope, Whittier, and Cooper Landing. Division of Subsistence, Alaska Dept. of Fish and Game. Anchorage, AK. 208 pp.

ADF&G. 1990. State hunting regulations. Alaska Dept. of Fish and Game. Juneau, AK.

Prepared by: Danella J. for Hilmar Marer Date: 7-29-93
Biological Technician
Division of Realty

Reviewed by: Sharon N. Javis Date: 7-29-93
Chief
Division of Realty

Approved by: Richard J. Porzuchala Date: 7/30/93
Assistant Regional
Director - Subsistence

**UNITED STATES FISH AND WILDLIFE SERVICE
ENVIRONMENTAL ACTION MEMORANDUM**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of acquiring and/or exchanging land with The Cook Inlet Region, Inc. and The Kenai Natives Association, Inc. on the Kenai National Wildlife Refuge, Alaska is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

Supporting Documents:

1. Environmental Assessment
2. Finding of No Significant Impact
3. Refuge Compatibility Determination
4. Alaska National Interest Lands Conservation Act, Section 810, Subsistence Evaluation and Finding.

Danella Perry for Hilmar Maier
Initiator

7-21-93
Date

Rowan W. Gould
ARD, Refuges & Wildlife

8/4/93
Date

May Lynn Nator
Regional Environmental Coordinator

7-26-93
Date

Walter D. Stiegitz
Regional Director

8/4/93
Date

Environmental Assessment

P.L. 102-458, Negotiations with

Cook Inlet Region, Inc.

and

Kenai Natives Association, Inc.

for the Exchange or Acquisition of Land

Prepared By

Hilmar A. Maier and Susan Schulmeister

Biological Assessment Branch, Division of Realty

U.S. Fish and Wildlife Service

Anchorage, AK

May, 1993



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ABSTRACT

On October 23, 1992, the President signed P.L. 102-458, directing the Secretary of the Interior to enter into negotiations with the Kenai Natives Association, Inc. (KNA) and the Cook Inlet Region, Inc. (CIRI) for the exchange or acquisition of lands.

Negotiations are currently in progress and exchange parcels have not yet been designated. Past negotiations indicate that the exchange may include surface and/or subsurface estate in the Kenai National Wildlife Refuge (Kenai NWR). This exchange is congressionally authorized and is not governed by normal rules of acquisition. The final settlement may require that portions of the refuge boundary be redesignated to include or exclude certain tracts of land. If an exchange can not be accomplished, a settlement may be determined by a congressional committee.

PURPOSE AND NEED FOR ACTION

Negotiations mandated by Congress

The Kenai Natives Association and the U.S. Fish and Wildlife Service (FWS) first proposed a land exchange in the late 1970's. An exchange agreement was signed by KNA and FWS in January 1982. In August 1982 KNA had a turnover in the board of directors; the agreement was then annulled because it was not finalized within a six month deadline. The KNA board refused to give FWS a 60 day extension. A land exchange between KNA, CIRI and FWS was proposed in June, 1992, but negotiations were unsuccessful. On October 23, 1992, the President signed into law P.L. 102-458 directing the Secretary of the Interior to enter into negotiations KNA and CIRI for the exchange or acquisition of lands. The parcels for which exchange negotiations will occur are not yet defined. For the purpose of this environmental assessment (EA) each parcel of land that may be available for exchange will be discussed separately.

Decisions to be Made

The proposed exchange is not typical since negotiations are still under way and exchange tracts have not yet been designated. Past negotiations suggest that KNA and CIRI will want the 22(g) restriction, as defined by the Alaska Native Claims Settlement Act (ANCSA), removed from a portion of land as part of the exchange. Section 22(g) of ANCSA states that certain private lands contained within the bounds of a wildlife refuge, that was established prior to the enactment of ANCSA (1971), are subject to the laws and regulations of that refuge. The elimination of 22(g) would have the same result as removing the land from the refuge, thus allowing private development without refuge approval. The proposed exchange may include the removal of federal lands from the Kenai NWR, the transfer of federal lands to private ownership and transfer of private lands to federal ownership for incorporation into the Kenai NWR. Specific options are not yet available, the information in this report will be based on past negotiations. Each tract of land that was affected in the past will be evaluated separately. The final

include unforeseen options that have not been considered. If new options are considered, we will amend the EA.

Explanation of Issues

Kenai NWR was established to achieve specific goals

The purpose of this document is to determine possible land exchange alternatives and to assess the impact that each will have on the resources within the Kenai NWR. The Alaska National Interest Lands Conservation Act (ANILCA), Section 303(4)(B) states that the Kenai NWR was established and shall be managed:

- "(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to moose, bear, mountain goats, Dall sheep, wolves and other furbearers, salmonids and other fish, waterfowl and other migratory and nonmigratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge;
- (iv) to provide in a manner consistent with subparagraphs (i) and (ii), opportunities for scientific research, interpretation, environmental education, and land management training; and
- (v) to provide, in a manner compatible with these purposes, opportunities for fish and wildlife-oriented recreation."

Issues of concern

The purposes of the Kenai NWR as stated in ANILCA are the measure by which the value of a land exchange should be judged. Therefore, before any action is taken it must be determined how the proposed land exchange will affect the ability of the refuge to: 1) Conserve fish and wildlife populations and habitats, 2) Fulfill international treaties, 3) Ensure water quality and quantity, 4) Provide opportunities for research and education and 5) Provide fish and wildlife-oriented recreation.

ALTERNATIVES

Alternatives are based on past negotiations

The Kenai Natives Association and CIRI have not stated which tracts of land they wish to exchange nor have they indicated what they would like in return. Negotiations will be handled independently between KNA and CIRI, thus, the cessation of negotiations with one group should not preclude negotiations with the other. The final exchange will probably include a combination of several tracts from each group. An alternative that considers the exchange of various combinations of parcels will not be discussed since the impacts would be identical to those described under the individual alternatives. Changes in negotiations may occur, resulting in the exchange of lands that have not been accounted for in this document. For the purpose of this environmental assessment an alternative will be defined as the tracts of land that CIRI (Alternative A), KNA (Alternative B), and FWS (Alternative C) have offered in the 1982 and 1992 exchanges.

Alternative A: Receive lands from CIRI

Under this alternative, the FWS would receive title to all or a portion of the surface estate from one or both of the CIRI parcels described below (see appendix A for complete descriptions):

- Tract 1: **Tustumena Lake.** Approximately 6,850 acres located in T. 1N and T. 2N, R. 11W, Seward Meridian.
- Tract 2: **Skilak Lake Outlet.** Approximately 40 acres located in T. 4N, R. 7E, Seward Meridian.

Alternative B: Receive lands from KNA

Under this alternative, the FWS would receive title to all or a portion of the surface estate from one or more of the KNA owned parcels described below (see appendix B for complete descriptions):

- Tract 3: **Stephanka.** Approximately 800 acres in T. 4N, R. 8W, Seward Meridian.
- Tract 4: **Swanson River Road West.** Approximately 10170 acres in T. 6N, R. 9W, Seward Meridian.
- Tract 5: **Moose River Selected.** Approximately 750 acres in T. 6N, R. 8W, Seward Meridian.

Tract 6: **Moose River Patented.** Approximately 1240 acres in T. 6N, R. 8W, Seward Meridian.

Tract 7: **Beaver Creek.** Approximately 2120 acres in T. 6N, R. 11W, Seward Meridian.

Alternative C: Offer lands from the Kenai NWR

Under this alternative, the FWS would give title to all or a portion of the surface and/or subsurface estate from one or more of the parcels described below (see appendix C for complete descriptions):

Tract 8: **Old Kenai Headquarters.** Approximately 5 acres, described by U.S. survey No. 1435, located in Kenai, AK.

Tract 9: **Sterling Highway.** Approximately 750 acres in T. 4N, R. 10W, Seward Meridian.

Tract 10: **KNA-Swanson River Road East.** Approximately 3240 acres in T. 6N, R. 8W and R. 9W, Seward Meridian; the tract is owned by KNA, however, it is subject to the ANCSA 22(g) restriction. The proposed exchange would result in an adjustment to the refuge boundary and the elimination of this tract from within the refuge; thus the tract will be considered under the option of offering refuge lands.

Tract 11: **FWS-Swanson River Road East.** Approximately 1830 acres in T. 6N, R. 8W and R. 9W, Seward Meridian. Approximately 620 acres in T. 6N, R. 8W, S. 18 is currently designated as wilderness.

Tract 12: **West Fork.** Approximately 160 acres of coal, oil and gas rights in T. 6N, R. 9W, Seward Meridian.

Alternative D: No Action

Under this alternative all of the above tracts would remain in current ownership. The Secretary of the Interior will report to a congressional committee and Congress will determine a settlement between KNA, CIRI and FWS.

AFFECTED ENVIRONMENT

Habitat and Wildlife on the Kenai NWR

The Kenai NWR covers the northwest third of the Kenai Peninsula in southcentral Alaska. Most of the lands being considered for this exchange are adjacent to the refuge border near the Sterling Highway. Most of the Kenai Peninsula is forested, with an interspersed of many ponds, lakes, streams and bogs. The upland areas are primarily mixed evergreen and deciduous forest composed of white spruce, black spruce, Alaska paper birch, quaking aspen, and balsam poplar. Black spruce are typical in poorly drained sites (USFWS, 1982).

Habitats are described by many classification schemes

The wildlife habitats of the Kenai Peninsula have been described in several ways. The FWS mapped land cover classes on the Kenai NWR in the mid-eighties based on Landsat satellite imagery (Talbot et al., 1985). The Kenai NWR staff later converted these land-cover classes to wildlife habitat classes (Bailey 1984, USFWS 1985). Wetland habitats have been identified and classified by National Wetland Inventory (NWI) parameters, where high altitude aerial photographs are stereoscopically interpreted (USFWS, 1982). Rosenberg (1986) presented a classification scheme for Alaska wetlands that allowed correlating wetlands types with bird use. The FWS, Region 7, Division of Realty, has recently developed the Alaska Priority System (APS), a computer model designed to rank resource and management values of inholdings in Alaskan refuges (Jerry, 1990).

Most tracts contain aquatic habitats

The major habitat classes in the tracts include mature forest, intermediate forest, riparian zones and wetland areas. Plants and animals characteristic of the terrestrial habitats in the Kenai NWR are listed in Table 1. Most of the tracts contain aquatic habitat associated with Tustumena and Skilak lakes, and the Kasilof, Kenai and Moose rivers. Tustumena and Skilak lakes, both of glacial origin, are the largest lakes on the refuge. The Kasilof River drains Tustumena Lake and the Kenai River flows through Skilak Lake. The Moose River is non-glacial and drains into the Kenai River.

Riparian habitats comprise 5% of the refuge

Plant communities adjacent to lakes, ponds, streams and rivers compose riparian areas; the most diverse and valuable of the wildlife habitats on the refuge. Riparian habitats only comprise 5% of the area of the refuge but they provide habitats that are essential for 25% of all the bird species that breed on the refuge (USFWS, 1985). Riparian areas are used, to some extent, by all species present on the refuge. Of the 200 species of animals reported on the refuge, 139 use the habitat for breeding (USFWS, 1985).

Table 1. Representative species of plants and animals found in terrestrial habitats of the exchange tracts.

Habitat type	Vegetation ¹	Ecologically Dominant Species ²
<ul style="list-style-type: none"> ● Mature Forest (Tracts 1,3,4,6,7,9-11) 	<p>Trees are 70-200 years old. Mixed deciduous-coniferous forest with paper birch (<i>Betula papyrifera</i>) and white spruce (<i>Picea glauca</i>) predominating; quaking aspen (<i>Populus tremuloides</i>) may be present. Understory of shrubs, grasses, forbs, mosses, and lichens.</p>	<p>Black bear, masked shrew, red squirrel, black-capped chickadee, spruce grouse, yellow-rumped warbler, hairy woodpecker, three-toed woodpecker, great-horned owl</p>
<ul style="list-style-type: none"> ● Intermediate Forest (Tracts 2-7,9-11) 	<p>Same species as mature forest but trees 20-45 years old as a result of a fire in 1947.</p>	<p>Black bear, lynx, wolf, moose, snowshoe hare, red-backed vole, short-tailed weasel, yellow-rumped warbler, Swainson's thrush, spruce grouse, dark-eyed junco</p>
<ul style="list-style-type: none"> ● Riparian (All tracts) 	<p>Comprised of various vegetation communities adjacent to lakes, ponds, streams and river. Vegetation includes the forest types listed above plus lowland deciduous scrub consisting of willow (<i>Salix sp.</i>) and alder (<i>Alnus sp.</i>) thickets underlain with grass, primarily <i>Calamagrostis canadensis</i>.</p>	<p>Trumpeter swan, bald eagle, river otter, beaver, muskrat, northern pintail, wood frog, common loon, rusty blackbird, Lincoln's sparrow, Barrow's goldeneye, Bonaparte's gull</p>
<ul style="list-style-type: none"> ● Bog/Peatland Wetlands (All tracts) <p>Wetland habitats contain combinations of the three vegetation types listed at right³</p>	<p>Emergent vegetation: (<i>Carex</i> spp.) and cottongrass (<i>Eriophorum</i> spp.).</p> <p>Dwarf shrubs: dwarf birch (<i>Betula nana</i>), bog blueberry (<i>Vaccinium uliginosum</i>), mountain cranberry (<i>V. vitis-idaea</i>), labrador tea, (<i>Ledum palustre</i>), leatherleaf (<i>Chamaedaphne calyculata</i>), cloudberry (<i>Rubus chamaemorus</i>), crowberry (<i>Empetrum nigrum</i>), bog rosemary (<i>Andromeda polifolia</i>) and sweet gale (<i>Myrica gale</i>).</p> <p>Black spruce bogs: (<i>Picea mariana</i>) with trees either stunted or > 20' high; deciduous understory of shrubs listed above.</p>	<p>Caribou (tracts 2,3,5,6,10,11), sandhill crane, common snipe, wood frog, bog lemming, arctic tern, least sandpiper, northern harrier, greater yellowlegs, mew gull, red-necked phalarope</p>

¹USFWS (1982), Bailey (1984), Talbot et al. (1985)

²"Ecologically dominant species are species that have significance from a human (hunting or viewing) or ecological (provide biomass, food, or occur in large numbers) standpoint." (USFWS 1985).

³USFWS (1982)

Riparian and wetland habitats are most valuable to wildlife

Wildlife diversity is also high in wetlands, which consist primarily of bogs and shrub peatlands on the Kenai NWR (Bailey, 1984; USFWS, 1985). Wetland and riparian habitats together comprise only 10% of the refuge area; however, they are very important to most of the wildlife species that are present on the refuge.

Four species of salmon, chinook (king), coho (silver), sockeye (red), and humpbacks (pink), spawn in the Kenai, Moose and Kasilof rivers. The sockeye salmon need both streams and lakes for reproduction, and juvenile sockeye rely heavily on Tustumena and Skilak Lakes. Other sport fish include lake trout, which are found in both Skilak and Tustumena Lakes, and Dolly Varden char and rainbow trout, which reside in all three rivers. The Kenai and Moose rivers are important to resident and migrant waterfowl (Rosenberg, 1986). The area of the Moose River that borders the southeast corner of the Moose River patented tract and the southern border of the Moose River selected tract is a staging area for trumpeter swans and other waterfowl (Rosenberg, 1986).

Some tracts include essential brown bear habitat

The tracts along the Swanson River Road and the Moose River are areas of high moose, snowshoe hare, wolf, lynx, coyote and brown bear density. The Skilak Lake outlet, Stephanka and Tustumena tracts contain essential brown bear habitat. Jacobs (1989) states that essential brown bear habitat should be maintained in as natural condition as is possible, to ensure the viability of Kenai Peninsula brown bear population.

Habitat and Wildlife on Tracts:

Tustumena: The Tustumena tract contains mature forest, wetland, and riparian habitats. The wetland habitats are combinations of palustrine wetland types, predominately emergent bog marshes, shrub bogs, and black spruce bogs. Most of the wetland habitats lie in the central portion of the tract stretching west from Tustumena Lake.

Rosenberg (1986) classified freshwater wetlands as lakes, ponds, rivers and creeks, marshes and bogs. The majority of the Tustumena wetlands are of the bog meadows and senescent string bog types, which are the most abundant wetlands type in the Kenai lowlands. Rosenberg (1986) indicated that bird use of different wetland habitats varied considerably, and that bog meadows and senescent string bogs, the two driest of his wetland classes, had the lowest density, diversity and richness of bird species. Sandhill cranes were the only species to have a higher density in senescent string bogs than in any other habitat type. Savannah sparrows, least sandpipers, white-crowned sparrows, whimbrels, parasitic jaegers and red-necked phalaropes were the most abundant birds in the two bog types, but they all had lower densities than in any other habitat. Trumpeter swans have occasionally been sighted on Border Lake, although nesting has not been documented.

Riparian habitat is found along the Kasilof River (the northeast boundary of tract), along the western edge of Tustumena Lake and several smaller lakes in the tract. The Kasilof River is an important spawning area for all four species of salmon, and thus, is also an important feeding area for bald eagles. However, there are no known bald eagle nests along the portion of the Kasilof River in this tract.

Animals found in the Tustumena tract but not identified as representative of habitat types described in Table 1 include moose, wolves, and brown bears. The southern two-thirds of this tract is zoned as essential brown bear habitat (Jacobs, 1989). This tract provides a corridor, allowing many wildlife species to move between the northern and southern sides of Tustumena Lake. The northern quarter of the Tustumena tract, along the Kasilof River, is ranked high in APS, while the south western portion of the tract is ranked as medium.

Skilak Lake Outlet: Although a small parcel, the Skilak Lake Outlet tract contains intermediate forest, riparian and wetland habitats. The small peninsula is located within the Kenai Wilderness area and is bordered by the Kenai River and Skilak Lake on three sides. A narrow marshy band lies between the spit of land on the northwest corner and the forested bluffs.

The Kenai River is important to four species of salmon, Dolly Varden Char and rainbow trout. Skilak Lake is used by sockeye salmon and lake trout. The salmon are major foods for bears and eagles. This site has traditionally supported high concentrations of wintering bald eagles, which are especially susceptible to disturbance. A late run of coho salmon provides fresh fish to eagles through December, and carcasses through February, as the river is usually ice free below Skilak Lake (Bailey, 1984). Trumpeter swans stage and overwinter in the waters surrounding the Skilak Lake Outlet; this is one of the few small areas on the Kenai NWR where swans stage and overwinter.

This tract is zoned as essential brown bear habitat (Jacobs, 1989) and also provides a corridor, by which many wildlife species move between the northern and southern sides of Skilak Lake. In APS, this tract has a very high priority ranking for acquisition.

Stephanka: The Kenai River winds through this tract dividing it into two parts. The tract borders the southern portion of the Kenai Wilderness area. Forest cover types include both mature and intermediate age forest; the mature forest is located in the northwest corner of the tract. Small pockets of wetlands are present, including saturated emergent bog-type marshes, saturated shrub bogs, and black spruce bogs.

Wildlife values on this tract are high, as is usually the case with areas associated with riparian habitats. The Kenai tract has high density for waterfowl such as mallards, green-winged teal, and widgeon. Arctic terns, herring gulls, mew gulls, bald eagles, and red-throated loons feed on the river (Rosenberg, 1986).

Trumpeter swans stage and overwinter in the waters surrounded by the Stephanka Tract; this is one of the few small areas on the Kenai NWR where swans stage and overwinter.

The Kenai River is a major spawning drainage for salmon, which provide food for black bears, brown bears and bald eagles. Bald eagles concentrate on the Kenai River parcel during the fall and especially in winter to feed on coho salmon. A late run of coho salmon in September provides fresh fish to eagles through December, and salmon carcasses through February. Wintering and nesting bald eagles are sensitive to human activity. Although no active bald eagle nests have been documented recently on this tract, there is a known nest site just outside the boundary to the north. This tract is within the expanding winter range of and is occasionally used by the lowland caribou herd.

The portion of this tract south of the Kenai River is zoned as essential brown bear habitat (Jacobs, 1989). This tract provides a corridor, which allows many wildlife species to move between the northern and southern sides of Skilak Lake.

Swanson River Road West: This tract is bordered on the east by Swanson River Road and is forested with both mature and intermediate stage forest, with some emergent and deciduous shrub wetland areas. Areas of wetlands occur along the western edge of the tract. The western half and the northern quarter of the tract consists of numerous lakes and ponds interspersed with bog meadows. Rosenberg (1986) indicated that lakes had the highest species richness and diversity for birds. The tract is an important staging area for trumpeter swans and other waterfowl.

High densities of lynx, coyote, snowshoe hare, wolf and moose occur in this tract. The Swanson River Road West tract is ranked high priority in APS.

Moose River Selected: This tract consists of intermediate stage forest and wetlands consisting of saturated scrub and black spruce bog. This tract borders the lower Moose River, which is an important staging area for waterfowl, especially trumpeter swans (Rosenberg, 1986). The Moose River is a major spawning drainage for salmon, which provide food for black bears, brown bears and bald eagles. High densities of lynx, coyote, snowshoe hare, wolf and moose occur throughout this tract and high brown bear densities occur in the riparian areas. Tundra and trumpeter swans stage in the section of the Moose River adjacent to this tract; although use is variable from year to year depending on water levels. Bald eagles nest and feed along the river, and riverine species such as beaver, otter, mink, and muskrat are present. Caribou occasionally overwinter in this tract. This tract is ranked high priority for acquisition in the APS model.

Moose River Patented: The southern edge of this tract is part of the refuge boundary. This tract is bordered on the southeast corner by the Moose River and consists mostly of mature and intermediate stage (resulting from a 1947 fire) forest interspersed with wetlands. Black spruce bogs and ponds are the most abundant of the wetlands present, with some emergent and deciduous shrub areas. Caribou occasionally overwinter in this tract. High densities of

lynx, coyote, snowshoe hare, wolf, and moose occur throughout this tract and high brown bear densities occur in the riparian areas. The tract is ranked high priority for acquisition in APS.

Beaver Creek: The western portion of this tract consists mostly of mature forest while the eastern portion consists predominately of early forest (resulting from a 1969 fire). The tract is interspersed with some boggy areas. The eastern portion of the tract is an important wintering area for moose. Wolves, black and brown bears, caribou and coyotes are found in the tract. This tract is ranked by APS as medium priority for acquisition.

Old Kenai Headquarters: This tract is not within the refuge boundary, but is located within the city limits of the city of Kenai. This tract has little, if any habitat or wildlife value.

Sterling Highway: This tract is adjacent to the southern boundary of the Soldotna city limits. The primary habitat consists of mature forest. Black bears, moose, coyotes, great-horned owls and many species of passerine birds use this tract.

KNA-Swanson River Road East: The southern edge of this tract is part of the refuge boundary; the refuge boundary will be redesignated to exclude this tract. This tract is forested with mature and intermediate stage forest. Areas of wetlands occur along the eastern edge, with the Moose River bordering the southeast corner. Stunted spruce bogs are the most abundant of the wetlands present, with some emergent and deciduous shrub areas.

High densities of lynx, coyote, snowshoe hare, wolf and moose occur in this tract. Wolf and lynx den in the KNA Swanson River Road East tract. The KNA Swanson River Road East tract is ranked high priority for acquisition in APS.

FWS-Swanson River Road East: This tract is mostly upland forested with mature and intermediate stage forest; the refuge boundary will be redesignated to exclude this tract. High densities of lynx, coyote, snowshoe hare, wolf and moose occur in this tract. Wolf and lynx den in this area. The KNA Swanson River Road East tract is ranked high priority in APS. Approximately 620 acres of this tract is located in the Kenai Wilderness area.

West Fork: The West Fork tract consists of subsurface coal, oil, and gas rights only; thus, it has no habitat or wildlife value. The surface estate is in KNA ownership as a portion of the Swanson River Road West tract.

Endangered Species

There are no endangered, threatened or proposed species of plants or animals known to occur within the parcels of land being considered in this exchange (Bailey, 1992; Anderson, pers. comm.). Most tracts are used by salmon and other species for which the refuge was established (ANILCA, section 303(4)(B)(i)). Bald eagles, trumpeter swans, brown bears,

lynx, and wolves are sensitive to disturbance and could be adversely affected by development; these species should be considered before proceeding with any action.

Archeological Sites

Three tracts contain archeological sites

Three of the tracts discussed in this biological assessment report are known to contain archeological sites. The Kasilof River portion of the Tustumena tract has 13 identified prehistoric sites and an historic trail. A "site" in this case is defined as an area where there is a high density of features such as pits, or where there is at least one identifiable house pit.

The designated sites represent concentrations of features, with scattered pits between them. At the location of the present campground and boat ramp (Kasilof Landing) there is a major site which includes several house pits believed to have been used year round. Maitland (1980) described a site upstream from Kasilof Landing as a major settlement, with a high house pit to total pit ratio, and characterized one site downstream as a "fairly major" site with seven house pits.

The Stephanka tract contains 21 archeological sites, the most well known being Stephanka Village (also known as Stepanka's Village or Stu'tlinit). The Stephanka site features include a cemetery, house pits and some smaller pits (Cook Inlet Historic Sites Project, 1975). Most of the other sites are composed of scattered house pits, often one or two, and/or cache pits; a few sites have eight or more house sites (Alaska Heritage Resources Survey). The features suggest long term occupancy by small groups, probably first by the Chugach Eskimos and later by the Kenaitze.

The Skilak Lake Outlet site is the location of a prehistoric Kenai Tanaina settlement known as Skilak Outlet Village. This site contains numerous house depressions and cache pits, reflecting an intensive use of the area (Lynch, 1981). This site was certified by BIA as a cemetery site and historical place in 1983.

ENVIRONMENTAL CONSEQUENCES

This section describes the probable impacts of each alternative on the identified environmental issues for lands proposed for acquisition by the federal government (Table 2). The federal government would convey out of federal ownership and, if appropriate, redesignate portions of the refuge boundary to exclude one or more of the following: 1) the coal, oil, and gas rights of the West Fork tract, 2) the old Kenai headquarters site, 3) the Sterling highway tract, 4) the FWS-Swanson River Road East tract and 5) the KNA-Swanson River East tract. The FWS may acquire one or more of the following tracts: 1) the Tustumena tract, 2) the Skilak Lake Outlet tract, 3) the Stephanka tract, 4) the Swanson River Road West tract, 5) the Moose River Selected and Patented tracts and 5) the Beaver Creek tract.

Table 2. Summary of environmental consequences of land exchange alternatives by issue, i.e. refuge purpose.

Issues	Alternative A Acquire lands from CIRI	Alternative B Acquire lands from KNA	Alternative C Give Refuge Lands	Alternative D No exchange
Conserve fish and wildlife populations and habitats	<ul style="list-style-type: none"> •Increased protection •Prevent habitat fragmentation 	<ul style="list-style-type: none"> •Increased protection •Prevent habitat fragmentation 	<ul style="list-style-type: none"> •Loss of habitat •Increased disturbance 	<ul style="list-style-type: none"> •Loss of habitat •Increased disturbance •Habitat fragmentation if Tracts 1 & 3 are developed
Fulfill international treaties	<ul style="list-style-type: none"> •Regulatory functions not affected •Increased protection of migratory bird habitat 	<ul style="list-style-type: none"> •Regulatory functions not affected •Increased protection of migratory bird habitat 	<ul style="list-style-type: none"> •Regulatory functions not affected •Protection of migratory bird habitat dependent on agreements with owner 	<ul style="list-style-type: none"> •Regulatory functions not affected •Protection of migratory bird habitat dependent on agreements with owner
Ensure water quality and quantity	<ul style="list-style-type: none"> •No impacts 	<ul style="list-style-type: none"> •No impacts 	<ul style="list-style-type: none"> •Possible degradation 	<ul style="list-style-type: none"> •Possible degradation
Provide opportunities for research and educational training	<ul style="list-style-type: none"> •Improved access 	<ul style="list-style-type: none"> •Improved access 	<ul style="list-style-type: none"> •Dependent on agreements with owner 	<ul style="list-style-type: none"> •Dependent on agreements with owner
Provide fish and wildlife oriented recreation	<ul style="list-style-type: none"> •Improved access 	<ul style="list-style-type: none"> •Improved access 	<ul style="list-style-type: none"> •Dependent on agreements with owner 	<ul style="list-style-type: none"> •Dependent on agreements with owner •Impacts to scenic views

Township 6N, Range 8W, Section 18 of the FWS-Swanson River Road East tract is currently within the northern portion of the Kenai Wilderness area; this portion of wilderness may be lost from the refuge.

The Tustumena and Stephanka tracts provide important corridors for wildlife moving between the north and south sides of Tustumena and Skilak lakes. Development of these tracts could lead to habitat fragmentation and the reduction of movement between major areas of the refuge.

Alternative A: Receive lands from CIRI

Issue 1: Conserve fish and wildlife populations and habitats

Resources will receive increased protection.

Under this alternative, fish and wildlife populations and habitats in the Tustumena tract will receive a higher level of protection as part of the Kenai NWR than under CIRI ownership. The Tustumena tract is the only one of the exchange tracts that is outside of the refuge boundary and is not subject to the laws and regulations governing use and development of the refuge. If CIRI develops the property, the result will be a loss of wildlife habitat and/or disturbance to wildlife.

Acquisition of the property will provide a buffer of refuge managed land between private land to the west and a portion of the Kenai Wilderness area. Currently a portion of the wilderness area defines the refuge border along the western shore of Tustumena Lake. This tract is adjacent to minimal and traditional management categories and will probably be placed into one of these criteria upon acquisition. The lake will be surrounded by refuge, thus, helping to prevent development along the south western shore.

Best wildlife habitat on Tustumena tract may be developed

The northern section of the Tustumena tract has the highest wildlife value and is also the area that is most likely to be developed because it has road access. The large area of wetlands in the central portion of the tract would make development of this area more difficult. The southern portion of the tract contains upland areas including essential brown bear habitat; however, access for development is currently poor. Bringing this land back under refuge jurisdiction would also ensure consistency of management with adjacent areas. The tract could be managed to provide a valuable movement corridor for wildlife.

Skilak tract protected as cemetery site and historical place

Under this alternative, fish and wildlife and their habitats in the Skilak Outlet tract may receive a slightly higher level of protection as part of the refuge than under CIRI ownership.

Wildlife would benefit from management that is consistent with adjacent areas and refuge resources could be use to protect archeological features in the area.

This parcel is within the Kenai Wilderness Area and would remain in this protective status if retained in the refuge. Resources in this tract are currently protected because of the tract's status as a cemetery site and historical place. Conveyances for cemetery sites or historical places contain a covenant which states that the regional corporations cannot authorize mining or mineral activities of any kind on the land, nor can they authorize any use which is incompatible with the values of the area as a cemetery site or historical place. This covenant can be released only by the Secretary of the Interior. Further, conveyances of cemetery sites or historical places on lands reserved for the National Wildlife Refuge System are subject to section 22(g) of ANCSA, which provides that lands which were within the boundaries of a National Wildlife Refuge in existence on December 18, 1971, shall remain subject to the laws and regulations governing use and development of the refuge (43 CFR §2650.4-6, §2653.5, §2653.11).

Issue 2: Fulfill international treaties

Regulatory functions of treaties not affected

International treaties affecting the way the FWS manages the Kenai NWR relate primarily to migratory birds. A list of treaties and their purposes can be found in the Kenai NWR Comprehensive Conservation Plan (USFWS, 1985). The regulatory functions of these treaties would not be affected by differences in land status or land protection categories. However, if the FWS acquires land from the Tustumena Lake or the Skilak Lake Outlet tracts, the refuge would be able to structure their management objectives so that sensitive migratory bird habitats would be protected.

Issue 3: Ensure water quality and quantity

Water quality and quantity protected by regulatory functions

If land in the Tustumena Lake or Skilak Lake Outlet tracts were acquired in this exchange, water quality and quantity would be protected by the same regulations as those that govern the rest of the refuge. Ensuring water quality and quantity was one of the purposes for which the refuge was created, and all activities on the refuge must comply with the pollution control standards set by the Clean Water Act, the federal Water Pollution Control Act amendments, and all other applicable State and federal laws, regulations, and orders governing water quality (USFWS, 1985).

Issue 4: Provide opportunities for research and education

Offered land could be used for research, education, or training

Environmental education and recreation could be encouraged and interpretive facilities could be provided if the FWS managed the land (USFWS, 1985). Refuge staff could develop educational programs consistent with those of the rest of the refuge and would have the flexibility to decide which activities were compatible with current management goals. Scientific research would be facilitated by having contiguous areas to study and by having access to areas important to wildlife and fish.

Issue 5: Provide fish and wildlife oriented recreation

Acquiring Tustumena tract would allow new options for campground

In the Tustumena tract, the refuge currently has a three-acre site easement on the bank of the Kasilof River for a boat ramp and campground, a 60-foot wide road easement running easterly through the northern section of the parcel, and a 25-foot trail easement parallel to the Kasilof River and Tustumena Lake. The easements in the Tustumena tract provide primary access to the Kasilof River, Tustumena Lake, refuge trails, and hundreds of square miles of refuge wilderness; recreational use is estimated to be thousands of user-days per year. Types of uses include but are not limited to boating and fishing along the Kasilof River, grouse hunting adjacent to the road, and trophy moose hunting.

The three-acre site easement allows vehicle parking, temporary camping, and loading and unloading. Camping is limited to 24 hours. Access could be curtailed if the 24 hour restrictions were enforced. Acquiring the land associated with the campground easement area would allow the FWS to manage and maintain the campground as in the rest of the refuge. Acquisition of the Tustumena tract would reestablish historic public recreational use that has been curtailed or altered by private ownership and restricted access. Private lands not yet restricted or posted would be reopened to legitimate recreational activity.

Alternative B: Receive lands from KNA

Issue 1: Conserve fish and wildlife populations and habitats

Stephanka tract could be designated as wilderness area

If the FWS acquires acreage in the Stephanka tract the level of protection for fish and wildlife would increase slightly because management would be consistent with the surrounding areas. This parcel has some protection because it is subject to section 22(g) of ANCSA, which subjects the land to the refuge rules for use and development. Alternative C (preferred alternative) of the Kenai CCP lists this area as traditional management. If the

FWS obtained the tract by the normal acquisition process, it would be designated as traditional management.

The tract is adjacent to the southern portion of the Kenai Wilderness area. Since this exchange is congressionally mandated, it is not governed by the normal rules of acquisition, thus, wilderness status (the most protective of management categories) could be applied. Wilderness designation would provide increased protection for wildlife and habitats and compensate for the loss of wilderness area in the FWS-Swanson River Road East tract.

Issue 2: Fulfill international treaties

Treaties not affected by land acquisition

The international treaties that affect the way the FWS manages the Kenai NWR relate primarily to migratory birds. A list of treaties and their purposes can be found in the Kenai NWR Comprehensive Conservation Plan (USFWS, 1985). The regulatory functions of these treaties would not be affected by differences in land status or land protection categories, but if land from the Kenai River tract or the Swanson River Road tract were returned to federal ownership, the FWS would be able to structure their management objectives so that sensitive migratory bird habitats would be protected.

Issue 3: Ensure water quality and quantity

Regulations govern water quality standards

If the KNA-owned parcels (Stephanka, Beaver Creek, Swanson River Road and Moose River tracts) were returned to the Kenai NWR in this exchange, water quality and quantity would be protected by the same regulations as those that govern the rest of the refuge. Ensuring water quality and quantity was one of the purposes for which the refuge was created, and all activities on the refuge must comply with the pollution control standards set by the Clean Water Act, the Federal Water Pollution Control Act amendments, and all other applicable State and federal laws, regulations, and orders governing water quality (USFWS, 1985).

Issue 4: Provide opportunities for research and education

Land could be used for research, education, or training

Environmental education and recreation could be encouraged and interpretive facilities could be provided if the FWS managed the land (USFWS, 1985). Refuge staff could develop educational programs consistent with those of the rest of the refuge and would have the flexibility to decide which activities were compatible with current management goals. Scientific research would be facilitated by having contiguous areas to study and by having access to areas which may be important to wildlife and fish.

Issue 5: Provide fish and wildlife oriented recreation

Acquiring KNA parcels would improve recreational access

The Kenai River supports a renowned recreational fishery for king salmon. Types of recreation that could occur in the Stephanka tract include boat and bank fishing, camping, waterfowl and big game hunting, and trapping, encompassing thousands of user-days. If the FWS acquired the Stephanka tract it would ensure continued public access to this valuable recreation area. Currently, recreationists use the private lands on this section of the river because boundaries are not marked and it is difficult for the public to know exactly which stretch of the river passes private property. If the property were to be posted the public would no longer have access. Certain negative impacts are now occurring with the unmanaged trespassing on these private lands. Active refuge management and regulatory guidance would reduce these impacts.

The Moose River Selected and Patented tracts border the Moose River Canoe Trail and the Swanson River Road West tract borders the Swanson River Road. The road provides access to the only nationally designated recreational canoe trails in the Alaska refuge system (the Swanson River and Swan Lake canoe trails). The tracts are suitable for activities such as camping and grouse hunting. Acquiring these properties would ensure access to these activities for the approximately 50,000 visitors each year who pass the tract on their way to the canoe trails. Again, it is difficult for the public to know where the boundaries of private lands are. The Sunken Island Lake Road and campground could be reopened to the public, providing hundreds of recreation user-days and access to a large area of wildlands.

Alternative C: Offer Refuge Lands for Exchange

Issue 1: Conserve fish and wildlife populations and habitats

The FWS Swanson River Road East tract ranks low in APS; however, one section of this tract is currently designated as wilderness, this status will be lost if the tract is exchanged. The KNA-Swanson River Road East tract is owned by KNA, however it is subject to the ANCSA 22(g) restriction.

The Sterling Highway Tract is adjacent to Soldotna and has low value for wildlife. The Kenai Headquarters Site is located within the city of Kenai and the West Fork tract consists only of subsurface coal, oil and gas rights; these tracts have no wildlife value. Removal of these tracts from the federal ownership should have minimal impacts to wildlife populations and habitats.

Transfer of FWS owned lands to private ownership will result in the loss of wildlife habitat due to commercial activity or development. The FWS would be unable to manage the wildlife and habitat because they will not own the land; however, the FWS would continue to

seek cooperative agreements with owners of lands adjacent to or in the refuge whenever necessary to achieve management goals (USFWS, 1985).

Issue 2: Fulfill international treaties

Treaties not affected by land ownership

The international treaties that affect the way the FWS manages Kenai NWR relate primarily to migratory birds. A list of treaties and their purposes can be found in the Kenai NWR Comprehensive Conservation Plan (USFWS, 1985). The regulatory functions of these treaties would not be affected by differences in land status or land protection categories.

If land from the FWS Swanson River Road East or the Sterling Highway tracts were returned to private ownership, the FWS would not be able to structure their management objectives so that migratory bird habitats would be protected. These tracts, however, are of low wildlife value.

Issue 3: Ensure water quality and quantity

Regulations govern water quality standards

Ensuring water quality and quantity was one of the purposes for which the refuge was created, and all activities on the refuge must comply with the pollution control standards set by the Clean Water Act, the Federal Water Pollution Control Act amendments, and all other applicable state and federal laws, regulations, and orders governing water quality (USFWS, 1985).

If the FWS-owned parcels were returned to private ownership in this exchange, water quality and quantity would not be protected by the same regulations as those that govern the rest of the refuge.

However, any development would be subject to State and local water quality laws with regulations governing septic tanks, siltation from construction, etc., which should help to minimize impacts.

Issue 4: Provide opportunities for research and education

Programs depend on agreements with landowners

If the parcels are returned to private ownership, environmental education, scientific research and recreation would depend upon agreements with the owners. The agreements could change over time.

Issue 5: Provide fish and wildlife oriented recreation

Access dependent on landowner

ANILCA, which established or re-established 16 National Wildlife Refuges, recognized the Kenai NWR as an important recreation area; it is the only unit in the 16 which has as a major purpose the provision of recreational opportunities for people. Sunken Island Lake Road and campground would remain closed to public use. Unmanaged recreational use would continue with the deterioration of stream banks, increased litter, increased wildlife disturbance and unrestricted camping. The private lands proposed for acquisition are currently not posted and are used by recreationists as though they were part of the refuge. If the owners decided to post their land, access would be restricted in portions of one of the most popular recreational areas in Alaska. Development along the Kasilof River and Swanson River Road would impact existing scenic views.

Alternative D: No exchange

If a land exchange is not accomplished, the KNA and CIRI tracts will remain in private ownership. The Kenai NWR would lose the opportunity to decrease inholdings, consolidate management of fish and wildlife and their habitats, and otherwise manage these lands according to the purposes for which the refuge was established.

Issue 1: Conserve fish and wildlife populations and habitats

Potential for loss of wildlife habitat

If the Tustumena tract remains in CIRI ownership, there may be some loss of wildlife habitat due to commercial activity or development. The FWS would be unable to manage the wildlife and habitat because they will not own the land; however, the FWS would continue to seek cooperative agreements with owners of lands adjacent to or in the refuge whenever necessary to achieve management goals (USFWS, 1985). Most likely development will in the north along the Kasilof River and Tustumena Lake because this area has road access.

Although development is restricted in the Skilak Lake Outlet parcel because it is a cemetery site and historic place, there may be slightly less protection to fish and wildlife under CIRI ownership than under refuge management.

Issue 2: Fulfill international treaties

Treaties not affected by land ownership

The international treaties that affect the way that the FWS manages Kenai NWR relate primarily to migratory birds. A list of treaties and their purposes can be found in the Kenai

NWR Comprehensive Conservation Plan (USFWS, 1985). The regulatory functions of these treaties would not be affected by differences in land status or land protection categories.

Issue 3: Ensure water quality and quantity

Water quality could be impacted by development

Under this alternative the FWS would not acquire acreage in the Tustumena tract. Water quality could be impacted if CIRI develops the land in this tract. Most likely to be developed would be the land near the Kasilof River, with possible impacts to water quality of the river. However, any development would be subject to State and local water quality laws with regulations governing septic tanks, siltation from construction, etc., which should help to minimize impacts. The wetlands and boggy areas in the central and southern portion of the tract are less likely to be developed because of poor access, but development could adversely affect water quality in these wetlands or cause loss of wetlands habitats.

The Skilak Lake, Kenai River, and Swanson River Road tracts are less likely to be developed because of their 22(g) status and would have more protection from impacts to water quality than the Tustumena tract which is not subject to 22(g).

Issue 4: Provide opportunities for research and education

Programs depend on agreements with landowners

Scientific study of resources will be more difficult when patches of privately owned land exist within study areas. Environmental education and land management training programs may not be available on private land within the refuge boundaries unless cooperative agreements with the owners are developed. Agreements could change over time.

Issue 5: Provide fish and wildlife-oriented recreation

Access dependent on landowner

ANILCA, which established or re-established 16 National Wildlife Refuges, recognized the Kenai NWR as an important recreation area; it is the only unit in the 16 which has as a major purpose the provision of recreational opportunities for people. Sunken Island Lake Road and campground would remain closed to public use. Unmanaged recreational use would continue with the deterioration of stream banks, increased litter, increased wildlife disturbance and unrestricted camping. The private lands proposed for acquisition are currently not posted and are used by recreationists as though they were part of the refuge. If the owners decided to post their land, access would be restricted in portions of one of the most popular recreational areas in Alaska. Development along the Kasilof River and Swanson River Road would impact existing scenic views.

THE PREFERRED ALTERNATIVE

Analysis of APS ranking and other attributes reviewed indicates that negotiations to acquire parcels in the order of importance shown in Table 3 may result in the most benefit to the Kenai NWR. The tracts along the Moose River, Kenai River, Kasilof River, and Skilak Lake outlet are the highest priority. The Kenai headquarters, Sterling Highway and West Fork tracts have the lowest wildlife value and highest commercial value of the above parcels. Land along the Kenai, Moose, and Kasilof rivers and Skilak and Tustumena lakes would provide increased protection to these valuable habitats. A portion of the FWS-Swanson River Road East is designated as wilderness, which will be lost from the refuge. The Stephanka tract, however, is adjacent to wilderness area; if this tract was designated as wilderness the valuable riverine habitat would receive the greatest protection possible and would result in an overall benefit to the refuge.

Table 3. Ranking of tracts considered for exchange from highest to lowest acquisition priority (Rank). Also shown are the tract numbers (in parenthesis), APS score, potential for development and the special values of each tracts. Tracts are subdivided to allow for prioritization of smaller areas.

Tract Name (number)	Rank	APS Score	Development Potential	Special Values
Stephanka (3): South 1/2	1	High	Medium	Riparian habitats with high diversity of wildlife species; Winter bald eagle concentrations; Trumpeter swan staging and overwintering; High winter waterfowl use; Major salmon spawning river; Caribou winter range; Essential brown bear habitat; Movement Corridor; Recreational access; Cultural values; Wilderness quality.
Stephanka: North 1/2	2	High	Medium	Riparian habitats with high diversity of wildlife species; Winter bald eagle concentrations; Trumpeter swan staging and overwintering; High winter waterfowl use; Major salmon spawning river; Caribou winter range; Essential brown bear habitat; Movement corridor; Recreational access; Cultural values; Wilderness quality.
Skilak Lake Outlet (2)	3	High	Medium	Riparian habitats with high diversity of wildlife species; Winter bald eagle concentrations; Trumpeter swan staging and overwintering; Major salmon spawning river; Caribou winter range; Essential brown bear habitat; Cultural values; Wilderness.
Moose River: Selected & Patented (5 & 6)	4	High	Medium	Riparian habitats with high diversity of wildlife species; Bald eagle nesting; Trumpeter & tundra swan staging; Caribou winter range.
Tustumena Lake (1): North 1/3	4	High	High	Riparian habitats with high diversity of wildlife species; Movement corridor; Campground; Recreational & wilderness access; Cultural values.
Swanson River Road West (4)	5	High	Medium	Trumpeter swan staging; High waterfowl nesting; Lynx, coyote and wolf denning.
KNA-Swanson River Road East (10)	5	High	Medium	Lynx, coyote and wolf denning; Recreational access.
Tustumena Lake: Central 1/3	6	Medium	Medium	Bog/meadow wetlands with high diversity of wildlife species; Essential brown bear habitat; Movement corridor.
Tustumena Lake: South 1/3	7	Medium	Medium	Bog/meadow wetlands with high diversity of wildlife species; Essential brown bear habitat; Movement corridor.
Sterling Highway (9)		Medium	High	Mature forest habitat; black bears; coyotes; Great-horned owls.
Beaver Creek (7)		High		Winter moose concentrations; Caribou range; Wolf denning.
FWS-Swanson River Road East (11)		Medium		Lynx, coyote and wolf denning; Contains wilderness area.
Old Kenai Headquarters (8)		None	High	No wildlife value.

PREPARED BY

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Susan Schulmeister, Wildlife Biologist
U.S. Fish and Wildlife Service, Realty Division
1011 East Tudor Road, Anchorage, Alaska 99503

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APPENDICIES

APPENDIX A
Description of CIRI Tracts

Tustumena Lake (Tract 1)

Ownership: Cook Inlet Region, Inc.

Legal Description:

All the lands in this tract are unsurveyed except as noted. Interim Conveyance No. 1379, dated April 6, 1988, BLM Case File AA11153-29, provides a legal description for the subject lands.

Township 1 North, Range 11 West, Seward Meridian

Sections 3 and 4;
Sections 9 and 10;
Section 15, W½;
Section 16.

containing approximately 3,460 acres

Township 2 North, Range 11 West, Seward Meridian

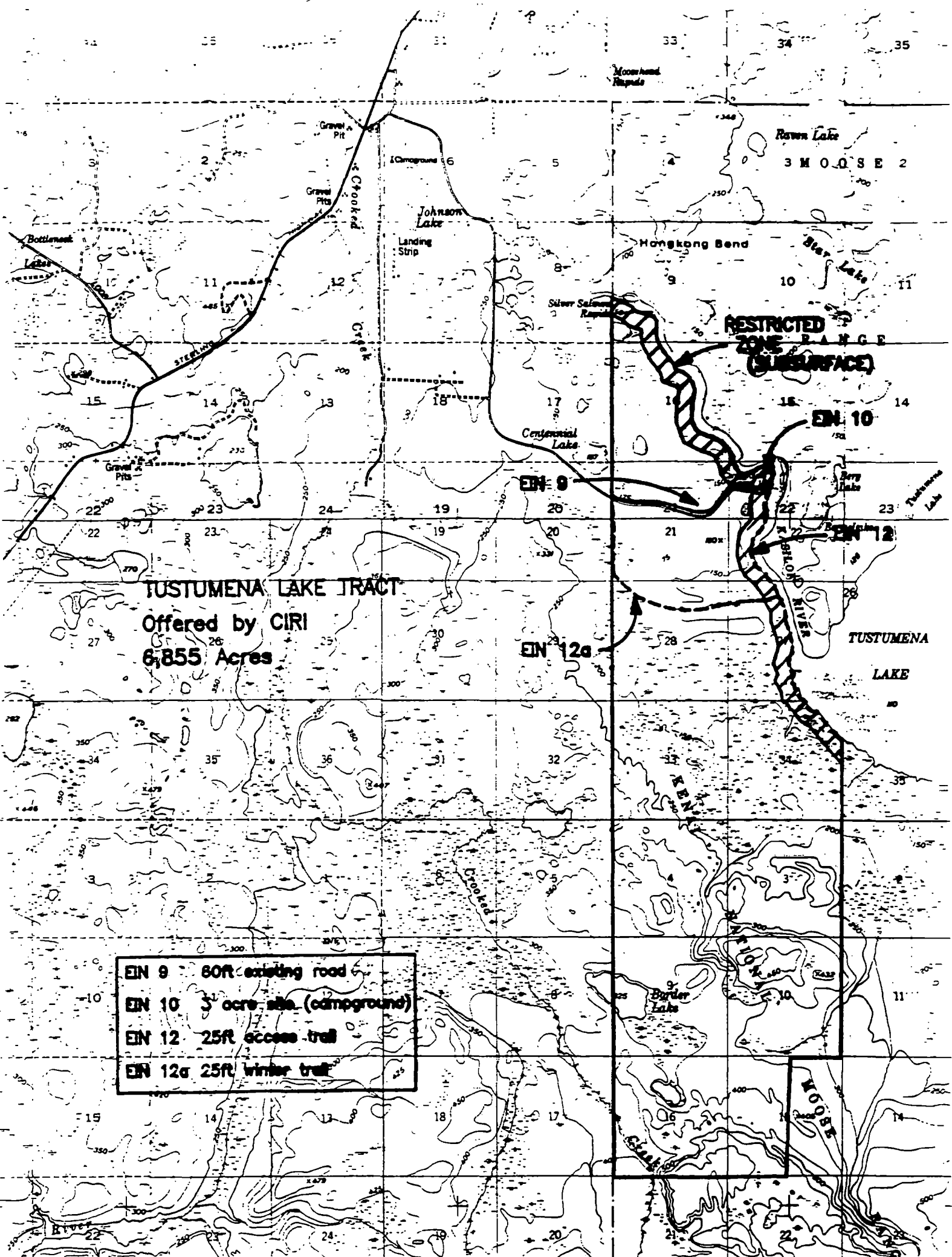
Section 9, SW¼ south and west of the mean high water line of the southwest bank of the Kasilof River;
Section 16, those lands south and west of the mean high water line of the south and west bank of the Kasilof River;
Section 21;
Section 22, those lands south and west of the mean high water line of the south and west bank of the Kasilof River;
Section 27, those lands west of the mean high water line of the west bank of the Kasilof River and those lands south and west of the mean high water line of the south and west shore of Tustumena Lake;
Sections 28 and 33;
Section 34, those lands south and west of the mean high water line of the south and west shore of Tustumena Lake.

Excluding approximately 802 acres of subsurface estate of the lands within a 1,320 foot-wide restricted zone along the banks of the Kasilof River and Tustumena Lake, as to agreed by the U.S. Fish & Wildlife Service and Cook Inlet Region, Inc.

Containing approximately 3,395 acres of the surface estate.

Aggregating approximately 6,855 acres of the surface estate.

Aggregating approximately 6,053 acres of the subsurface estate.



TUSTUMENA LAKE TRACT
Offered by CIRI
6,855 Acres

- | | |
|--------|--------------------------|
| EN 9 | 80ft existing road |
| EN 10 | 3 acre site (campground) |
| EN 12 | 25ft access trail |
| EN 12a | 25ft winter trail |

Skilak Lake Outlet (Tract 2)

Township 4 North, Range 7 West, Seward Meridian

Section 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Section 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$

Containing approximately 40.5 acres.

The site as surveyed is located on the south bank of the Kenai River and the west bank of Skilak Lake.

Beginning at a point located within section 4 of T. 4N., R. 7W. at Latitude 60° 27' 44" North, Longitude 150° 30' 45" West, which is the true point of beginning.

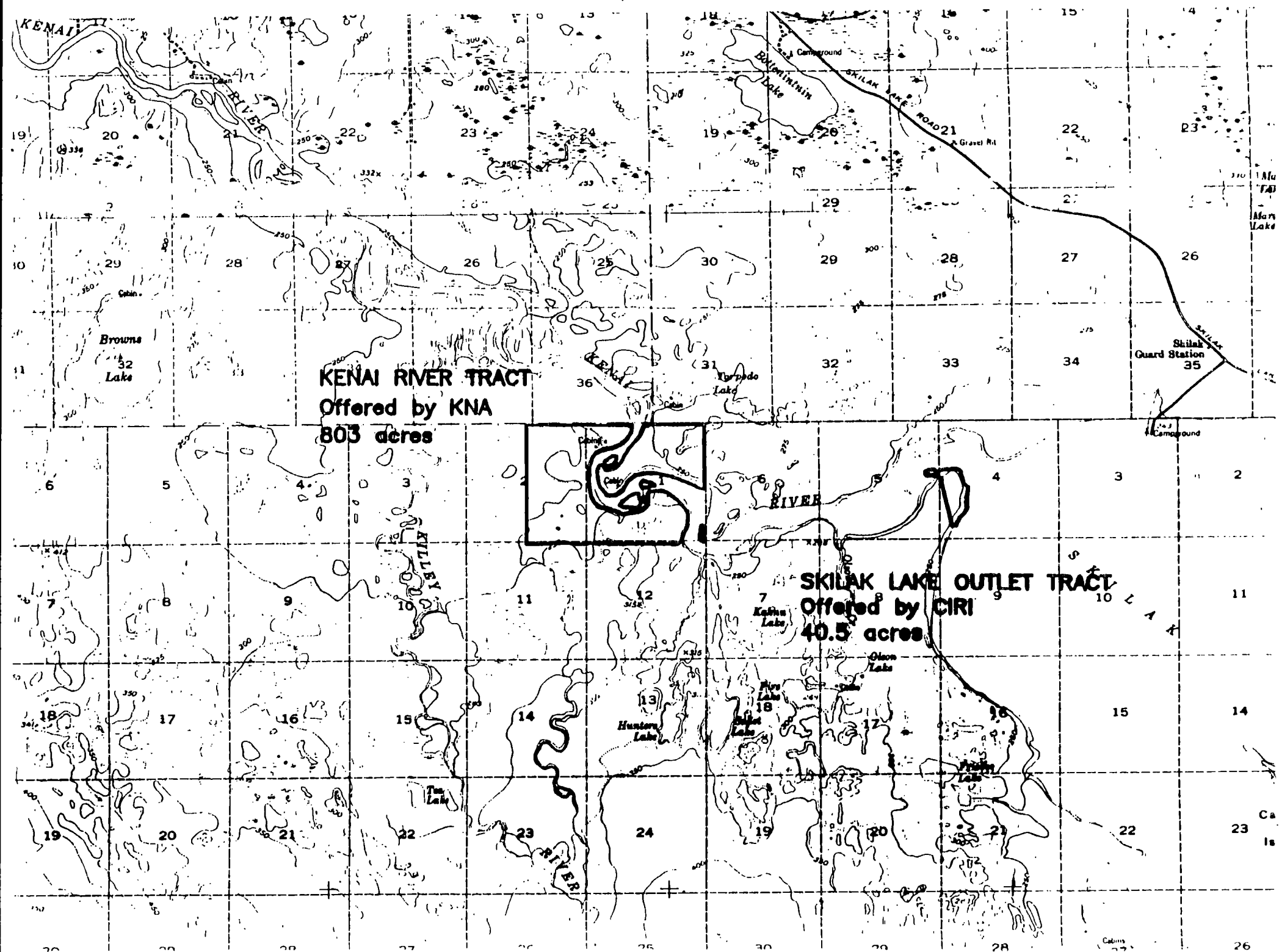
Thence S. 82° W. 216.00' to a point;

thence N. 25° W. 1,758.00' to a point;

thence N. 65° W. 196.00' to a point located within section 5 of T. 4N., R. 7W. at the mean high water line on the east bank of a lagoon of the Kenai River;

thence meandering westerly, northerly, easterly, and southerly along the mean high water lines of the Kenai River and then Skilak Lake for approximately 5,250'

thence west 44.00' to the true point of beginning.



APPENDIX B
Description of KNA Tracts

Stephanka (Tract 3)

Ownership: Kenai Natives Association, Inc.

Legal Description:

T. 4 N., R. 8 W., S.M.

Section 1, all, excluding the Kenai River;
Section 2, E½.

Containing approximately 803 acres.

Location: Approximately 9 air-miles southeast of the City of Sterling.

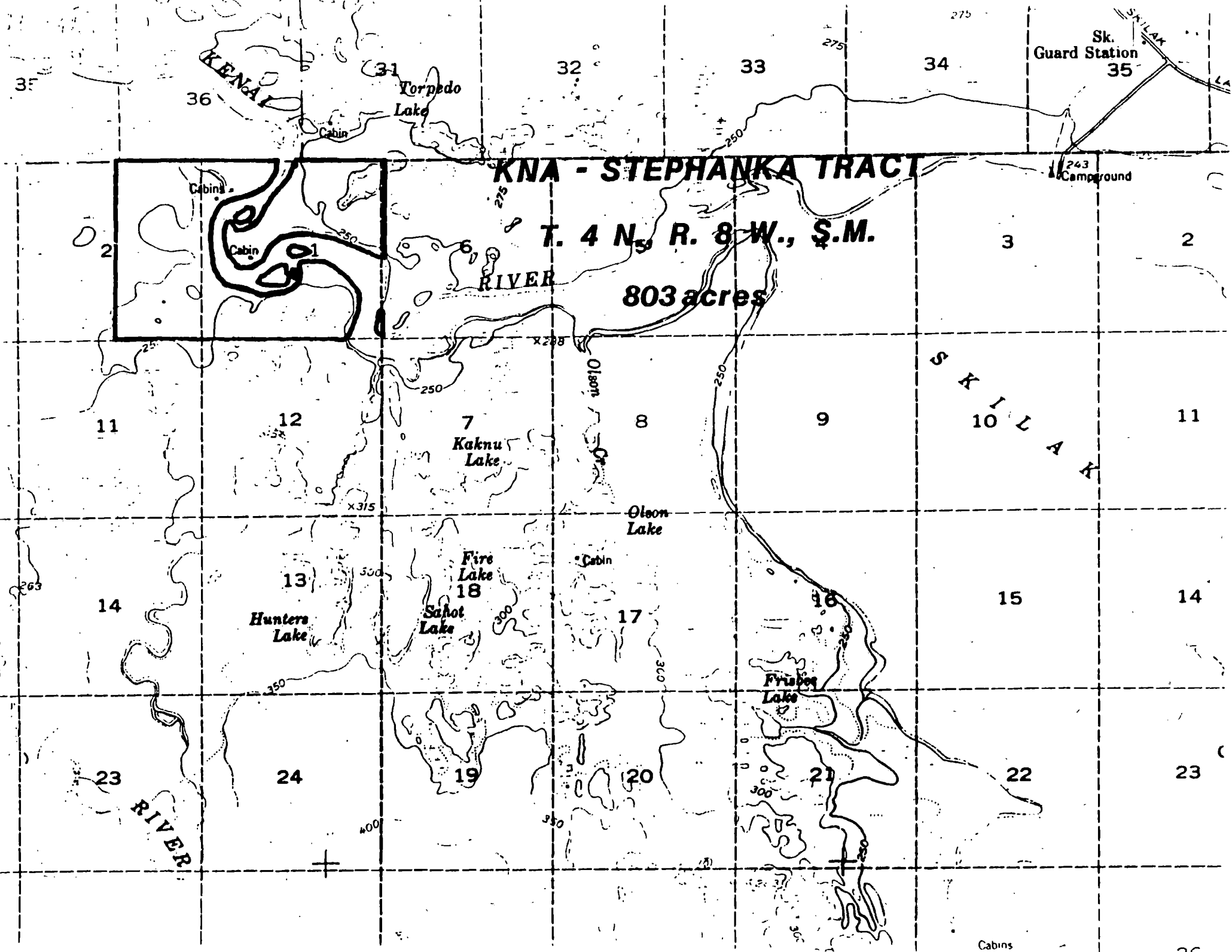
Access: Kenai River. River access is restricted between March 15 and June 14 by the State of Alaska's Kenai River Special Management Area Plan.

Interest to Appraise: Surface estate.

Improvements: Three cabins.

Limiting Conditions and Critical Assumptions: The tract is subject to § 22(g) of the Alaska Native Claims Settlement Act, which states that the lands "remain subject to the laws and regulations governing use and development of such Refuge."

Portions of this site may be eligible for inclusion on the National Register of Historic Places. The FWS's Archaeologist Chuck Diters (786-3386) may be contacted for information regarding this consideration in the appraisal report.



Swanson River Road West (Tract 4)

Ownership: Kenai Natives Association, Inc.

Legal Description:

T. 6 N., R. 9 W., S.M.

Section 13, lot 3;
Section 14, lots 2 and 3;
Section 15, lots 2, 3, and 4;
Section 16, lots 2 and 3;
Section 17, lot 2;
Section 18, lot 2;
Section 19, lots 1 and 2;
Section 20, lots 1, 2 and 3;
Section 21, lots 1, 2, and 3;
Sections 22 and 23, inclusive;
Section 24, that portion lying west of Swanson River Road;
Section 25, that portion lying west of Swanson River Road;
Section 26, that portion lying west of Swanson River Road;
Sections 27 to 30, inclusive;
Section 31, lots 1 to 4, inclusive;
Section 32, all;
Section 33, lots 1 to 5, inclusive;
Section 34, all;
Section 35, that portion lying west of Swanson River Road;
Section 36, that portion lying west of Swanson River Road.

Containing approximately 10,171.56 acres.

Location: Approximately 2.5 miles northwest of the City of Sterling.

Access: Swanson River Road and Sunken Island Lake Road.

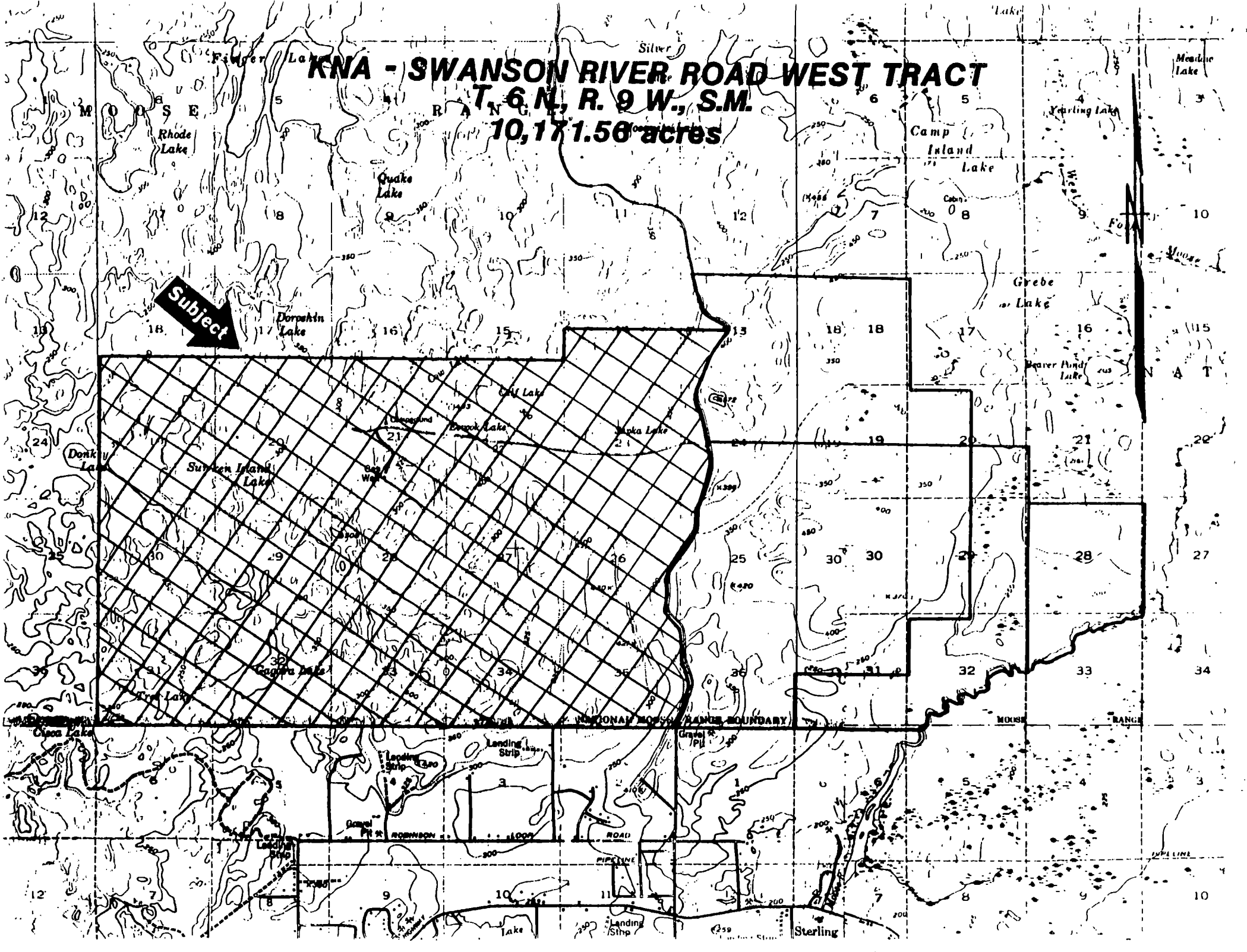
Interest to Appraise: Surface estate.

Improvements: Structures associated with natural gas development sites are present.

Limiting Conditions and Critical Assumptions: The tract is subject to § 22(g) of the Alaska Native Claims Settlement Act, which states that the lands "remain subject to the laws and regulations governing use and development of such Refuge."

KNA - SWANSON RIVER ROAD WEST TRACT
T. 6 N., R. 9 W., S.M.
10,171.56 acres

Subject



Moose River Selected (Tract 5)

Ownership: Selected by Kenai Natives Association, Inc.

Legal Description:

T. 6 N., R. 8 W., S.M.

Section 28, that area north of the Moose River;

Section 33, that area north of the Moose River.

Containing approximately 753.46 acres.

Location: Approximately 3 air-miles northeast of the City of Sterling.

Access: Moose River.

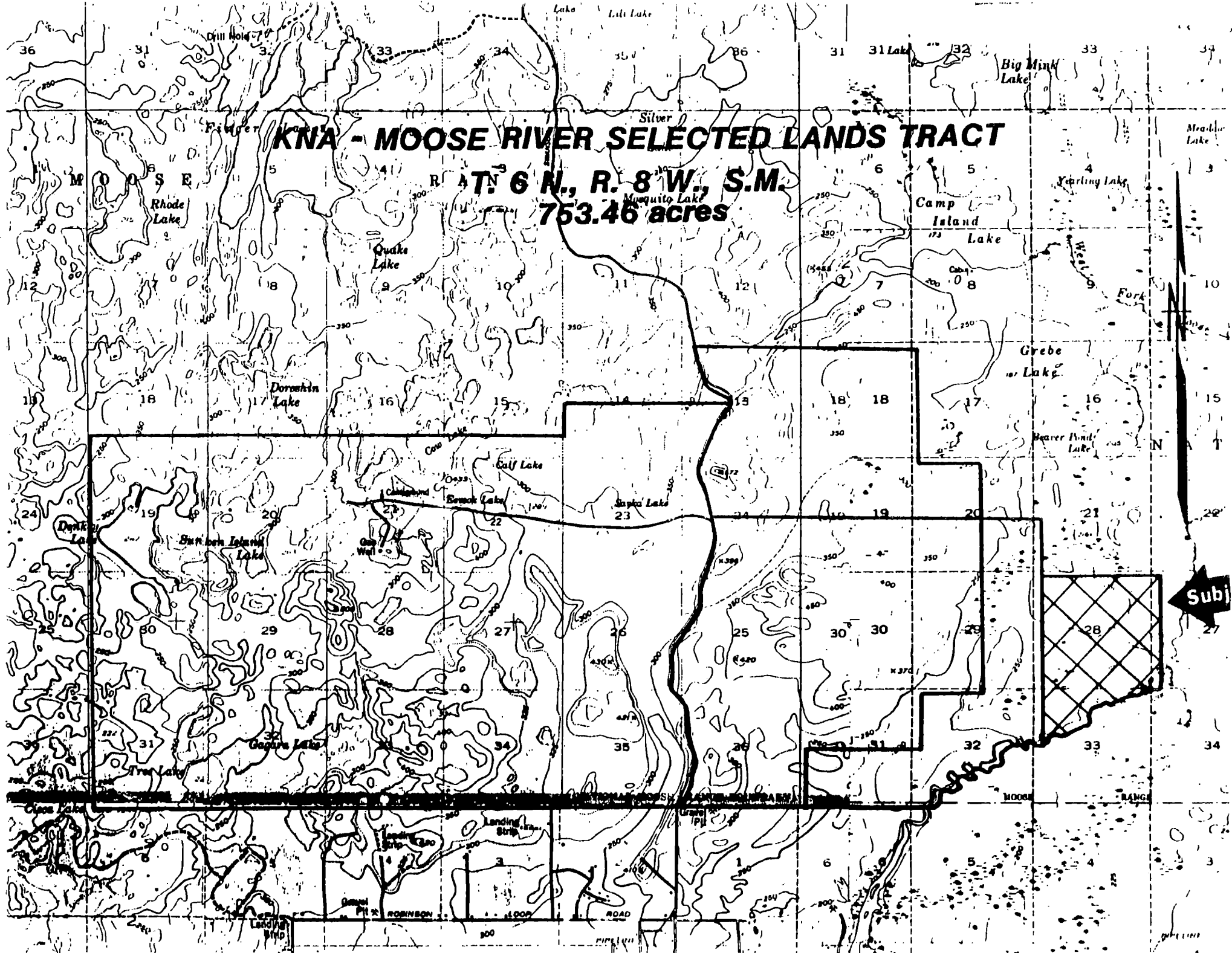
Interest to Appraise: Surface estate.

Limiting Conditions and Critical Assumptions: The subject has not been conveyed to KNA, but is selected. There is adequate acreage remaining in the KNA entitlement to allow conveyance. The subject is under the jurisdiction of the FWS.

KNA - MOOSE RIVER SELECTED LANDS TRACT

T. 6 N., R. 8 W., S.M.

753.46 acres



Subj

Moose River Patented (Tract 6)

Ownership: Kenai Natives Association, Inc.

Legal Description:

T. 6 N., R. 8 W., S.M.

Section 20, SE¼;

Section 29, E½;

Section 31, S½;

Section 32, all, excluding the Moose River and that portion lying south of the Moose River.

Containing approximately 1,243.24 acres.

Location: Approximately 3 miles northeast of the City of Sterling.

Access: Moose River.

Interest to Appraise: Surface estate.

1,243.24 acres

Subject

Beaver Creek (Tract 7)

Ownership: Kenai Natives Association, Inc.

Legal Description:

T. 6 N., R. 11 W., S.M.

Section 11, all;

Section 12, W $\frac{1}{2}$, SE $\frac{1}{4}$;

Section 13, all; and

Section 14, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing approximately 2,120 acres.

Location: Approximately 7 miles northeast of the City of Kenai.

Access: Marathon Road.

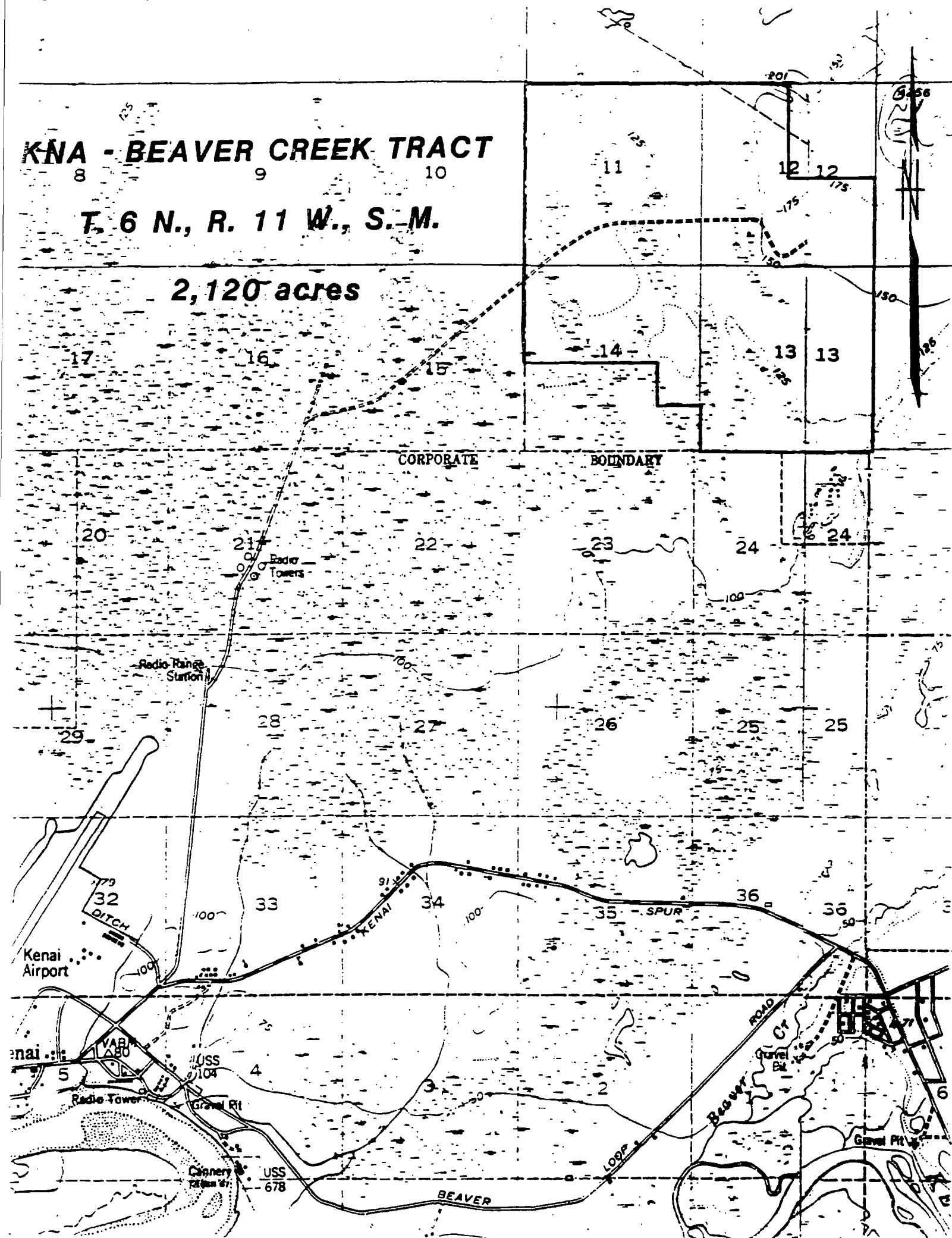
Interest to Appraise: Surface estate.

Limiting Conditions and Critical Assumptions: The tract is subject to § 22(g) of the Alaska Native Claims Settlement Act, which states that the lands "remain subject to the laws and regulations governing use and development of such Refuge."

KNA - BEAVER CREEK TRACT

T. 6 N., R. 11 W., S. M.

2,120 acres



APPENDIX C
Description of FWS Tracts

Old Kenai Headquarters (Tract 8)

Ownership: United States of America, U.S. Fish and Wildlife Service

Legal Description: U.S. Survey 1435

Size: 5.42 acres

Location: 502 Overland Drive, Kenai, Alaska 99611

Interest to Appraise: Fee simple.

Improvements: National Park Service headquarters building with attached quonset hut, shop/storage building, two single-family residences, one boat house.

Limiting Conditions and Critical Assumptions: A 1936 single-family dwelling on the survey may be eligible for inclusion on the National Register of Historic Places. The FWS's Archaeologist Chuck Deters (786-3386) may be contacted for information regarding this consideration in the appraisal report.

N 17° 11' W
F S - OLD KENAI HEADQUARTERS SITE
T. 5 N., R. 11 W., S.M.
5.42 acres

LEGEND

- HEA Power Line (2' deep)
- Refuge Power Line (16" deep)
- Sewer Line (8' deep)
- Water Line (4 1/2' deep)
- Telephone Cable (2' deep)

BONE
YARD

BOAT
HOUSE

U.S. ICE

U.S. FISH & WILDLIFE

MAIN GAS LINE

33'-7/8" 26'

OVERLAND DRIVE

S 46° 34' E 9.8'

HEA

CITY WATER
LINE, 2' FROM
CURB, 8' DEEP

EMPLOYEE
PARKING
LOT

OFFICE

VISITOR
PARKING

OTAS
#3

OTAS
#1

SHOP-STORAGE

FIRE
HYD.

WATER
VALVE

OVERLAND
DRIVE

KENAI NATIONAL MOOSE RANGE
HEADQUARTERS PLOT
U.S. Survey No. 1435 (6/29/22)
Drawn by: John B. Hakala, 10-22.
Revised by: Howard V. Lubben, 6.

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Sterling Highway (Tract 9)

Ownership: United States of America, U.S. Fish and Wildlife Service

Legal Description:

PARCEL 1

T. 4 N., R. 10 W., S.M.

Section 6, Portions of the N $\frac{1}{2}$ east of the Sterling Highway and west of a power line right-of-way issued under Service Permit E-205-KE.

Containing approximately 120.28 acres.

PARCEL 2

T. 4 N., R. 10 W., S.M.

Section 4, portions of the S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$,
Section 5, portions of the N $\frac{1}{2}$ N $\frac{1}{2}$, and
Section 6, portions of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ east of a power line right-of-way issued under Service Permit E-205-KE.

Containing approximately 176.34 acres.

PARCEL 3

T. 4 N., R. 10 W., S.M.

Section 3, south and west of Funny River Road and west of an unnamed creek,
Section 4, Portions of the N $\frac{1}{2}$ N $\frac{1}{2}$, and
Section 5, Portions of the N $\frac{1}{2}$ NE $\frac{1}{4}$, portions of the NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing approximately 379.79 acres.

PARCEL 4

T. 4 N., R. 10 W., S.M.

Section 3, that portion lying west of Funny River Road and east of an unnamed creek,

Containing approximately 74.34 acres.

Location: The subject parcels lie east of Sterling Highway, south of the Soldotna Airport and west of Funny River Road fronting on the southern boundaries of the City of Soldotna.

Interest to Appraise: Surface estate.

Limiting Conditions and Critical Assumptions: The FWS has issued three right-of-way permits to Homer Electric Association that impact the subject: E-47-KE, E-170-KE, and E-205-KE.

E-205-KE: 115kv power transmission line; pole structure; term, 20 years; expiration date, January 28, 2006; for 22,729.1 feet by 60 feet. 1,390 feet of E-205-KE passes through Parcel 1, 9,459 feet through Parcel 2, and 8,838 feet through Parcel 3.

E-47-KE: 115kv power transmission line; pole structure; term, 20 years; expires 28-MAR-2004; 23 miles by 100 feet. 4,064 feet of E-47-KE passes through Parcel 1, 1,800 feet through Parcel 2, and 9,960 feet through Parcel 3.

E-170-KE: 25kv buried power transmission cable; term 20 years; expires 9-NOV-2004; 3,991 feet by 30 feet. 2,650 feet of E-170-KE passes through Parcel 1 and 1,341 feet through Parcel 2.

FWS - STERLING HIGHWAY TRACT

T. 4 N., R. 10 W., S.M.

Soldotna

GRAVEL PIT

TRLR PARK

BM 254

CAMP HOUSE

BOAT RAMP

271

KENAI

30T

521

BOAT RAMP

SEWAGE DISPOSAL PLANT

ROD O'ROUND

PARCEL 1

120.28 acres

PARCEL 3

379.79 acres

PARCEL 2

176.34 acres

4

PARCEL 4

74.34 acres

RADIO TOWER

3-130

3-131

SKI TRAILS

Headquarters Lake

62M

63M

9

10T

Arc Lake

Nordic Lake

KNA-Swanson River Road East (Tract 10)

Ownership: Kenai Natives Association, Inc.

Legal Description:

T. 6 N., R. 8 W., S.M.

Section 19, S $\frac{1}{2}$;
Section 20, SW $\frac{1}{4}$;
Section 29, W $\frac{1}{2}$;
Section 30, all;
Section 31, N $\frac{1}{2}$.

Containing approximately 1,738.04 acres.

T. 6 N., R. 9 W., S.M.

Section 24, S $\frac{1}{2}$, excluding that portion west of Swanson River Road;
Section 25, all, excluding that portion west of Swanson River Road;
Section 26, all, excluding that portion west of Swanson River Road;
Section 35, all, excluding that portion west of Swanson River Road;
Section 36, all, excluding that portion west of Swanson River Road.

Containing approximately 1,499.71 acres

Aggregating 3,237.75 acres.

Location: Approximately 2.5 miles north of the City of Sterling.

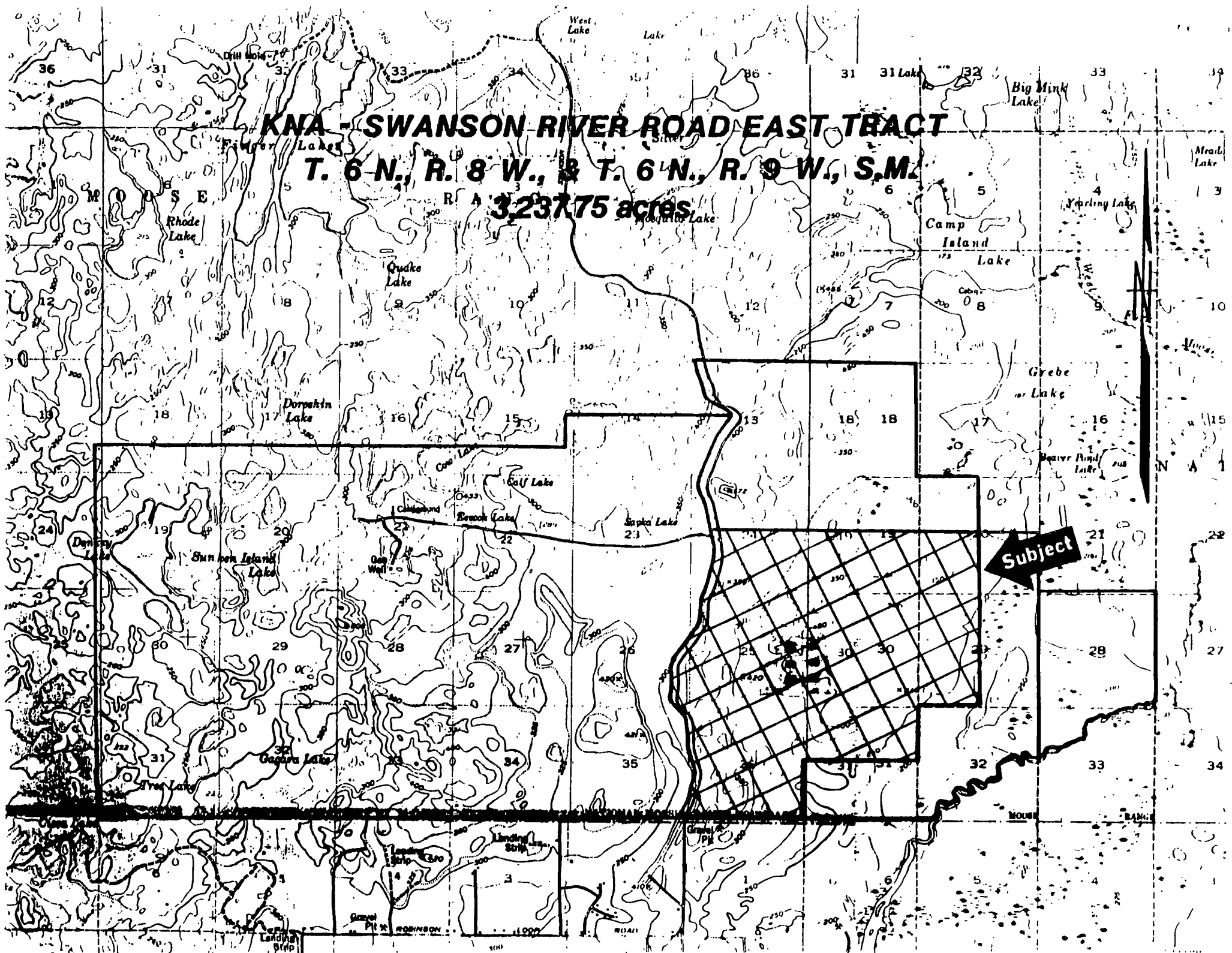
Access: Swanson River Road.

Interest to Appraise: Surface estate.

KNA - SWANSON RIVER ROAD EAST TRACT

T. 6 N., R. 8 W., & T. 6 N., R. 9 W., S.M.

3,237.75 acres



FWS-Swanson River Road East (Tract 11)

Ownership: United States of America, U.S. Fish and Wildlife Service

Legal Description:

T. 6 N., R. 8 W., S.M.

Section 18, all
Section 19, N $\frac{1}{2}$, and
Section 20, NW $\frac{1}{4}$,

Containing approximately 1,094.12 acres.

T. 6 N., R. 9 W., S.M.

Section 13, all, excluding that portion lying west of Swanson River Road,
Section 24, N $\frac{1}{2}$, excluding that portion lying west of Swanson River Road,

Containing approximately 732.21 acres.

Aggregating 1,826.33 acres.

Location: Approximately 5.5 miles north of the City of Sterling.

Access: Swanson River Road.

Interest to Appraise: Surface estate.

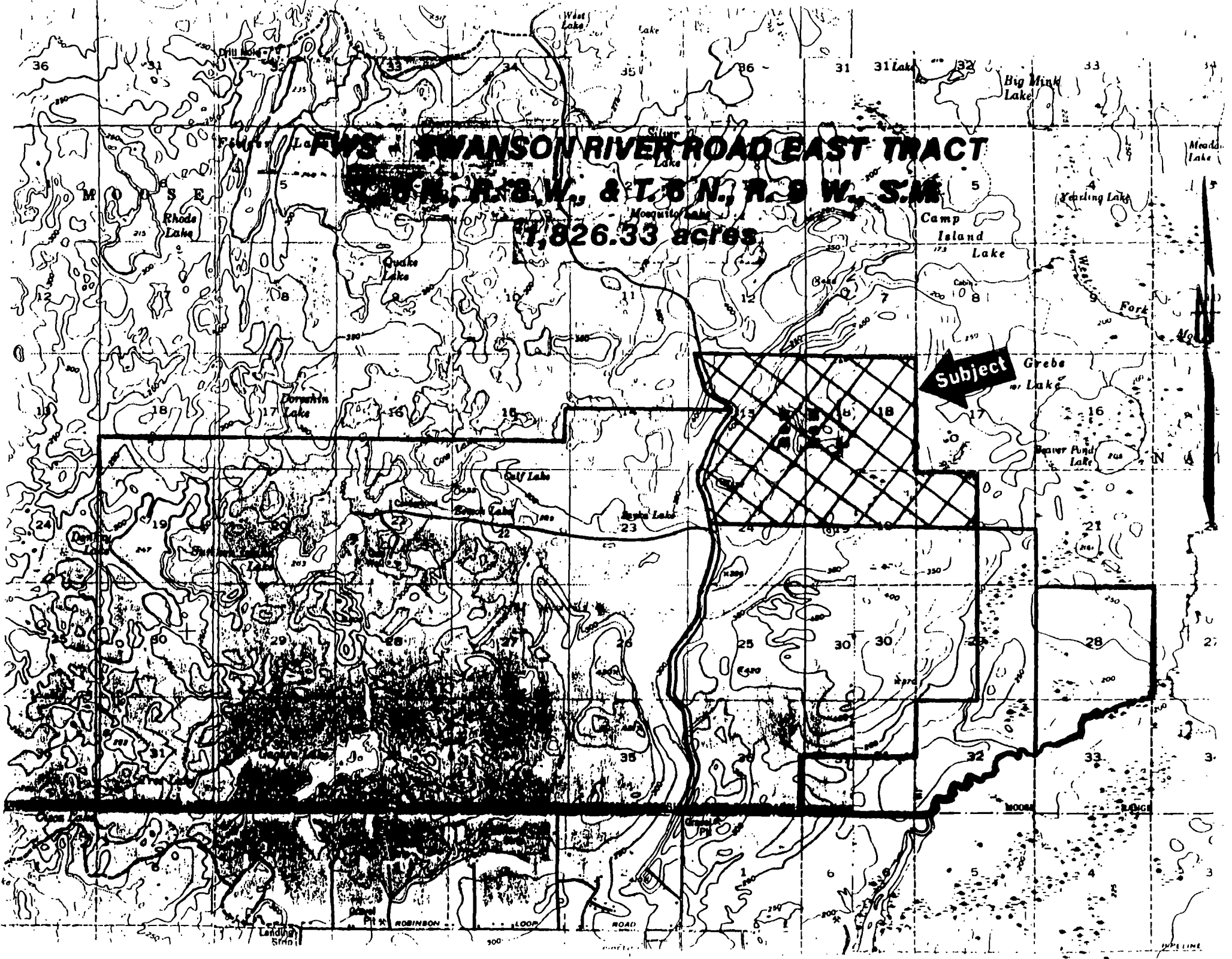
Improvements: A FWS radio repeater tower, approximately 3 feet by 3 feet at its base and 70 feet tall, is located on hill 572 in Section 24. The tower will remain in FWS ownership.
Value the tract as though vacant.

SWANSON RIVER ROAD EAST TRACT

C.B. R. & W., & T.B. N., R. & W., S.M.

17,826.33 acres

Subject



West Fork (Tract 12)

Ownership: United States of America, U.S. Fish and Wildlife Service subsurface estate:

Legal Description: The West Fork tract is located within the Swanson River Road West tract (see appendix B); no map is provided specifically for this tract.

Township 6 North, Range 9 West, Seward Meridian
section 21, SW¼ (subsurface estate).

Containing approximately 160 acres
Exchange of oil, coal, and gas rights only

APPENDIX D

Legislative Background

The floor debates in the House (Cong. Rec., Oct. 3, 1992, H11143-H11144) and Senate (Cong. Rec., Oct. 8, 1992, S18145-18146) resulted in the final version of H.R. 6072 that was submitted to the President. The bill as signed into law (P.L. 102-458) is shown below:

PUBLIC LAW 102-458 [H.R. 6072]: October 23, 1992

KENAI NATIVES ASSOCIATION, INC., LAND RIGHTS

An Act to direct expedited negotiated settlement of the land rights of the Kenai Natives Association, Inc., under section 14(h)(3) of the Alaska Native Claims Settlement Act, by directing land acquisition and exchange negotiations by the Secretary of the Interior and certain Alaska Native corporations involving lands and interests in lands held by the United States and such corporations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the 6-month period beginning on the date of enactment of this Act, the Secretary of the Interior shall engage in expedited negotiation with the Kenai Natives Association, Inc., and Cook Inlet Region, Inc., for independent voluntary exchange agreements or land acquisition agreements through which the United States would acquire all of the surface estate in parcels of high public interest held by such private parties, including lands along the Kenai River and Moose River. Any negotiation (and agreements) shall consider the value of recreational resources and wildlife habitat of such lands being exchanged or acquired and their importance to the purposes and management of public lands, shall consider independent third party appraisals which include such values, and shall not include values for lands retained by such corporations to which they already have title. The Secretary should, within 60 days of the end of the negotiation period, submit to Congress legislation approving the exchanges or acquisitions, or in the event that the parties do not agree, submit a report to Congress describing the reasons why agreement was not reached including the values relied upon by the Kenai Natives Association, Inc., the Cook Inlet Region, Inc., and the Secretary, and the Secretary's justification of any differential between the values arrived at by the Kenai Natives Association, Inc., the Cook Inlet Region, Inc., and the Secretary.

Approved October 23, 1992.

LITELIN CONVEYANCE

CONVEYANCE

Yanai Native Association, Inc.

is entitled to a conveyance pursuant to Secs. 14(h) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 Stat. 688, 704, 713; 43 U.S.C. 1601, 1613(h), 1621(j)), of the surface estate in the following described lands:

LANDS WITHIN THE KENAI NATIONAL MOOSE RANCH

Seward Meridian, Alaska (Unsurveyed)

T. 4 N., R. 9 W.

Sec. 1, including the Kenai River;

Sec. 2, S4.

Containing approximately 803 acres.

T. 6 N., R. 9 W.

Sec. 19, S4;

Sec. 20, S4;

Secs. 29 to 31, inclusive, all;

Sec. 32, that portion lying north and east of the Moose River.

Containing approximately 2,963 acres.

T. 6 N., R. 9 W.

Sec. 13, S4, that portion lying west of the Swanson River Road;

Sec. 14, S4;

Sec. 15, S4S4;

Sec. 16, S4S4;

Sec. 17, S4S4;

Sec. 18, S4S4;

Secs. 19 to 23, inclusive, all;

Sec. 24, S4, that portion lying west of the Swanson River Road; and S4;

Secs. 25 to 36, inclusive, all.

Containing approximately 12,172 acres.

T. 6 N., R. 11 W.

Sec. 11, all;

Sec. 12, S4, S4S4;

Sec. 13, all;

Sec. 14, S4, NE-S4.

Containing approximately 2,127 acres.

Aggregating approximately 17,053 acres.

and that the State of Alaska, therefore, grants by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the land above-described, TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities and appurtenances,

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LITELIN CONVEYANCE NO.

DATE 12-1-79

of whatsoever nature, tenements belonging, unto the said corporation, its successors and assigns, forever;

RESERVING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 Stat. 688, 704; 43 U.S.C. 1601, 1613(h)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 Stat. 688, 703; 43 U.S.C. 1601, 1613(b)), the following public easements, referenced by easement identification number (EID) on the easement maps attached to this document, copies of which will be found in case file AA-5709-79, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dog sled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, truck vehicles, four-wheel drive vehicles, automobiles, trucks and other heavy equipment used in the support of oilfield operations.

- a. (EID 2 C6) An easement sixty (60) feet in width for an existing road from the city of Kenai in Sec. 23, T. 6 N., R. 11 W., Seward Meridian, northerly to the Seward Creek Oil field.
- b. (EID 4 L) An easement one hundred (100) feet in width for an existing 115 KV powerline through selected lands in Secs. 11 and 12, T. 6 N., R. 11 W., Seward Meridian. The uses allowed are those activities which are necessary for the construction, operation and maintenance of the powerline.
- c. (EID 5 C5) An easement sixty (60) feet in width for an existing road from the Sterling Highway in Sec. 36, T. 6 N., R. 9 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EID 25 C6) An easement twenty-five (25) feet in width twelve and one-half (12 1/2) feet on each side of the centerline for a buried powerline, from the Sterling Highway in Sec. 36, T. 6 N., R. 9 W., Seward Meridian, northerly and generally parallel to the eastern side of the Swanson River Road to public land. The uses allowed are those activities associated with the construction, operation and maintenance of the powerline facility.

306

LITELIN CONVEYANCE NO.

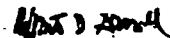
DATE MAR 11 1980

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 338, 341; 43 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that (a) the portion of the above-described lands, which were within the boundaries of the Kenai National Moose Range on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;
4. A right-of-way, A-057316, for a transmission line one hundred (100) feet in width, located in Secs. 11 and 14, T. 6 N., R. 11 W., Seward Meridian, granted to Homer Electric Association, Inc., under the act of February 15, 1901 (31 Stat. 790, as amended; 43 U.S.C. 959); and
5. The following third-party interests, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g)):
 - a. A right-of-way, LA-Alaska, Kenai NGB, PA-Alaska Pipeline Co. easement (20) feet in width granted to the Alaska Pipeline Company for construction, operation and maintenance of a 34-inch underground pipeline in Secs. 21 through 26, 35 and 36 of T. 6 N., R. 9 W., Seward Meridian.
 - b. A right-of-way, Permit No. GP-1-77, granted to the Alaska Pipeline Company for installation, operation, and maintenance of a buried 8-inch natural gas pipeline in Secs. 11 and 12 of T. 6 N., R. 11 W., Seward Meridian.

IN WITNESS WHEREOF, the undersigned, authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 21st day of March, 1980, in Anchorage, Alaska.

UNITED STATES OF AMERICA



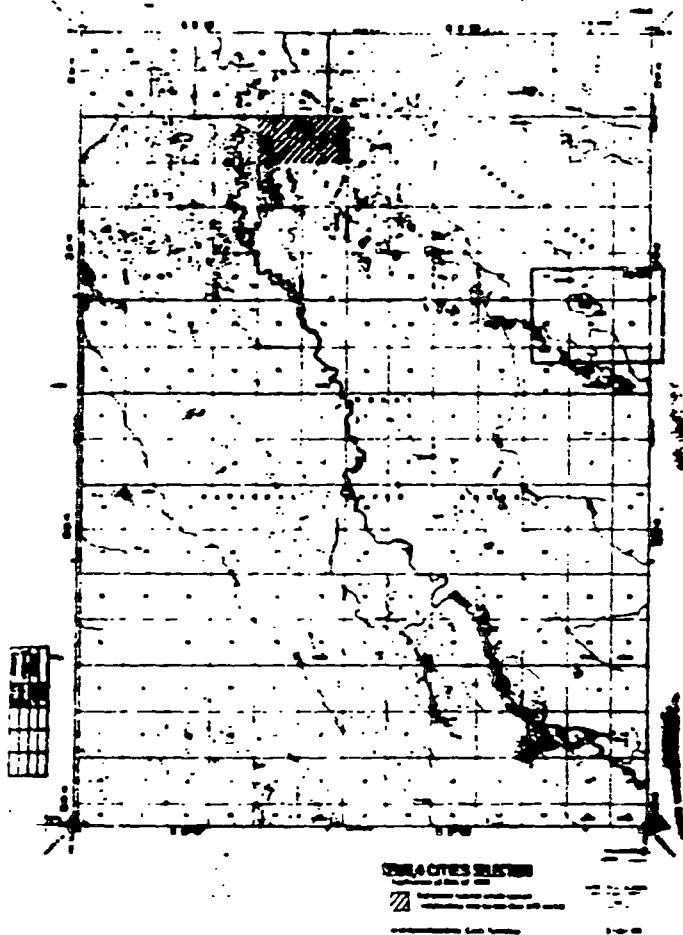
Assistant to the State Director
for ANCSA

ORIGINAL CONVEYANCE NO.

306

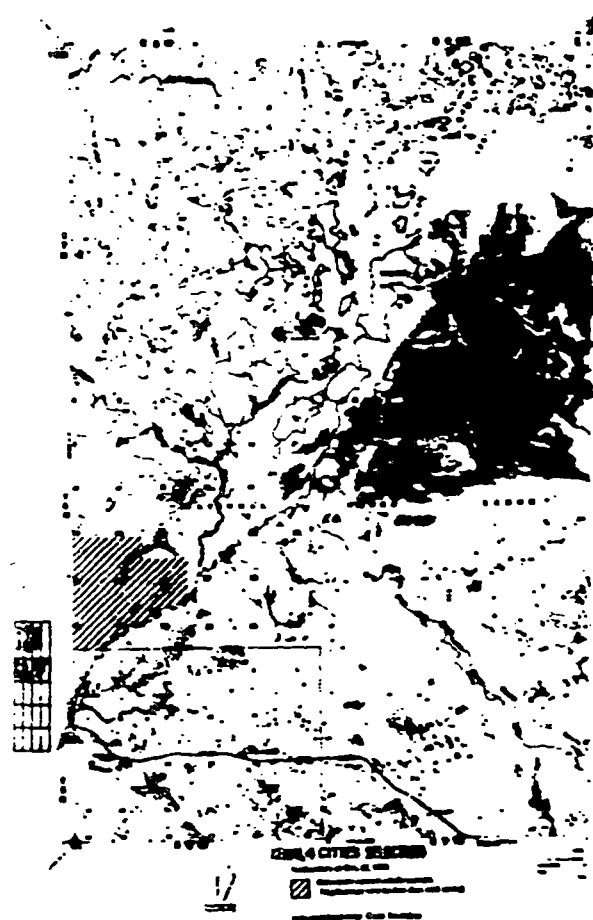
DATE MAR 1 1980

306



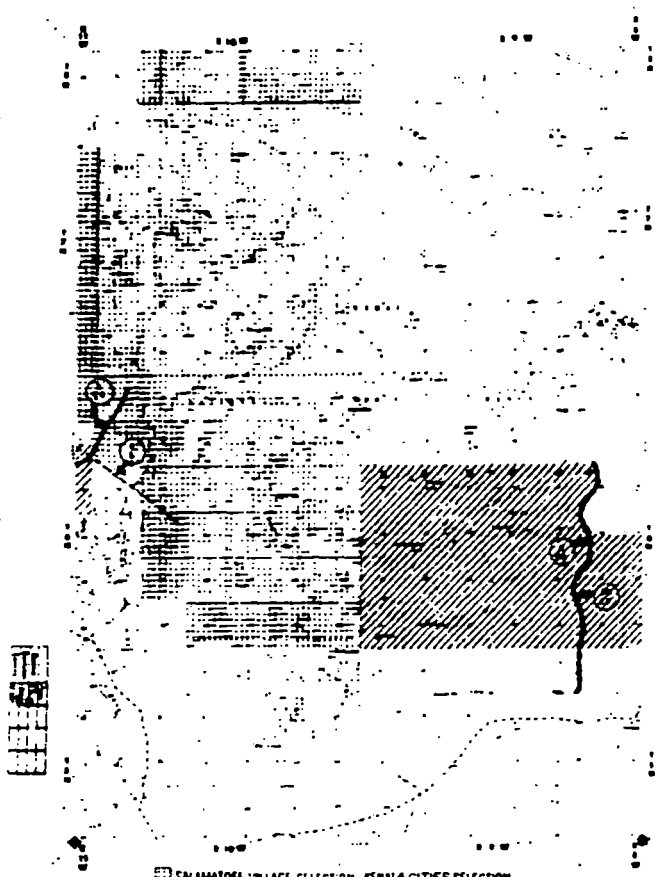
306

BAR 21 530 Alaska State Office
 Anchorage, Alaska
 Date: _____
 I have examined this map and certify that it is a copy of the original.
 [Signature]



306

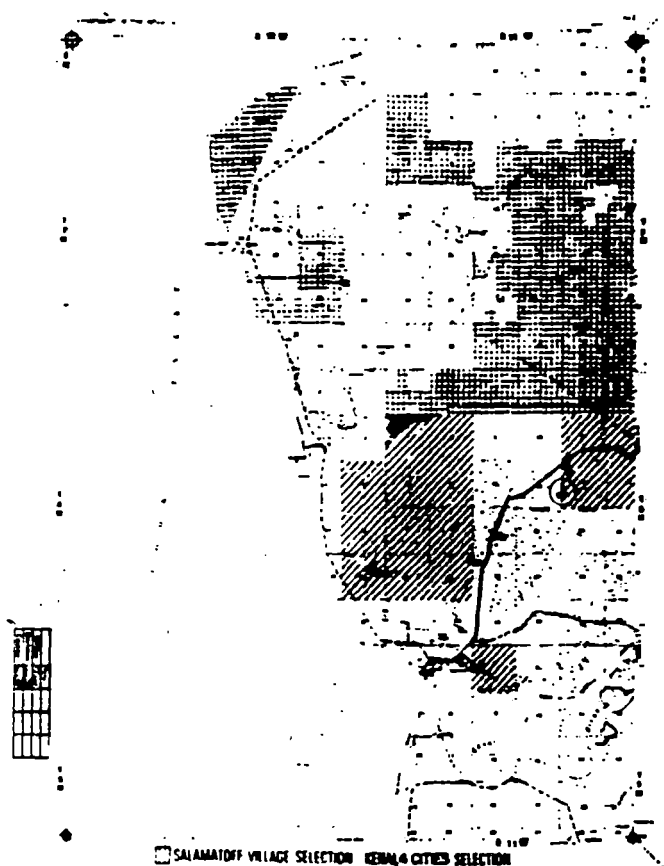
BAR 21 530 Alaska State Office
 Anchorage, Alaska
 Date: _____
 I have examined this map and certify that it is a copy of the original.
 [Signature]



SALAMATOFF VILLAGE SELECTION KENAI/CITIES SELECTION

306

MAP	1980	Alaska State Office
Anchorage, Alaska		
<i>Wm D Arnold</i>		



SALAMATOFF VILLAGE SELECTION KENAI/CITIES SELECTION

306

MAP	1980	Alaska State Office
Anchorage, Alaska		
<i>Wm D Arnold</i>		

AA-8579 (2653)
AA-8909-A (2653)
(968) bjo/cf

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

JUN 26 1992

NOTICE

Kenai Natives Association, Inc.	:	AA-8579
Attn: Ms. Willa Konte	:	AA-8909-A
215 Fidalgo Street, Suite 203	:	Four Cities Selections
Kenai, Alaska 99611	:	

Intent to Issue Patent

On March 28, 1974, Interim Conveyance (IC) No. 001 was issued to Kenai Natives Association, Inc. for the surface estate of approximately 3.60 acres of land. On February 6, 1976, IC No. 031 was issued to Cook Inlet Region, Inc. for the subsurface estate of the land conveyed by IC 001. On March 21, 1980, IC No. 306 was issued to Kenai Natives Association, Inc. for the surface estate of approximately 18,083 acres of land. The lands included in ICs 001, 031, and 306 were conveyed pursuant to Secs. 14 and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613, 1621(j).

Section 22(j)(1) of ANCSA, as amended, provides for the conveyance of unsurveyed lands, and further provides that after survey of the lands conveyed, a patent shall be issued confirming the boundaries thereof.

The lands within IC No. 001 have been surveyed, as have a portion of the lands conveyed by IC No. 306. This is notification that the Bureau of Land Management (BLM) intends to issue a patent confirming the boundary of these lands as described in the attached draft patent. The lands are described somewhat differently in the patent than they were in the ICs in order to address all legal subdivisions as shown on the plats of survey.

As mentioned previously, the lands described in the draft patent do not include all of the lands in IC No. 306. The IC is still in full force and effect as to the remaining lands.

When the patent is issued, it will reflect any rights, terms, conditions, and covenants pertaining to the lands as described in IC Nos. 001 and 306. Patent easement review of the lands has been completed. Final easement recommendations for the lands to be conveyed were made by memorandum issued June 16, 1992. Navigability determinations made prior to the issuance of the ICs remain unchanged.

No. of Conveyance	Acres Conveyed	Unsurveyed Acres	Survey Adjustment	Acres Adjusted after Survey
IC No. 001 (unsurveyed acreage)	3.60		-0.05	3.55
IC No. 306 (unsurveyed acreage)	18,083.00	803	-512.45	16,767.55
Patent No. 50-74-0109	4,261.88			4,261.88
TOTALS	22,348.48	803.00	-512.50	21,032.98

Entitlement	23,040.00
Less Patent No. 50-74-0109 acres	4,261.88
Less 1992 patent acres	16,767.55
Less unsurveyed portion of IC No. 306 acres	803.00
Approximate acres remaining entitlement	1,207.57

Due to adjustment of acres because of survey, this is a 512.50-acre increase in remaining entitlement.

Copies of the easement review memorandum, draft patent, survey plats, and master title plats are enclosed with this notice. Careful review should be made of the enclosures to confirm that the lands as surveyed correctly describe those lands granted by IC Nos. 001 and 306.

To all to whom these presents shall come, Greeting:

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WHEREAS

Kenai Natives Association, Inc.

is entitled to a patent pursuant to Sec. 14(h) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h), of the surface estate of the following-described lands, title to which was vested by Interim Conveyance No. 001 of March 28, 1974, and Interim Conveyance No. 306 of March 21, 1980:

Lot 3, Amended U.S. Survey No. 4563, Alaska, situated approximately one mile east of Kenai, Alaska, within Sec. 4, T. 5 N., R. 11 W., Seward Meridian, Alaska.

Containing 3.55 acres, as shown on plat of survey accepted June 19, 1978.

Seward Meridian, Alaska

T. 6 N., R. 8 W.,
Sec. 19, lot 1;
Sec. 20, lot 1;
Secs. 29, 30, and 31;
Sec. 32, lot 1.

Containing 2,981.28 acres, as shown on plat of survey officially filed January 17, 1992.

T. 6 N., R. 9 W.,
Sec. 13, lot 3;
Sec. 14, lots 2 and 3;
Sec. 15, lots 2, 3 and 4;
Sec. 16, lots 2 and 3;
Sec. 17, lot 2;
Sec. 18, lot 2;
Sec. 19, lots 1 and 2;
Sec. 20, lots 1, 2, and 3;
Sec. 21, lots 1, 2, and 3;
Secs. 22 and 23;

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Sec. 24, lots 2 and 3:
Secs. 25 to 30, inclusive:
Sec. 31, lots 1 to 4, inclusive:
Sec. 32:
Sec. 33, lots 1 to 5, inclusive:
Secs. 34, 35, and 36.

Containing 11,666.27 acres, as shown on plat of survey officially filed
January 17, 1992.

T. 6 N., R. 11 W.,
Sec. 11;
Sec. 12, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 13;
Sec. 14, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 2,120.00 acres, as shown on plats of survey officially filed
December 11, 1985, and January 17, 1992.

Aggregating 16,771.10 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

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EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by Easement Identification Number (EIN) on the easement maps, copies of which can be found in case file AA-8909-EE, are reserved to the United States. All easements are subject to applicable Federal, State or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road - The uses allowed on sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles (ATV's), track vehicles, four-wheel drive vehicles, automobiles, and trucks and other heavy equipment used in the support of oilfield operations.

- a. (EIN 2 C6) An easement sixty (60) feet in width for an existing road from the city of Kenai in Sec. 33, T. 6 N., R. 11 W., Seward Meridian, northerly to the Beaver Creek Oilfield. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- b. (EIN 4 L) An easement one hundred (100) feet in width for an existing 115 KV powerline through the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 6 N., R. 11 W., Seward Meridian, continuing southwesterly through Sec. 12, T. 6 N., R. 11 W., Seward Meridian. The

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uses allowed are those activities which are necessary for the construction, operation and maintenance of the powerline.

- c. (EIN 8 C6) An easement sixty (60) feet in width for an existing road from the Sterling Highway in Sec. 36, T. 6 N., R. 9 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EIN 25 C6) An easement twenty-five (25) feet in width, twelve and one-half (12½) feet on each side of the centerline, for an existing buried powerline, from the Sterling Highway in Sec. 36, T. 6 N., R. 9 W., Seward Meridian, northerly and generally parallel to the eastern side of the Swanson River Road to public land. These uses allowed are those activities associated with the construction, operation and maintenance of the powerline facility.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

- 1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
- 2. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1621(g), that (a) the portion of the above-described lands, which were within the boundaries of the Kenai National Wildlife Refuge (formerly Kenai National Moose Range) on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of

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AA-8909-A

first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States:

3. A right-of-way, A-057316, for a transmission line one hundred (100) feet in width, located in Secs. 11 and 12, T. 6 N., R. 11 W., Seward Meridian, granted to Homer Electric Association, Inc., under the Act of February 15, 1901, as amended, 43 U.S.C. 959; and
4. The following third-party interests, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(g):
 - a. A right-of-way, Permit No. P-35-KE (formerly 6P-1-77), granted to the Alaska Pipeline Company, for installation, operation, and maintenance of a buried 8-inch natural gas pipeline in Secs. 11 and 12, T. 6 N., R. 11 W., Seward Meridian; and
 - b. A right-of-way, LA-Alaska, Kenai NMR, P4-Alaska Pipeline Co. twenty (20) feet in width, granted to the Alaska Pipeline Company for construction, operation, and maintenance of a 3½-4½-inch underground pipeline in Secs. 21 through 26, 35 and 36, T. 6 N., R. 9 W., Seward Meridian.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in ANCHORAGE, ALASKA
the TWENTY-THIRD day of SEPTEMBER
in the year of our Lord one thousand nine hundred and
NINETY-TWO and of the Independence of the
United States the two hundred and SEVENTEENTH.

/s/ Ramona Chinn

By _____
Ramona Chinn
Chief, Branch of Cook Inlet and
Ahtna Adjudication

Patent Number 50 - 82 - 0647