

**Appendix H**  
**Kenai River Special Management Area**  
**Statute 41.21.502**



**Sec. 41.21.502. Kenai River Special Management Area established.**

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

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

(A) Kenai Keys

Township 5 North, Range 8 West, Seward Meridian

Section 26: General Land Office Lot 9

Section 36:

According to the Stephenkie Alaska Subdivision,

Alaska State Land Survey No. 73-146:

Lots 2, 3, 5 - 8 and 12 - 33 of Block 2

Tract B

A small un-meandered island located within the

SE1/4SE1/4 of Section 36

General Land Office Lots 2, 3

SW1/4NE1/4

NE1/4NW1/4

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

(B) Bing's Landing

Township 5 North, Range 8 West, Seward Meridian

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

Section 20: Lot 1

Section 21: Lot 3

(C) Izaak Walton

Township 5 North, Range 8 West, Seward Meridian

Section 7:

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

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

(D) Nilnunqa

Township 5 North, Range 8 West, Seward Meridian

Section 7: Lot 10

(E) Funny River

Township 5 North, Range 9 West, Seward Meridian

Section 28: SE1/4SE1/4

Tract 6, Heistand Subdivision,

Addition No. 2

Section 33: Lots 1, 3

SE1/4NW1/4

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

(F) Morgan's Landing

Township 5 North, Range 9 West, Seward Meridian

Section 21: SW1/4SE1/4

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

NE1/4NW1/4

NW1/4SW1/4

Section 33: Lot 2

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

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

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

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

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

**Sec. 41.21.504. Designation of management responsibilities.**

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

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

#### NOTES TO DECISIONS

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

#### **Sec. 41.21.506. Comprehensive management plan; regulations.**

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

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

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

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

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

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

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

#### NOTES TO DECISIONS

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

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

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

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

#### **Sec. 41.21.510. Advisory committee.**

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

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

#### **Sec. 41.21.512. Cooperative management agreements.**

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

#### **Sec. 41.21.514. Civil enforcement.**

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

