

*Sterling Highway MP 45-60 Project*

**Background  
for FHWA Determination of  
Section 4(f) Applicability**

*Prepared by*

**HDR Alaska, Inc.**

2525 C Street, Suite 305  
Anchorage, Alaska 99503

*for*

**Alaska Department of Transportation & Public Facilities**

*and*

**Federal Highway Administration**

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## **Introduction**

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**This Document.** This document is intended as an extended “memo-to-file” for the Sterling Highway MP 45-60 Project, in support of the Supplemental Environmental Impact Statement (SEIS) and the Section 4(f) Evaluation that is anticipated to appear as a chapter within the SEIS. This “Background” document identifies lands in the MP 45-60 project corridor where Section 4(f) may apply. The information on each property and its significance is presented for reference as ADOT&PF and FHWA decide those properties to which Section 4(f) protections rightfully should apply. It is anticipated that the SEIS itself will present the determinations of applicability.

In a 1982 Draft EIS and a 1994 Draft EIS, the project was combined with the MP 37-45 Project (then called the MP 37-60 Project). Section 4(f) was addressed in each of those documents. The current effort incorporates a new state park called the Kenai River Special Management Area and several new historic and archaeological features and districts identified since the earlier efforts. Also, Chugach National Forest recreation areas not previously recognized are included.

This document combines a long research effort and the results of several meetings between ADOT&PF and FHWA. These efforts have resulted in a two-tiered presentation. Several sites identified early in the process were noted as being outside the corridors proposed, or Section 4(f) clearly did not apply. These received less attention and are listed at the end of this document under the heading “Other Properties Considered.” The main focus of this document is those properties that required greater research and documentation because they were adjacent to alternatives and, in some cases, had unclear status.

**The Project Area.** Mountain topography distinctly defines the Kenai River valley and the project area. Figure 1 depicts the proposed Sterling Highway alternatives, along with potential Section 4(f) properties addressed in this document. Publicly-owned wildlife refuges, parks and recreation areas, and historic and archaeological sites eligible for the National Register of Historic Places all are properties potentially protected by Section 4(f). As indicated on Figure 1, potential 4(f) properties create a complex mosaic throughout the project corridor.

Two large federal land areas comprise much of the project area: Chugach National Forest in the eastern two-thirds of the corridor, and the Kenai National Wildlife Refuge in the western one-

third of the corridor. Additional lands are owned by the State of Alaska, Kenai Peninsula Borough, Cook Inlet Region, Inc., and private citizens. The area is popular for outdoor recreation, principally fishing, camping, and trail hiking at established recreation facilities. The Kenai River, popular for float trips and fishing, is a designated state park unit. The corridor contains the community of Cooper Landing, which was founded during the gold rush at the end of the Nineteenth Century. Alaska Natives lived in the area for hundreds of years prior to the founding of Cooper Landing. Therefore, important cultural sites are located throughout the Kenai River Valley.

The Land and Water Conservation Fund (LWCF) Act is another federal law related to parks and recreation that could affect a transportation project. Section 6(f) of the LWCF Act provides protections for park and recreation lands funded through the Land and Water Conservation Fund. The study team contacted the state administrator for the LWCF Act and learned there are no park or recreation features subject to 6(f) protections in the project area (Gray 2008).

The following pages describe the wildlife refuge, park units, and recreation areas crossed by or adjacent to the alternatives. The document also describes historic or archaeological sites located within the Area of Potential Effect (APE) for any of the alternatives, as the APE was defined in the Section 106 process of the National Historic Preservation Act. FHWA is expected to make the final determination regarding the lands and resources to which Section 4(f) applies in the SEIS.

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## **Sites Addressed**

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The potential Section 4(f) properties considered in detail in this document are listed in Table 1 on the following page. This document addresses the sites in the order listed in the table. Where applicable, some resources are listed under more than one category (e.g. recreation areas and historic site).

Other properties considered are listed in the last section of this document and include sites outside the proposed project corridor but potentially important to discussion of avoidance alternatives and least net harm to Section 4(f) properties. These sites, listed below, are not depicted on figures.

- Other Trails: Art Anderson Slaughter Ridge Trail, Shakelford Creek/Powerline Trail; Russian Lakes Trail & Russian River Anglers' Trail; Coyote Notch Loops Trail; Birch Ridge Trails.
- Other USFS Recreation Withdrawals: Lower Russian Lake Recreation Area; Quartz Creek Campground Area.
- Kenai Peninsula Borough "Preservation" Lands
- Helen Rhode Community Wildflower Park
- Sterling Highway State Scenic Byway
- Cooper Landing Historic District

**Table 1. Primary Sites Addressed for Section 4(f) Applicability**

Property type	Ownership (mgt, if different)	Acreage	Figures
<b>Park</b>			
<b>Kenai River Special Management Area</b>	State	720 <sup>1</sup>	Fig. 1
<b>Wildlife Refuge</b>			
<b>Kenai National Wildlife Refuge</b>	USFWS	1.97 million total	Fig. 1, 2, & 3
<b>Recreation Area</b>			
<b>Sportsmans Landing</b>	State (USFWS)	4.3	Fig. 4
<b>State Land Units 394B &amp; 395</b>	State/USFS	1,400 combined	Fig. 5
<b>Resurrection Pass Trail</b>	USFS	4,600 total	Fig. 5
<b>USFS Access Roads</b>	State/USFS	37	Fig. 5
<b>Bean Creek Trail<sup>2</sup></b>	USFS, State (USFS)	See note 2	Fig. 6
<b>Cooper Cr. Public Camp &amp; Picnic Ground</b>	USFS	19.5	Fig. 7
<b>Cooper Creek Public Service Site, Tract C</b>	USFS	40.4	Fig. 7
<b>Stetson Creek Trail<sup>2</sup></b>	USFS, Borough (USFS)	64 total	Fig. 7
<b>Cooper Lake Dam Road</b>	USFS/Borough	See note 2	Fig 7
<b>Russian River Campground Area</b>	USFS	340	Fig. 8
<b>USFS Kenai River Recreation Area</b>	USFS	350	Fig. 8
<b>Juneau Falls Recreation Area</b>	USFS	320	Fig. 9
<b>Cooper Landing Boat Launch &amp; Day Use Area</b>	State	5.3+0.55	Fig. 10
<b>Kenai Peninsula Borough Lands Classified for Recreation</b>	Borough	471	Fig. 1
<b>Historic/Archaeological Area</b>			
<b>Sqilantnu Archaeological District</b>	Multiple	12,600	Fig. 1, 11
• K'Beq Heritage Site	USFS (Kenaitze Tribe)	33 permit area	Fig. 12
• Beginnings Heritage Site	USFS (Kenaitze Tribe)	Approx 24 Permit area	Fig. 13
<b>Broadview Guard Station</b>	USFS	Building only	Fig. 14
<b>Bean Creek Trail<sup>2</sup></b>	USFS, Private	See note 2	Fig. 6
<b>Stetson Creek Trail<sup>2</sup></b>	USFS, Borough (USFS)	64 total	Fig. 7
<b>Hubbard Mining Claims Historic District</b>	USFS, Multiple	444	Fig. 15
<b>Kenai Mining &amp; Milling Co. Historic District</b>	USFS, Borough	29.1	Fig. 7
<b>Gwins Lodge</b>	Private	Building only	Fig. 16

1. Approximate acreage of the river only within the project area only. Entire KRSMA extends more than 100 mi.

2. Bean Cr. Trail and Stetson Cr. Trail are listed under both recreation area and historic site because they are historic trails used currently for recreation. Bean Cr. Trail and Cooper Lake Dam Rd. acreage not calculated

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## **Background Regarding Recreation Facilities**

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***Multiple Use Lands and Recreation.*** Several potential recreation sites in the project area fall into a gray area. Most of these recreation areas are part of Chugach National Forest, which by law must function for multiple uses, and the Revised Land and Resource Management Plan for Chugach National Forest (2002) does not specifically designate certain developments as “Recreation Areas” in the same way a National Recreation Area might be formally designated. The FHWA Section 4(f) Policy Paper (2005) addresses multiple use lands such a national forests:

Section 4(f) applies...only to those portions of the lands which are designated by statute or identified in the management plans of the administering agency as being primarily for park, recreation, or...refuge purposes and determined to be significant for such purposes.... For public land holdings which do not have management plans or (for which) existing management plans are out of date, Section 4(f) applies to those areas that are publicly owned and function primarily for Section 4(f) purposes.

For purposes of this document, the lack of specific designation in the Revised Land and Resource Management Plan is considered equivalent to “land holdings which do not have management plans.” Therefore, this document examines whether these areas “are publicly owned and function primarily for Section 4(f) (recreation) purposes” and considers the significance of these sites for recreation. Certain lands outside the national forest also are evaluated this way.

***Public Land Orders.*** Within the project area, on Chugach National Forest lands, are several areas withdrawn for recreation purposes by public land order (PLO) and often called “recreation areas.” See examples in Attachment B. Withdrawals by public land order are undertaken by the Secretary of the Interior with the concurrence of (usually at the request of) the Secretary of Agriculture. PLO withdrawals are undertaken under the authority of Executive Order 10355 “Delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes,” May 26, 1952. The executive order also specifically delegates to the Secretary of Interior “the authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made.” The PLOs withdraw the subject lands from mineral entry and prevent their conveyance to other uses, such as conveyance to the State of Alaska under the Statehood Act or conveyance to Alaska Native corporations under the Alaska Native Claims Settlement Act. Some of the withdrawals were made in perpetuity, and others were made with an expiration date. The USFS has indicated that the Federal Land Policy and Management Act (FLPMA) required a 20-year limit on PLOs. Some of the recreation withdrawals in the project area were established by PLO before passage of FLPMA and had no expiration (e.g. Cooper Creek Camp and Picnic Ground). Others were established after passage of FLPMA and had an expiration date. The USDA Forest Service (USFS) considers this a statutory limit, not a limit on the agency’s intent to retain the current status of the land (Vaughan 2006). The USFS indicates that a forest supervisor can request from the Bureau of Land Management a PLO to revoke or recast a previous land order. Further detail on the application of PLOs to each area is provided under the specific recreation resources in the following pages.

**Trail Widths.** Trails on Chugach National Forest land typically do not lie within a legally defined right-of-way or easement. Rather, they were constructed by the USFS across their own lands without alteration of land status. The study team and USFS have documented widths of similar trails and have met to help arrive at a trail width for Section 4(f) purposes, particularly for the Resurrection Pass National Recreation Trail on Chugach National Forest. See documentation in Attachment C and correspondence in Attachment D. ADOT&PF and FHWA initially proposed a width of 50 feet, which appeared to equal a short section of legal easement at the north end of the Resurrection Pass Trail and to equal or exceed other nearby trail easements. The USFS countered with a 1,000-foot width, based primarily on the desired width in the Iditarod National Historic Trail comprehensive management plan (BLM 1996). ADOT&PF and FHWA determined that the Iditarod Trail, where the Forest proposed reestablishing the route across state land, had recently been granted a right-of-way 50 feet either side of centerline (Forest land interest) within a state-prescribed buffer (land management direction) of an additional 450 feet from the right-of-way. This resulted in a total width of 1,000 feet related to the trail but 100 feet of specific land interest. Based on this and on the land interest width of other national recreation trails in Alaska, ADOT&PF and FHWA proposed a 100-foot width for the Resurrection Pass Trail. The USFS, however, has continued to assert 1,000 feet as the recreation resource. Therefore, ADOT&PF and FHWA have decided for purposes of the Section 4(f) Evaluation to assess a corridor 1,000 feet wide (500 feet each side of centerline) as the recreation resource for trail evaluation purposes.

A width of 100 feet is used for the Stetson Creek Trail and Bean Creek Trail. One hundred feet is greater than the width of a USFS right-of-way for the Stetson Creek Trail across Kenai Peninsula Borough land (50 feet) and is greater than the USFS right-of-way for the Bean Creek Trail across state land (25 feet) but is considered appropriate given the significance of both trails for recreation value *and* for historic value. Further input from the USFS on this issue was anticipated but had not been received as of February 2008.

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### **Section 106 and Section 4(f)**

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Section 4(f) protection applies to virtually any historic or archaeological site found eligible for the National Register of Historic Places. Eligibility for the National Register is determined through a process laid out under Section 106 of the National Historic Preservation Act. For purposes of this document, the determinations of eligibility and determination of effect on specific cultural sites mirror are those made under the Section 106 process for this project. Descriptions in this document mostly are brief summaries of more extensive information prepared for the Section 106 process. It may help to know that there are four criteria used to determine eligibility:

- Criterion A—association with significant events.
- Criterion B—association with significant persons.
- Criterion C—distinctive characteristics of a type, period, or method of construction.
- Criterion D—significant for information the site may provide.





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## Parks, Refuges, and Recreation Areas

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**Name of Property: Kenai River Special Management Area/Proposed KRSMA Additions**  
**Potential Section 4(f) Property Type: Park**

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### Size and Ownership, Including Agreements Related to Ownership

The Alaska Legislature established the Kenai River Special Management Area (KRSMA) as a unit of the state park system, managed by the Division of Parks and Outdoor Recreation (DPOR). The entire unit is owned by the state. The legislative boundaries within the project corridor encompass the river itself and Kenai Lake (the lands below ordinary high water, shown in dark blue on Figure 1; on other figures, Kenai Lake, the river itself, and visible beaches without vegetation generally would be part of this park unit). Overall, the KRSMA encompasses a protected river system 105 miles long. There are also areas proposed for addition to the KRSMA, as follows:

- The “Kenai Area Plan for State Lands” (DNR<sup>1</sup> 2000) designates certain state-owned lands near the Kenai River and its tributaries for management by DPOR as if they were part of the KRSMA park unit, and proposes these “KRSMA Additions” for eventual formal inclusion as part of the park unit by legislative action. Those proposed additions that are currently in state ownership are shown on Figure 1 in medium blue.
- The Kenai Area Plan also indicates that the area from Cooper Creek to the Chugach National Forest Russian River Campground entrance on both sides of the Kenai River is pending conveyance from the federal government (statehood selections), and once conveyed, these lands also would be considered KRSMA additions. Part of what prevents final conveyance is the USFS public land orders in this area—the USFS Kenai River Recreation Area, in particular.

The following is quoted from the Kenai Area Plan about the Kenai River Comprehensive Management Plan and the relationship of the two plans to each other and to legislation.

In 1996-1997, DNR revised the *Kenai River Comprehensive Management Plan*. The plan provides management policy for lands and waters within the Kenai River Special Management Area, which encompasses Kenai River, Kenai Lake, and some of the adjoining state uplands in this region. The plan also recommended adding lands to the special management area, and further recommends that the Kenai Area Plan provide final guidance on these proposed additions. Legislation to add lands to KRSMA may take several years. In the interim, the comprehensive plan created a Special Use Lands Designation that applies to the proposed additions to KRSMA in the region. The Division of Parks and Outdoor Recreation will manage the lands in the designated area in accordance with a management agreement between DPOR and DMLW.<sup>2</sup> The KAP is consistent with the KRCMP and also applies to all lands that are proposed for addition to

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<sup>1</sup> Alaska Department of Natural Resources.

<sup>2</sup> State of Alaska, Department of Natural Resources, Division of Mining Land & Water. Footnote not in original.

KRSMA including those in the Special Use Lands Designation. The KAP does not, however, apply to lands that are already legislatively designated.

The December 1997 Special Use Designation that established the KRSMA Additions designated these lands for park purposes (primarily for protection of fish and wildlife habitat; secondarily for recreation) and assigned management and enforcement to DPOR.

### **Functions, Available Activities, Existing and Planned Facilities**

The KRSMA park unit is an important salmon migration and spawning area and hosts Alaska's most popular salmon sport fishery. Within the project area, KRSMA activities are scenic and sport fishing float trips on the river, both on flat water segments and whitewater segments, as well as fishing along the banks. The KRSMA Additions are adjacent upland areas and watersheds that provide for salmon spawning, habitat for other wildlife, and dispersed recreation. Discussions with land managers did not indicate plans for substantial changes in management direction or facilities.

### **Access and Use Levels**

Access to the Kenai River and Kenai Lake is generally from the Sterling Highway and from public boat launch ramps such as Sportsmans Landing and Cooper Landing boat ramps in the project area. Some rafting and fishing outfitters launch directly from their own property along the river. Use of the Kenai River is high in summer, both for sport fishing and recreational float trips (rafting, canoeing, kayaking). Many commercial fishing and floating outfitters operate on the river. DPOR rangers get occasional counts of river bank use, private boats of any kind, and commercial boats of any kind, mostly counted near the Cooper Landing and Sportsmans Landing boat launch sites. DPOR uses a formula to extrapolate the number of users throughout the month and throughout the year. The counts are not considered to be highly reliable and are thought to undercount actual use (Carrico 2007). For 2005, DPOR reported bank use at 21,034 persons; users of private boats at 29,964; and users of commercial boats at 3,233. Use continues in the winter in low numbers. There is no recreational use data specific to the KRSMA Additions lands. There are no formally developed recreation sites on the KRSMA Additions lands in the project area, and the recreational use is likely dispersed and on informal trails.

### **Relationship to Similarly-Used Lands in the Vicinity**

There are many other lands managed for developed and dispersed recreation in the project corridor as part of the national forest and the national wildlife refuge. However, the KRSMA is the only park land and the only submerged land managed for park purposes.

### **Unusual Characteristics**

The formally designated park unit in the project area is principally submerged lands. The KRSMA Additions are principally uplands. Generally, lands pending action by elected officials would not be considered as having Section 4(f) protections until formal designation of the area was completed. However, the *Kenai River Comprehensive Management Plan* recommended additions to the park and effectively delegated final action and management to the *Kenai Area Plan* and the Special Use Lands designation. The comprehensive management plan establishes the KRSMA addition lands for park purposes regardless of the finality of legislative action. However, management of the KRSMA addition areas by DPOR requires that park officials

enforce general state regulations, which are usually less restrictive than park regulations (Berkhan/DPOR 2006).

### **Significance**

The legislatively designated area is presumed significant [per 23 CFR 771.135(c)], and the planning documents related to the KRSMA Additions make clear that the state finds these lands significant. The superintendent of state parks in the Kenai area indicated in writing (Sinclair 2007) that the KRSMA Additions lands are considered significant and that multiple state and federal agencies that signed a memorandum of understanding dated December 1997 (attached to the KRSMA Comprehensive Management Plan) agreed to support the management goals of the subject lands.

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**Name of Property: Kenai National Wildlife Refuge**

**Potential Section 4(f) Property Type: Wildlife Refuge**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Kenai National Wildlife Refuge (KNWR) is shown in light green on Figure 1. The federal government owns the refuge, and the U.S. Fish and Wildlife Service (USFWS) manages the refuge. State law concurrently designates the same area a state game refuge and may apply state refuge status to state-owned lands within the boundaries of the federally-owned refuge as they existed in 1960. The size of the refuge is 1.97 million acres. A 2001 agreement regarding a land claim by Cook Inlet Region, Inc., a regional Native corporation, does not appear to have resulted in any substantial change to the KNWR ownership in the project area. ADOT&PF holds an easement 300 feet wide for highway purposes (the Sterling Highway) across the refuge in the project area. The easement gives substantial deference to the KNWR: ADOT&PF is to coordinate with the KNWR before undertaking any new work in the easement, and nothing in the easement prevents KNWR from using portions of the easement (Robinson 10/12/06; USFWS 1971). This is further described under “unusual characteristics,” below. In the project area, the trailhead for the KNWR Fuller Lakes Trail and the parking and circulation areas associated with a KNWR visitor contact station overlap with the ADOT&PF Sterling Highway easement.

The KNWR Comprehensive Conservation Plan (USFWS 1985) is the document that guides management of the refuge. The refuge was designated by the Alaska National Interest Lands Conservation Act, and the plan repeats the refuge purposes laid out in ANILCA. The refuge purposes are to preserve all wildlife populations and their habitats “in their natural diversity,” to protect associated waters, to meet treaty obligations, and—compatible with wildlife and habitat—to provide for science/education and recreation. ANILCA also created designated Wilderness areas within the KNWR totaling 1.3 million acres. The Mystery Creek Unit, a Wilderness subset that lies immediately north of the existing Sterling Highway in the project area, totals 45,373 acres.

### **Functions, Available Activities, Existing and Planned Facilities**

The refuge plan is currently undergoing revision. A draft plan and EIS is expected to be released for public review in 2008, with a final decision expected no earlier than late 2009. The current expectation is that there will be little or no change to management of “intensive management”

areas such as the Sterling Highway corridor, and no new facilities are planned for the project corridor (Campellone, 2008, pers. comm.).

The refuge overall functions for protection of wildlife and, although recreation is subsidiary to wildlife conservation purposes in enabling legislation, the KNWR includes a substantial recreation function, including trails, campgrounds, a visitor center, and a separate visitor contact station. The visitor contact station is on the Sterling Highway within the project area, and at the edge of the Skilak Wildlife Recreation Area, a recreation area that is within (and part of) the refuge. The recreation area includes campgrounds, trails, and boat launch ramps. Other foot trails and canoe trails exist across the refuge, but the Fuller Lakes Trail is the only refuge trail that begins in the project area. For purposes of this document, any recreation areas and features that are part of the KNWR and on KNWR land are not further discussed as potential Section 4(f) recreation properties. They are considered refuge land and are considered for Section 4(f) protection as parts of the larger refuge. The trailhead for the Fuller Lakes Trail and the KNWR visitor contact station are given extra consideration below because they overlap the highway easement.

- The USFWS operates a KNWR visitor contact station at the western end of the project corridor, at approximately MP 58 of the Sterling Highway. The site is labeled #1 on Figure 1 and also appears on Figure 2. The visitor contact station is within the boundaries of the KNWR. It is located on the north side of Sterling Highway and is immediately adjacent to the highway. The site is not located on a separate parcel of land, but measured from the highway embankment and around the north side of the developed area, the site encompasses approximately 3.3 acres, of which 2.0 acres overlap the highway easement. Facilities consist of a small, staffed building with interpretive information, books, and maps; a large parking area; and a separate, small public toilets building (vault toilets). Both buildings are located immediately outside the highway easement. Parking and circulation areas are located partly within the easement. A cul-de-sac turnaround at the toilet building is fully within the easement. The visitor contact station is the first staffed facility in the refuge for travelers coming from the east (Anchorage, Seward). The facility is located near the junction of Skilak Lake Road and the Sterling Highway, at the edge of the Skilak Wildlife Recreation Area. The contact station provides information and education for refuge visitors and serves as a rest stop for travelers.
- The Fuller Lakes Trail, managed by the USFWS, is a recreation trail that is fully within the boundaries of the KNWR. Its trailhead is located within the Sterling Highway easement, where there is a parking area adjacent to the north side of the Sterling Highway near mile 57 (#2 on Figure 1; see also Figure 3). Facilities include a simple gravel parking lot, trailhead sign/register kiosk, and wood-and-earth steps that begin the trail. The site does not have a separate delineated land parcel, but measured from the highway shoulder around the northern side of the level, developed parking lot, the site encompasses 0.2 acre. The entire 0.2-acre area, including the steps, kiosk, and parking lot are located wholly within the highway right-of-way, as is the beginning of the trail itself. The USFWS maintains summer register counts for the trail and has completed minor trailhead improvements.

### **Access and Use Levels**

Access to the refuge in the project area is principally via the Sterling Highway. Sport fishers and river enthusiasts also boat through the refuge in the project area on the Kenai River. In the project area, public use and access to the refuge is primarily at the developed sites: the ferry/campground/boat launch complex at Sportsman's Landing (along with the stream bank on the south side of the river), the Fuller Lakes Trail, and the visitor contact station. Thousands of visitors fish the Russian River confluence area each summer, moving between the refuge, the state park (KRSMA), and the national forest. Several thousand visitors stop each year at the visitor contact station. The Fuller Lakes Trail is considered a popular hike and connects with the Skyline Traverse route that terminates outside the project area farther west on the Sterling Highway.

Use by the refuge wildlife population does not include substantial overland migration, although large mammals and birds presumably cross the boundary into and out of the adjoining Chugach National Forest.

### **Relationship to Similarly-Used Lands in the Vicinity**

KNWR is the only wildlife refuge in the project area and provides the closest designated federal Wilderness areas to most of Alaska's population. Chugach National Forest adjoins the KNWR on its east side and is managed for multiple uses, of which wildlife protection and outdoor recreation are two of the multiple uses. These uses are similar (but not identical) to the mandates of the refuge, which include purposes "to conserve fish and wildlife populations" and "provide ... for fish and wildlife-oriented recreation" (ANILCA 1980). State game refuges and critical habitat areas exist near Anchorage, Homer, and Clam Gulch.

### **Unusual Characteristics**

The USFWS has indicated that the U.S. Government owns the land under the Sterling Highway and therefore does not need to secure permission to build or maintain refuge facilities within the boundaries of the state easement (LaKonski/USFWS 2006; West/USFWS 2006, pers. comm.). The State of Alaska agrees that the federal government holds title to the land. The easement for highway purposes specifically indicates that the KNWR has the right of review of any new highway construction work within the easement (USFWS 1971).

### **Significance**

As a long-standing federal wildlife refuge, the KNWR is presumed significant [per 23 CFR 771.135(c)].

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**Name of Property: Sportsman's Landing Boat Launch**

**Potential Section 4(f) Property Type: Recreation Area / Wildlife Refuge**

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### **Size and Ownership, Including Agreements Related to Ownership**

Sportsman's Landing is a public boat launch ramp and parking lot with associated facilities. It is owned by the State of Alaska but managed by the Kenai National Wildlife Refuge (Pappas, ADF&G 4/20/06; West, USFWS 4/20/06; Berkahn, DPOR 6/9/06, pers. comm.). The site serves sportsfishers at the popular Kenai and Russian River confluence. The boat launch ramp

and parking lot (#3 on Figure 1; Kenai Area Plan parcel 396; see also Figure 4) are located adjacent to the KNWR Russian River Ferry site and campground, and the driveway off the Sterling Highway provides the only access to the ferry and campground. The ferry launch and campground are located on KNWR lands immediately inside the boundary of the refuge, and the boat launch and associated parking area are located on a 4.3-acre parcel owned by the State of Alaska with management by Alaska Department of Fish and Game (ADF&G). Formerly a privately-held parcel (Sportsman's Lodge), the land was purchased with federal Dingle-Johnson funds by the state, but ADF&G and KNWR have memorandum of understanding allowing for refuge management of the parcel.

### **Functions, Available Activities, Existing and Planned Facilities**

The parcel includes a vault toilet, viewing area, and informational signs in addition to a large parking area and the boat launch ramp itself. In addition, the driveway access off the Sterling Highway is also the driveway for the adjacent KNWR Russian River Ferry and campground. The state parcel serves as overflow parking for the ferry at peak sport fishing times. KNWR has contracted with a private company, Alaska Recreation Management (ARM), to manage the boat launch and parking lot as well as the adjacent ferry and campground. The ferry serves fishing and hiking access along the river in the refuge on the south side of the river. See "Background Regarding Recreation Facilities" on page 4 of this document. Discussions with land managers did not indicate plans for substantial changes.

### **Access and Use Levels**

The parking area is open to the general public and arguably could be used for non-recreational purposes. However, the parking area is established and maintained for recreational use by sport fishers. There is no practical non-recreational function or use for launching a boat or for crossing the river via ferry other than recreational sport fishing and recreational boating.

### **Relationship to Similarly-Used Lands in the Vicinity**

The Cooper Landing Boat Launch is located upstream in the project area at the mouth of Kenai Lake. Jim's Landing is located downstream just outside the project area in the KNWR.

### **Unusual Characteristics**

The site is unusual because it is a state-owned boat launch managed for public use by the federal wildlife refuge. The boat launch provides access to the Kenai River, which is a designated state park unit (Kenai River Special Management Area—see above).

### **Significance**

The State of Alaska's Kenai Area Plan indicates the following: "Manage unit for facilities that support sport fishing and recreation on Kenai and Russian rivers. Not recommended for addition to (Kenai River Special Management Area) because was acquired with federal funds." As a state-owned federally-funded boat launch ramp supporting sport fishing and recreational boating in a state park (the Kenai River Special Management Area—see below), and with management by the wildlife refuge, the site is presumed significant [per 23 CFR 771.135(c)] as a recreation resource and a functional part of the wildlife refuge (although outside the refuge boundary).

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**Name of Property: State Plan Land Units 394B and 395**

**Potential Section 4(f) Property Type:** Recreation Area / Wildlife Refuge

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**Size and Ownership, Including Agreements Related to Ownership**

The “Kenai Area Plan for State Lands” (Alaska Department of Natural Resources 2000) designates Unit 394B, a State-selected tract that lies south of the Kenai River and between the Russian River and Cooper Creek Campgrounds, as “Public Recreation and Tourism—Dispersed Use, and Fish and Wildlife Habitat.” Currently the land remains in federal ownership (Chugach National Forest). The northern part of Unit 394B currently is part of the USFS Kenai River Recreation Area, addressed separately below. The entire parcel comprises 437 acres. It is labeled #8 on Figure 1. See Kenai Area Plan excerpt in Attachment A.

Unit 395, labeled #7 on Figure 1, has been conveyed to the state and is essentially undeveloped. The parcel contains 1,080 acres and is in state ownership except that the USFS retained public easements along old logging roads for access to Forest lands (see the “USFS Access Roads” discussion, below).

**Functions, Available Activities, Existing and Planned Facilities**

The Kenai Area Plan designates Unit 395 for conveyance to the Kenai Peninsula Borough for settlement, while Unit 394B is designated for dispersed use recreation and for fish and wildlife habitat. However, in the Kenai Area Plan, Unit 394B is cross-referenced to Unit 395:

If the Sterling Highway is not re-routed to the north side of the Kenai River [as proposed by ADOT&PF in 1995], DNR may change the designation of [Unit 394B] and convey it to the borough without an amendment to the plan. DNR would retain Unit 395 instead. The intent of this guideline is to make the unit with the most traffic conveyable to the borough [for possible settlement/development], presuming that the unit retained in state ownership will have less vehicular traffic and will better retain its value for brown bear habitat and travel.

-Kenai Area Plan, p. 3-110

See further detail from the Kenai Area Plan, attached.

**Access and Use Levels**

Unit 394B is accessible directly from the Sterling Highway and, on its eastern edge, from the Stetson Creek Trail. Unit 395 is accessible from the existing Sterling Hwy via USFS public easements along roads originally built for logging. See separate entry below under the heading “USFS Access Roads.” Use levels of either parcel are not monitored by the state or the USFS.

**Relationship to Similarly-Used Lands in the Vicinity**

Other state lands in the project area principally are those lands listed in this document under the “Kenai River Special Management Area and Proposed Additions.” The KRSMA lands are near or adjacent to Units 394B and 395 but are managed differently.

### **Unusual Characteristics**

The status of these parcels is unusual for the following reasons:

- Unit 394B is addressed in the state land use plan on the assumption it will be conveyed from the federal government (Chugach National Forest) to the state, but the existence of the USFS Kenai River Recreation Area withdrawal by public land order prevents its transfer. The USFS has indicated this result of the public land order process can be an advantage for retaining federal land management direction (Vaughan 2006).
- Even if Unit 394B were conveyed to the state, these two parcels are unusual because their status is tied to the Sterling Highway MP 45-60 project and the alignment ultimately chosen.

### **Significance**

It is clear from the plan that the state finds the general area significant for fish and wildlife habitat and for general recreation, and desires to retain some of the land in the area for these purposes, while also allowing development of other portions. There has been no direct inquiry of the state regarding the recreation or wildlife significance of these two parcels. It appears that the state does not see these two parcels as having substantially different qualities. Neither is currently developed for recreation, and both currently function as wildlife habitat but are not specifically managed as a refuge, a park, or a recreation area. The USFS considers 394B to be significant for recreation and desires to keep at least that portion nearest the Kenai River for recreational purposes. See Kenai River Recreation Area discussion below.

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**Name of Property: Resurrection Pass National Recreation Trail**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Resurrection Pass National Recreation Trail is located entirely within the Chugach National Forest (shown north of the Kenai River on Figure 1; see also Figure 5). The trail is a 38-mile route from the community of Hope to the Sterling Highway. A portion of the trail is historic. (See Bean Creek Trail in the Historic and Archaeological Sites section.) The USFS lands over which the Resurrection Pass Trail passes are managed for multiple uses. While the USFS has previously considered designating a withdrawal area or easement for the trail, the agency has not done so (see memorandum, Attachment C). Therefore, as indicated in the Introduction to this document under the subheading “Trail Widths,” a trail width of 1,000 feet (500 feet each side of centerline) is assumed for Section 4(f) purposes. This results in a total acreage of approximately 4,600 acres.

### **Functions, Available Activities, Existing and Planned Facilities**

The USFS indicates the Resurrection Pass Trail has high recreation value (Vaughan 2007). The trail has been designated a National Recreation Trail. The trail is heavily used by hikers, hunters, skiers, snowmobilers, mountain bikers, sport fishers, and others year round. The trail traverses the Kenai Mountains from relatively low forested valleys to high alpine passes. The route takes in several lakes, designated camping sites, and eight public use cabins equipped with stoves for heat. The lake cabins have rowboats available. The USFS has been incrementally working on improving trail tread and replacing aging cabins associated with the route. No other planned changes are known.



### **Access and Use Levels**

Access to the southern end of the trail is directly off the Sterling Highway, immediately west of the highway's Schooner Bend bridge over the Kenai River. In the project area, the Resurrection Pass National Recreation Trail also is accessible via the Bean Creek Trail, which is the historic southern end of the Resurrection Pass Trail (see separate entries below both under the recreation section and the historic sites section). The northern end of the trail is located near Hope, where there is a separate trailhead. The trail is quite popular: the trail has been named one of the nation's top singletrack mountain bike routes, and cabins along the route typically are booked far in advance throughout the summer. The trail also is well-used in winter. Trailhead register numbers from the southern trailhead indicate an average of 1,613 users per year from 1993 to 2005, with highs around 2,000 users in 1999 and 2005. The USFS indicates that approximately 40% of users are known to sign registers. Therefore, 4,000-5,000 users per year likely enter at the southern end, not counting those who access the trail via the Bean Creek Trail or who come all the way through from Hope or other connecting side trails (Devils Pass Trail, Summit Creek Trail, Bean Creek Trail).

### **Relationship to Similarly-Used Lands in the Vicinity**

The Resurrection Pass Trail is one of several trails on Chugach National Forest and in the Kenai National Wildlife Refuge in the project area. The Resurrection Pass Trail is the only National Recreation Trail in the project area. The Johnson Pass Trail to the east of the project area (with trailheads along the Seward Highway) is also part of the National Trails System as a segment of the Iditarod National Historic Trail.

### **Significance**

As a long-standing and heavily used part of the National Trails System, the Resurrection Pass National Recreation Trail is presumed significant [per 23 CFR 771.135(c)]. The USFS indicates the trail is a significant recreation resource (Vaughan 2007).

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### **Name of Property: USFS Access Roads**

**Potential Section 4(f) Property Type:** Recreation Area

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### **Size and Ownership, Including Agreements Related to Ownership**

A small network of unmaintained roads exists in the area north of the trailhead for the Resurrection Pass Trail, and another unmaintained road exists just east of Bean Creek. See Figure 5. These are USFS roads that cross into State of Alaska parcels on USFS rights-of-way. When these state lands received tentative approval (TA) for conveyance to the state (January 12, 1999—AA-71615), the TA reserved rights-of-way for six USFS roads and one trail. These originally were logging roads but are lightly used today for access to the National Forest, principally for recreation and generally for public access to Forest lands uphill. The five interconnected roads near the Resurrection Pass trailhead are the West Juneau Road (Forest Road #972); Westside Road (#1010300); Hilltop Road (#1010320); Bear Flats Road (#1010400); and Chunkwood Road (#1010500). These total about 5.8 miles of road on easements 60 feet wide. Near Bean Creek is Slaughter Ridge Road, where the USFS right-of-way is an extension of a Kenai Peninsula Borough road by the same name. The USFS extension is an easement 60 feet wide and 0.5 mile long.

### **Functions, Available Activities, Existing and Planned Facilities**

The Forest keeps the roads near the Resurrection Pass Trail gated but allows use of them for recreation. They function in part as an alternative route to the lower end of the Resurrection Pass Trail, which is not always passable in winter, particularly by snowmobiles. The Slaughter Ridge Road is not gated and sees use by four-wheel-drive and all-terrain vehicles in summer, in addition to non-motorized users year round and snowmobiles in winter. The trails are thought to provide access as well for hunting and hiking. Discussions with land managers did not indicate plans for substantial changes, although there is a general plan to formalize the trailhead and access for the Bean Creek Trail, which uses Slaughter Ridge Road. The Revised Land and Resource Management Plan for the Forest does not appear to directly address management of any of these roads.

### **Access and Use Levels**

Access is from the Sterling Highway. For Slaughter Ridge Road, the borough road by the same name begins at Bean Creek Road. The roads can also be accessed from the higher elevations from the Resurrection Pass Trail—usually by snowmobilers. The USFS does not maintain records of use levels. The USFS has indicated a desire for driveway connections to these roads off any project alternative that might cross them.

### **Relationship to Similarly-Used Lands in the Vicinity**

There are other routes in the project area classified as roads that allow recreation use.

### **Significance**

The USFS classifies these roads as multiple-use roads for Forest access and not as recreation trails (Vaughan 2006). The USFS does not consider these roads significant for recreation (Vaughan 2007).

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### **Name of Property: Bean Creek Trail**

**Potential Section 4(f) Property Type:** Recreation Area

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### **Size and Ownership, Including Agreements Related to Ownership**

The Bean Creek Trail connects Slaughter Ridge Road on the northern edge of Cooper Landing with the Resurrection Pass National Historic Trail on the east side of Juneau Creek (see Figure 1 and Figure 6). The Bean Creek Trail is designated for recreation in the Chugach National Forest Revised Land and Resource Management Plan. It is also an historic route (see separate entry below in the Historic Properties section). Besides federal land, it also uses public lands owned by the state and Kenai Peninsula Borough.

Slaughter Ridge Road is an engineered, gravel-surface road maintained by the Kenai Peninsula Borough that gives way to an old Forest logging road that is unimproved and in poorer condition as it proceeds towards its terminus. Because of this situation, and because the multiple agencies involved have not yet established a formal trailhead, the overall trail length cannot be declared precisely. It is approximately 2-3.5 miles long, depending on how far a trail user chooses to or is able to drive on the old logging road before beginning the “trail” portion of the excursion.

Slaughter Ridge Road, including more than a mile of the unimproved portion of the road, is within a borough platted right-of-way aligned generally east-west across the hillside. Where the platted right-of-way curves uphill to the north, another borough right-of-way continues west and is called Cecil Road on borough plats. The borough rights-of-way for Slaughter Ridge Road and Cecil Road are 100 feet wide. For practical purposes, the at the western end of the platted Cecil Road, where the route enters state public land, can be thought of as the beginning of the Bean Creek Trail. There is no formal trailhead there; it is merely an area where conditions limit the ability of street vehicles, even many four-wheel-drive street vehicles, from proceeding and where there is space to park nearby.

West of the end of the borough right-of-way, the logging road continues on state land; the initial portion (ca. 0.5 mi.) on state public land is open to the public but is without a dedicated public trail or road easement (see Figure 6). The next portion of the old logging road (another 0.5 mi.), on another parcel of state land (Unit 393 in the Kenai Area Plan for State Lands), is within a 60-foot-wide public road easement held by the USFS. The USFS easement calls this portion Slaughter Ridge Road. The Bean Creek Trail uses the first 600 feet (approximate) of this Forest logging road easement and then descends to cross Bean Creek and join a 25-foot trail easement on an historic Bean Creek Trail alignment. The connection between the Slaughter Ridge Road easement and the Bean Creek Trail easement is approximately 500 feet long and crosses state public land that is open to the public but is without a dedicated public corridor easement.

As indicated at the beginning of this document under the heading “Trail Width,” it is recommended that 100 feet (50 feet each side of centerline) be considered a reasonable width for Section 4(f) impact assessment purposes for this trail, except where a designated easement has delineated a narrower width.

### **Functions, Available Activities, Existing and Planned Facilities**

The trail functions principally for recreation—snowmobiling, hiking, mountain biking, skiing, dog mushing. The Forest Plan designates the trail for these uses and prohibits summer motorized uses. The Bean Creek Trail currently functions as an alternative to the southern portion of the Resurrection Pass Trail (i.e., south of the Juneau Falls area) and is recorded by the USFS as 2.02 miles long. Both the USFS and the borough indicated they are actively working, albeit slowly, to establish a dedicated USFS trail easement and trailhead on borough land to allow for USFS maintenance of the trail (O’Leary 2006; Mueller 2006).

### **Access and Use Levels**

The Bean Creek Trail is used year round and sees relatively greater use during the winter. The USFS, state, and borough do not maintain a trail register or other method of tracking use numbers. The Bean Creek Trail is used as an alternative access to the Resurrection Pass Trail, particularly in winter when snow/ice and cross-slope conditions on the southern portion of the Resurrection Pass Trail make traversing the main trail difficult.

### **Relationship to Similarly-Used Lands in the Vicinity**

The Bean Creek Trail is one of several recreational trails managed by the USFS. It is used less and managed/maintained less than the Resurrection Pass Trail and Russian Lakes Trail in the project area.

### Unusual Characteristics

There is no exact location that can be pinpointed as the end of the Slaughter Ridge Road and the beginning of the trail. If weather conditions make the road less drivable, the “trail” starts farther back on borough land within the road easement. If the weather is dry and the road in reasonable condition, standard vehicles may drive to state land. In winter, the upper portion of Slaughter Ridge Road is not maintained at all, and trail users park their cars where maintenance ends; thus the winter trail starts farther back than in summer. The USFS has worked with the state and borough to ensure automobile access and a trailhead, and has recently made minor improvements to eroded areas of the Slaughter Ridge Road (on the borough-owned road right-of-way).

Section 4(f) protections appear to apply automatically to the historic portion of the trail, because it is eligible for the National Register of Historic Places (see separate entry under Historic Properties, below). However, the land status, access, and recreational status of the non-historic portion of the trail are less clear.

The USFS Revised Land and Resource Management Plan, in a section on Trails and Routes Management, indicates management direction for use of trails by full-size motor vehicles, high-clearance vehicles, off-highway vehicles, motorcycles, horses, bicycles, hiking, snowmachines, skiing, and dog sledding. While not specifically identified in the plan as “recreational” pursuits, all of these except standard motor vehicles are commonly identifiable as recreational pursuits. FHWA Section 4(f) Policy Paper addresses multiple use lands such as national forests (including, in this case, a USFS easement on state land):

Section 4(f) applies...only to those portions of the lands which are designated by statute or identified in the management plans of the administering agency as being primarily for park, recreation, or...refuge purposes and determined to be significant for such purposes.... For public land holdings which do not have management plans or (for which) existing management plans are out of date, Section 4(f) applies to those areas that are publicly owned and function primarily for Section 4(f) purposes.

The portion of the Bean Creek Trail that is not “historic” (1) *is addressed* in the managing agency’s current plan, (2) *is not* specifically “identified...as being primarily for park, recreation, or refuge purposes,” but (3) *is managed* to regulate uses that are clearly recreational, and to prohibit the uses least commonly associated with recreation (standard vehicles). In addition, given that the management plan does not directly state its intentions, the trail appears under these requirements to “function primarily” for recreation purposes.

### Significance

The USFS considers the Bean Creek Trail to be a significant recreation connection to the Resurrection Pass National Recreation Trail, especially for winter access when the primary route grades are less conducive to access (O’Leary 2006; Vaughan 2007). The USFS acknowledges that it does not currently have legal jurisdiction over a portion of the trail/road near the Slaughter Ridge Road trailhead but nonetheless considers that portion for which the agency does have legal jurisdiction to be significant (Vaughan 2006). The borough considers the Bean Creek trail important recreational access (Mueller 2006). The state’s land use plan indicates important

recreation values associated with the trail and its connection from the community to the Resurrection Pass Trail and indicates management intent to preserve those values.

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**Name of Property: Cooper Creek Public Camp and Picnic Ground**

**Potential Section 4(f) Property Type:** Recreation Area

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**Size and Ownership, Including Agreements Related to Ownership**

The Cooper Creek Public Camp and Picnic Ground is located entirely on Chugach National Forest. PLO 829 in 1952 established a withdrawal for recreational purposes apparently in perpetuity. (See PLO in Attachment B. See also “Background on Recreation” in the Introduction.) Two parcels comprise the Cooper Creek Camp Public Camp and Picnic Ground. The parcels adjoin the Kenai River Recreation Area, which lies to the west, and the Cooper Creek Public Service Site, Tract C, which lies to the east. The two tracts in question are located immediately west of Cooper Creek and are shown in yellow on Figure 1 and are shown on Figure 7. Tract A (10.35 acres) is located north of the Sterling Highway, and Tract B (9.15 acres) is located south of the highway. The developed campground is in two parts: Cooper Creek Campground—North and –South. The USFS considers them two loops of the same campground.

**Functions, Available Activities, Existing and Planned Facilities**

Only the southern portion is listed on the USFS reservations web site. The northern section has seven hardened camp sites with fire rings used on a first-come, first-served basis, along with a public water well and public vault toilets. The Cooper Creek South Campground is a 22-space campground with hardened camping pads, fire rings, information signs, water pump, vault toilets, and a seasonal campground host. The campground is a USFS fee area, costing \$10-\$15 per space. The campground is managed by Alaska Recreation Management (ARM), a private contractor, on behalf of the USFS. The Stetson Creek Trail begins at the back of the campground and proceeds up Cooper Creek and Stetson Creek. Early conversations with the USFS indicated this was not one of the most popular or best-sited USFS campgrounds and that there had been discussion of closing or relocating it. However, recent formal communication specifically indicated there was no plan to relocate or close it (Vaughan 2007). Discussions with the USFS did not indicate plans for substantial changes in management.

**Access and Use Levels**

Access to the campground is off the Sterling Highway. USFS campgrounds on the Kenai Peninsula typically are heavily used all summer and closed in winter. The USFS reports this campground is 60% occupied from Memorial Day to Labor Day (Vaughan 2007).

**Relationship to Similarly-Used Lands in the Vicinity**

There are several other recreation areas designated by public land order in the project area. Other campgrounds include the USFS Russian River Campground and the KNWR Kenai-Russian River Campground in the project area and other USFS and KNWR campgrounds a short distance east and west outside of the project area.

### **Significance**

The USFS indicated that the campground area is significant for recreation. Further the USFS indicated that it is the boundary of the PLO and not just the developed area of the campground that is significant (Vaughan 2006; Vaughan 2007).

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**Name of Property: Cooper Creek Public Service Site, Tract C**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Cooper Creek Public Service Site, Tract C, is USFS land immediately east of Cooper Creek at its confluence with Kenai River. The tract is shown in beige on Figure 1. See also Figure 7. The site encompasses 40.35 acres. The site was established, apparently in perpetuity, by Public Land Order 1052 in 1955, along with other sites, “as recreation areas.” (See the PLO, Attachment B. See also “Background on Recreation Areas” in the Introduction).

### **Functions, Available Activities, Existing and Planned Facilities**

There are no developed recreational facilities on the site, nor is there any particular “public service” development, USFS administrative development, or proposal or plan for recreational, public service, or administrative development. An old gated road connected to the Sterling Highway exists on the parcel. Part of the old road was covered in recent years by landslides. The USFS considers the parcel to be “Cooper Creek East” and associates it with the Cooper Creek Campground “North” and “South” development. The USFS has considered using the parcel for expansion of the campground, but this use is not deemed practical until and unless soils are stabilized and landslide potential mitigated (O’Leary 2006).

### **Access and Use Levels**

Recreational use levels are not tracked in this area, because it is not actively managed specifically as a developed recreation area. Access is directly off the Sterling Highway. A small portion of the tract, at the upstream end of the parcel, lies across Cooper Creek and is accessible upstream from Cooper Creek Campground—South.

### **Relationship to Similarly-Used Lands in the Vicinity**

The site is adjacent to and across Cooper Creek from the Cooper Creek Public Camp and Picnic Ground.

### **Unusual Characteristics**

In the 1955 public land order, this tract was withdrawn for recreation purposes, but it does not appear to function currently for recreation in the same way that campgrounds and trails do. The use apparently is similar to dispersed, off-trail recreation that may occur virtually anywhere on Chugach National Forest.

### **Significance**

The USFS indicates that the site is not as important as other sites:

The withdrawals are not all of equal value to the USFS. The PLO 1052 is one of those which the Chugach NF staff has identified as not of high importance, being in the corridor of the existing highway. There have been slides in the vicinity, one of which has blocked an existing road. —Vaughan 2006, via e-mail.

The site is not developed or managed for specific recreation activity. The USFS concurred that the site is not significant for recreation (Vaughan 2007).

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**Name of Property: Stetson Creek Trail**

**Potential Section 4(f) Property Type:** Recreation Area

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**Size and Ownership, Including Agreements Related to Ownership**

The Stetson Creek Trail is located primarily on Chugach National Forest, but its lower segment is located on Kenai Peninsula Borough land within a 50-foot-wide USFS right-of-way, reserved when the land was selected by the State of Alaska from the Forest (patent AA-17584 9/29/1996—the land has since transferred again to the borough). The trail is used today for access to mining claims and for recreation. It is listed by the USFS as 5.24 miles long in the Revised Land and Resource Management Plan. Figure 1 and Figure 7 show the trail. The USFS has given it a recreational trail number (Forest Trail #322). There is no right-of-way associated with the trail where the trail is located on Forest land (see the Trail Widths discussion in the Introduction to this document). The trail is historic; see separate entry under Historic Properties, below.

**Functions, Available Activities, Existing and Planned Facilities**

The Stetson Creek Trail is an historic route to mining areas along Cooper and Stetson Creeks. The trail starts at the southern end of the Cooper Creek campground and heads uphill in a southerly direction, roughly parallel to Cooper Creek for 3 miles and Stetson Creek for 2 miles. The trail is drivable by all-terrain vehicles (four-wheelers) over much of its length but is a hiking path at its upper end. The trail is used today for access to mining claims and for recreation. There is no USFS trailhead or trailhead sign. On Kenai Peninsula Borough land there is a cleared area for trailhead parking. The USFS manages the trail for mining access, allowing ATV and motorcycle access for miners by permit. The trail is listed among other recreation trails in the USFS Revised Land and Resource Management Plan and is managed to be open to the general public for horses, bicycles, hiking, snowmachines, and dog sledding but not to motorized vehicles in summer (except for miners by permit). Discussions with land managers did not indicate plans for substantial changes.

**Access and Use Levels**

Access is from the south side of the USFS Cooper Creek Campground, off the Sterling Highway west of Cooper Creek. The USFS does not maintain a trailhead register to estimate use. Recreational use is considered low to moderate (Vaughan 2007).

**Relationship to Similarly-Used Lands in the Vicinity**

There are several other recreational trails in the project area, including the USFS's Bean Creek Trail, Resurrection Pass Trail, Russian Lakes Trail, and Russian River Angler's Trail, and the

KNWR Fuller Lakes Trail. The Cooper Lake Dam Road functions as a trail for some users. It parallels much of the Stetson Creek Trail on the opposite side of Cooper Creek.

### **Unusual Characteristics**

There is no formal trailhead or parking provided by the USFS. There is only an informal parking area on borough land.

### **Significance**

The USFS considers the route significant as a recreation trail (Vaughan 2007) based on its classification of the trail and on the use of the trail by the public. However, it does not maintain a developed trailhead or trail register user counts, and recreational use is thought to be relatively low compared to other trails nearby.

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### **Name of Property: Cooper Lake Dam Road**

**Potential Section 4(f) Property Type:** Recreation Area

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### **Size and Ownership, Including Agreements Related to Ownership**

The Cooper Lake Dam Road is an access road to a Chugach Electric Association (CEA) hydroelectric dam. The road is located mostly on Chugach National Forest land, but the lower end is located on Kenai Peninsula Borough land (see Figure 1 and Figure 7). The route, beginning from the Sterling Highway at a point east of Cooper Creek and running to Cooper Lake, is listed in the Chugach National Forest Revised Land and Resource Management Plan as a road and is a total of about 4 miles long. There is no permit or easement for the road on borough land. It is not gated at its lower end and is effectively an un-maintained public road on public land. The USFS permit stipulates that CEA must gate the road. It is gated at the Forest boundary.

### **Functions, Available Activities, Existing and Planned Facilities**

The USFS management plan indicates the road is managed for recreational purposes in much the same way other nearby trails are, with motorized vehicles prohibited, all non-motorized uses allowed, and over-snow vehicles allowed in winter. Besides a gate at the National Forest boundary, there are no facilities and no plans for new facilities. See also below for potential CEA plans for extending the easement.

### **Access and Use Levels**

Access is directly off the Sterling Highway. CEA uses the road regularly, if infrequently, for access to the dam. Dam inspections and maintenance are required by CEA's hydroelectric license from the Federal Energy Regulatory Commission. CEA held a permit for the lower portion of the road from the state, when the land was held by the state, but does not currently hold a permit from the borough (the land was conveyed from the federal government to the state and then to the borough). If the borough ultimately decides to eliminate the lower route as a public road, CEA intends to secure a permit for its own access. There is no recreational trailhead or designated parking area, and because the land managers do not consider it a recreation trail, use is not tracked, although recreational use is acknowledged.



### **Relationship to Similarly-Used Lands in the Vicinity**

There are several other USFS roads and trails in the project area, several of them discussed separately in this document.

### **Significance**

The USFS does not consider the Cooper Lake Dam Road to be significant as a recreation resource but considers it an access road under special use permit (Vaughan 2006). The USFS has not given the road a trail number and did not retain a public easement or any kind of easement at the lower end when the land was transferred from the federal government to the state and then to the borough. The borough considers it a CEA access road but notes that no permit or easement currently is in place. CEA assumes the lower portion is a public road.

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**Name of Property: Russian River Campground Area**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Russian River Campground Area is a 340-acre parcel wholly within Chugach National Forest that was withdrawn for recreation purposes via Public Land Order 6884 in 1991 for a period of 20 years. (See PLO, Attachment B. See also PLO background in the Introduction). The campground built on this site is a USFS facility immediately upstream of the confluence of the Kenai and Russian Rivers, and lies between the two rivers. The recreation area is shown in purple on Figure 1; see also Figure 8. The Forest Plan does not specifically identify the Russian River Campground or the PLO-designated Campground Area.

### **Functions, Available Activities, Existing and Planned Facilities**

Russian River Campground has 83 sites. The campground is a fee area, with costs per site ranging from \$13-\$20 per night. The confluence area is a rich sport fishing area for salmon (annual harvest of 50,000 fish—Anchorage Daily News 10/30/06), and the campground is popular. The campground is open May-September. The Russian Lakes Trail, the Forest's only backcountry trail designed to wheelchair standards, begins within the boundaries of the Russian River Campground Area, and the Russian River Angler's Trail is partly within the area. The trails have a designated trailhead, separate from the campground, with a small parking area and trailhead sign kiosk. Sport fishing and trail hiking (and winter skiing/snowshoeing) are the primary uses of the area besides camping. Discussions with land managers did not indicate plans for substantial changes.

### **Access and Use Levels**

Access is from the Sterling Highway and begins outside the boundaries of the Russian River Campground Area (but within the National Forest). The campground is heavily used. USFS numbers indicate an average of 27,148 overnight users each year for the years 2003-2005, with an average occupancy of 76% of sites occupied for the season. The trailhead for the Russian Lakes Trail is used year round, although it is not always plowed in winter. USFS trailhead register counts indicate an average of 5,309 registered users per year for the years 1993-2005. The USFS indicates that approximately 40% of trail users sign the register, so the actual average number of trail users per year is thought to exceed 13,000. This does not account well for

through-hikers coming from the far end of the trail, where there is another trailhead more than 20 miles away near Cooper Lake.

### **Relationship to Similarly-Used Lands in the Vicinity**

The Russian River Campground is the largest campground in the project area, but there are other campgrounds nearby—the Kenai National Wildlife Refuge campground adjacent to Sportsman's Landing (just downstream from the Russian River Campground and across the Kenai River), and the Cooper Creek Camp and Picnic Ground located up the Kenai River near the confluence of Cooper Creek. The Granite Creek Campground is located just east of the project area, and other KNWR campgrounds are located within a few miles of the western terminus of the project area on Skilak Lake.

### **Unusual Characteristics**

The public land order designating the Russian River Campground Area in 1991 established a 20-year expiration “unless, as a result of a review conducted before the expiration date pursuant to section 204(f), the Secretary (of Interior) determines that the withdrawal shall be extended.” See “Background Regarding Recreation” in the Introduction. The USFS expects to renew the public land order (Vaughan 2006). If the USFS were not to renew the public land order, the campground likely would remain in place but would not be protected from mining or from selection by the state or by Native corporations.

### **Significance**

The USFS has indicated that it is not just the developed facilities but the PLO boundary area that is considered to be significant for recreation (Vaughan 2006).

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**Name of Property: USFS Kenai River Recreation Area**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Kenai River Recreation Area is located entirely within Chugach National Forest (350 acres) and is owned by the Forest. It is shown in red-orange color on Figure 1 and Figure 8.

Attachment B contains the public land order that created the withdrawal (PLO 6884). See also “Background Regarding Recreation” in the Introduction. The lands were withdrawn in 1991, and the order is effective to 10/2/2011. The withdrawal area parallels the Kenai River and the existing Sterling Highway from the Chugach National Forest western boundary east to Cooper Creek Campground, where there is another recreation area withdrawal (see Cooper Creek Public Camp and Picnic Ground). The recreation area was designated with the highway as a reference point in the PLO. That is, the PLO defined the area as follows:

- All land between the highway and the river.
- On the side of the highway opposite the river, all lands in a strip between the highway and a line set 400 feet from the highway and parallel to the highway.

See “Unusual Characteristics,” below.

### **Functions, Available Activities, Existing and Planned Facilities**

Much of the area along the highway is not developed. The driveway entrance that leads to the Russian River Campground and to the trailhead for the Russian Lakes Trail is located within the recreation area boundary. Located off the driveway and within the recreation area is a large overflow parking area used principally at the height of fishing season. The parking area also serves as the winter trailhead for the Russian Lakes Trail, when the continuing driveway is not plowed. The Resurrection Pass Trail's trailhead and very short driveway also are located within the Kenai River Recreation Area. Besides these access and parking facilities, the "K'Beq Footprints" and "Beginnings" cultural interpretive sites are the other developed features within this recreation area:

- The K'Beq Heritage Site encompasses approximately 33 acres and is managed by the Kenaitze Indian Tribe through an agreement with Chugach National Forest. While it is primarily focused on cultural interpretation, it is also available for recreation that is not related to archaeology or the tribe: there are picnic tables, people fish from the site, and people pay to park there and walk off-site to hike or fish nearby, and do so particularly when other parking is full. The USFS mandates that the tribe allow this kind of use, and the tribe is actively working to increase use of the site by others, such as river floaters stopping for lunch. The tribe is working for slow expansion of services and facilities offered at the K'Beq site, including potential of new trails and facilities.
- The Beginnings Heritage Site is located in a narrow strip of land between the Sterling Highway and the Kenai River and is managed by the Kenaitze Indian Tribe through an agreement with Chugach National Forest. It is not as developed as the K'Beq site but serves much the same purposes, including recreational use of the trail and access to the river. As indicated below under discussion of K'Beq and Beginnings as historic sites, the Kenaitze Tribe's governing council has voted to request that the USFS close the Beginnings site. No action has been taken by the USFS.

See substantial further discussion below under the Sqilantnu Archaeological District.

### **Access and Use Levels**

Access to the recreation area is directly from the Sterling Highway. Short driveways lead from the highway to the two interpretive sites and a longer driveway to the Russian River Campground (the campground is located on a separate recreation withdrawal, as discussed under its own heading above in this document).

### **Relationship to Similarly-Used Lands in the Vicinity**

This area abuts the Russian River Campground Area and Cooper Creek Public Camp and Picnic Ground, both designated by public land order for recreation purposes. The heritage sites, in addition to providing interpretation of area archaeology (see Sqilantnu Archeological District), offer some recreation amenities similar to those offered at nearby campgrounds and the KNWR visitor contact station (short trails, information, public toilets, public parking, river access).

### **Unusual Characteristics**

The PLO that created the recreation area withdrawal defines the recreation area boundaries in terms of a distance from the highway but does not define "the highway," so it is not clear

whether the 400-foot measurement is to be taken from the centerline of the highway, the edge of the constructed highway, or the edge of the highway right-of-way. The State of Alaska believes the edge of the right-of-way is the appropriate point of reference, and the figures for this document portray the recreation withdrawal based on this finding. Title research (Robinson 10/12/2006) indicated that the recreation area was established “subject to valid existing rights,” and the highway right-of-way pre-dated the 1991 PLO. Note that the PLO indicates that the recreational withdrawal area is 350 acres. Calculations for this project using geographic information systems result in a total of 318 acres. It appears that the acreage likely originally was estimated based on inclusion of all lands adjacent to the highway, including several parcels in private hands today. Even then, the total does not reach 350 acres.

### **Significance**

The USFS considers this area to have recreational significance as part of a *special place* recognized by the public (Vaughan 2007). The *special place* generally is the Kenai River and Russian River confluence area, which has been popular for sport fishing from Forest land for decades. The USFS indicated that it used “place-based planning” for the 2002 revision of its Forest management plan but did not cite a source specifically for the term *special place*. An Internet search indicated it is a term used in recreation management and is a topic studied by the USFS and others to determine the importance of the public’s emotional attachment to a place in land management decisions. The USFS had also during earlier coordination indicated the importance of the Kenai River Recreation Area as a buffer and as a federal holding that prevented transfer of the land for other purposes, such as state or Native corporation selection and development (Vaughan 2006).

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**Name of Property: Juneau Falls Recreation Area**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Juneau Falls Recreation Area is entirely within the boundaries of Chugach National Forest. It is a 320-acre area of Forest land withdrawn for recreation purposes by Public Land Order 6888 (see PLO, Attachment B). This rectangular parcel lies well north of the Kenai River and is shown in salmon color on Figure 1 and on Figure 9. The withdrawal was completed in 1991 and is effective until 10/8/2011, at which point it can be renewed (see “Background Regarding Recreation” in the Introduction).

### **Functions, Available Activities, Existing and Planned Facilities**

The site encompasses a long reach of Juneau Creek, the Juneau Creek falls and an informal falls viewing point, a USFS designated tent site with two bear-resistant food lockers, the junction of the Resurrection Pass and Bean Creek Trails, and portions of both trails (1.5-2 miles of trail total). The primary activity is trail use, with the falls/canyon as a visual draw along the trail. Trail use is described under “Resurrection Pass National Recreation Trail” and “Bean Creek Trail” above. Discussions with land managers did not indicate plans for substantial changes.

### **Access and Use Levels**

There is no direct road access. Access is entirely from the Resurrection Pass Trail and Bean Creek Trail.

### **Relationship to Similarly-Used Lands in the Vicinity**

There are other areas withdrawn for recreation purposes throughout the project area. Most others are adjacent to the Sterling Highway. Only the Russian Lakes Recreation Area (PLO 6884), which lies upstream of the Russian River Campground Area described above, is away from the road system.

### **Significance**

The USFS considers the entire area defined in the PLO, and not just the developed recreation features (e.g. trails), to be significant as a *special place* (Vaughan 2007). See discussion of the term *special place* above under the Kenai River Recreation Area. The USFS has indicated that the area was defined to protect the general area of the Juneau Creek Falls and that PLO withdrawal would be renewed before it expired (Vaughan 2006).

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**Name of Property: Cooper Landing Boat Launch and Day Use Area**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Cooper Landing Boat Launch is a 5.3 acre parcel of state-owned land (Kenai Area Plan parcel #391, shown as #10 on Figure 1; see also Figure 10). The land is located adjacent to the Sterling Highway's Cooper Landing bridge at the Kenai Lake outlet. The Alaska Department of Fish and Game owns the parcel, which was acquired with federal fisheries enhancement funds. However, the Alaska Division of Parks and Outdoor Recreation jointly manages the parcel with ADF&G through an Interagency Land Management Assignment (ILMA). The concrete boat launch ramp itself is located wholly within the Sterling Highway right-of-way and adds 0.55 acre to the site. The ramp itself was developed along with the rest of the site and was considered a federal transportation enhancement project [Project No. TE-0A3-3(10)/51325]. It was jointly undertaken by ADOT&PF, DPOR, and ADF&G with participation by FHWA in funding (Robinson 10/12/2006). Technically, Chugach National Forest likely still has title to the land within the right-of-way but does not currently own the adjacent land in this developed area and has not apparently been involved in the project. The 5.3-acre state parcel specifically is not proposed as part of the KRSMA Additions because the parcel was acquired with federal funds that fund fisheries management and boat access projects.

### **Functions, Available Activities, Existing and Planned Facilities**

The site is a boat launch at the upper end of the Kenai River, providing river access downstream to Skilak Lake and providing access into Kenai Lake. Site development includes two latrines, a water well and septic system, a viewing platform, informational signs, and a "Volunteers in the Parks" caretaker's cabin occupied year round. While the launch ramp theoretically could launch boats for purely transportation or other non-recreation purposes, the area principally is providing access for recreational floating and sport fishing on the Kenai River, which is a park unit. Discussions with land managers did not indicate plans for substantial changes.

### **Access and Use Levels**

Access to the boat launch area from the land side is directly off the Sterling Highway. The facilities are also accessible from the water. The DPOR has a mechanical vehicle counter at the entrance, and the agency uses a formula to derive user numbers from the mechanical counts. Reported use was 73,848 vehicles in calendar year 2003, 62,529 in 2004, and 83,396 in 2005. These numbers translate to 221,544 persons, 187,587 persons; and 250,188 persons respectively (Carrico 2007). The mechanical counter does not distinguish between vehicles that launch boats, park at picnic tables, or stop only at the restroom. Those who do launch boats may be counted also in river use counts for the Upper Kenai River (see Kenai River Special Management Area). Use is steady at the boat launch throughout the year, with a substantial summer peak (17,761 vehicles in July 2005 alone).

### **Relationship to Similarly-Used Lands in the Vicinity**

Sportsmans Landing, another boat launch in the project area, is located downstream at the Kenai River-Russian River confluence. Jim's Landing is located just beyond the project's western end in Kenai National Wildlife Refuge. Boat access is also available from Quartz Creek Campground just outside the project's eastern end. All provide access to the KRSMA, a state park unit.

### **Unusual Characteristics**

The land ownership and management are somewhat unusual. The parcel is managed as a park facility and is designated in an adopted plan and functions for recreation purposes and for access to the legislatively designated park unit. Also, the placement of the boat launch ramp itself in the Sterling Highway right-of-way is somewhat unusual.

### **Significance**

Telephone conversation and written correspondence with the superintendent of the Kenai and Prince William Sound area parks for DPOR (Sinclair 2007), along with investment of public funds in facilities and apparent high use numbers, indicate that the site is a significant recreation site.

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**Name of Property: Kenai Peninsula Borough Recreation Lands**

**Potential Section 4(f) Property Type: Recreation Area**

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### **Size and Ownership, Including Agreements Related to Ownership**

The Kenai Peninsula Borough's 2005 Comprehensive Plan incorporates by reference the recommendations of the Cooper Landing Advisory Planning Commission made in a 1996 "Cooper Landing Land Use Classification Plan." The plan recommends classification of substantial areas of borough-owned land in the project area as "Recreation" land under the borough's land use classification system and records lands previously classified by borough resolution (actual classification occurs only upon approval of a resolution). These areas are shown in dark green on Figure 1. According to the borough planning department, this is the borough's system for designating land uses; there are no parks or recreation areas designated by other means, and the borough does not have borough-wide parks and recreation powers (Mueller 2006 pers. comm). Classification of Recreation land includes limitations that stipulate public use

and access, even if the land is transferred, but appears to allow for transfer of lands out of public ownership.

### **Functions, Available Activities, Existing and Planned Facilities**

The lands are available for public recreation but are not actively managed for recreation and do not have developed recreation facilities at this time. Similarly, there is no management for dispersed recreation. The lands are set aside for future development or managed recreation uses and for access to other recreation amenities. Discussions with land managers did not indicate plans for changes to the status quo.

### **Access and Use Levels**

The borough does not appear to track recreation use for these lands. The land is publicly-owned and open to use by the general public. While the borough has not developed access to these lands for recreation, some access is available. For example, the lower end of the Cooper Lake Dam Road (addressed above in this document under its own heading) passes through borough land, some of which is designated as recreation land. The road was developed for construction and maintenance of the Cooper Lake Dam by Chugach Electric Association, but the public uses it for recreation. Similarly, the Bean Creek Trail and associated old logging road loops near the lower end of the trail provide some access to borough recreation land. It is not clear whether there is dispersed recreation off these trails. Except for USFS trails, most trails on borough lands are informal, user-maintained trails without management by the borough (Mueller 2006, pers. comm.)

### **Relationship to Similarly-Used Lands in the Vicinity**

Chugach National Forest and Kenai National Wildlife Refuge both offer recreation facilities and manage federal lands at least in part for recreation, and the State of Alaska manages some of its lands and waters (notably the Kenai River) for recreation.

### **Unusual Characteristics**

The Kenai Peninsula Borough does not have areawide parks and recreation powers (a vote in Ninilchik, outside the project area, established the only service area with parks and recreation powers in the borough). The lands in question are designated for recreation generally but are not formal public recreation areas.

### **Significance**

The borough (Mueller 2006 pers. comm.) indicated that the land classification system does not establish public parks or recreation areas but generally indicates areas with recreation potential.

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## **Historic Properties**

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There are many Dena'ina Indian archaeological remains in the project area and several historic features associated with mining activity. These sites have been subject to on-going evaluation under Section 106 of the National Historic Preservation Act. This document addresses those sites identified in the Section 106 process as being located within the Areas of Potential Effect (APE) for any of the project alternatives. The following pages provide summary information pertinent

to each of these sites, beginning with the Sqilantnu Archaeological District as a whole. More detail may be found in the on-going Section 106 documentation for the project. See also “Section 106 and Section 4(f)” above in the Introduction to this document.

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**Name of Property: Sqilantnu Archaeological District (KEN-156/SEW-282/SEW-187b)**

**Potential Section 4(f) Property Type: Historic Site**

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### **Eligibility and Significance**

The Sqilantnu Archeological District (see Figure 1 and Figure 11) was determined eligible for the National Register of Historic Places in November 1981 by the Alaska Office of History and Archaeology. The Sqilantnu District and its individual contributing features were found eligible under Criterion D,<sup>3</sup> for the potential of the district to reveal important information about Dena’ina Indian occupation of the area. The district and its sites are not significant under Criteria A, B, or C. There are thousands of known cultural features in the Sqilantnu Archeological District.

The district as a whole with its hundreds of sites incorporating thousands of features is of archaeological and cultural significance for its information potential. The Beginnings and K’Beq Footprints heritage sites also are important for their role in interpretive and cultural activities, but these uses do not change their eligibility status under Section 106.

The district can be characterized as a late prehistoric-early historic Dena’ina occupation with associated smaller sites. The district is considered to have extensive archeological data that documents the nature of Dena’ina use and occupancy of this part of the Kenai Peninsula during the nineteenth century. For this reason, sites within the District should be considered

...collectively, rather than as individual properties, because of their cultural and geographical unity.... It is important to include summer and winter village sites, burials, cemeteries, camp sites, and cache pit clusters within the District because they represent different aspects of the seasonal round, a broad range of former activities, and changes in the patterning of these activities through time.  
— *eligibility determination, 1981*

Cultural features listed in the 1981 Sqilantnu Archeological District nomination include house pits, pit features, depressions, cache pits, and burials. Numerous other cultural features, including house pits, cache pits, burials, middens, and surface depressions, have been documented since 1981 and added as contributing to the district.

### **Size and Ownership, Including Agreements Related to Ownership**

The original boundaries of the District were described in 1981. The researchers at that time considered the cultural and geographic center of the district to be the Russian River from Lower Russian Lake to the river’s confluence with the Kenai River, and therefore defined the eastern and western boundaries as being where “a decrease in the concentration of cultural features that relate directly to the sites at the confluence.” Since the original nomination in 1981, many more

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<sup>3</sup> Criteria A-D for determining eligibility of historic sites for the National Register of Historic Places. See also “Section 106 and Section 4(f)” in the Introduction to this document.



sites found outside of the original boundaries have been determined eligible for inclusion in the Squalantnu Archeological District. For this project, consultation between ADOT&PF, FHWA, SHPO, and tribes has resulted in a new boundary as shown on Figures 1 and 11. This area covers the majority of the project area up to about elevation 1,000 feet on both the north and south sides of the Kenai River valley. The total area within the boundaries is 12,600 acres. Consulting parties have agreed that all of the mapped area is rightfully part of the archaeological district; the USFS has indicated that they may evaluate other areas east and south of the project area for addition to this mapped boundary.

Ownership of the lands in question is by the Kenai National Wildlife Refuge downstream of the Russian River-Kenai River confluence and by Chugach National Forest upstream of the confluence. Within the National Forest boundary, there are many land owners, including the Kenai Peninsula Borough, the State of Alaska, and private owners. Most of the district encompasses public lands.

### **Interpretive Sites**

Two sites that contribute to the Squalantnu Archaeological District have been operated by the Kenaitze Indian Tribe (KIT) as public interpretive sites. Because of the interpretive activity, these sites appear to have more than minimal value for preservation in place; that is, they have greater value than their information potential alone. However, the heritage sites encompass more land than just the archaeological sites. The following paragraphs further describe these sites.

**K'Beq Footprints Heritage Site (SEW-168).** The K'Beq Footprints Heritage Site is part of the archaeological district. The 33-acre<sup>4</sup> site, labeled #6 on Figure 1 and shown on Figure 12, is located on the north side of the Sterling Highway across from the entrance to the USFS Russian River Campground. The land is owned by the USFS and is part of the Kenai River Recreation Area discussed above. The site is operated by the Kenaitze Tribe under a special use permit from the USFS. There is a distinction between the 33-acre area operated under permit and the actual archaeological sites. Within the 33-acre permitted area are two archaeological sites—SEW-708 at 6.2 acres and SEW-168 at 0.6 acre. The smaller SEW-168 site in the southeast corner of the permitted area is the site used for interpretative activities. The larger area is one of the hundreds of archaeological sites within the district; it just happens to be within the 33-acre permit area.

Facilities on the larger 33-acre site include a paved parking lot capable of handling pull-through traffic (buses, motorhomes, trailers) and a traffic circulation area, a small visitor center/gift shop building, interpretive signs, and a boardwalk/pathway running to SEW-168 and through a house pit and five associated archaeological features. The tribe charges adults \$3 for unguided tours and \$5 for guided tours (no cost for children). In 2006, according to the Kenaitze Tribe cultural and educational director (Lindgren 2007), the tribe created four reconstructions of cache pits on the site, using them to preserve salmon over the winter. The tribe and USFS are discussing plans to reconstruct a full-

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<sup>4</sup> The special use permit held by KIT for the K'Beq site notes the permitted site as "approximately 16 acres." When mapped, the result was 33 ac. Subsequent correspondence with the USFS indicated that the site boundaries used appeared correct and that if the result was 33 ac., that acreage should be used.

sized replica Dena'ina house on the site; as of 2008, further environmental clearance by the USFS is necessary before actual construction can begin. The tribe has received a three-year economic development grant of approximately \$250,000 to improve its interpretive program and provide tours to larger bus tour groups (e.g. Holland America, Princess Tours).

Use is by the general public, including tour groups (Elderhostel is a regular) and school groups. Presentations are made to 3-4 youth groups and 2-3 school groups per year. Based on records from a summer at the Beginnings Heritage Site, which existed before the larger K'Beq site was established, visitors came from all states except Rhode Island and from 17 other countries. The tribe itself uses the site for cultural activities and summer camps, and the site employs tribal youth.

The 6.2-acre archeological site and the 0.6-acre archaeological site were determined eligible for the National Register for the information they could provide (Criterion D). The Kenaitze Tribe considers K'Beq significant for interpreting and experiencing Dena'ina culture, both prehistory and modern culture, to the public in general and within the tribe. The tribe also considers the site important for interpreting natural history and for recreation (Lindgren 2006).

Because the K'Beq site has an active public interpretation element, ADOT&PF and FHWA agree that it has more than minimal value for preservation in place. For purposes of the Section 4(f) evaluation, only the archaeological sites have the cultural significance; the rest of the 33-acre site is part of the Kenai River Recreation Area.

**Beginnings Heritage Site (SEW-165).** The Beginnings Heritage Site was the original cultural interpretive site operated by the Kenaitze Indian Tribe. It operates under a 1993 agreement with the USFS. The site, #4 on Figure 1 and shown on Figure 13, is located along the Sterling Highway, near the Chugach National Forest western boundary. The tribe's governing council recently voted that the site should be closed to reduce foot traffic and resulting erosion of the site along the river (Lindgren 2008). As of February 2008, the USFS was aware of the tribe's request, but no formal action was underway between the two entities to close the site (O'Leary 2008).

At one time, a single Alaska Heritage Resource Survey (AHRS) number, SEW-165, was assigned to several groups of archaeological features, and this aggregate was known as the "Beginnings" site. But the Alaska Office of History and Archaeology more recently divided the sites and assigned several different numbers to the various groups of features. Consequently the label "Beginnings" applies to several different areas.

- SEW-165 today is the small archaeological site at mile 54.5 and is the one site that is the subject of the interpretive trail that is called "Beginnings." The archaeological site itself has an area of 0.93 acre, and the general developed area between the highway embankment and the river incorporating SEW-704 and -705 along with SEW-165, measures approximately 1.2 acres.

- The sites originally under the label “Beginnings” and originally under the single AHRS number SEW-165 are now numbered SEW-699, -700, -701, -702, -703, -704, -705, -706, and SEW-165. The sites SEW-702 and SEW-706 are located north of the existing Sterling Highway. Of this entire list, only SEW-706 would be impacted by project alternatives.
- The USFS, for purposes of its agreement with the Kenaitze Tribe, does not have clearly defined boundaries for the area under permit as “Beginnings” but considers the lands encompassed by the agreement to run from the Forest welcome sign eastward to the Schooner Bend administrative site gate, and between the highway and the river (O’Leary 2008). The agreement was signed in 1993. Included within this area are the archaeological sites indicated above, minus SEW-702 and -706 because they are north of the highway. In addition to the sites listed above, the area described by the USFS includes the following sites: SEW-1264; -633; -217; -635; -620; -621; and -1257. Each of these additional sites would be impacted by the project alternatives. This area, considered by the USFS to be the area subject to the agreement, is approximately 24 acres.

All these definitions of “Beginnings” overlap the existing Sterling Highway right-of-way. Those portions of Beginnings not overlapping the highway right-of-way are within the USFS Kenai River Recreation Area. For purposes of the Section 4(f) evaluation, SEW-165 itself, as presently defined by Alaska Office of History and Archaeology, is considered to have “more than minimal value for preservation in place,” as long as it remains open for interpretation. The interpretive trail and other features outside the boundaries of SEW-165 are within the USFS Kenai River Recreation Area but are not considered part of an archaeological site under Section 106 or Section 4(f). The entire area considered by the USFS as “Beginnings” is shown for mapping purposes. The previous grouping of several sites under one AHRS number is not relevant for Section 4(f) purposes. If closed as an interpretive site, SEW-165 would appear to have no greater importance for preservation in place than hundreds of other archaeological sites across the district. Until and unless it is formally closed, the 4(f) documentation will assume the site has this greater value.

Facilities at and around the interpretive site include a very small parking area, interpretive signs, and a 1,100-foot woodchip pathway running through archaeological features of the site, which includes a total of 13 house pits, 17 cache pits, three other pits, and a mound. The site originally was staffed, but tours now are self-guided (guided tours take place at the K’Beq Heritage Site). The use of the site for interpretive activity pre-dates the larger and more developed K’Beq Heritage Site and is on a restricted land area between the highway and the river bluff. People using the southern end of the trail are contributing to river bank erosion. Access is directly off the Sterling Highway. Use was recorded in the past and, in one summer, included visitors from every state but Rhode Island and from 17 countries.

All of the archaeological sites within the Beginnings permitted area qualify for inclusion on the National Register for the information they may provide (Criterion D); the sites’ cultural features were found eligible for the National Register of Historic Places as

contributing elements of the Sqilantnu Archaeological District. Criteria A, B, and C do not apply to any of the sites. The Kenaitze Indian Tribe indicates the site is significant for the same reasons as the K'Beq Heritage Site (although now used much less than the K'Beq site): for experience and education of Dena'ina culture, both prehistory and modern culture, both for the general public and for the tribe itself (Lindgren 2006). The Beginnings site overall also is used for non-cultural recreation, including access to the river (see also the separate entry above under Kenai River Recreation Area). As long as the site remains open, SEW-165 has "more than minimal value for preservation in place" but

### **Relationship to Similarly-Used Lands in the Vicinity**

The Sqilantnu Archaeological District is related to other important Dena'ina archaeological sites that exist farther downstream on the Kenai River and near Kachemak Bay. The K'Beq and Beginnings Heritage Sites are the only sites that interpret the archaeological features and cultural background of the Study Area.

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### **Name of Property: Broadview Guard Station (SEW-218)**

### **Potential Section 4(f) Property Type: Historic Site**

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### **Eligibility and Significance**

The Broadview Guard Station originally was a USFS fire lookout station on a slope with an expansive view above Kenai Lake. A 1950s USFS administrative structure and associated bunkhouse are located on the site. The guard station is considered a good example of an early period USFS fire lookout station and was found by ADOT&PF to be eligible for its significance under Criterion A (relationship to significant events). Only the guard station building itself, and not the entire administrative site parcel, was found eligible for the National Register.

### **Size and Ownership, Including Agreements Related to Ownership**

The Broadview Administrative Site is a 2.19-acre site located on the downhill side of the existing Sterling Highway and withdrawn for administrative purposes by Public Land Order 829 in 1952, apparently in perpetuity (see PLO, attached). Figure 1 shows the site, labeled #11, in context; Figure 14 shows detail. ADOT&PF and FHWA determined that only the main building is eligible for the National Register of Historic Places, and not the parcel as a whole. The USFS is currently undergoing a process to determine whether to re-use the site or sell it.

### **Functions, Available Activities, Existing and Planned Facilities**

The site has been mostly unused for several years. The USFS has recently re-examined the area to determine a potential future for administrative or public use or possible sale of the site. The site is on a list authorizing a sale. In addition to the buildings, the site includes a short driveway and circulation area. The parcel boundary is located 33 feet from the existing Sterling Highway shoulder, and the buildings are located another 40 feet away.

### **Relationship to Similarly-Used Lands in the Vicinity**

There are other historic buildings in the project area, but this is the only one nearby that is an historic USFS site.

### **Unusual Characteristics**

The USFS has not indicated an ultimate decision regarding use of the site; management intent of the site is unknown at this time.

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**Name of Property: Bean Creek Trail/Original Resurrection Pass Trail (SEW-364)**

**Potential Section 4(f) Property Type: Historic Property**

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### **Eligibility and Significance**

The historic Bean Creek Trail / Resurrection Pass Trail (SEW-364), also once known as the Juneau Creek Trail, is located east of Juneau Creek and west of the small drainage of Bean Creek (See Figure 1 and Figure 6). It is an historic route used originally by prospectors and miners and is the original route of the Resurrection Pass Trail. The historic trail is considered significant for its association with Nineteenth Century exploration and settlement of the northern Kenai Peninsula and with the Alaska gold rush. It is also significant for its association with Joseph Cooper, a miner of local significance who was the first to record use of the trail in the 1880s. The Alaska Office of History and Archaeology and USFS determined it eligible for the National Register in 1987.

### **Size and Ownership, Including Agreements Related to Ownership**

The historic Bean Creek Trail lies mostly on Chugach National Forest, partly on state land within a USFS easement, and partly on private land. Most of the historic Bean Creek Trail also is used and managed as a recreation trail (see separate entry for Bean Creek Trail as a recreation area, above). Portions of the recreational trail have been re-routed to avoid conflict with local homeowners. These re-routed portions are not historic but have public access via easements and by virtue of being located on public land. The southern end of the historic route crosses state land and private land, but there is no dedicated public access on a portion of the state land and no dedicated public access on private land (the USFS relinquished an easement once held on private land to reduce conflicts). The eligibility documentation indicated the trail probably once continued south to the mouth of Bean Creek. The Bean Creek Road may overlie part of the historic route. From the edge of private property upstream, the historic trail is about 1.9 miles long to its junction with the Resurrection Pass Trail See Figure 6.

The entire Bean Creek/Resurrection Pass historic trail encompassed under SEW-364 is more than 35 miles long, terminating at its north end near Hope. The historic segment within the project's APE is the Bean Creek Trail. The historic Bean Creek Trail's southern end is assumed to be at or within the private residential subdivision. The northern end is at the Resurrection Pass Trail northeast of Juneau Falls. The historic portion of the Bean Creek Trail and Resurrection Pass Trail (i.e., the portion north of its junction with the Bean Creek Trail) is the trail that has been determined eligible for listing in the National Register of Historic Places. The re-routed southern end of the Bean Creek Trail leading to Slaughter Ridge Road is not part of the historic route determined eligible for the National Register.

On Forest land, the Bean Creek Trail has no defined right-of-way or easement. On state land, the Forest easement is 25 feet wide and 0.5 mile long. As indicated in the Introduction under the heading "Trail Widths," it is recommended that 100 feet (50 feet each side of centerline) be

considered a reasonable width for Section 4(f) impact assessment purposes for this trail where there is no other established trail width.

### **Relationship to Similarly-Used Lands in the Vicinity**

The Bean Creek Trail is one of two historic mining-era trails in the project area. The other is the Stetson Creek Trail, located across the Kenai River valley at Cooper Creek and Stetson Creek.

### **Unusual Characteristics**

The USFS relinquished its public trail easement to landowners and rerouted the public trail around the private properties. This moved the southernmost portion of the recreational trail from its historic alignment. This section of this document considers only the historic portion; see above discussion of the recreational significance of the trail and the non-historic portion.

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### **Name of Property: Stetson Creek Trail (SEW-868)**

**Potential Section 4(f) Property Type:** Historic Site and Recreation Area

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### **Eligibility and Significance**

The Stetson Creek Trail is a historic route to mining areas along Cooper and Stetson Creeks. See Figures 1 and 7. The USFS determined the Stetson Creek Trail eligible for the National Register of Historic Places in 2005. The trail was found eligible for its association with significant events related to Gold Rush mining (Criterion A), for its association with significant persons (Criterion B), and for the information it could provide (Criterion D). The USFS also considers the route significant as a recreation trail based on its classification of the trail. See the Stetson Creek Trail entry above as a recreation area.

The trail includes a section of corduroy road (logs laid side-by-side as a crude pavement) where it crosses an unnamed stream 1.5 miles south of the Sterling Highway. Just south of this stream is the beginning of a hydraulic mining ditch that both parallels and crosses the trail. After about 4 miles, the trail turns into a barely visible vehicle track route and then to a hiking trail that follows the historic trail for about 0.5 miles, paralleling the large hydraulic ditch that is covered in alders. Once past the alders, the trail continues inside the mining ditch for its duration into Stetson Creek Valley. Ditches in Stetson and Cooper Creeks near the trail were reportedly hand excavated between 1898 and 1902.

### **Size and Ownership, Including Agreements Related to Ownership**

The Stetson Creek Trail is recorded by the USFS as 5.24 miles long in the Revised Land and Resource Management Plan. Although it probably originally began at the mouth of Cooper Creek, the trail now starts at the southern end of the Cooper Creek campground and heads uphill in a southerly direction, roughly parallel to Cooper Creek for 3 miles and Stetson Creek for 2 miles. The trail, designated Forest Trail #322, is located primarily on Chugach National Forest, but its beginning is located on State of Alaska and Kenai Peninsula Borough land, within a 50-foot-wide USFS right-of-way. There is no right-of-way associated with the trail where the trail is located on Forest land. As indicated under “Trail Widths” in the Introduction, a width of 100 feet is recommended for this trail for evaluation purposes where no other width has been established.

### **Functions, Available Activities, Existing and Planned Facilities**

The trail is used today for access to mining claims and for recreation. See the Stetson Creek Trail entry above as a recreation trail

### **Relationship to Similarly-Used Lands in the Vicinity**

The Bean Creek Trail/Resurrection Pass Trail on the opposite side of the Kenai River valley from the Stetson Creek Trail is another mining-era historic trail. The Stetson Creek Trail runs adjacent to the Kenai Mining and Milling Historic District and is thematically related to the district, but it is listed as an entirely separate and independently eligible historic site.

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**Name of Property: Charles G. Hubbard Mining Claims Historic District (SEW-1268)**

**Potential Section 4(f) Property Type: Historic Site**

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### **Eligibility and Significance**

In 1910, at the peak of mining activity on the upper Kenai River, Charles Cunningham found gold on the Kenai River about a mile below the mouth of Cooper Creek (Buzzell 1986:II-8). That same year, Charles G. Hubbard, a mining promoter previously associated with one of the Kennecott copper mines in Alaska, came to the Upper Kenai River area and purchased eight of Cunningham's claims for \$40,000 (Buzzell 1986:II-8; Jones 1970:5). He increased his holdings to 57 claims right away and increased his holdings further over time. Hubbard prospected and mined in the area with various partners until about 1957. The Hubbard Mining Claims (17 claims) were found eligible for the National Register for their association with significant events (Criterion A) and for the information they could provide (Criterion D). The specific sites discussed here are shown on Figure 1 and Figure 15. The 17 contiguous claims, stretching some 3 miles along the Kenai River on either side of the Schooner Bend bridge, meet the definition of a district as "a concentration, linkage, or continuity of site, building, structures or objects united historically or aesthetically by ply of physical development." The cluster of mining features on Mining Claims Ava, Ace, and Ada (SEW-1250), Fern and Robin (SEW-1257), and Alpha (SEW-1269), and the Hubbard Cabin (SEW-167) are contributing resources to the district. These claims were part of those purchased by Hubbard in 1910. Mining activities on these claims continued up to the 1970s.

### **Size and Ownership, Including Agreements Related to Ownership**

The district encompasses 444 acres and includes SEW-1250, which consists of the Ace and Alice claims (11 mining trenches and six prospect pits); SEW-1257, which consists of the Fern and Robin mining claims (three mining trenches, two prospect pits, two historic pits, and an old roadbed); SEW-1269, which consists of the Alpha mining claim (two prospect pits), and SEW-167 (the Hubbard Cabin). Each of these is an individually eligible historic site encompassed within district boundaries that include these and other mining claims held by Charles Hubbard.

### **Relationship to Similarly-Used Lands in the Vicinity**

Other mining buildings and features that qualify for the National Register of Historic Places exist in the project area, such as the Bean Creek Trail and Stetson Creek Trail discussed separately, and historic mining buildings in Cooper Landing that are located outside the project APE.

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**Name of Property: Kenai Mining and Milling Co. Historic Mining District (SEW-1225)**  
**Potential Section 4(f) Property Type: Historic Site**

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### **Eligibility and Significance**

The Kenai Mining and Milling Company Historic District (SEW-1225) is the location of an early Twentieth Century mining camp near the mouth of Cooper Creek. See #9 on Figure 1; see also Figure 7. In 2005, the Cooper Lake Hydroelectric Relicensing Project (Chugach Electric Association and Federal Energy Regulatory Commission) determined the district eligible for the National Register for its association with:

- Significant events (Criterion A), namely “Kenai Peninsula and Turnagain Arm Gold Rush 1895-1898” and “Post Gold Rush Mining Activities on the Kenai Peninsula and Turnagain Arm, 1900-1940s.”
- Significant persons (Criterion B). Individuals who worked this area constitute a “who’s who” of early Twentieth Century mining in the area. Section 106 documentation lists 14 men, including James Stetson, Joseph Cooper, and Charles Hubbard.
- Information it could provide (Criterion D).

### **Size and Ownership, Including Agreements Related to Ownership**

The mining and milling operations inhabited the area at the lower reaches of Cooper Creek, an area used for both mining and logging, and for milling lumber. The boundary for the district extends from Cooper Creek west to the vicinity of the Stetson Creek Trail (a separate historic site) and from the existing Sterling Highway upstream to mouth of Cooper Creek Canyon, encompassing approximately 29 acres. Features are located within and south of the USFS Cooper Creek Campground. The land ownership in the area is a mix of USFS, state, and borough land.

### **Features**

As originally defined, the district was composed of *Tasdliht* (SEW-844), Huecker’s Hovels (SEW-1080), and several mining features (SEW-1086) in, and south of, the Cooper Creek Campground. SEW-1265 is an additional contributing element discovered as part of this project. SEW-1265 is a trail 4-5 feet wide that angles southeast to northwest up the slope west of Copper Creek. It apparently served as an access route from the flat area south of Huecker’s Hovels to the Stetson Creek Trail on top of the bench. The Stetson Creek Trail, which runs through a portion of the district, was separately determined eligible for the National Register of Historic Places, also in 2005.

Both *Tasdliht* and Huecker’s Hovels are south of the campground, along the western side of Cooper Creek. *Tasdliht* is composed of three rectangular depressions and two berms, while Huecker’s Hovels consists of a cabin foundation and several nearby surface features, a “well”, and two garbage dumps. SEW-1086 is a contributing element and consists of two prospect pits (outside the area of potential effects of the alternatives), a flume, and an old roadbed that runs uphill parallel to Cooper Creek. Also included are two older prospects—a round hole and a “U-shaped” excavation in the stream bank.



### **Relationship to Similarly-Used Lands in the Vicinity**

There are several historic sites and other historic districts in the Cooper Landing area, as discussed in this document and the Section 106 documentation for this project.

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**Name of Property: Gwins Lodge (SEW-646)**

**Potential Section 4(f) Property Type: Historic Site**

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### **Eligibility and Significance**

The Section 106 process determined that Gwins Lodge—the building itself and not the entire property—is eligible for the National Register of Historic Places under Criterion C, “distinctive characteristics of a type, period, or method of construction,” as a 1950s Alaska log roadhouse.

### **Size and Ownership, Including Agreements Related to Ownership**

Gwins Lodge is an active log roadhouse/lodge with a restaurant, outbuilding guest cabins, and “trading post” gift shop. It is located on the south side of the Sterling Highway at about MP 52 (see Figure 16) and is privately owned. Helen and Pat Gwin built the roadhouse from local spruce logs and opened it first as bar-liquor store in 1952 (the only package liquor license in the area at that time), adding restaurant service in 1954. Helen Gwin still lives adjacent to the lodge. Many buildings have been added to the site over the years, and the site as a whole no longer appears as it did in the 1950s.

### **Relationship to Similarly-Used Lands in the Vicinity**

The roadhouse, built in 1949-1952, is one of several lodges built after World War II, as the Alaska Highway provided new connection to Alaska from the Lower 48 states, and Kenai Peninsula roads were connected to Seward and Anchorage. Only one other roadhouse from that era survives in the Cooper Landing area. As indicated in the remainder of this document, there are several other historic sites on or eligible for the National Register of Historic Places in the Study Area, most of the historic building located farther east in what is now the community of Cooper Landing.

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## **Other Sites Considered**

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While examining potential Section 4(f) properties during early surveys of the project area, several other sites were considered. Section 4(f) likely applies to some and not to others. Once reasonable alternatives were identified, some of these were not considered further as they clearly were outside the proposed transportation corridors. Others clearly did not qualify for Section 4(f) protection and needed no further documentation. They are listed here for reference and because they may play a role in the analysis of avoidance alternatives or alternatives with the least net harm to Section 4(f) properties.

**Cooper Landing Historic District.** The Cooper Landing Historic District, comprised of historic building within the most-developed portion of Cooper Landing, has been previously identified as

a significant historic district under the Section 106 process. It is outside the area of potential effects of the alternatives under consideration.

**Other USFS Recreation Area Withdrawals.** The *Lower Russian Lakes Recreation Area* (PLO 6884; see Attachment B) and *Quartz Creek Campground Area* (PLO 829, attached) were designated by public land order, the same as the Russian River Campground Area and the Cooper Creek Public Camp and Picnic Ground. They are presumed significant [per 23 CFR 771.135(c)] as recreation areas because they contain well-established recreational features such as a campground, a public use cabin, and recreational trails (Russian Lakes Trail). However, because they are outside the immediate project area, specific consultation with the USFS as the managing agency has not occurred.

**Sterling Highway State Scenic Byway.** The Sterling Highway in the project area and extending westward to the edge of the Kenai Mountains is designated as a state scenic byway. Scenic Byway designation is not a land status designation but a promotional tool. It applies to the Sterling Highway in the project area but is not a Section 4(f) issue.

**Other Trails.** The *Shakelford Creek and Powerline trails*, *Art Anderson Slaughter Gulch Trail/Birch Ridge Trails*, *Coyote Notch Loops Trail*, and the *Russian Gap Trail* appear in a Cooper Landing trails plan (excerpt in Attachment A). These trails are not formally designated or managed and cross borough, USFS, and private lands. They are thought to be used for recreation, principally by the local population, but not at a high level. Without management and without high use levels, they are not considered to be significant recreational resources in the project area. The USFS *Russian Lakes Trail* and *Russian River Anglers' Trail* also were considered. These are well-established recreational trails near Russian River Campground. They are maintained by the USFS and receive high levels of use and are therefore presumed [per 23 CFR 771.135(c)] to be significant recreational resources. However, because they are outside the immediate project area, consultation with the USFS regarding these trails has not occurred.

**Kenai Peninsula Borough Preservation Lands.** The Kenai Peninsula Borough adopted the recommendations of the Cooper Landing Advisory Planning Commission in September 1996, classifying substantial areas of borough-owned land as “preservation” land under the borough’s land use classification system (see excerpt, Attachment A). Based on the 1994 environmental impact statement for this portion of the Sterling Highway, the borough classified land on either side of a proposed highway right-of-way as preservation land, to create a highway buffer where development would not be allowed. These lands were considered under Section 4(f) as potential park lands, but the borough does not have borough-wide parks and recreation powers (Mueller 2006 pers. comm), and the lands are not managed specifically for park and recreation purposes.

**Helen Rhode Community Wildflower Park.** A small triangle of land at the intersection of Bean Creek Road and the Sterling Highway has been called the Helen Rhode Community Wildflower Park by the Cooper Landing community. However, it is located wholly within the State of Alaska highway right-of-way and is not designated a park by any entity. The area does not have access for public use and is primarily a small open space that is visually attractive for passing motorists.

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## **Attachment A**

### **Selections from State of Alaska and Kenai Peninsula Borough Plans**

- Kenai Area Plan for State Lands, Alaska Department of Natural Resources, 2000.
- Cooper Landing Land Use Classification Plan for Borough-Owned and Borough-Selected Lands, Kenai Peninsula Borough, 1996.
- Kenai Peninsula Borough Trails Plan, 1998

#### **D. Additions to KRSMA**

Units identified in Table 4-6a-d and Maps 4-1 to 4-4 in the KRCMP and in Table 4.4 in Chapter 4 of this plan merit legislative designation as part of KRSMA. Justification for these additions is included in the KRCMP. In addition, the borough and state will consider recommending some borough properties in the Quartz Creek area for addition to KRSMA. These lands were classified Preservation in the Cooper Landing Land Use Plan.

As an interim measure, while units are pending addition to KRSMA, the Division of Mining, Land, and Water has established a Special Use Land Designation under 11 AAC 96.010(b). Lands under this designation will be managed consistent with KRSMA to the extent allowable under law. The Division of Mining, Land, and Water has also entered into a management agreement with DPOR to manage these units prior to their inclusion in the State Park System. Justification for this agreement is included in the KRCMP [4.5.4.6 pp. 75-76 and in Appendix G].

The following river sections merit legislative designation and addition to KRSMA: Trail River, Lower and Upper Trail Lakes, and the following tributaries of the Kenai River: Bean, Crescent, Cooper, Juneau, Shakleford, Slaughter, Quartz, Dry, Indian<sup>1</sup>, and Dave's Creeks. Justification for these additions is included in the KRCMP. [4.5.4.7 pg. 79] Many upland parcels adjacent to the Kenai River are borough selected. Management intent for most of these parcels (located in Regions 2, 3, 4, and 5) is recommended by the KAP for retention in state ownership. This plan also recommends a 200-foot buffer adjacent to Lower Trail Lake, Upper Trail Lake, Trail River, and Snow River for those few parcels (Units 380J and 385) that the plan allows for municipal conveyance. [4.5.4.5.2 page 73-75 and Table 4.6d page 78]. Even though lands near the Snow River (Unit 377) are not being recommended for inclusion in KRSMA, the buffer is still recommended.

#### **E. Mineral closure of land in KRSMA and Leasehold Location Order on lands to be included in KRSMA**

The proposed additions to KRSMA on the upper river (described in Tables 4-6c and 4-6d in the KRCMP) are addressed under Mineral Leasehold Location Order No. 20 that was adopted by DNR at the same time the KRCMP was adopted (included in Appendix F in the KRCMP). Under this order, mineral rights may be acquired only under the leasehold location system, AS 38.05.205, and may not be acquired by locating mining claims under AS 38.05.195. Stipulations are to be included in all mining leases and be used in approving plans of operations within the described lands and waters. The stipulations are described in the order and the KRCMP.

The mineral estate within KRSMA is closed to mineral entry subject to AS 41.21.502(c). If the legislature adds more land to KRSMA and does not change AS 41.22.5029(c), all new additions to KRSMA would be closed to new mining locations. Valid existing rights would not be affected. When the legislature considers additions to KRSMA, they should consider whether or

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<sup>1</sup> The Kenai Peninsula Borough owns the surface estate along most of the Indian Creek corridor. A small portion of the creek is within the Sterling Highway right-of-way and the Quartz Creek airstrip parcel that are both areas managed by DOTPF.

At the time the KAP was adopted, a decision on whether or not to build the Sterling Highway bypass and its location had not been made. One of the potential routes being examined would cross the northern part of this unit. The determination of what mitigating measures will be required if the bypass is built will be determined as part of the process that determines whether or not the bypass will be built.

**Unit 394B Sterling Highway east of Gwin's Lodge**

The unit has bench lands that may be suitable for community development. The unit boundary was drawn to exclude riparian habitat and eagle roosting concentration areas. This unit is designated Public Recreation and Tourism-Dispersed Use and Fish and Wildlife Habitat and will be retained in state ownership. The designation is based on the fact that the unit may be a brown bear movement corridor. If the Sterling Highway is not re-routed to the north side of the Kenai River, DNR may change the designation of the unit to Settlement and convey it to the borough without an amendment to the plan. DNR would retain Unit 395 instead. The intent of this guideline is to make the unit with the most traffic conveyable to the borough, presuming that the unit retained in state ownership will have less vehicular traffic and will better retain its value for brown bear habitat and travel. Also see management intent for Unit 395 below.

**Unit 394E Sterling Highway Junction with the Russian River Campground Road**

This unit is state selected. DNR should retain the selection but make it a low priority pending the resolution of USFS and Native Corporation land ownership issues concerning the Russian River area. After the resolution of these issues, this unit should be considered for relinquishment, and only conveyed to the state if it needs the acreage to fill its land entitlement. At this time, the state has a strong interest in ensuring public ownership and access to the Russian River. If the USFS rejects the Native corporations' claim to title, state relinquishment of the selection should be considered since the USFS would likely manage the unit for the same public recreation and wildlife habitat purposes as the state. In addition, the heavy public use the site is receiving requires significant expenditures for resource protection and facilities maintenance.

**Unit 395 Bench west of Juneau Creek**

This bench above the Kenai River has seen past logging activities and is bisected by logging roads. The proposed Sterling Highway reroute that would bypass Cooper Landing may go through this unit. The fact that the unit contains developable land and existing and potential future additional access make the unit suitable for community growth. The Cooper Landing Management Plan (1997) recommended that the borough select this parcel and use it for this purpose. However, the parcel may also serve as a brown bear movement corridor between the Juneau Lake and Cooper Creek/Russian Lake areas. For these reasons, this unit has been designated Settlement and is available for conveyance to the borough after the Sterling Highway is rerouted north of the Kenai River. If the Sterling Highway is not rerouted to the north side of the Kenai River, DNR may re-designate this unit Fish and Wildlife Habitat and Public Recreation and Tourism - Dispersed Use and retain it in state ownership (without an amendment to the plan) and convey Unit 394B instead.

The following recommendations were made in the 1992 plan:

1. Adequate road access
2. Planned utilities
3. Greenbelt buffer zones
4. Bike/walking path
5. Town Center Park
6. Airstrip ownership
7. Trails
8. Campground
9. Picnic Sites
10. Playground
11. Wildlife Viewing Areas

**B. KPB Chapter 17.10 Borough Lands and Resources**

KPB 17.10.080 provides 14 classifications for KPB land. These classifications are used in this update. The definition for each classification is listed below.

"Agriculture" means lands suited for raising and harvesting crops; feeding, breeding and management of livestock; dairying; or, other farm use or any combination of these. Lands subclassified as "agriculture" shall be rated based on the same or similar criteria as used for the "Land Evaluation and Site Assessment" prepared by the Homer and Kenai-Kasilof Soil and Water Conservation Districts. Parcels of land qualifying for this subclassification may be varied in size.

"Commercial" means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks. Lands must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, near public utilities and be in proximity to residential areas.

"Government" means lands that may be or are required for use by a federal, state or local governmental entity. Such uses include existing and future school sites; sites for service area facilities; or, any governmental use determined to be beneficial to the public.

"Heavy Industrial" means lands suitable for processing chemicals or manufacturing from or extraction of raw materials, stockyards, fish processing plants, distilleries, or uses that may discharge water, create hydrocarbons, excessive noise, odors, danger of explosions, or waste material, making them incompatible with most other land uses. Lands



should not be located in or immediately adjacent to residential development; parcels should be of sizes reasonably appropriate to accommodate the activities together with sufficient buffers zones for the activity associated with this class of use. Appropriate access shall be available or feasible without going through residential areas. The lands shall be in a location that is reasonable convenient to conduct the activity.

"Institutional" means lands which may be of value for the location of churches, private schools, clubs, associations, nonprofit organizations, cemeteries.

"Light Industrial" means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed areas, and light manufacturing not inside buildings.

"Preservation" means lands needed for stabilization or maintenance of natural features, historic value, known nesting areas of migratory birds or required to maintain the integrity of certain types of easements or as buffers, green belts, water sheds or other reservations to preserve natural resources and aesthetic qualities. Soils may be of such a nature as to not be usable for construction of buildings.

"Recreational" means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public use unless specifically waived ordinance. If recreational lands are for sale or lease then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites.

"Residential" means lands suitable for development for single family of multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.

Selections from:

<http://www.borough.kenai.ak.us/planningdept/Trail%20Commission/plan/Final%20Plan.html>

## **Kenai Peninsula Borough**

### **Trail Plan**

**December 1998**

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**Kenai Peninsula Borough**

**144 North Binkley Street**

**Soldotna, Alaska 99669**

About the Kenai Peninsula Borough Trail Plan:

In December of 1998, the Kenai Peninsula Borough Assembly adopted the KPB Trail Plan as an element of the Borough's Comprehensive Plan ([KPB Ordinance 98-62](#)).

A Comprehensive Plan is an official document designed to be used as a policy guideline for making orderly and desirable decisions concerning the future use of land in the Borough. Adopted goals and policies indicate the direction for which we are planning and recommended courses of action to pursue.

Background information is included for informational purposes only and is not intended to constitute statements of policy or goals. Inclusion of any specific trail project, proposal, or organization in the narrative portions of this plan does not constitute borough endorsement of that project, proposal or organization.

[see next page]

Appendix B:

# Kenai Peninsula Borough

## Preliminary

## Trail Needs List

**June 1, 1998**

Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669

### KENAI PENINSULA BOROUGH TRAILS COMMISSION

### PRELIMINARY TRAIL NEEDS LIST

The following is a **preliminary** list of trails and trail needs in the Kenai Peninsula Borough. The proposed improvements were identified by borough residents during the KPB Trails Commission meetings held over the past year, in the 1992 KPB Trail Plan, or during SCORP meetings held on the Kenai Peninsula. The list includes both existing and proposed trails with and without dedicated public access. Chugach National Forest trails, Kenai National Wildlife Refuge trails, and State of Alaska trails located near communities are also included. Some trails are listed under more than one community.

*No effort has been made to prioritize the trail needs identified in the following list.* The list is arranged by community or region as follows:

[Anchor Point](#)  
[Community Connectors](#)  
[Cooper Landing](#)  
[Funny River](#)  
[Greater Homer Area](#)  
[Hope / Sunrise](#)  
[Kasilof and Clam Gulch Area](#)  
[Greater Kenai Area](#)  
[Moose Pass](#)  
[Nikiski](#)  
[Ninilchik, Deep Creek](#)  
[Seldovia, Port Graham, Nanwalek](#)  
[Greater Seward Area](#)  
[Greater Soldotna Area](#)  
[Sterling](#)

[West of Cook Inlet](#)  
[Other Areas](#)

The KPB Trails Commission proposes to further develop this list and, with input from communities, rank the proposals to determine priority trail needs in Borough communities. The ranking scheme has yet to be developed, but could include criteria such as demonstrated community support, connectivity, safety, benefits to the community, population to be served, cost-effectiveness, and environmental impacts. An Annual KPB Trail Needs and Priorities List is to be forwarded to the KPB Planning Commission and Assembly for approval.

**Comments on specific trails, trail needs, and additions to the list are encouraged.**

A comment form is located at the end of the document. Comments regarding trails and trails needs may be submitted at any time. Written comments may be mailed to KPB Planning Department, 144 North Binkley St., Soldotna, AK 99669, or faxed to 262-8618, or e-mailed to [planning@borough.kenai.ak.us](mailto:planning@borough.kenai.ak.us)

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## COOPER LANDING

TRAIL OR FACILITY	COMMENTS AND RECOMMENDATIONS
Abandoned highway ROW	Develop and manage trail from Tern Lake Picnic area to Crescent Creek Trail
Art Anderson Trail	Trailhead needed / possible dedication needed
Bean Creek	Trailhead needed/ multiple land ownership/ signage
Birch Hill	Ski trails on borough land / public access dedication needed/ management agreement needed
Business District Bikepath	Needed for safety and transportation access
Cooper Creek Trail	Borough selection along trail
Cooper Lake Trail	Possible dedication needed through borough land

Coyote Notch	Public access dedication needed / borough and federal land / potential accommodation with residential development
Coyote Ridge	Potential new ski trails/ multiple land ownership
Dry Creek	Proposed new trail through borough land to USFS land
Golden Eagle Trail	
Juneau Bench Trails	USFS trails / need formal dedication (?)
Kenai River Nature Trail	By Princess Lodge - existing
Quartz Creek Trail	Borough selection along trail, possible separation of motorized-non motorized needed
Rainbow Lake Trail	State Land / management (?)
Raven's Run Trail	
Resurrection Pass Trail	Potential for change if highway relocated
Russian Gap	USFS/ Borough agreement needed – potential residential development in area – multi-use trail area/ multiple land ownerships
Russian River Trail	
Sterling Highway	Pedestrian access (current safety path has possible dedication problems)
Stetson Mine Trail	Borough and State Land / public access dedication needed

## **Attachment B**

### **Federal Public Land Orders**

#### Public Land Orders:

- 829
- 1052
- 6884
- 6888

**Federal Register Data**

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PLO No. 829  
Date Signed: 5/16/52  
Filed Date: 5/22/52

**[Public Land Order 829]**

**ALASKA**

RESERVATION OF LANDS ADJACENT TO OR WITHIN CHUGACH OR TONGASS NATIONAL FOREST FOR USE BY FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES: REVOKING EXECUTIVE ORDER NO. 8192 OF JULY 5, 1939

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas adjacent to or within the Chugach or the Tongass National Forest in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use by the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

**CHUGACH NATIONAL FOREST**

**COOPER CREEK PUBLIC CAMP AND PICNIC GROUND**

A. Beginning at a point, from which the center line of the Seward-Kenai highway on the left bank at mean high water line at the confluence of Cooper Creek with Kenai River, latitude 60°29' N., longitude 149°53' W., bears south, 100 feet, thence: S. 86° W., 29.80 chains along the north right-of-way line of the Seward-Kenai highway to the mean high water line of Kenai River;

Northeasterly and southerly along the mean high water line of Kenai River to point of beginning.

The tract as described contains 10.35 acres.  
B. Beginning at a point from which the beginning point of Tract A bears N. 24° W., 3.43 chains, thence

Southerly, 18.65 chains along the left bank of Cooper Creek;

North, 14.27 chains;  
N. 86° E., 7.65 chains along south right-of-way line of Seward-Kenai highway to point of beginning.

The tract as described contains 9.15 acres.

**HENRY CREEK PUBLIC SERVICE SITE**

A. Beginning at a point on the east right-of-way line of Henry Creek road near Cordova, from which corner No. 6, U. S. Survey 2.610 bears S. 45° W., 1.35 chains, thence

East, 7.76 chains;

South, 6.90 chains;

West, 7.63 chains to east right-of-way line of Henry Creek Road;

N. 5° E., 2.70 chains along said right-of-way line;

N. 5° W., 4.25 chains along said right-of-way line to point of beginning.

The tract as described contains 5.21 acres.  
B. Beginning at corner No. 5 of U. S. Survey 2.610, thence

East, 13.68 chains to corner No. 6, U. S. S. 2.610 at the west right-of-way line of the Henry Creek road;

S. 5° E., 3.30 chains along said west right-of-way line;

S. 5° W., 2.50 chains along said west right-of-way line;

West, 14.26 chains;

N. 5° 03' E., 5.85 chains to point of beginning.

The tract as described contains 8.15 acres.

**LOWER TRAIL LAKE PUBLIC RECREATION AREA**

Beginning at corner No. 5 and M. C., H. E. S. No. 197, on the southerly shore of Lower Trail Lake, thence

Northeasterly, 38.00 chains, approximately, along the southerly shore of Lower Trail Lake to the most easterly point in a cove;

South, 35.00 chains;

West, 32.00 chains, to the east right-of-way line of the Alaska R. R., 100 feet from the center line thereof;

Northerly, 24.00 chains, along the east right-of-way line of the Alaska R. R., to point of beginning.

The tract as described contains approximately 96.00 acres.

**PTARMIGAN CREEK PUBLIC RECREATION AREA**

Beginning at a point from which corner No. 3, Lot 2, U. S. Survey No. 2518 bears S. 20° 30' W., 1.46 chains, thence

North 36° W., 12.80 chains;

North 54° E., 13.00 chains;

South 36° E., 12.80 chains;

South 54° W., 13.00 chains to point of beginning.

The tract as described contains 16.64 acres.

**PRIMROSE PUBLIC RECREATION AREA**

Beginning at a point on the mean water line on the southwest shore of Kenai Lake, due east of Corner No. 4, Lot A, Tract 1, U. S. Survey No. 2530, thence

West, 17.50 chains;

North, 17 chains, approximately, to the mean water line, Kenai Lake;

Easterly and southerly along the mean water line of Kenai Lake to point of beginning.

The tract as described contains 29.5 acres.

**DAVES CREEK-MUD LAKE PUBLIC RECREATION AREA**

Beginning at a point on the south right-of-way line, 50 feet from the center line and perpendicular to Station 66 of the Kenai River Highway, as shown on Bureau of Public Roads plan for proposed Section 5 B-2, approximate latitude 60°22' N., longitude 149°35' W., map of which is on file in the Bureau of Land Management, thence

S. 66° E., 60.00 chains;

S. 24° W., 30.00 chains;

N. 66° W., 60.00 chains;

N. 24° E., 30.00 chains, to point of beginning.

The tract as described contains 180 acres.

**QUARTZ CREEK PUBLIC RECREATION AREA**

Beginning at a point on mean water line, Kenai Lake, which bears S. 62° W. from Station 450+00 of Kenai River Highway as shown on Bureau of Public Roads plan for proposed Section 5 B-2, approximate latitude 60°29' N., longitude 149°44' W., map of which is on file in the Bureau of Land Management, thence

N. 62° 00' E., 115.00 chains;

N. 29° 30' E., 46.00 chains;

S. 61° 00' E., 77.00 chains;

S. 5° 00' W., 16.00 chains;

S. 81° 30' W., 36.00 chains;

S. 52° 00' W., 89.00 chains;

S. 24° 00' W., 30.00 chains;

S. 34° 30' E., 60.00 chains;

S. 25° 00' E., 50.00 chains;

S. 69° 30' W., 13.50 chains approximately to mean water line of Kenai Lake;

Northwesterly, along mean water line of Kenai Lake to point of beginning.

The tract as described contains 1,359.2 acres.

**KENAI LAKE ADMINISTRATIVE SITE**

Beginning at corner 1 M. C., U. S. Survey 2497 on the shore of Kenai Lake, thence: N. 88° 48' E., 12.25 chains to the west right-of-way line of Alaska Railroad (100' from center line thereof);

Southerly, 22.75 chains along said west right-of-way to the north bank of Ptarmigan Creek;

Westerly, 9.50 chains along north bank of Ptarmigan Creek to shore of Kenai Lake;

Northerly, 30.00 chains along shore line Kenai Lake to point of beginning.

The tract as described contains approximately 28.12 acres, within and adjacent to the Chugach National Forest.

**BROADVIEW ADMINISTRATIVE SITE**

Beginning at a point from which U. S. L. M. 2688 bears N. 57° W., 5.65 chains, thence

S. 69° 00' E., 6.00 chains;

South, 2.29 chains;

S. 66° 30' W., 2.39 chains;

N. 47° 30' W., 5.87 chains;

N. 26° 00' E., 1.75 chains to point of beginning.

The tract as described contains 2.19 acres.

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PLO No. 6884

AA-5964,

Part Affected: AA-5934, AA-3060  
Effective Date: 10/02/91

**DEPARTMENT OF THE INTERIOR**  
**Bureau of Land Management**  
**43 CFR PUBLIC LAND ORDER 6884**

(AK-832-4214-10; AA-5964, AA-3060, AA-5934)

**Withdrawal of National Forest System Lands for the Kenai River Recreation Area, the Russian River Campground Area, and the Lower Russian Lake Recreation Area; Alaska**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order withdraws approximately 1,855 acres of National Forest System lands from surface entry and mining for a period of 20 years for the Forest Service to protect the Kenai River Recreation Area, the Russian River Campground Area, and the Lower Russian Lake Recreation Area. The lands have been and remain open to mineral leasing.

**EFFECTIVE DATE:** October 2, 1991.

**FOR FURTHER INFORMATION CONTACT:** Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2) (1988), but not from leasing under the mineral leasing laws, to protect the recreational values of the Kenai River Recreation Area, the Russian River Campground Area, and the Lower Russian Lake Recreation Area:

**Seward Meridian**

**Chugach National Forest**

(a) Kenai River Recreation Area (AA-5964):  
T. 5 N., R. 4 W., unsurveyed.

Within sections 27, 28, 33, 34, 35, and 36, more particularly described as:

A strip of land from the forest boundary on the west to the Cooper Creek Campground withdrawal (Public Land Order No. 829) on the east, lying between the Sterling Highway (Alaska State Highway No. 1) and the Kenai River, and a roadside zone 400 feet in width on the north side of the highway west of the Schooner Bend Bridge, to the forest boundary, and 400 feet on the south side of the highway east of said bridge to the Cooper Creek Campground withdrawal (Public Land Order No. 829).

The area described contains approximately 350 acres.

(b) Russian River Campground Area (AA-3060):

T. 5 N., R. 4 W., unsurveyed.

Sec. 33, fractional part of N $\frac{1}{2}$  between the Kenai River on the north and the Russian River on the south, NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying east of the Russian River.

Sec. 34, that part of SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying south of the Kenai River and east of the Russian River.

The area described contains approximately 340 acres.

(c) Lower Russian Lake Recreation Area (AA-5934):

T. 4 N., R. 4 W., unsurveyed.

Sec. 3, W $\frac{1}{2}$ W $\frac{1}{2}$ :

Sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , fractional parts of W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SW $\frac{1}{4}$  lying east of the Russian River;

Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , fractional parts of E $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying east of the Russian River and fractional parts of SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying east of Lower Russian Lake;

Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ :

Sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and fractional parts of NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$  lying east of Lower Russian Lake;

Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , fractional part of NW $\frac{1}{4}$ NW $\frac{1}{4}$  lying east of Lower Russian Lake and the Russian River.

T. 5 N., R. 4 W., unsurveyed.

Sec. 33, fractional part of SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying east of the Russian River;

Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$  and fractional parts of NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying south of the Kenai River.

The area described contains approximately 1,185 acres.

The areas described above aggregate approximately 1,855 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws. This withdrawal does not affect the adjudication of any applications for the land existing period to the withdrawal.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: September 23, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-23687 Filed 10-1-91; 8:45 am]

BILLING CODES 4310-JA-M



**Federal Register Data**Published: 10/08/91  
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PLO No. 6888

Part Affected: AA-3060

Effective Date: 10/08/91

**43 CFR Public Land Order 6888**

(AK-932-4214-10; AA-3060)

**Withdrawal of National Forest System  
Land for the Juneau Falls Recreation  
Area; Alaska****AGENCY:** Bureau of Land Management,  
Interior.**ACTION:** Public Land Order.**SUMMARY:** This order withdraws approximately 320 acres of National Forest System land from surface entry and mining for a period of 20 years for the Forest Service to protect the Juneau Falls Recreation Area. The land has been and remains open to mineral leasing.**EFFECTIVE DATE:** October 8, 1991.**FOR FURTHER INFORMATION CONTACT:**  
Sandra C. Thomas, BLM Alaska State  
Office, 222 W. 7th Avenue, No. 13,  
Anchorage, Alaska 99513-7599, 907-271-  
5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from settlement, sale, location, or entry under the public land laws, including the United States mining laws (30 U.S.C. ch. 2) (1988), but not from leasing under the mineral leasing laws, to protect the recreational values of the Juneau Falls Recreation Area:

**Seward Meridian****Chugach National Forest****T. 5 N., R. 4 W., unsurveyed.****Sec. 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;****Sec. 24, W $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ .**

The area described contains approximately 320 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: October 1, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-24188 Filed 10-7-91; 8:45 am]

BILLING CODE 4310-JA-M

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PLO No. 1052

Part Affected: A-024318  
Date Signed: 1/12/55

**ALASKA****NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS**

MAY 18, 1954.

An application, serial number Anchorage 024318, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on July 2, 1953, by Department of Agriculture. The purposes of the proposed withdrawal: Public recreation area.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Area IV, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the **FEDERAL REGISTER**, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

**COOPER CREEK PUBLIC SERVICE SITE, TRACT C**

Beginning at Corner 1 on left bank of Kenai River 5 chains northeast of the right bank of Cooper Creek, approximate latitude 60° 29' N., longitude 149° 53' W., thence southerly, parallel to and 5 chains distant from right bank of Cooper Creek, approximately 18.25 chains to Corner 2; thence due south 17.50 chains to Corner 3 located 5 chains distance from the right bank of Cooper Creek; thence southeasterly parallel to and 5 chains distance from the right bank of Cooper Creek approximately 11.25 chains to Corner 4 from which Corner 1 bears N. 5° 7' W., 45.10 chains; thence east 3 chains to Corner 5; thence south 7.50 chains to Corner 6; thence west 12.50 chains to Corner 7; thence north 7.50 chains to Corner 8; thence east approximately 3.50 chains to Corner 9 located on the right bank of Cooper Creek; thence northward along the right bank of Cooper Creek to Kenai River; thence northeasterly along the left bank of Kenai River to the place of the beginning, containing approximately 40.35 acres.

**TAYLOR CREEK WINTER SPORT AREA**

Beginning at Bureau of Public Roads Station #60 of Section D, Seward-Anchorage Highway, thence due east 80 chains; thence due south approximately 56 chains to Taylor Creek; thence westerly along the course of Taylor Creek to the Seward-Anchorage Highway; thence northerly along the Seward-Anchorage Highway to the place of the beginning, and excluding the area described in Public Land Order 725 which is included within this tract, containing approximately 227.2 acres net area.

LOWELL M. PUCKETT,  
Area Administrator.

[F. R. Doc. 54-4030; Filed, May 25, 1954;  
8:45 a. m.]

Published 5/26/54  
Vol. 19 NO 102  
Page 3034

[Public Land Order 1062]

**ALASKA****RESERVING LANDS WITHIN CHUGACH NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREAS**

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land within the Chugach National Forest in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

**CHUGACH NATIONAL FOREST****COOPER CREEK PUBLIC SERVICE SITE, TRACT C**

Beginning at Corner 1 on left bank of Kenai River 5 chains northeast of the right bank of Cooper Creek, approximate latitude 60° 29' N., longitude 149° 53' W., thence southerly, parallel to and 5 chains distant from right bank of Cooper Creek, approximately 18.25 chains to Corner 2; thence due south 17.50 chains to Corner 3 located 5 chains distance from the right bank of Cooper Creek; thence southeasterly parallel to and 5 chains distance from the right bank of Cooper Creek approximately 11.25 chains to Corner 4 from which Corner 1 bears N. 5° 7' W., 45.10 chains; thence east 3 chains to Corner 5; thence south 7.50 chains to Corner 6; thence west 12.50 chains to Corner 7; thence north 7.50 chains to Corner 8; thence east approximately 3.50 chains to Corner 9 located on the right bank of Cooper Creek; thence northward along the right bank of Cooper Creek to Kenai River; thence northeasterly along the left bank of Kenai River to the place of the beginning, containing approximately 40.35 acres.

**TAYLOR CREEK WINTER SPORT AREA**

Beginning at Bureau of Public Roads Station #60 of Section D, Seward-Anchorage Highway, thence due east 80 chains; thence due south approximately 56 chains to Taylor Creek; thence westerly along the course of Taylor Creek to the Seward-Anchorage Highway; thence northerly along the Seward-Anchorage Highway to the place of the beginning, and excluding the area described in Public Land Order 725 which is included within this tract, containing approximately 227.2 acres net area.

This order shall take precedence over but shall not otherwise affect the existing reservation of the lands for national forest purposes.

ORRIS LEWIS,

Assistant Secretary of the Interior.

JANUARY 12, 1955.

[F. R. Doc. 55-992; Filed, Jan. 17, 1955;  
8:45 a. m.]

**Attachment C**  
**Trail Width Documentation**  
(see also Attachment D)

- Memo to File, “Resurrection Pass National Recreation Trail—Corridor Research,” 18 August 2004.
- See also letter to USDA Forest Service and Memo to File from 2007 (attached to letter) in Attachment D.

## *Sterling Highway MP 45-60 Project*

### **Trail Width Related to Section 4(f) and Trails in the Cooper Landing Area**

Prepared June 2007 by HDR Alaska, Inc. on behalf of ADOT&PF

On January 8, 2007, the Alaska Department of Transportation and Public Facilities (ADOT&PF) wrote to the USDA Forest Service (USFS) regarding recreational trail issues related to Section 4(f) for the Sterling Highway MP 45-60 Project. On April 11, 2007, the USFS provided a written response. Because Section 4(f) is about use of land from a recreation area, the Federal Highway Administration (FHWA) needs a land boundary to determine actual use of the land versus constructive use (proximity impact) versus no use at all.

The Sterling Highway MP 45-60 Project passes through Chugach National Forest lands, where Forest trails are almost entirely within broad National Forest boundaries. The Federal government holds title to the land, including the trails themselves and all surrounding land. In this case, there are no separate legal easements or rights-of-way for the trails in the Cooper Landing area. Furthermore, the Forest's *Revised Land and Resource Management Plan* (2002) prescribes management objectives for broad areas typically associated with watersheds or other physical features, but does not designate a management area or corridor associated with most trails.

A Section 4(f) evaluation is required for this project because highway realignment alternatives cross the Resurrection Pass Trail, Bean Creek Trail, and Stetson Creek Trail—all deemed by the Forest Service to be significant recreation resources and all deemed to be eligible in whole or in part for the National Register of Historic Places. The Section 4(f) evaluation presumes that FHWA will consider all three trails to be “Section 4(f) properties” for either their historic or recreational significance. However, with no designated “trail width” boundary, there is no clear land boundary on which to base the required Section 4(f) evaluation.

In 2006, ADOT&PF proposed a 50-ft trail width for these trails, based primarily on Forest easements retained across private, state, or borough lands on the Bean Creek Trail, the Hope end of the Resurrection Pass Trail, and other nearby trails. The USFS responded in 2007, proposing use of a 1,000-foot trail width, based largely on the Iditarod National Historic Trail. To help resolve this discrepancy, this paper presents findings based on research of other recreational trails, and recommends a maximum 100-foot trail width as reasonably consistent with other National Recreation Trails (NRT). We considered the following:

- The Bureau of Land Management (BLM) 1986 management plan for the Iditarod Trail identified 1,000 ft as a target corridor width for segments both eligible for the National Register of Historic Places and recommended for “active management” (the entire primary route and some connecting trails)<sup>1</sup>. A corridor of 100 to 1,000 feet was the target for segments recommended for “active management” only, and a corridor of “no more than 100 feet” was the target for segments identified for “minimal management.” Actual easement widths, where

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<sup>1</sup> Kevin Keeler, U.S. Bureau of Land Management Iditarod Trail Coordinator, personal communication, 2007.

they exist, are within the 100 to 1,000 foot range, but tend toward the narrower end of the range.<sup>2</sup>

- The State of Alaska and Matanuska Susitna Borough jointly dedicated a right-of-way for the Iditarod Trail of 400 feet, 200 feet each side of centerline, between Rainy Pass and Susitna Station (ADL 222930). A segment nearer to Knik has a dedicated public easement 200 feet wide (ADL 200644).
- In the Seward to Girdwood segment of the Iditarod Trail, the route crosses in and out of Chugach National Forest land and State of Alaska land. The Forest Service and state determined alignment and right-of-way in 2004. Where the Iditarod Trail crossed state land, the Alaska Department of Natural Resources (DNR) found 1,000 ft to be excessive for the land interest. Instead, DNR granted a 100-foot easement (50 feet either side of centerline) to the federal government, and placed it within a 1,000-foot management corridor retained in state ownership. Areas where the trail was already located within an easement of less than 100 ft were widened to 100 feet, or re-routed on a 100-foot easement within a 1,000-foot management corridor. (The designation of a management area 1,000 feet wide retained in state ownership appears to be an effort to create a trail buffer, where some Forest Service management may be allowed by cooperative agreement. It appears that the land retained in state ownership outside the 100 foot trail easement does not have special protections and is managed consistent with the provisions of the Kenai Area Plan for State Lands.<sup>3</sup>)
- Prominent Alaska trails investigated:
  - The **Tony Knowles Coastal Trail** is a 10-mile NRT in Anchorage that has a variable land interest width where it lies on private property, state airport land, or Alaska Railroad Corporation property. It varies from about 25 feet to about 100 feet, averaging about 60 feet (the trail's typical paved surface width is 10-12 feet).<sup>4</sup>
  - The **Pinnell Mountain National Recreation Trail** is a 27.3-mile BLM backcountry trail in Interior Alaska managed as a "primitive high-country backcountry" non-motorized trail with shelters. The application for NRT status came in 1971. In October 1976, BLM reserved a trail right-of way to itself of 50 feet each side of centerline, 100 feet total. In 1982, when some of the land along the trail was conveyed to the State of Alaska, BLM retained the 100-foot trail easement for the federal government.<sup>5</sup>
  - The **Perseverance National Recreation Trail** near Juneau is a 3-mile trail. It has a 30 ft right-of-way (15 ft each side of centerline), which the Alaska Division of Parks and Outdoor Recreation indicates is standard for state trails across National Forest and local government lands.<sup>6</sup>
  - The **Chilkoot Trail** is a National Historic Landmark and in 1999 was designated one of 50 Millennium Legacy Trails in the nation. It is 33 miles long, half of it in the U.S. and

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<sup>2</sup> U.S Bureau of Land Management, 1986. "The Iditarod National Historic Trail, Seward to Nome Route: A Comprehensive Management Plan. Anchorage.

<sup>3</sup> Alaska Department of Natural Resources, Division of Mining, Land and Water. November 2004. "Final Finding and Decision: ADL 228890, Grant of Public Easement, Iditarod National Historic Trail, Seward to Girdwood."

<sup>4</sup> Lori Schanche, Municipality of Anchorage Trails Coordinator, 343-8368.

<sup>5</sup> Holli McClain, BLM, 907-474-2378.

<sup>6</sup> Mike Eberhardt, Alaska Division of Parks & Outdoor Recreation SE area superintendent, 907-465-4563.

half in Canada. The U.S. portion lies within the boundaries of Klondike Gold Rush National Historic Park, but much of the land within those boundaries is owned by the State of Alaska. Most of the trail itself is owned by the state but is managed via an interagency land management agreement (ILMA) by the National Park Service (NPS). The trail corridor subject to the ILMA is 100 feet each side of centerline, or 200 feet total.<sup>7</sup>

- FHWA in Alaska queried FHWA right-of-way personnel across the nation in early 2007 on the question of the width of trails related to Section 4(f), and the conclusion was there is no standard and the widths are “all over the board.”
- The federal government conveyed a parcel of Chugach National Forest land located near the Resurrection Pass Trail near the Cooper Landing trailhead to the State of Alaska, (identified as state parcel 395 in the *Kenai Area Plan*) but apparently did not reserve a trail corridor across the parcel. The parcel was selected by the state with likelihood for development and not preservation. The nearest corner of the parcel is 150 feet from the Resurrection Pass Trail centerline. This implies the federal government did not feel that the Resurrection Pass Trail corridor was more than 300 feet wide at the time of conveyance
- The Forest Service indicated in its 2007 letter that an easement for the Resurrection Pass Trail near its Hope trailhead was 100 feet wide and not 50 feet, as ADOT&PF’s December 2006 letter had indicated. However, the BLM master title plat indicates a 50-foot easement in that area (T9N R2W SM, NE ¼ Sec 21). We acknowledge that this easement may have been established before designation as a NRT. As indicated under several other bullets in this paper, there is no indication that NRTs should have or do have a minimum standard width.
- The Appalachian Trail and the Pacific Crest Trail both use the USFS Scenery Management System (SMS) to define the area targeted for acquisition to protect the trail experience. This is for trail resources designated by Congress for their national significance—resources considered to have the highest level of sensitivity. SMS has four distance zones—immediate foreground, foreground, middle ground, and background. The “foreground” zone is established as the corridor for the trail up to 0.5 mi from the trail, even if the view goes across multiple valleys and several miles. The widest area likely to be purchased by fee simple title or easement would be 0.5 mi from the trail. The minimum trail width would be 100 feet each side of the trail, where topography screens a more distant view. It appears the wider corridor is a long-term goal that the managing agencies and supporting trail non-profit organizations are working toward. Trail easements may be much narrower than this optimum in the interim.<sup>8,9</sup>

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<sup>7</sup> Theresa Thibault, NPS Resource Manager, 907-983-9200.

<sup>8</sup> Appalachian Trail Conservancy: Caroline Dufour, Land & Resources Coordinator, Harper’s Ferry, WV, (304) 535-6331 extension 102; and Morgan Sommerville, Regional Director, Asheville, NC, (828) 551-4873.

<sup>9</sup> Mike Dawson, Trail Operations Coordinator, Pacific Crest Trail Association (Washington state), (206) 463-9087, [trail@pcta.org](mailto:trail@pcta.org).

- The NPS Rivers Trails and Conservation Assistance program, which oversees designation of NRTs, does not have guidelines for standard or minimum trail widths. NRT status is “more a recognition”; there is nothing that says it must remain a NRT once established.<sup>10</sup>
- The Federal Highway Administration has no national standard or rule, and knows of no other federal standard, for setting trail width for Section 4(f) purposes.<sup>11</sup>

## Discussion and Conclusion

For Section 4(f) purposes, a corridor of 1,000 feet appears to take into account proximity effects such as visual and audible effects to trail users. Section 4(f) accounts separately for proximity effects under the law’s “constructive use” provision. The land interest or trail width boundary for NRTs elsewhere in Alaska appears to be much narrower than 1,000 feet. See summary table.

Trail Name, Location	Mgt/Designation/Length	Land Interest Width
Tony Knowles Coastal Trail, Anchorage	Municipal National Recreation Trail, 10.2 mi	60 feet average (varies 25-100 feet)
Pinnell Mountain Trail, Interior Alaska	BLM National Recreation Trail, 27.3 mi	100 feet
Perseverance Trail, Juneau	St. of AK National Recreation Trail, 3 mi	30 feet
Chilkoot Trail, SE Alaska	NPS./St. of AK Millennium Trail & National Historic Landmark, 33 mi	200 feet
<b>Congressionally Designated Trails</b>		
Iditarod Trail Seward to Girdwood Knik area Susitna-Rainy Pass	BLM National Historic Trail, 2000 mi	100-1,000 ft recommended in plan 100’ fed’l ROW in 1,000’ state buffer 200 ft state ROW 400 ft state ROW
Appalachian Trail	NPS National Scenic Trail, 2000 mi	Up to 1 mi.
Pacific Crest Trail	USFS National Scenic Trail, 2000+ mi	Up to 1 mi.

When federal land around a NRT is conveyed to the State of Alaska, or when trail easements are purchased across private land, the optimum width may include a broad enough area to account for proximity impacts, but the realistic width obtained appears to be less. Congressionally-designated trails, like the long-distance national scenic trails or the Iditarod National Historic Trail, seek to establish wide corridors in federal ownership. Even those trails use much narrower easements to establish the basic land width of the trail itself, to allow for public passage.

Standards for NRTs are lower than other trails in the National Trail System. National Scenic Trails, such as the Appalachian and Pacific Crest Trails, and National Historic Trails, such as the Iditarod Trail, are designated by Congress. NRTs are recognized via local nomination and approval by the NPS and are typically associated with urban areas or easy access to urban areas.

<sup>10</sup> Cheri Esperson, National Recreation Trail Coordinator for NPS RTCA, Washington, D.C., (202) 354-6900.

<sup>11</sup> Christopher Douwes, FHWA Recreation Trails Program Manager, Washington, D.C., (202) 366-5013, [christopher.douwes@dot.gov](mailto:christopher.douwes@dot.gov).

The Resurrection Pass National Recreation Trail does not warrant “extra width” based on its status as a NRT or its backcountry nature, and should be treated the same way other NRTs are treated.

A width of no more than 100 feet is appropriate for the Resurrection Pass National Recreation Trail for purposes of Section 4(f) evaluation. Based on precedent of other NRTs, and on the Iditarod Trail segments located nearby on the Kenai Peninsula, 100 feet appears adequate for the land interest in order to establish the direct affect to the 4(f) resource. (It is acknowledged that noise and visual impacts may well extend to a wider area.)

Because the Bean Creek Trail and Stetson Creek Trail are eligible for the National Register of Historic Places, and because the Forest Service indicates that both have recreational significance, a 100-foot maximum width appears appropriate for these trails as well. Where the Forest Service has already retained a narrower width, it is recommended that the narrower width be used for the Section 4(f) evaluation.



**Attachment D**  
**State and Federal Correspondence**  
**Regarding Significance of Land Potentially Subject to Section 4(f) Protection**

- Letter from Alaska Department of Transportation and Public Facilities to Alaska Division of Parks and Recreation (12-14-06).
- Response letter (1-14-07) from Alaska Division of Parks and Outdoor Recreation.
- Letter from Alaska Department of Transportation and Public Facilities to and USDA Forest Service (1-07-06).
- Response letter (4-11-07) from USDA Forest Service regarding significance and trail width issues.
- Follow-up letter (8-01-07) from Alaska Department of Transportation and Public Facilities to and USDA Forest Service

# STATE OF ALASKA

## DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION DESIGN AND CONSTRUCTION  
PRELIMINARY DESIGN AND ENVIRONMENTAL SECTION

CF (PF) RF

SARAH PALIN, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(FAX) 243-6927 - TDD 269-0473  
(907) 269-0542

December 14, 2006

Subject: Sterling Highway MP 45-60 SEIS  
Project No. 53014

### Re: KRSMA Additions

Jack Sinclair, Superintendent  
Kenai Area Office  
Alaska Division of Parks and Outdoor Recreation  
P.O. Box 1247  
Soldotna, Alaska 99669

Dear Mr. Sinclair:

The Alaska Department of Transportation and Public Facilities (ADOT&PF), along with the Federal Highway Administration (FHWA), is preparing an environmental impact statement for the Sterling Highway MP 45-60 project. We must comply with Section 4(f) law (described in the following paragraph) and request your concurrence regarding our understanding of the significance of park lands in the project area that fall under your jurisdiction. Our consultant, HDR Alaska, Inc., spoke with you about this on November 27, 2006.

Section 4(f) law originated in Section 4(f) of the Department of Transportation Act, which was subsequently codified as 23 USC 138. The law states:

The Secretary (of Transportation) shall not approve any program or project...which requires use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

Determining national, state, or local "significance" is important to FHWA as it evaluates the applicability of Section 4(f) law to any given site. FHWA's 2005 Section 4(f) Policy Paper defines significance as follows:

Significance means that in comparing the availability and function of the park, recreational area or wildlife and waterfowl refuge, with the park, recreation or refuge objectives of the community or authority, the resource in question plays an important

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role in meeting those objectives. Management plans or other official forms of documentation regarding the land, if available and up-to-date, are important in this determination.

*-2005 policy paper, question 2B*

It is FHWA policy that all determinations are subject to review by FHWA for reasonableness. With this background, our current understanding of the significance of the Kenai River Special Management Area (KRSMA) Additions follows.

The December 1997 Special Use Designation that established the KRSMA Additions in the Cooper Landing area designated these lands for park purposes (primarily for protection of fish and wildlife habitat; secondarily for recreation) and assigned management and enforcement to the Alaska Division of Parks and Outdoor Recreation. Further, as superintendent of state parks in the Kenai Area, you have indicated in a November 27 telephone conversation that you consider these KRSMA Addition lands to be important or "significant" lands under your jurisdiction and that the multiple state and federal agencies that signed a memorandum of understanding dated December 1997 (attached to the KRSMA Comprehensive Management Plan) agreed to support the management goals of the subject lands. The KRSMA Additions lands are not legislatively designated as a unit of the state park system. There is no quantitative recreational use data specific to the KRSMA Additions lands. There are no formally developed recreation sites on KRSMA Additions lands in the project area, and recreational use likely is dispersed and on informal trails.

Please let us know if you concur with the paragraph above and if you have any further clarification regarding the management and "significance" of the KRSMA Additions. FHWA will use your response to help determine if Section 4(f) applies to the KRSMA Additions. FHWA will also use your response in its review of whether the KRSMA Additions should be considered to be significant.

The legislatively-designated KRSMA state park unit and the Cooper Landing Boat Launch and Day Use Area under your jurisdiction are assumed to qualify for Section 4(f) protection and to be significant. If you have any further clarification about these two areas, we would appreciate that information as well. We understand HDR Alaska is expecting to connect with you via email regarding use numbers that do exist for the legislatively-designated KRSMA itself. Thank you for your efforts in providing this information.

Please feel free to contact me at 907-269-0546, or to contact HDR, if you have questions. We would appreciate your response by January 5, 2007.

Sincerely,



Miriam McCulloch  
Project Manager

cc: Tim Haugh, FHWA  
Mark Dalton, HDR Alaska, Inc.

# STATE OF ALASKA

SARAH PALIN, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

### DIVISION OF PARKS AND OUTDOOR RECREATION

☐ 514 FUNNY RIVER ROAD  
SOLDOTNA, ALASKA 99669  
PHONE: (907) 260-4882  
FAX: (907) 260-5992

☒ KENAI PARKS OFFICE  
PO BOX 1247  
SOLDOTNA, ALASKA 99669  
Phone: (907) 262-5581  
Fax: (907) 262-3717

January 4, 2007

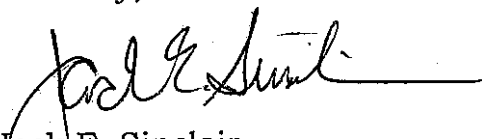
Miriam McCulloch, Project Manager  
State Of Alaska, Dept of Transportation and Public Facilities  
Central region Design and Construction  
Preliminary Design and Environmental Section  
4111 Aviation Ave.  
PO Box 196900  
Anchorage, AK 99519-6900

RE: Sterling Highway MP 45 - 60 Project No. 53014

Dear Ms. McCulloch:

This is to confirm the statement that was sent to me on December 14, 2006 regarding lands identified as significant and recommended for addition to the Kenai River Special Management Area as per the KRSMA Comprehensive Management Plan Dec. 1997. You may use the response as quoted in your letter for purposes of review for FHWA policy consideration.

Sincerely,

  
Jack E. Sinclair  
Kenai/PWS Area Superintendent

Date: 1/8/07  
Proj. #: 53014

	P	P
	A	P
	P	P
	P	P
Preliminary Design & Environmental		
Section Chief		
McCulloch		X
Env. Coordinator		
McCluskey		X
Env. Analyst		
B. Ballard		X
Project File		
Central File		X

# STATE OF ALASKA

## DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION DESIGN AND CONSTRUCTION  
PRELIMINARY DESIGN AND ENVIRONMENTAL SECTION

SARAH PALIN, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(FAX) 243-6927 -- TDD 269-0473  
(907) 269-0542

January 8, 2007

Subject: Sterling Highway MP 45-60 SEIS  
Project No. 53014

### Re: Forest Recreation Lands

Ken Vaughan  
USDA Forest Service, Alaska Region  
PO Box 21628  
Juneau, Alaska 99802-1628

Dear Mr. Vaughan:

For the Section 4(f) evaluation associated with the Sterling Highway MP 45-60 project, the Federal Highway Administration (FHWA) has asked us to clarify several items with you in writing. We talked via teleconference about these issues December 21, 2006.

Section 4(f) law originated in Section 4(f) of the Department of Transportation Act, which was subsequently codified as 23 USC 138. The law states:

The Secretary (of Transportation) shall not approve any program or project...which requires use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

With this background, we seek your concurrence on the following issues:

- Issues regarding Chugach National Forest management plans.
- "Boundaries" of Forest recreational trails for Section 4(f) Evaluation purposes.
- The recreational significance of several sites in the project area (*Kenai River Recreation Area, Juneau Falls Recreation Area, Russian River Campground Area, Cooper Creek Public Camp and Picnic Ground, Cooper Creek Public Service Site Tract C, Resurrection Pass Trail, Stetson Creek Trail, Bean Creek Trail, Cooper Lake Dam Road, and Forest roads north of Resurrection Pass trailhead*).

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**Chugach National Forest Management Plan.** The following summarizes our understanding of the current state of Chugach National Forest management. If we are missing management intent for specific recreational developments from the Revised Land and Resource Management Plan ("Forest Plan," May 2002) or from other formal planning documents of which we are not aware, please let us know.

Our understanding is that, in the Sterling Highway MP 45-60 project area (Cooper Landing area), the Forest Plan prescribes broad planning objectives under the following management prescriptions:

- Forest lands both north and south of the Kenai River are managed under a Fish, Wildlife & Recreation prescription.
- A portion of the area north of the Kenai River, principally following the Juneau Creek drainage and Resurrection Pass Trail, is managed under a Backcountry prescription.
- East and west of the Juneau Creek valley, at the northern limits of the project area, Forest lands are managed under a Fish and Wildlife Conservation Area prescription.

All of the management prescriptions, as we understand them, are managed for multiple uses, with varying emphasis on recreation, development, wildlife conservation, and other managed activities. The Forest Plan does not specifically identify the area's recreation withdrawals established by public land order (e.g. the Juneau Fall Recreation Area, the Russian River Campground Area, etc.) or the developed features such as campgrounds within some of those recreation withdrawals.

The text of Section 4 of the plan provides general direction for the different management prescriptions. Included under each management prescription is a table listing types of activities or developments and whether or not they are allowed, but this is on a broad scale (e.g. whether or not campgrounds are allowed, rather than specific plans for any given campground). Appendix B, "Roads Analysis and Access Management Plan," provides some specific direction regarding individual trails and roads. The Access Management Plan provides tables listing roads and trails and Yes/No indications of allowed uses for transportation and recreation. Categories of both road and trail use are highway vehicles, high clearance vehicles, off-highway vehicles, motorcycles, horses, bicycles, hiking, snowmachines, skiing, and dog sledding. The trails and roads addressed below in this letter are all listed in the Access Management Plan, as are access roads or driveways to campgrounds and trailheads. As further indicated under discussion of each route below, trails typically allow non-motorized uses and disallow motorized uses except for snowmobiles in winter and except for permitted mining access via off-road vehicle or motorcycle on the Stetson Creek Trail only.

Again, please let us know if we have overlooked specific management direction for these areas that is contained in the Forest Plan, and please clarify in your response whether any management plans besides the Forest Plan specifically address management of the sites or issues below.

**Boundaries of Forest Trails.** Section 4(f) is a law that addresses use of land. To determine whether the Sterling Highway project alternatives may use land from a Forest recreational trail, it is necessary to define a land boundary associated with the trail. Following is explanatory text proposed for the Section 4(f) document:

"Trails on Chugach National Forest land typically do not lie within a legally defined right-of-way or easement. Rather, they were constructed by the Forest Service across their own lands without

alteration of land status. For purposes of this document, it is assumed that a corridor 50 feet wide (25 feet each side of the trail centerline) would adequately define the physical extent of a trail for evaluation purposes. A corridor 50 feet wide is consistent with a short segment of the Resurrection Pass National Recreation Trail at its northern end near Hope where the route lies within a 50-foot right-of-way across private land. Communication with the Forest Service (Schmidt 2006) indicated that a much wider corridor may be appropriate, particularly for a National Recreation Trail, based on the National Trails System Act (*Public Law 90-543, as amended through P.L. 108-342, October 18, 2004*). The law in Section 7(g) provides direction regarding acquisition of land per mile of trail, indicating 125 acres per mile, or an area 1,031.25 ft wide by 1 mile long. However, this is the *maximum* allowed for the acquisition of land by condemnation along a segment of the National Trails System. The same paragraph compels the Secretary of Interior or Agriculture, in such cases, to “acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands” and not more than the 125 acre limit. While the law allows for up to 125 acres per mile, it indicates less is better. Therefore, for purposes of this document, 50 feet is used based on previous Forest Service precedent in securing easements. Fifty feet also is consistent with the width of a USFS right-of-way for the Stetson Creek Trail across Kenai Peninsula Borough land and is greater than the 25-foot USFS right-of-way for the Bean Creek Trail across state land.”

We propose to apply the 50-foot width for Section 4(f) evaluation to all trails that do not otherwise have a specified easement or other “width.” As we discussed during the December 21 teleconference, in defining a “width” for the trail, we are seeking the equivalent of a legal boundary similar to an easement or right-of-way so that the Section 4(f) evaluation can address direct use of land associated with the trail. Proximity issues that might affect trail users’ experience (e.g. noise or visual impacts) without physical use of the trail are covered separately in Section 4(f) law under the concept of “constructive use.” The need to define trail width boundaries applies to the Resurrection Pass National Recreation Trail, Stetson Creek Trail, and Bean Creek Trail in the project area.

Please respond with your concurrence regarding our approach or otherwise state the Forest Service position on the trail width issue.

**Recreational Significance.** The following paragraphs present our current understanding of recreational significance of the many Chugach National Forest recreation sites in the project area. Our understanding is based on previous meetings and on telephone conversations and emails between you and personnel of HDR Alaska, Inc., along with examination of the Forest Plan.

Determining national, state, or local “significance” is important to FHWA as it evaluates the applicability of Section 4(f) law to any given site. FHWA’s 2005 Section 4(f) Policy Paper defines significance as follows:

Significance means that in comparing the availability and function of the park, recreational area or wildlife and waterfowl refuge, with the park, recreation or refuge objectives of the community or authority, the resource in question plays an important role in meeting those objectives. Management plans or other official forms of documentation regarding the land, if available and up-to-date, are important in this determination.

-2005 policy paper, question 2B

The policy paper also indicates how to address multiple-use lands such as national forests:

“Section 4(f) applies...only to those portions of the lands which are designated as being primarily for...recreation purposes, and determined to be significant for such purposes.”

- 2005 policy paper, question 6

It is FHWA policy that all determinations are subject to review by FHWA for reasonableness. Finally, as discussed during the December 21 teleconference, Section 4(f) law does not recognize degrees of significance. It is necessary for FHWA to determine that any given site either is significant or is not. With this background, our current understanding of the significance of each site follows.

***Kenai River Recreation Area.*** We propose the following “significance” text for the draft document: “The USFS considers this area to have recreational significance as a buffer area and as a federal holding that prevents transfer of the land for other purposes, such as state or Native corporation selection (Vaughan 2006), in addition to its uses for the K’Beq and Beginnings heritage sites and entrance and parking associated with the Russian River Campground.” We are not sure at this time whether this recreation area, defined by public land order, will rise to the level of significant in the 4(f) context. Telephone conversation records indicate the USFS does not tie recreational significance only to developed recreation sites and therefore considers the undeveloped buffer characteristics of this recreation area to be significant. Please clarify for us in writing why the undeveloped areas are significant to the USFS for recreation and how the significance differs from adjacent Forest Service land that is managed for multiple uses.

***Juneau Falls Recreation Area.*** We propose the following “significance” text for the draft document: “The USFS considers the entire area defined in the PLO and not just the developed recreation features (e.g. trails) to be significant. The USFS has indicated that the area was defined to protect the general area of the Juneau Creek Falls and that the PLO withdrawal would be renewed before it expired (Vaughan 2006).” While the PLO area as a whole may be significant, it would help if you would clarify in writing why this area is of greater significance for recreation than the adjacent Forest Service lands managed for multiple use. Similarly, because the recreation area includes a camp site, an overlook of the falls, and portions of the Resurrection Pass Trail and Bean Creek Trail, it would help to know the distinction between these developments and the broader rectangular recreation area boundary. In the same way that the trails may be given “boundaries,” should the camp site and overlook be given defined boundaries, or should the entire recreation area be considered the boundary for these two features? Finally, if Chugach National Forest has GPS locations for the overlook and camp site, we would appreciate having them.

***Russian River Campground Area.*** We propose the following “significance” text for the draft document: “The USFS has indicated that it is not just the developed facilities but the PLO boundary area that is considered to be significant (Vaughan 2006).” While there are several important recreation features in the Russian River Campground Area, any clarification would be helpful about why the area defined by the PLO is of greater significance for recreation than the adjacent Forest Service lands managed for multiple use.

***Cooper Creek Public Camp and Picnic Ground.*** We propose the following “significance” text for the draft document: “The USFS indicated that it is the boundary of the PLO and not just the developed area of the campground that is significant.” Please clarify several items for us:



- Telephone conversation records indicate the USFS considers this a less important campground than others. Portions of the campground have been closed in the recent past. The USFS has apparently has considered relocating the campground. Are there formal published plans for this campground?
- Does the USFS make a distinction between Tract A and Tract B in terms of recreational significance?

**Cooper Creek Public Service Site Tract C.** We propose the following “significance” text for the draft document: “The USFS indicates that the site is not as important as other sites:

*The withdrawals are not all of equal value to the USFS. The PLO 1052 is one of those which the Chugach NF staff has identified as not of high importance, being in the corridor of the existing highway. There have been slides in the vicinity, one of which has blocked an existing road. –Vaughan 2006, via e-mail.*

The site is not developed or managed for specific recreation activity.”

This site appears to be not significant for recreation. Please let us know your concurrence.

**Resurrection Pass National Recreation Trail.** We propose the following “significance” text for the draft document: “The question of trail significance has not been directly asked of the USFS. As a long-standing and heavily used part of the National Trails System, the Resurrection Pass National Recreation Trail is presumed significant.” Our primary question about Resurrection Pass Trail is its width (see discussion above).

**Stetson Creek Trail.** We propose the following “significance” text for the draft document: “The USFS considers the route significant as a recreation trail based on its classification of the trail. However, it does not maintain a developed trailhead, trail register, or user counts, and recreational use is thought to be relatively low compared to other trails nearby.” The Stetson Creek Trail is eligible for the National Register of Historic Places and appears to qualify for Section 4(f) protection as an historic site, but it is not clear that it is significant as a recreational trail. Please provide any clarification you can about the recreational significance of the trail.

**Bean Creek Trail.** We propose the following “significance” text for the draft document: “The USFS considers the Bean Creek Trail to be a significant recreation connection to the Resurrection Pass National Recreation Trail, especially for winter access when the primary route grades are less conducive to access (O’Leary 2006). The USFS acknowledges that it does not currently have legal jurisdiction over a portion of the trail/road near the Slaughter Ridge Road trailhead but nonetheless considers that portion for which the agency does have legal jurisdiction to be significant (Vaughan 2006). The borough considers the Bean Creek trail important recreational access (Mueller 2006).” The portion of the Bean Creek Trail on its historic alignment is eligible for inclusion on the National Register of Historic Places and appears to qualify for Section 4(f) protection as an historic site. The trail in its entirety also may qualify for Section 4(f) protection as a significant recreational trail. Please let us know if there is anything you would like to add to the USFS position regarding the recreational significance of the Bean Creek Trail.

**Cooper Lake Dam Road.** We propose the following “significance” text for the draft document: “The USFS does not consider the Cooper Lake Dam Road to be significant as a recreation resource but considers it an access road under special use permit (Vaughan 2006). The USFS has not given the road a trail number and did not retain a public easement or any kind of easement at

the lower end when the land was transferred from the federal government to the state and then to the borough. The borough considers it a Chugach Electric Association access road but notes that no permit or easement currently is in place." It appears that, although the USFS addresses recreational uses of the Cooper Lake Dam Road in the Forest Plan, the road is not considered to be a significant recreation trail. Please send in writing your concurrence or any clarification.

***Forest access roads north of Resurrection Pass trailhead.*** We propose the following "significance" text for the draft document: "The USFS does not consider the roads leading from the Sterling Highway uphill to and through state lands on Forest easements to be significant as recreational trails (Vaughan 2006). The roads are classified as Forest roads, not as trails, and there are not developed trailheads or similar trail amenities. The easements were retained for access to Forest lands for any of the multiple uses of the Forest, including recreation, but the easements were not retained specifically for recreation. The Forest does not maintain a trail register or other formal means of tracking public use of these roads." It appears that these roads are not a significant recreation resource. Please let us know your concurrence.

It would be a great help if you could indicate your concurrence or clarifications on the sites listed above by January 24, 2007. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Miriam McCulloch", written in a cursive style.

Miriam McCulloch  
Project Manager

cc: Tim Haugh, FHWA  
Mark Dalton, HDR Alaska, Inc.



The Fish, Wildlife, & Recreation management area prescription emphasizes a variety of habitats for fish and wildlife species and year round recreational opportunities in both developed and dispersed settings. This prescription is a Category 3, generally meaning the human influences and ecological processes are both present.

The Fish & Wildlife Conservation and the Backcountry management areas are both Category 2, meaning the ecological processes predominate and human influence is limited. The Fish & Wildlife Conservation management area prescription emphasizes the conservation of fish and wildlife habitats. The Backcountry management area prescription emphasizes recreational opportunities for backcountry activities in a natural appearing landscape.

The Forest Plan also contains standards and guidelines that direct the use of the National Forest. Standards are required actions or limits to activities while guidelines are more discretionary. For the recreation resource, standards include designing management activities to meet the mapped Scenic Integrity Objectives (SIO) to display the degree of disruption in the landscape character. Another standard is designing management activities to meet Recreation Opportunity Spectrum (ROS) classes. The ROS class describes different settings with specific attributes.

The Backcountry management area has a SIO of "moderate" to "high" with a ROS class of "semi-primitive". This means the landscape character appears intact or only slightly altered, and the sights and sounds of human activity plus constructed facilities are subordinate to the landscape.

The Fish & Wildlife Conservation management area prescription also has a SIO of "moderate" to "high" but with a ROS class of "roaded natural". This means the landscape character appears intact or only slightly altered but the sights and sounds of human activity plus constructed facilities are more evident.

The Fish, Wildlife, and Recreation management area prescription has a SIO ranging from "low" to "high" with a ROS class of "roaded natural". This means the landscape character has a wider range from intact to moderately altered with the sights and sounds of human activity plus constructed facilities more evident.

Proposed highway construction would generally be inconsistent with the Backcountry management area designation.

Appendix B specifically was included to inform the deciding official concerning the implications of transportation and travel management. The Chugach National Forest established that the Forest is "closed unless designated open." This is consistent with the current regulations at 36 CFR 212 concerning travel management. The Forest Service policy directives implementing the regulations are currently available for public comment per notice published in the Federal Register on March 9, 2007. Additional details concerning permitted and prohibited travel on the Chugach National Forest are available at the Chugach National Forest webpage: [http://www.fs.fed.us/r10/chugach/news\\_releases/closure-orders.html](http://www.fs.fed.us/r10/chugach/news_releases/closure-orders.html).

Your letter uses the term "multiple use lands" several times while failing to note the standards and guidelines established for different lands in the Chugach Forest Plan. The origin of the term is in the *Multiple Use-Sustained Yield Act of 1960*. Note that when lands are withdrawn, the appropriate uses and activities sought to be conducted on those lands become constrained or

limited by the stated purpose of the withdrawal. The uses and expectation associated with the uses become focused by the withdrawal, and the lands lose the wider range of expectation related to general standards and guidelines. For example, visual quality becomes more important, and the special status of the Juneau Falls Recreation Area forms a screening criteria for potential activities. The withdrawals set the standard for evaluation concerning whether proposed activities are consistent with the purposes for which the reservation was made. From the Forest Service perspective, the withdrawal boundaries as established are the effective limits of the reservations.

### **Boundaries of Forest Trails**

The Forest Service does not agree with your approach to defining a 50-foot trail width for the Resurrection Pass National Recreation Trail.

Your reference to the easement across private land on the north end of the Resurrection Pass trail is in error. The easement deed, executed in 1960, identifies an easement width of 100 feet, not 50 feet as your letter states. This easement deed should not be a basis for determining a corridor width. The easement was executed long before the trail was designated a National Recreation Trail.

We also find inapplicable the land acquisition directions found in Section 7(g) of the National Trails System Act as rationale for a 50 foot wide corridor. This section of the Act deals with acquiring **private** land parcels through condemnation proceedings. It is probably reasonable to assume that condemnation proceedings would seek to limit the taking of private land to the absolute minimum necessary for the establishment of trails. Limits applicable to private land condemnation do not establish a standard applicable to federal lands.

The Resurrection Pass National Recreation Trail has national significance and was designated for its recreational value, not merely as a passage way through the forest. Recreational use includes many activities that aren't confined to the trail tread and a broader view must be taken. A narrow 50 foot corridor is simply insufficient for determining the "boundary".

A considerable amount of effort, including extensive public involvement, has been devoted to the Kenai Winter Access EIS. Recreation use in the Resurrection Pass trail area is a key component of this high interest Forest Plan Amendment. Using the same "boundary" as is displayed in the Kenai Winter Access EIS is a prudent approach that has had public engagement and ties directly to the Forest Plan.

For recreational purposes, the Forest Service often seeks greater widths when reserving rights-of-ways. Corridor width is important as it is related to the difference between a trail as a minimum passageway for transportation and the function of a trail as a recreation use of lands in application of Section 4(f). Easement widths have varied over the years and there really is no apparent "precedence" for a particular width. Trail easements across state lands have been reserved during the conveyance process at various widths from no specified width at all up to a 1000 foot width. The Iditarod National Historic Trail (INHT) was designated under the same National Trails System Act as the Resurrection Pass trail. Easements reserved for the INHT through some state parcels are 1000 feet wide. For the Resurrection Pass National Recreation Trail, the same 1000 foot width would be appropriate.

## Recreational Significance

***Kenai River Recreation Area.*** The Kenai River Recreation Area, the Russian River Campground Area, and the Lower Russian Lake Recreation Area were withdrawn to protect the recreational values associated with those areas. The undeveloped portions within the withdrawn area are important for maintaining the integrity of these parcels for intensive recreation use.

The state designated Kenai River Special Management Area (KRSMA) also encompasses most of these withdrawn lands. While the KRSMA Comprehensive Management Plan guides management of state lands within the Kenai River drainage, the Forest Service actively cooperates and coordinates its activities within the KRSMA guidelines.

The Forest Service recognizes that the public identifies with locations as *special places*. The Kenai River and adjacent public lands recognize through the Public Land Order (PLO) and the KRSMA designation that the Kenai River is a *special place* to many members of the public. *Special places* are locations where the public has a special connection to the land and uses the lands in special ways. The identification as *special place* was a significant factor in the reservation of the lands as the Kenai River Recreation Area. The dispersed recreational use, including intense public fishing, of the Kenai River Recreation Area (while not the same as the heavy concentrated use of developed campgrounds) is a long established use of NFS land. The Kenai River Recreation Area is different from general forest lands managed for multiple uses.

The boundaries identified in the Public Land Order (PLO) should be considered the **minimum** necessary to protect the recreational values of this area. We do not intend to modify the boundaries established by the PLO.

We support your finding that the area is a significant recreation area for the purposes of Section 4(f).

***Juneau Falls Recreation Area*** - The presence of the Resurrection Pass National Recreation Trail, the Bean Creek Trail, Juneau Falls, and the scenic setting make the withdrawal lands a *special place*. The currently available information from the preliminary engineering report of March 2006 does not provide clear rationale for the change to move the proposed alignment into the reserved lands.

The Juneau Falls Recreation Area withdrawal was established in 1967. The unique and special features of the area were apparent at that time and remain so today. The withdrawal report at the time justified the need for the acreage by saying the entire area is "required for the proposed developments and necessary protective area." Drawing a narrow boundary around specific features does not protect the recreation experience offered by the falls overlook, dispersed campsite, and trails. In the past, we have encouraged the lead federal agency to avoid the Juneau Falls Recreation Area and we continue to do so.

The boundaries identified in the PLO should be considered the **minimum** necessary to protect the recreational values of this area.

We support your finding that this area is a significant recreation area for the purposes of Section 4(f).

Also, at this time, we do not have GPS locations for particular sites within the reserved area but

will provide that information when it becomes available.

***Russian River Campground Area*** – As stated above, the Kenai River Recreation Area, the Russian River Campground Area, and the Lower Russian Lake Recreation Area were withdrawn to protect the recreational values associated with those areas.

The boundaries identified in the PLO should be considered the **minimum** necessary to protect the recreational values of this area. We do not support modifying the boundaries established by the PLO.

The proposals and preliminary evaluation for changing the Sterling Highway in the vicinity of the entrance to Russian River Campground appear to be strongly oriented to providing enhanced safety for visitors entering or exiting the developed Forest Service facilities.

We support your finding that the area is a significant recreation area for the purposes of Section 4(f).

***Cooper Creek Public Camp and Picnic Ground*** – Tract A and Tract B represent two loops of the same campground. The Cooper Creek Campground is managed as one unit. It is a high occupancy campground, with a 60% overall occupancy rate from Memorial Day to Labor Day. There are no plans to relocate or close this campground. Several sites adjacent to the Kenai River were closed following the flood events in 1995 and those sites were relocated to the south side of the highway.

There has been speculation in the past about potential changes to Cooper Creek after the Federal Energy Regulatory Commission (FERC) relicensing of the Cooper Lake power facilities. The relicensing project is on-going. Minimal changes to Cooper Creek are expected.

We support your finding that the campground is significant for the purposes of Section 4(f).

***Cooper Creek Public Service Site Tract C.*** This area is gated and steep slopes continue to unravel along the existing road. This site has been subject to mass movement of soils and erosion stabilization activity in recent years. The area is used for dispersed camping and to provide access to mining claims.

Although recreation use occurs in this area, we concur with your finding that the area is **not** a significant recreation area for the purposes of Section 4(f).

***Resurrection Pass National Recreation Trail.*** The Forest Service concurs with your finding that the Resurrection Pass National Recreation Trail has recreation significance under Section 4(f). Additionally, the status of the trail as an ANILCA Conservation System Unit further supports the finding.

***Stetson Creek Trail.*** This trail is primarily used for motorized access to mining claims. The Class 2 trail was brushed in 2005 and receives relatively low to moderate recreational use. We concur with your finding that it is a significant recreation trail for the purposes of Section 4(f).

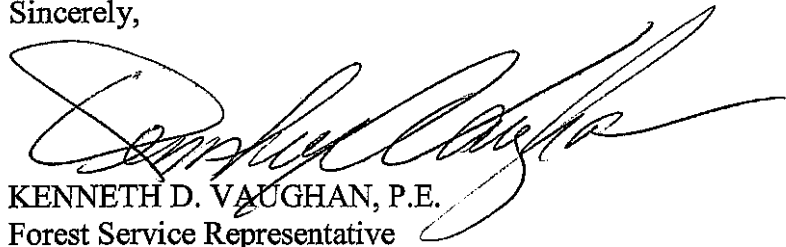
***Bean Creek Trail.*** We concur with your finding that the trail is a significant recreation and historic trail for the purposes of Section 4(f). The revision of the significance statement to read “documented jurisdiction” at two locations would be a more considered choice of words for the analysis.

**Cooper Lake Dam Road.** While some recreational use of the road does occur, its primary use is for access to Chugach Electric Association facilities. We concur with your finding that it is **not** a significant recreation trail for the purposes of Section 4(f).

**Forest access roads north of Resurrection Pass trailhead** – These access roads were constructed for timber related activities. While recreation use of these access roads has increased over the years and the roads provide winter motorized access to Resurrection Pass trail, we concur with your finding that these roads are **not** significant recreation trails for the purposes of Section 4(f).

Please call if there are any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth D. Vaughan", written over a horizontal line.

KENNETH D. VAUGHAN, P.E.  
Forest Service Representative

Mr. Mark Dalton, HDR Inc.

Mr. Tim Haugh, Alaska Division, Federal Highway Administration

Jeni Evans, District Ranger, USDA Forest Service, Seward Ranger District

Karen O'Leary, Recreation Lands Forester, USDA Forest Service, Seward Ranger District

Andrew Schmidt, Lands Manager, USDA Forest Service, Chugach National Forest





SARAH PALIN, GOVERNOR

**DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

CENTRAL REGION DESIGN AND CONSTRUCTION  
PRELIMINARY DESIGN AND ENVIRONMENTAL SECTION

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(FAX) 243-6927 – TDD 269-0473  
(907) 269-0542

August 1, 2007

Subject: Sterling Highway MP 45-60  
Project #53014

**RE: Forest Recreation Lands**

Ken Vaughan  
USDA Forest Service  
Alaska Region  
P.O. Box 21628  
Juneau, Alaska 99802-1628

Dear Mr. Vaughan:

Thank you for your letter dated April 11, 2007 regarding recreation properties in the Sterling Highway Milepost 45-60 Project corridor. This letter seeks to clarify several issues and asks for any further information you may have.

**Chugach Land and Resource Management Plan**

We appreciate the provision of additional background regarding the May 2002 Forest Plan. While you correctly point out that we used the term "multiple use" in our January letter without reference to Forest Plan standards and guidelines, a question remains. Can you clarify what is different about how the Forest manages land within a public land order (PLO) recreation withdrawal area versus the adjoining land? It appears that the standards and guidelines in the Forest Plan apply equally to the land of the Kenai River Recreation Area and to the surrounding land. Also, it appears that the Juneau Falls Recreation Area and surrounding land are managed by the same standards and guidelines.

Your April 11 letter indicated that "proposed highway construction would generally be inconsistent with the Backcountry management area prescription." Does this apparent inconsistency imply a need to amend the Forest Plan if the Federal Highway Administration were to select the Juneau Creek Alternative for construction? This question is somewhat outside the Section 4(f) evaluation but may be an important Forest Service impact to disclose in the environmental impact statement. Any clarification regarding possible "inconsistency" would help. We have been unable to find reference to the Sterling Highway MP 45-60 project in the final Revised Forest Plan or the Final EIS for the Revised Forest Plan, although it was

acknowledged in the draft EIS. If the final Revised Forest Plan documents address the project, please let us know.

### **Boundaries of Forest Trails**

Thank you for explaining the Forest position regarding trail width boundaries. We understand that the Forest Service is suggesting a trail width on Forest lands of 1,000 feet (500 feet either side of trail centerline) for the Resurrection Pass National Recreation Trail. We had discussed by teleconference that Section 4(f) addresses both direct use of a trail and “constructive use” of a trail. Constructive use means placement of a transportation project near enough to a recreational trail that proximity impacts substantially impair the trail and its recreational use (for example via noise or visual impacts). We interpret the April 11 letter to mean that the Forest Service position is that a 1,000-foot width is necessary to properly account for any *direct use* of the trail. If this is not correct and you specifically mean a 1,000-foot width would account for proximity impacts, please let us know.

Assuming the Forest Service did mean the 1,000-foot width is necessary to account for direct use, we feel this is excessive. We proposed a 50 feet (25 feet each side of centerline) trail width in our earlier communication based on existing Forest Service trail easements. We have looked into other National Recreation Trails in Alaska and other trails under the National Trails System around the country (see attached June 2007 “Trail Width Related to Section 4(f) and Trails in the Cooper Landing Area”). We conclude that 100 feet (50 feet each side of centerline) is reasonable for defining the equivalent of legal land status for a trail right-of-way for the trails in question: 100 feet is twice as wide as most of the Forest’s own nearby trail easements, is the same as deemed reasonable by the State of Alaska for the Iditarod National Historic Trail across Forest lands, and is wider than most other National Recreational Trails in Alaska. One hundred feet appears adequate to account for direct impacts under Section 4(f). Based on the attached trail width research and our communications with the Forest Service to date, we are recommending to the Federal Highway Administration that the Section 4(f) Evaluation proceed, based on a 100-foot width for the Resurrection Pass Trail.

We had asked in our January letter for information regarding trail width for the Resurrection Pass Trail, Bean Creek Trail, and Stetson Creek Trail. The April 11 letter responded only regarding the Resurrection Pass Trail. You had indicated by teleconference that trail widths might be different for different trails. Any further information the Forest can provide regarding these trails would be helpful. We intend to proceed with Section 4(f) analysis using the 100-foot trail width for all three trails—the Resurrection Pass Trail because it has National Recreation Trail status, and the other two because they have both recreational and historic significance.

### **Recreational Significance**

In the section of the April 11 letter regarding Recreational Significance of several recreation sites, the letter repeatedly states “we support your finding.” We wish to clarify that neither ADOT&PF nor the Federal Highway Administration has yet made any formal finding. Rather, our letter to you dated January 8, 2007 presented draft language in quotation marks regarding our understanding of what the Forest Service had said in phone calls regarding recreational significance. We were asking for concurrence regarding our understanding of the Forest

Service's position, rather than for concurrence on a formal finding. Except for the Resurrection Pass Trail ("presumed significant" as a National Recreation Trail), the Cooper Creek Public Service Site Tract C ("appears not significant"), and the Cooper Lake Dam Road ("appears not significant"), we did not suggest a finding. Instead, we asked for further information. We do appreciate the information you provided about each of these sites, and interpret your letter as presenting the Forest position regarding recreational significance.

The April 11 letter references PLO "withdrawal reports." If there are reports that support the PLO withdrawal of these areas for recreation, it would be helpful for us to see copies of each of them. If the reports are not large, perhaps your office could scan them and send electronic copies via email.

The Kenai River Recreation Area prompts further specific questions. In initial discussions, as documented in our January 8 letter, you had indicated the Kenai River Recreation Area was significant as a buffer along the highway and as a way to prevent land transfer. In your April 11 letter, the buffer and land transfer issues are not addressed. Instead, the letter indicates the following reasons for significance:

- Withdrawal areas are "important for maintaining the integrity of these parcels for intensive recreation use."
- The withdrawal area overlaps the state Kenai River Special Management Area.
- The withdrawal area or areas are identified as *special place*.

Should the initial reasons given (buffer, land transfer) be considered as well?

Also, the term "special places" is italicized, suggesting this is a formal Forest Service term, but it is not cited. Please provide further information, with a citation, that defines the term and that clarifies whether a "special place" is considered a special place for recreation, or otherwise implies recreational significance.

The Kenai River Recreation Area does not appear to have recreational development the way the campground withdrawal areas do. The heritage interpretive sites K'Beq and Footprints are not clearly recreation oriented, and the driveway and parking lot associated with the entrance to the Russian River Campground appear to be incidental, more than they appear to be recreation developments purposefully located within the Kenai River Recreation Area. Unplanned, dispersed public access to the river for fishing also may not necessarily indicate significance for recreation. As a parallel example, the April 11 letter indicated that the Cooper Creek Public Service Site, Tract C, which was withdrawn by PLO as a recreation area, is not significant for recreation because it has been subject to landslides and is used only for dispersed camping (presumably instead of concentrated or developed recreation). Any further clarification about how the Kenai River Recreation Area is significant for recreation, and different than the Cooper Creek Public Service Site, would be helpful as the Federal Highway Administration makes its final significance finding.

Regarding the Stetson Creek Trail, your significance information did not match ours. We had suggested that the Stetson Creek Trail was significant under Section 4(f) as an historic trail but might not be significant as a recreation trail. Your letter indicated concurrence and stated that the

trail is "primarily used for motorized access to mining claims." However, your letter also stated that the trail, with "low to moderate" recreational use, was significant for recreation. We are operating on the assumption that the Forest Service believes that the Stetson Creek Trail has both recreational and historic significance, but further clarification would be helpful.

These issues have taken many months to clarify, and we would appreciate any additional information quickly so that we can move toward resolution by mid-August. Thank you for any further information you can provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Miriam McCulloch", with a long horizontal flourish extending to the right.

Miriam McCulloch  
Project Manager

cc.: Tim Haugh, FHWA  
Mark Dalton, HDR Alaska, Inc.

## *Sterling Highway MP 45-60 Project*

### **Trail Width Related to Section 4(f) and Trails in the Cooper Landing Area**

Prepared June 2007 by HDR Alaska, Inc. on behalf of ADOT&PF

On January 8, 2007, the Alaska Department of Transportation and Public Facilities (ADOT&PF) wrote to the USDA Forest Service (USFS) regarding recreational trail issues related to Section 4(f) for the Sterling Highway MP 45-60 Project. On April 11, 2007, the USFS provided a written response. Because Section 4(f) is about use of land from a recreation area, the Federal Highway Administration (FHWA) needs a land boundary to determine actual use of the land versus constructive use (proximity impact) versus no use at all.

The Sterling Highway MP 45-60 Project passes through Chugach National Forest lands, where Forest trails are almost entirely within broad National Forest boundaries. The Federal government holds title to the land, including the trails themselves and all surrounding land. In this case, there are no separate legal easements or rights-of-way for the trails in the Cooper Landing area. Furthermore, the Forest's *Revised Land and Resource Management Plan* (2002) prescribes management objectives for broad areas typically associated with watersheds or other physical features, but does not designate a management area or corridor associated with most trails.

A Section 4(f) evaluation is required for this project because highway realignment alternatives cross the Resurrection Pass Trail, Bean Creek Trail, and Stetson Creek Trail—all deemed by the Forest Service to be significant recreation resources and all deemed to be eligible in whole or in part for the National Register of Historic Places. The Section 4(f) evaluation presumes that FHWA will consider all three trails to be “Section 4(f) properties” for either their historic or recreational significance. However, with no designated “trail width” boundary, there is no clear land boundary on which to base the required Section 4(f) evaluation.

In 2006, ADOT&PF proposed a 50-ft trail width for these trails, based primarily on Forest easements retained across private, state, or borough lands on the Bean Creek Trail, the Hope end of the Resurrection Pass Trail, and other nearby trails. The USFS responded in 2007, proposing use of a 1,000-foot trail width, based largely on the Iditarod National Historic Trail. To help resolve this discrepancy, this paper presents findings based on research of other recreational trails, and recommends a maximum 100-foot trail width as reasonably consistent with other National Recreation Trails (NRT). We considered the following:

- The Bureau of Land Management (BLM) 1986 management plan for the Iditarod Trail identified 1,000 ft as a target corridor width for segments both eligible for the National Register of Historic Places and recommended for “active management” (the entire primary route and some connecting trails)<sup>1</sup>. A corridor of 100 to 1,000 feet was the target for segments recommended for “active management” only, and a corridor of “no more than 100 feet” was the target for segments identified for “minimal management.” Actual easement widths, where

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<sup>1</sup> Kevin Keeler, U.S. Bureau of Land Management Iditarod Trail Coordinator, personal communication, 2007.

they exist, are within the 100 to 1,000 foot range, but tend toward the narrower end of the range.<sup>2</sup>

- The State of Alaska and Matanuska Susitna Borough jointly dedicated a right-of-way for the Iditarod Trail of 400 feet, 200 feet each side of centerline, between Rainy Pass and Susitna Station (ADL 222930). A segment nearer to Knik has a dedicated public easement 200 feet wide (ADL 200644).
- In the Seward to Girdwood segment of the Iditarod Trail, the route crosses in and out of Chugach National Forest land and State of Alaska land. The Forest Service and state determined alignment and right-of-way in 2004. Where the Iditarod Trail crossed state land, the Alaska Department of Natural Resources (DNR) found 1,000 ft to be excessive for the land interest. Instead, DNR granted a 100-foot easement (50 feet either side of centerline) to the federal government, and placed it within a 1,000-foot management corridor retained in state ownership. Areas where the trail was already located within an easement of less than 100 ft were widened to 100 feet, or re-routed on a 100-foot easement within a 1,000-foot management corridor. (The designation of a management area 1,000 feet wide retained in state ownership appears to be an effort to create a trail buffer, where some Forest Service management may be allowed by cooperative agreement. It appears that the land retained in state ownership outside the 100 foot trail easement does not have special protections and is managed consistent with the provisions of the Kenai Area Plan for State Lands.<sup>3</sup>)
- Prominent Alaska trails investigated:
  - The **Tony Knowles Coastal Trail** is a 10-mile NRT in Anchorage that has a variable land interest width where it lies on private property, state airport land, or Alaska Railroad Corporation property. It varies from about 25 feet to about 100 feet, averaging about 60 feet (the trail's typical paved surface width is 10-12 feet).<sup>4</sup>
  - The **Pinnell Mountain National Recreation Trail** is a 27.3-mile BLM backcountry trail in Interior Alaska managed as a "primitive high-country backcountry" non-motorized trail with shelters. The application for NRT status came in 1971. In October 1976, BLM reserved a trail right-of way to itself of 50 feet each side of centerline, 100 feet total. In 1982, when some of the land along the trail was conveyed to the State of Alaska, BLM retained the 100-foot trail easement for the federal government.<sup>5</sup>
  - The **Perseverance National Recreation Trail** near Juneau is a 3-mile trail. It has a 30 ft right-of-way (15 ft each side of centerline), which the Alaska Division of Parks and Outdoor Recreation indicates is standard for state trails across National Forest and local government lands.<sup>6</sup>
  - The **Chilkoot Trail** is a National Historic Landmark and in 1999 was designated one of 50 Millennium Legacy Trails in the nation. It is 33 miles long, half of it in the U.S. and

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<sup>2</sup> U.S Bureau of Land Management, 1986. "The Iditarod National Historic Trail, Seward to Nome Route: A Comprehensive Management Plan. Anchorage.

<sup>3</sup> Alaska Department of Natural Resources, Division of Mining, Land and Water. November 2004. "Final Finding and Decision: ADL 228890, Grant of Public Easement, Iditarod National Historic Trail, Seward to Girdwood."

<sup>4</sup> Lori Schanche, Municipality of Anchorage Trails Coordinator, 343-8368.

<sup>5</sup> Holli McClain, BLM, 907-474-2378.

<sup>6</sup> Mike Eberhardt, Alaska Division of Parks & Outdoor Recreation SE area superintendent, 907-465-4563.

half in Canada. The U.S. portion lies within the boundaries of Klondike Gold Rush National Historic Park, but much of the land within those boundaries is owned by the State of Alaska. Most of the trail itself is owned by the state but is managed via an interagency land management agreement (ILMA) by the National Park Service (NPS). The trail corridor subject to the ILMA is 100 feet each side of centerline, or 200 feet total.<sup>7</sup>

- FHWA in Alaska queried FHWA right-of-way personnel across the nation in early 2007 on the question of the width of trails related to Section 4(f), and the conclusion was there is no standard and the widths are “all over the board.”
- The federal government conveyed a parcel of Chugach National Forest land located near the Resurrection Pass Trail near the Cooper Landing trailhead to the State of Alaska, (identified as state parcel 395 in the *Kenai Area Plan*) but apparently did not reserve a trail corridor across the parcel. The parcel was selected by the state with likelihood for development and not preservation. The nearest corner of the parcel is 150 feet from the Resurrection Pass Trail centerline. This implies the federal government did not feel that the Resurrection Pass Trail corridor was more than 300 feet wide at the time of conveyance
- The Forest Service indicated in its 2007 letter that an easement for the Resurrection Pass Trail near its Hope trailhead was 100 feet wide and not 50 feet, as ADOT&PF’s December 2006 letter had indicated. However, the BLM master title plat indicates a 50-foot easement in that area (T9N R2W SM, NE ¼ Sec 21). We acknowledge that this easement may have been established before designation as a NRT. As indicated under several other bullets in this paper, there is no indication that NRTs should have or do have a minimum standard width.
- The Appalachian Trail and the Pacific Crest Trail both use the USFS Scenery Management System (SMS) to define the area targeted for acquisition to protect the trail experience. This is for trail resources designated by Congress for their national significance—resources considered to have the highest level of sensitivity. SMS has four distance zones—immediate foreground, foreground, middle ground, and background. The “foreground” zone is established as the corridor for the trail up to 0.5 mi from the trail, even if the view goes across multiple valleys and several miles. The widest area likely to be purchased by fee simple title or easement would be 0.5 mi from the trail. The minimum trail width would be 100 feet each side of the trail, where topography screens a more distant view. It appears the wider corridor is a long-term goal that the managing agencies and supporting trail non-profit organizations are working toward. Trail easements may be much narrower than this optimum in the interim.<sup>8,9</sup>

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<sup>7</sup> Theresa Thibault, NPS Resource Manager, 907-983-9200.

<sup>8</sup> Appalachian Trail Conservancy: Caroline Dufour, Land & Resources Coordinator, Harper’s Ferry, WV, (304) 535-6331 extension 102; and Morgan Sommerville, Regional Director, Asheville, NC, (828) 551-4873.

<sup>9</sup> Mike Dawson, Trail Operations Coordinator, Pacific Crest Trail Association (Washington state), (206) 463-9087, [trail@pcta.org](mailto:trail@pcta.org).

- The NPS Rivers Trails and Conservation Assistance program, which oversees designation of NRTs, does not have guidelines for standard or minimum trail widths. NRT status is “more a recognition”; there is nothing that says it must remain a NRT once established.<sup>10</sup>
- The Federal Highway Administration has no national standard or rule, and knows of no other federal standard, for setting trail width for Section 4(f) purposes.<sup>11</sup>

## Discussion and Conclusion

For Section 4(f) purposes, a corridor of 1,000 feet appears to take into account proximity effects such as visual and audible effects to trail users. Section 4(f) accounts separately for proximity effects under the law’s “constructive use” provision. The land interest or trail width boundary for NRTs elsewhere in Alaska appears to be much narrower than 1,000 feet. See summary table.

Trail Name, Location	Mgt/Designation/Length	Land Interest Width
Tony Knowles Coastal Trail, Anchorage	Municipal National Recreation Trail, 10.2 mi	60 feet average (varies 25-100 feet)
Pinnell Mountain Trail, Interior Alaska	BLM National Recreation Trail, 27.3 mi	100 feet
Perseverance Trail, Juneau	St. of AK National Recreation Trail, 3 mi	30 feet
Chilkoot Trail, SE Alaska	NPS./St. of AK Millennium Trail & National Historic Landmark, 33 mi	200 feet
<b>Congressionally Designated Trails</b>		
Iditarod Trail Seward to Girdwood Knik area Susitna-Rainy Pass	BLM National Historic Trail, 2000 mi	100-1,000 ft recommended in plan 100’ fed’l ROW in 1,000’ state buffer 200 ft state ROW 400 ft state ROW
Appalachian Trail	NPS National Scenic Trail, 2000 mi	Up to 1 mi.
Pacific Crest Trail	USFS National Scenic Trail, 2000+ mi	Up to 1 mi.

When federal land around a NRT is conveyed to the State of Alaska, or when trail easements are purchased across private land, the optimum width may include a broad enough area to account for proximity impacts, but the realistic width obtained appears to be less. Congressionally-designated trails, like the long-distance national scenic trails or the Iditarod National Historic Trail, seek to establish wide corridors in federal ownership. Even those trails use much narrower easements to establish the basic land width of the trail itself, to allow for public passage.

Standards for NRTs are lower than other trails in the National Trail System. National Scenic Trails, such as the Appalachian and Pacific Crest Trails, and National Historic Trails, such as the Iditarod Trail, are designated by Congress. NRTs are recognized via local nomination and approval by the NPS and are typically associated with urban areas or easy access to urban areas.

<sup>10</sup> Cheri Esperson, National Recreation Trail Coordinator for NPS RTCA, Washington, D.C., (202) 354-6900.

<sup>11</sup> Christopher Douwes, FHWA Recreation Trails Program Manager, Washington, D.C., (202) 366-5013, [christopher.douwes@dot.gov](mailto:christopher.douwes@dot.gov).

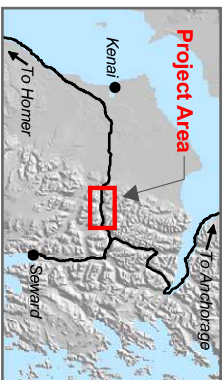
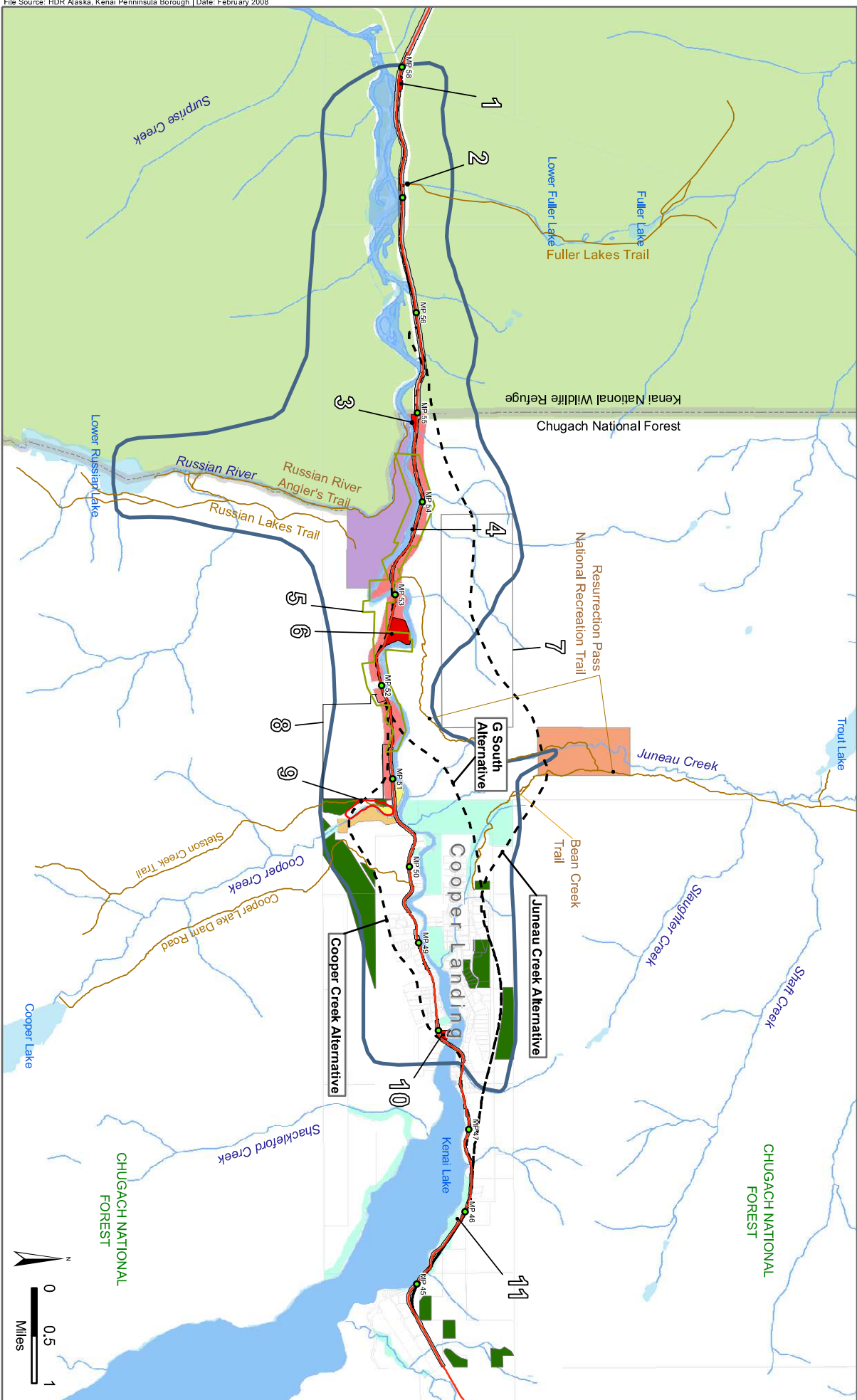


The Resurrection Pass National Recreation Trail does not warrant “extra width” based on its status as a NRT or its backcountry nature, and should be treated the same way other NRTs are treated.

A width of no more than 100 feet is appropriate for the Resurrection Pass National Recreation Trail for purposes of Section 4(f) evaluation. Based on precedent of other NRTs, and on the Iditarod Trail segments located nearby on the Kenai Peninsula, 100 feet appears adequate for the land interest in order to establish the direct affect to the 4(f) resource. (It is acknowledged that noise and visual impacts may well extend to a wider area.)

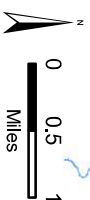
Because the Bean Creek Trail and Stetson Creek Trail are eligible for the National Register of Historic Places, and because the Forest Service indicates that both have recreational significance, a 100-foot maximum width appears appropriate for these trails as well. Where the Forest Service has already retained a narrower width, it is recommended that the narrower width be used for the Section 4(f) evaluation.

## **Figures**



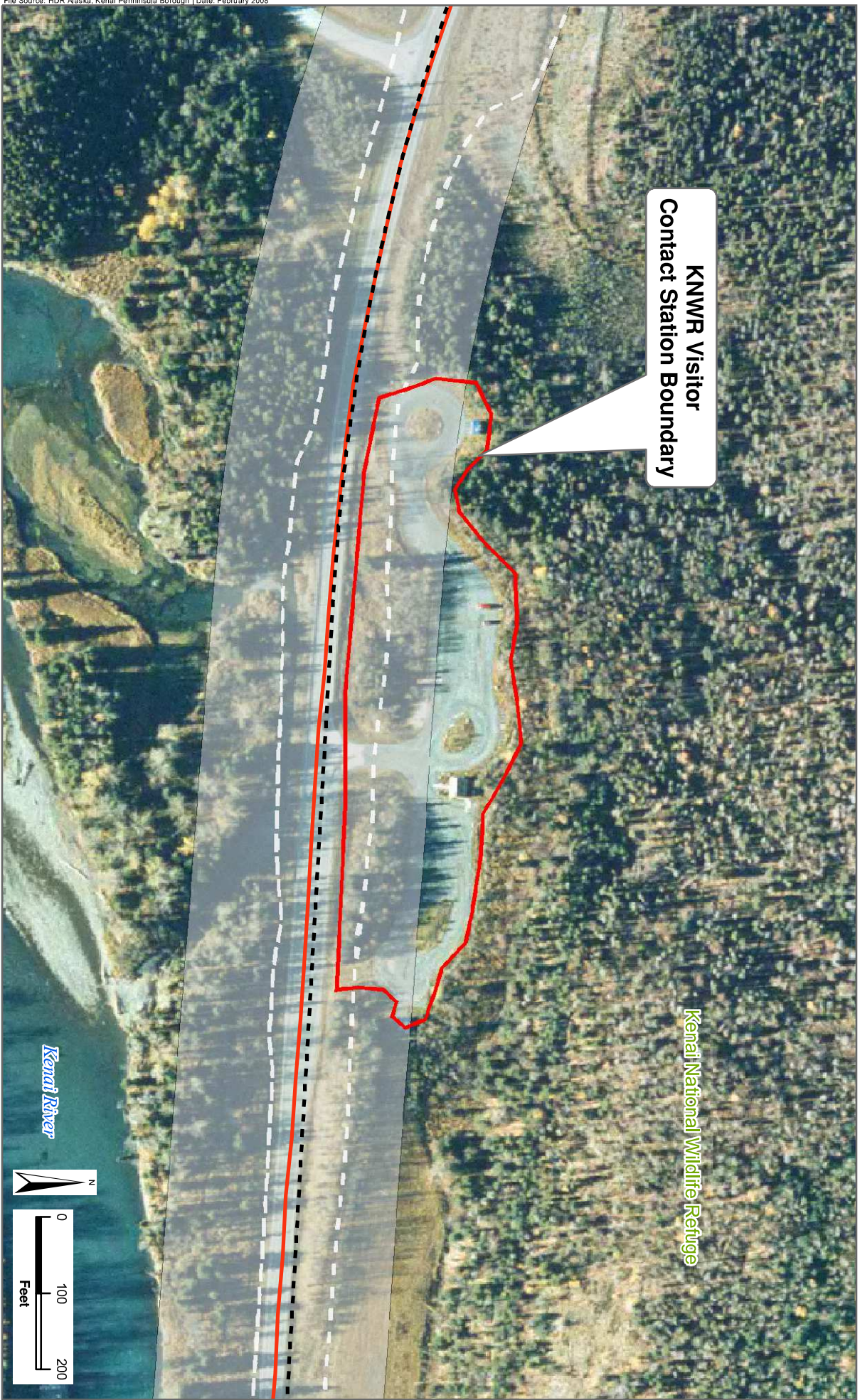
- Existing Sterling Highway
- Proposed Alternatives
- trails
- mileposts
- Existing Sterling Hwy. Right-of-Way
- Kenai National Wildlife Refuge
- Kenai River Special Management Area (designated in law)
- Kenai River Special Management Area (designated in plan)
- Kenai Peninsula Borough (classified: Recreation)
- Juneau Falls
- Russian River Campground Area
- Kenai River Recreation Area
- Cooper Creek Public Camp and Picnic Ground
- Cooper Creek Public Service Site
- Sqilantnu Archaeological District

1. KNWR Visitor Contact Station
2. Fuller Lakes Trailhead
3. Sportsmans Landing
4. Beginnings Heritage Site
5. Hubbard Mining Claims Historic District
6. KTBeg Footprints Heritage Site
7. State Parcel 395
8. State Parcel 394B
9. Kenai Mining & Milling Historic District
10. Cooper Landing Boat Launch
11. Broadview Guard Station



**Figure 1**  
**Section 4(f)**  
**Vicinity Map**

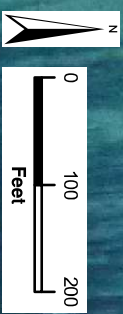




**KNWR Visitor  
Contact Station Boundary**

**Kenai National Wildlife Refuge**

**Kenai River**

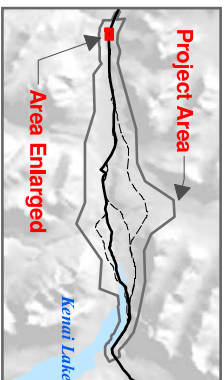


- Existing Sterling Highway
- - - Proposed Alternatives
- Existing Right-of-Way
- - - Proposed Cut/Fill Lines

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.



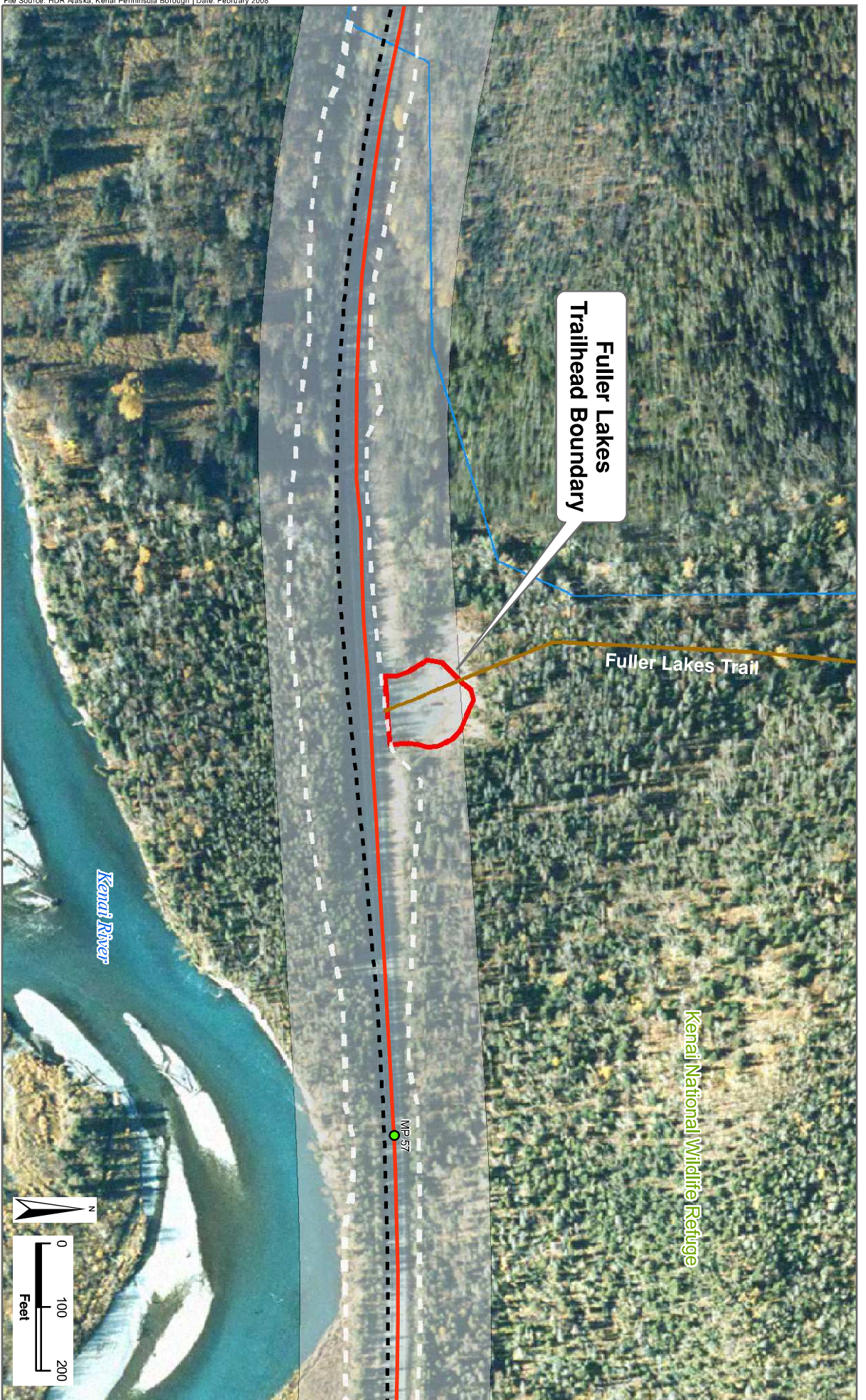
**STERLING  
HIGHWAY PROJECT  
ALASKA**



**Figure 2**

**KNWR Visitor  
Contact Station**





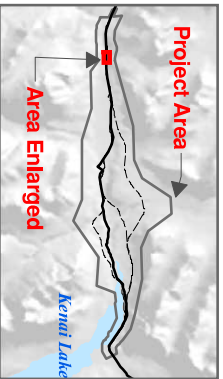
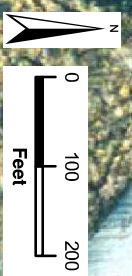
Fuller Lakes  
Trailhead Boundary

Fuller Lakes Trail

Kenai National Wildlife Refuge

Kenai River

MP 57

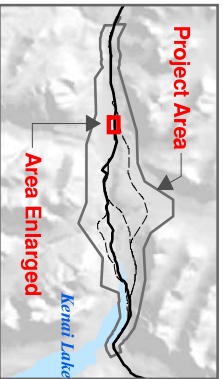
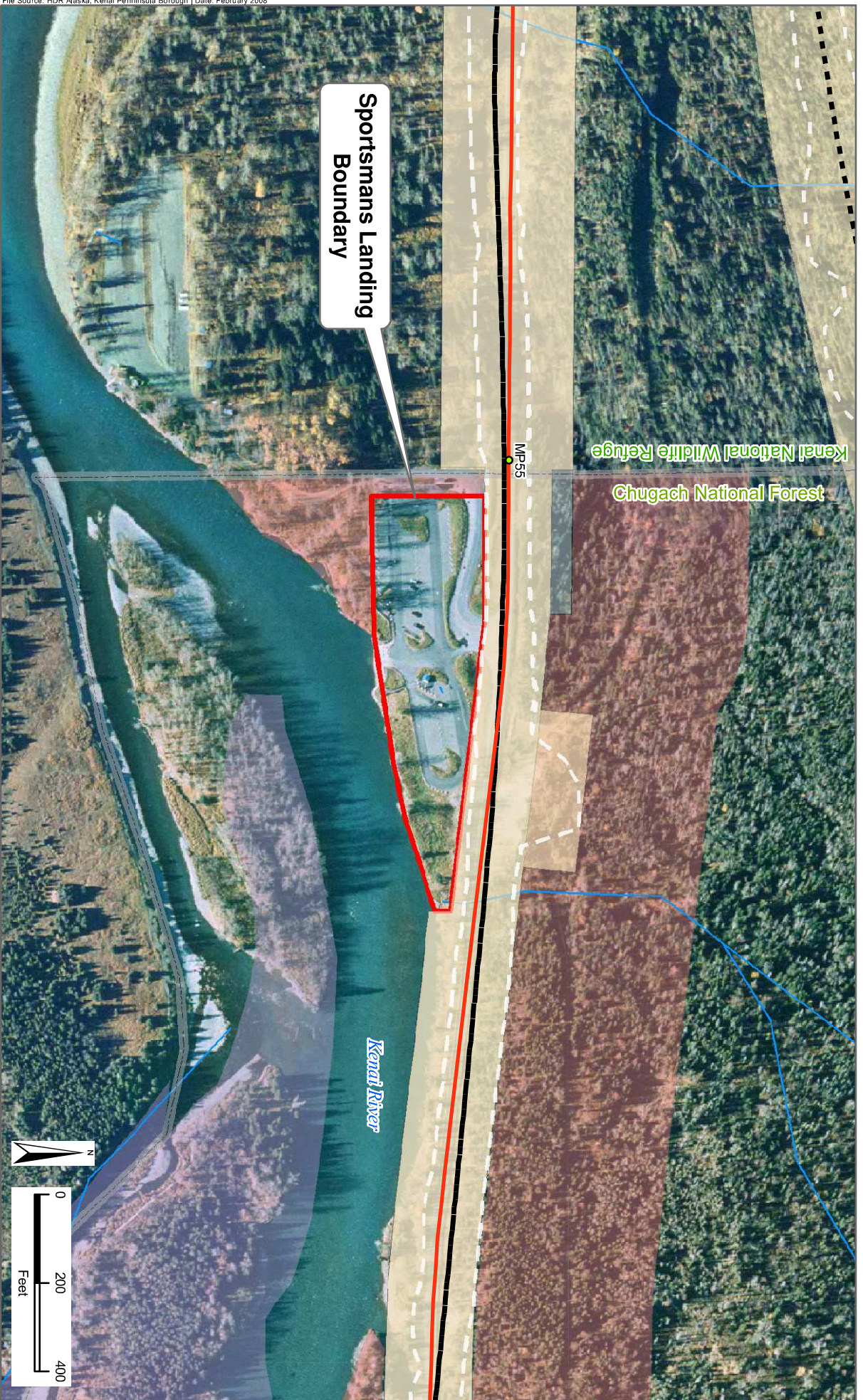


- Existing Sterling Highway
- - - Proposed Alternatives
- Existing Right-of-Way
- ≡ Proposed Cut/Fill Lines
- ~ streams

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

**Figure 3**  
**KNWR Fuller Lakes Trailhead**





- Existing Sterling Highway
- - - Proposed Alternatives
- Proposed Right-of-Way
- Proposed Cut/Fill Lines
- Existing Right-of-Way
- streams
- mileposts
- Russian River Campground Area (approximate)
- Kenai River Recreation Area

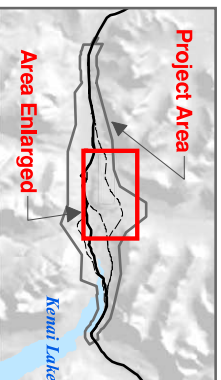
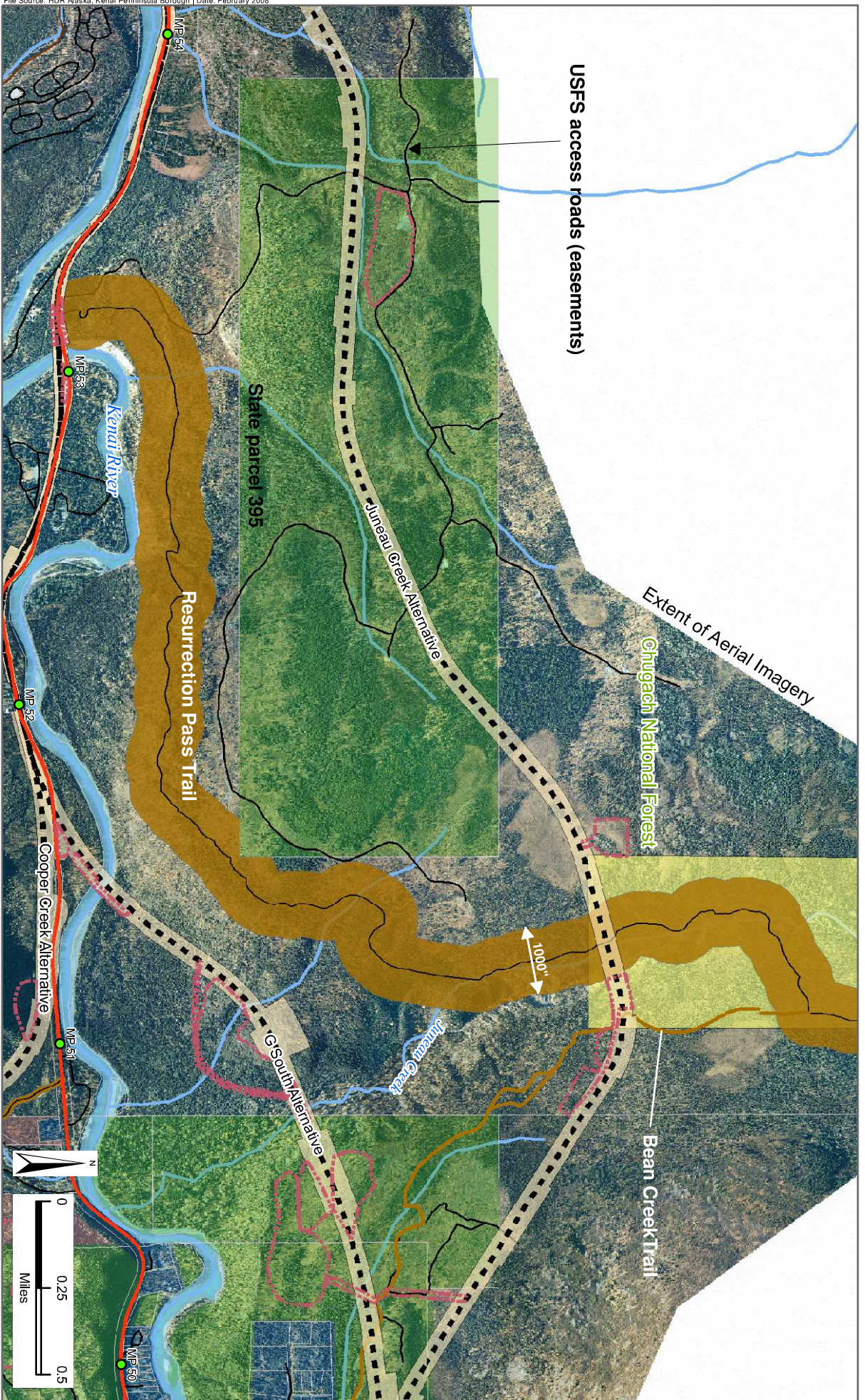
Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

Figure 4

Sportsman's Landing







- Land Ownership
- State
  - Borough
  - Private
- Proposed Staging and Waste Areas
- Existing Sterling Highway
  - Local roads and unimproved Forest roads
  - Proposed Alternatives
  - Trails
  - Juneau Falls Recreation Area
  - Proposed Right-of-Way

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

**Figure 5**  
**Resurrection Pass Trail and Nearby Sites**



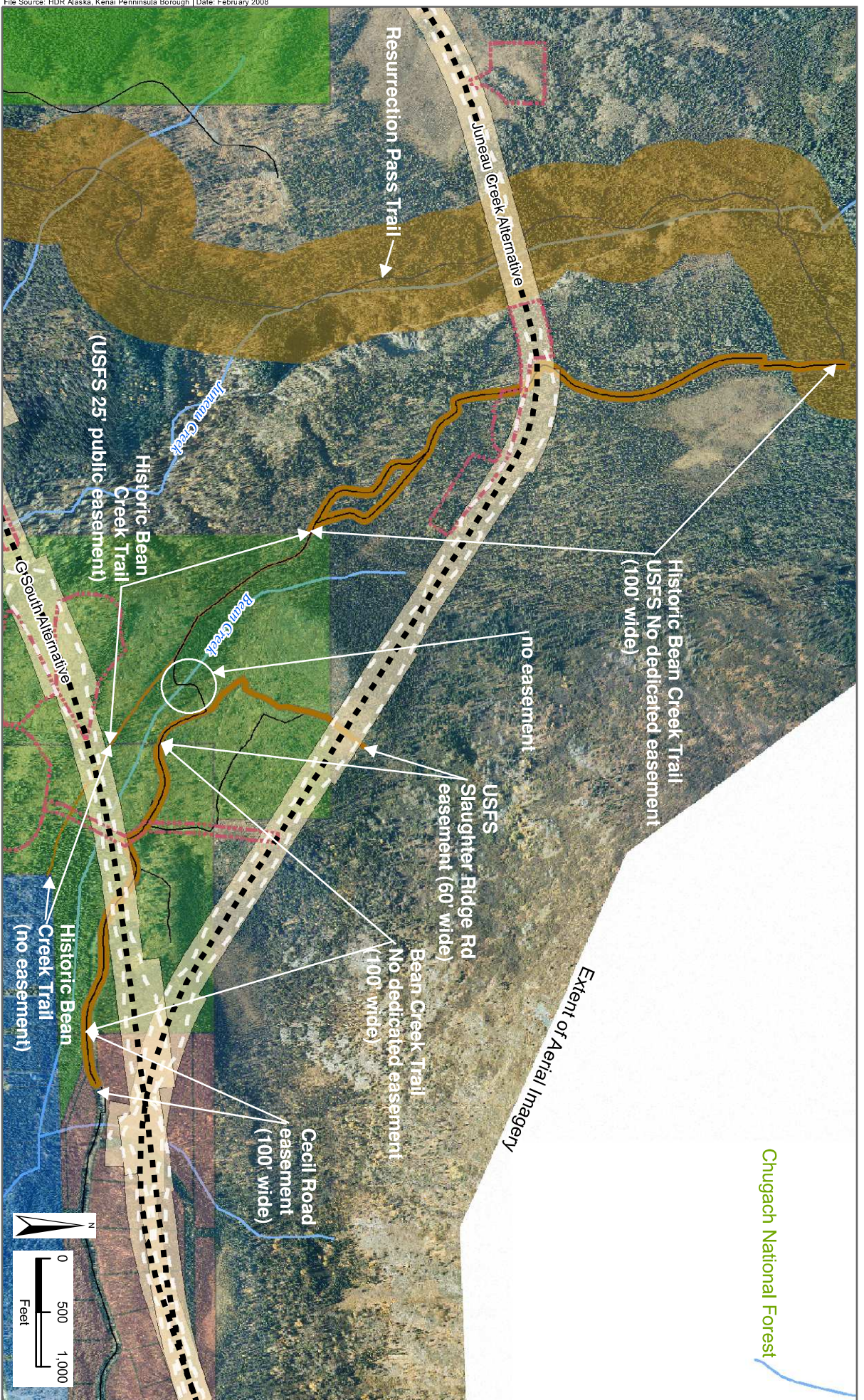
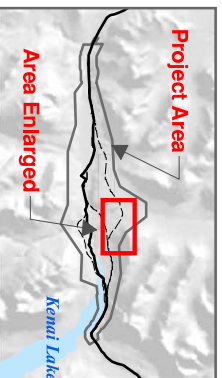


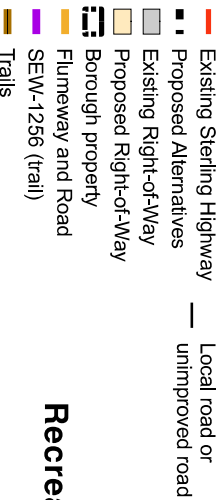
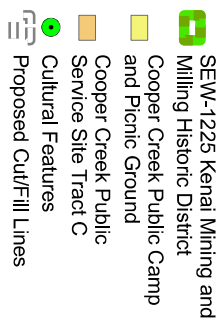
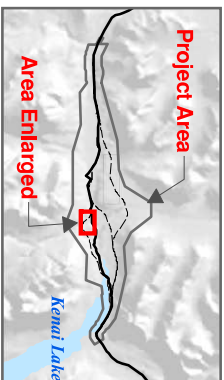
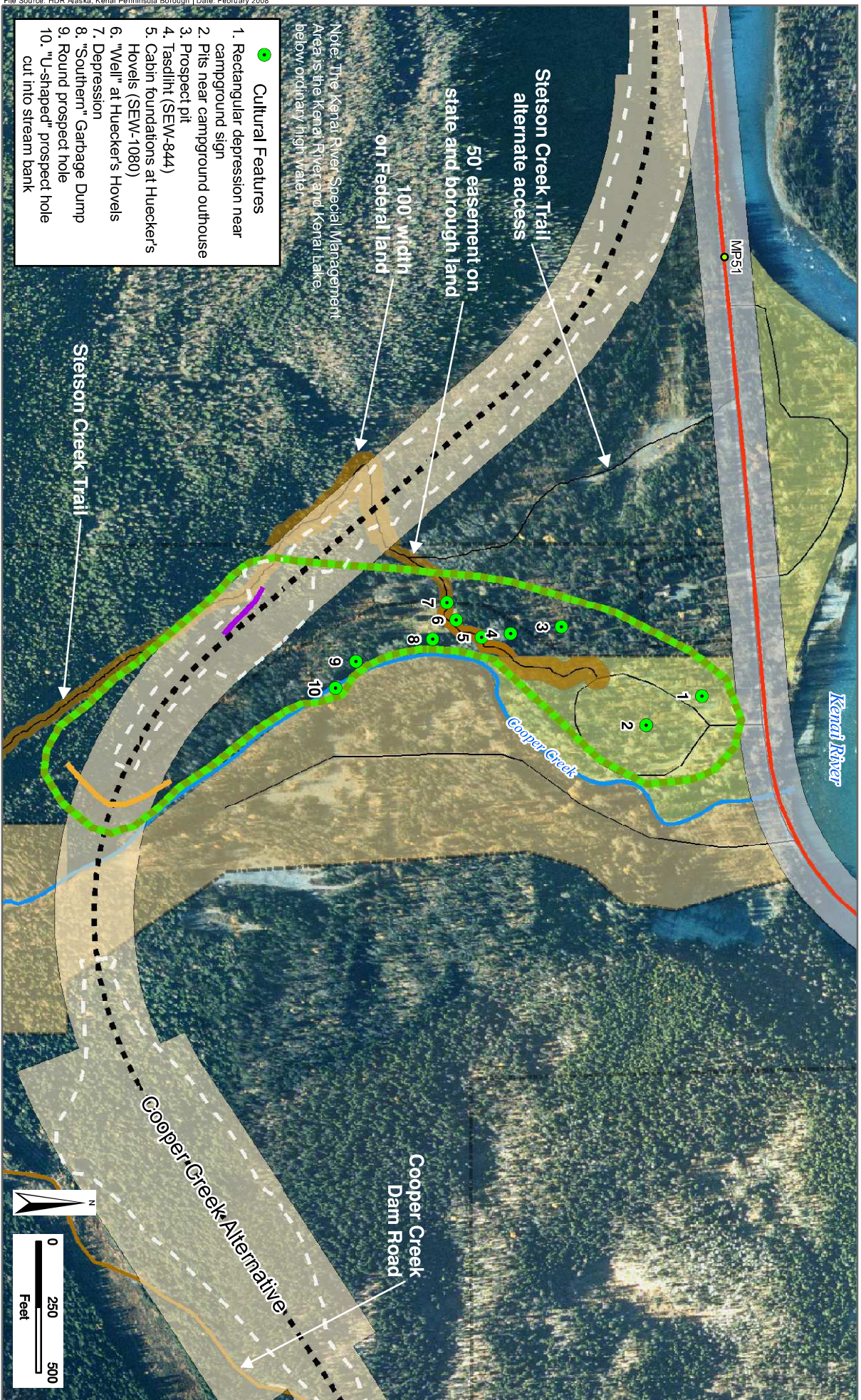
Figure 6

Bean Creek Trail



- Proposed Alternatives
- Proposed Right-of-Way
- Trails
- Local road or unimproved Forest road
- proposed staging and waste areas
- Proposed Cut/Fill Lines
- Land Ownership
  - Borough
  - Private
  - State



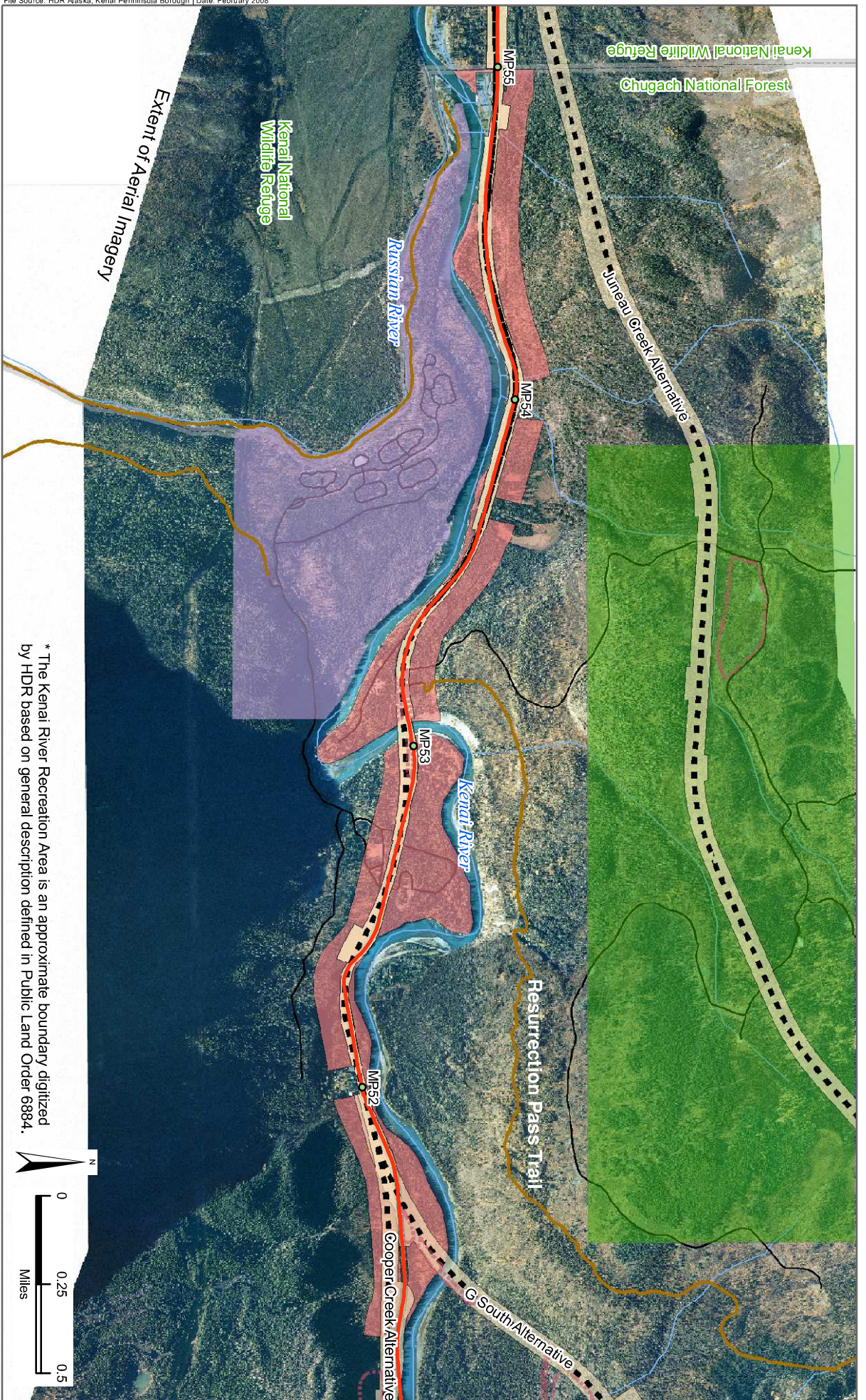


**Figure 7**

**Cooper Creek Area**

**Recreation and Historic Features**





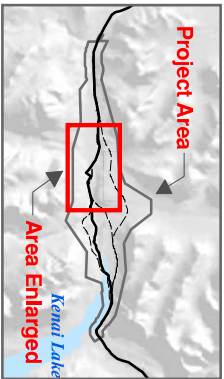
\* The Kenai River Recreation Area is an approximate boundary digitized by HDR based on general description defined in Public Land Order 6884.



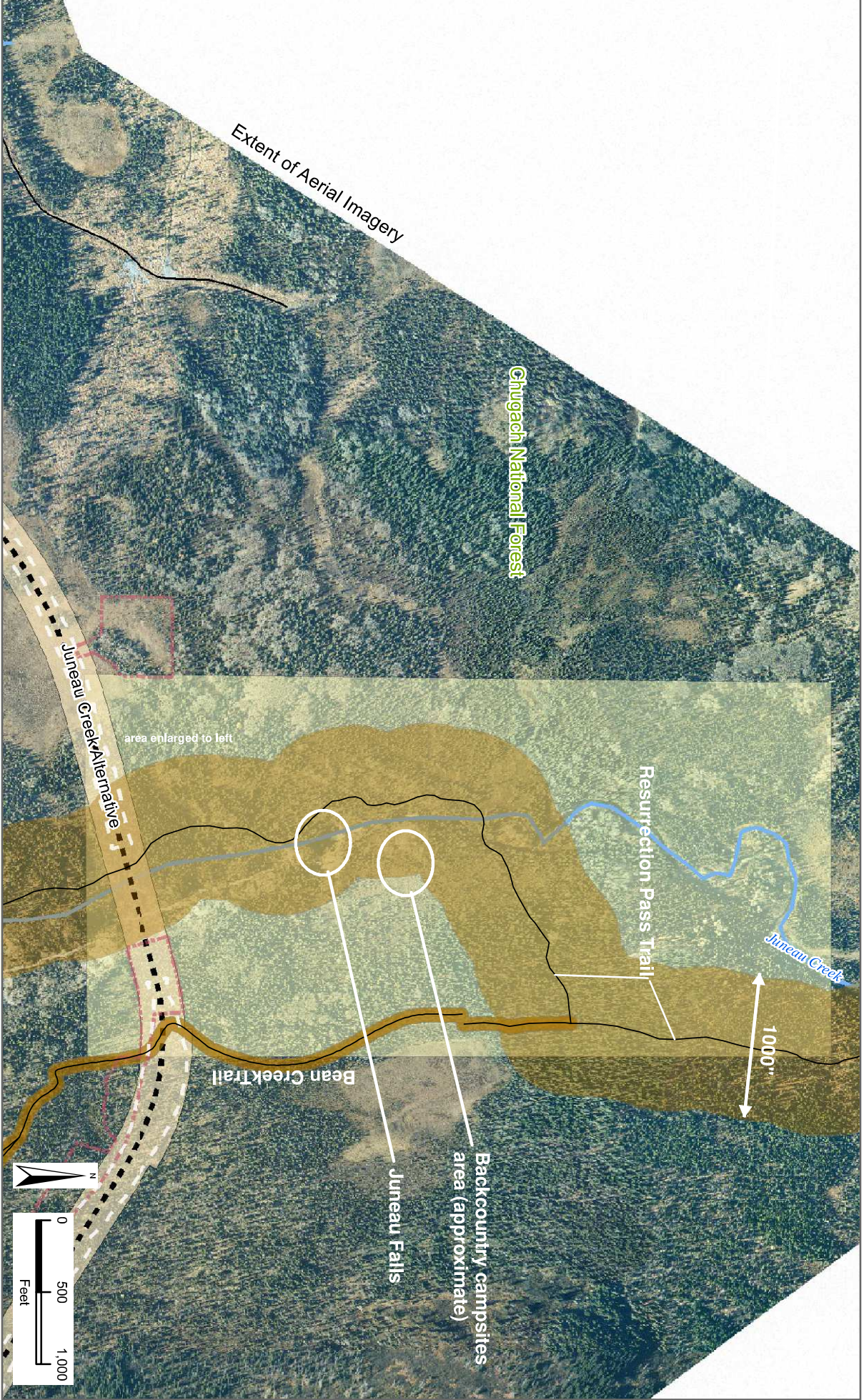
- Kenai River Recreation Area\*
- Russian River Campground Area
- Proposed Right-of-Way
- State Parcel 395
- proposed staging and waste areas
- Existing Sterling Highway
- Local road or unimproved Forest road
- Proposed Alternatives
- trails
- streams

**Figure 8**  
**USFS Kenai River Recreation Area**






Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.





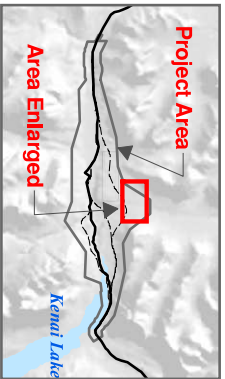


 proposed staging and waste areas  
 Proposed Cut/Fill Lines

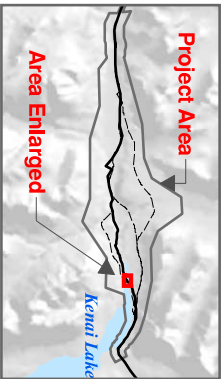
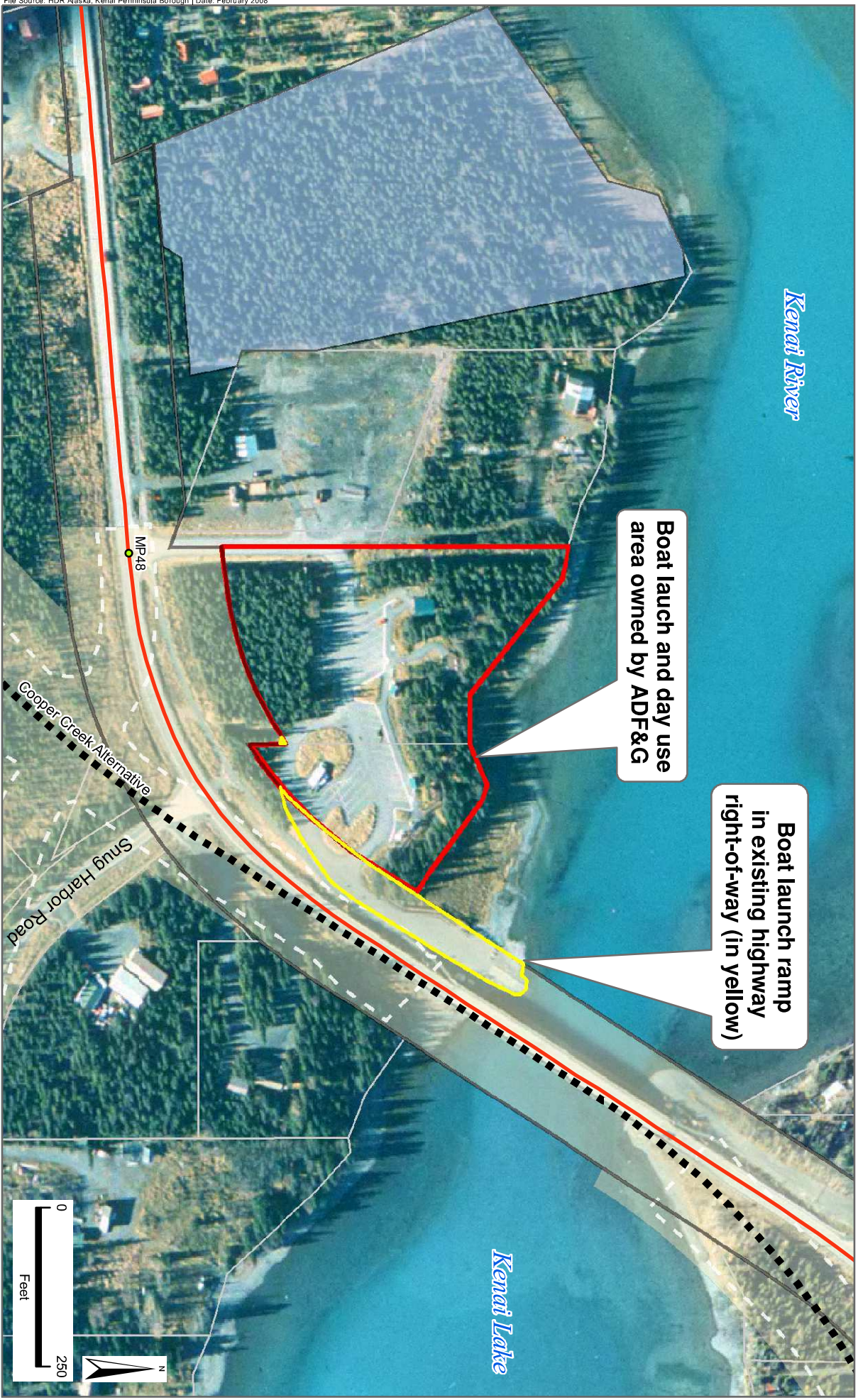
-  Juneau Falls Recreation Area
-  Proposed Right-of-Way
-  Proposed Alternatives
-  unimproved Forest road
-  Trails

**Juneau Falls  
Recreation Area**

**Figure 9**



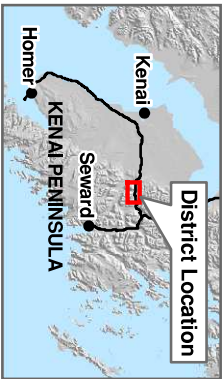
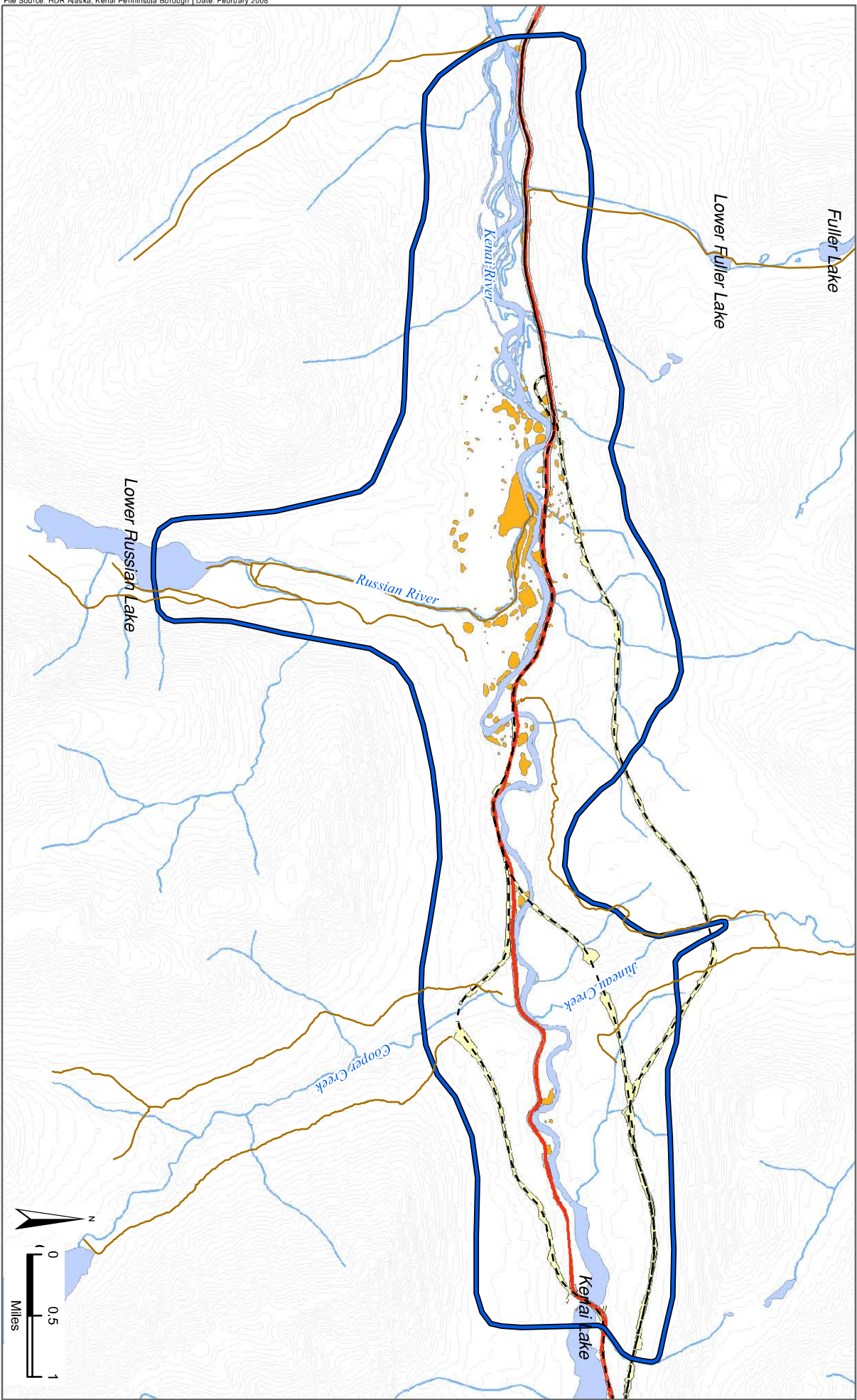




- Existing Sterling Highway
  - Existing Right-of-Way
  - Kenai River Special Management Area (designated in plan)
  - Proposed Right-of-Way
  - Proposed Cut/Fill Lines
  - Proposed Alternatives
- Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

**Figure 10**  
**Cooper Landing Boat Launch & Day Use Area**











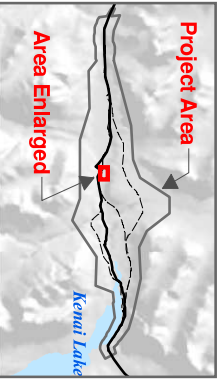
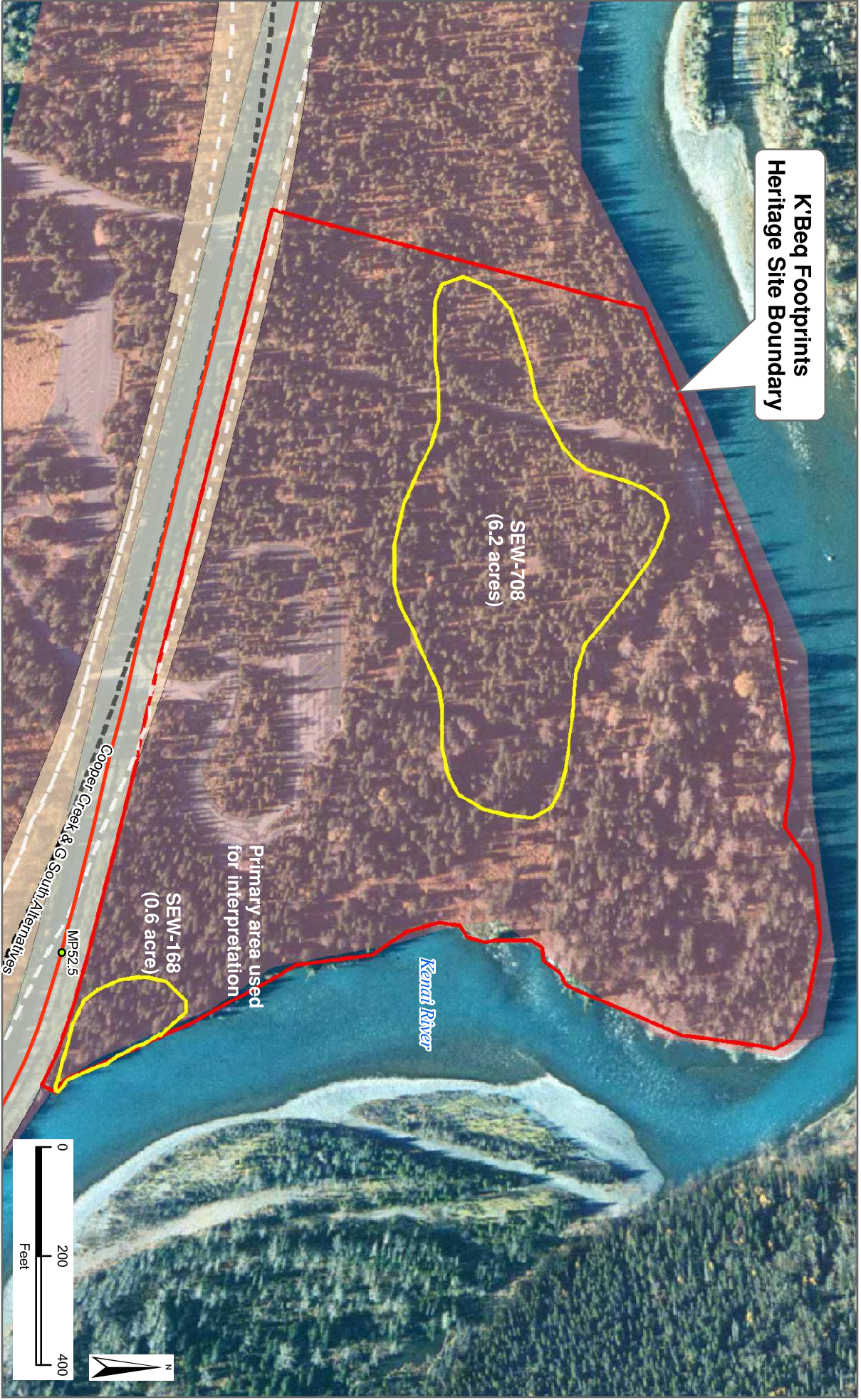
-  Sqliantnu Boundary
-  Cultural Sites/Features
-  Existing Sterling Highway
-  Proposed Alternatives
-  Proposed Cut/Fill Lines
-  trails

Figure 11

Sqliantnu Archaeological District



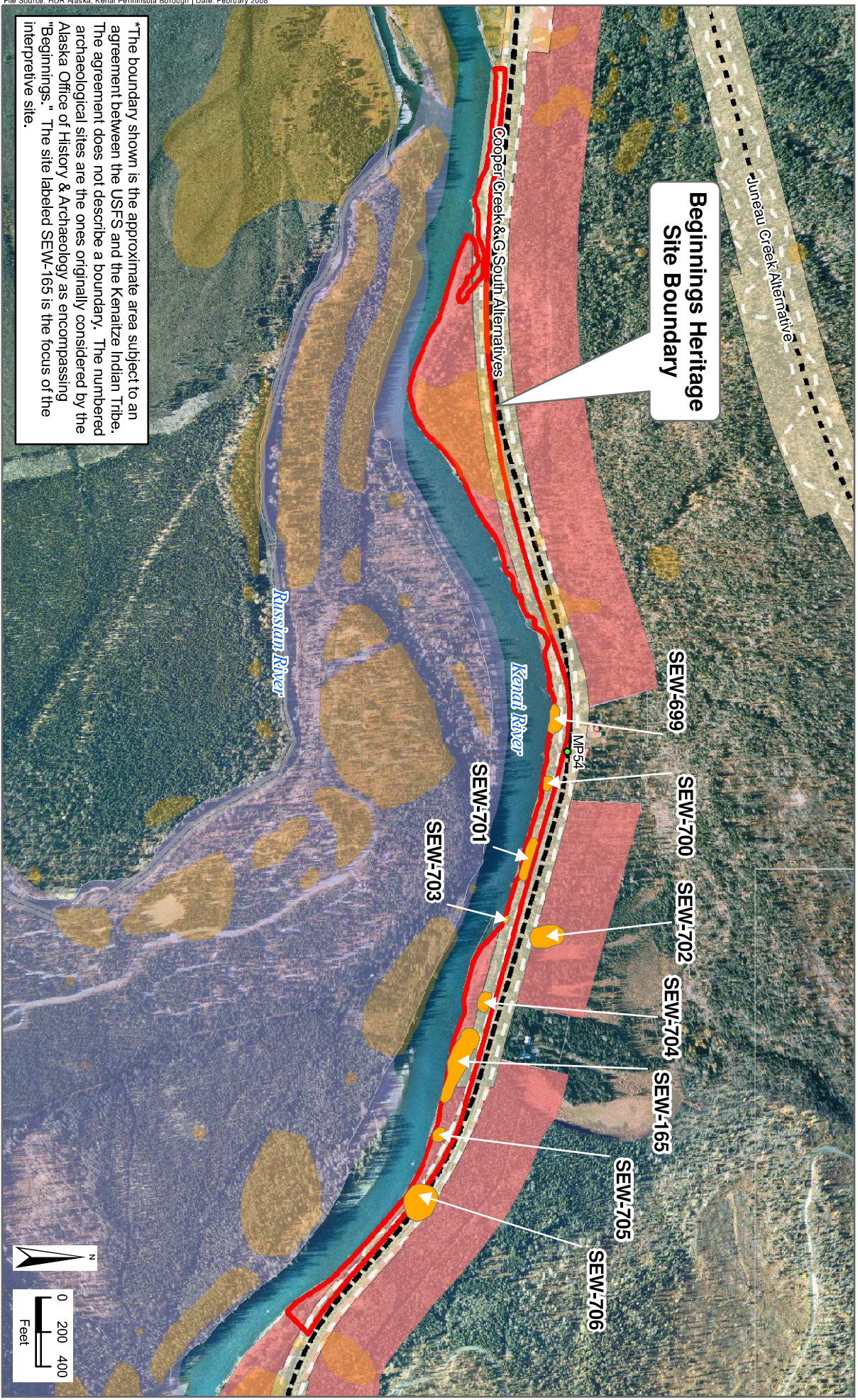


- Archaeological Site
- Kenai River Recreation Area
- Proposed Right-of-Way
- Existing Right-of-Way
- Proposed Cut/Fill Lines
- Existing Sterling Highway
- Proposed Alternatives

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

**Figure 12**  
**K'Beq Footprints  
Heritage Site**





\*The boundary shown is the approximate area subject to an agreement between the USFS and the Kenaitze Indian Tribe. The agreement does not describe a boundary. The numbered archaeological sites are the ones originally considered by the Alaska Office of History & Archaeology as encompassing "Beginnings." The site labeled SEW-165 is the focus of the interpretive site.

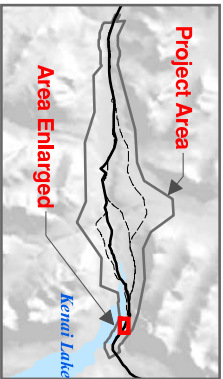
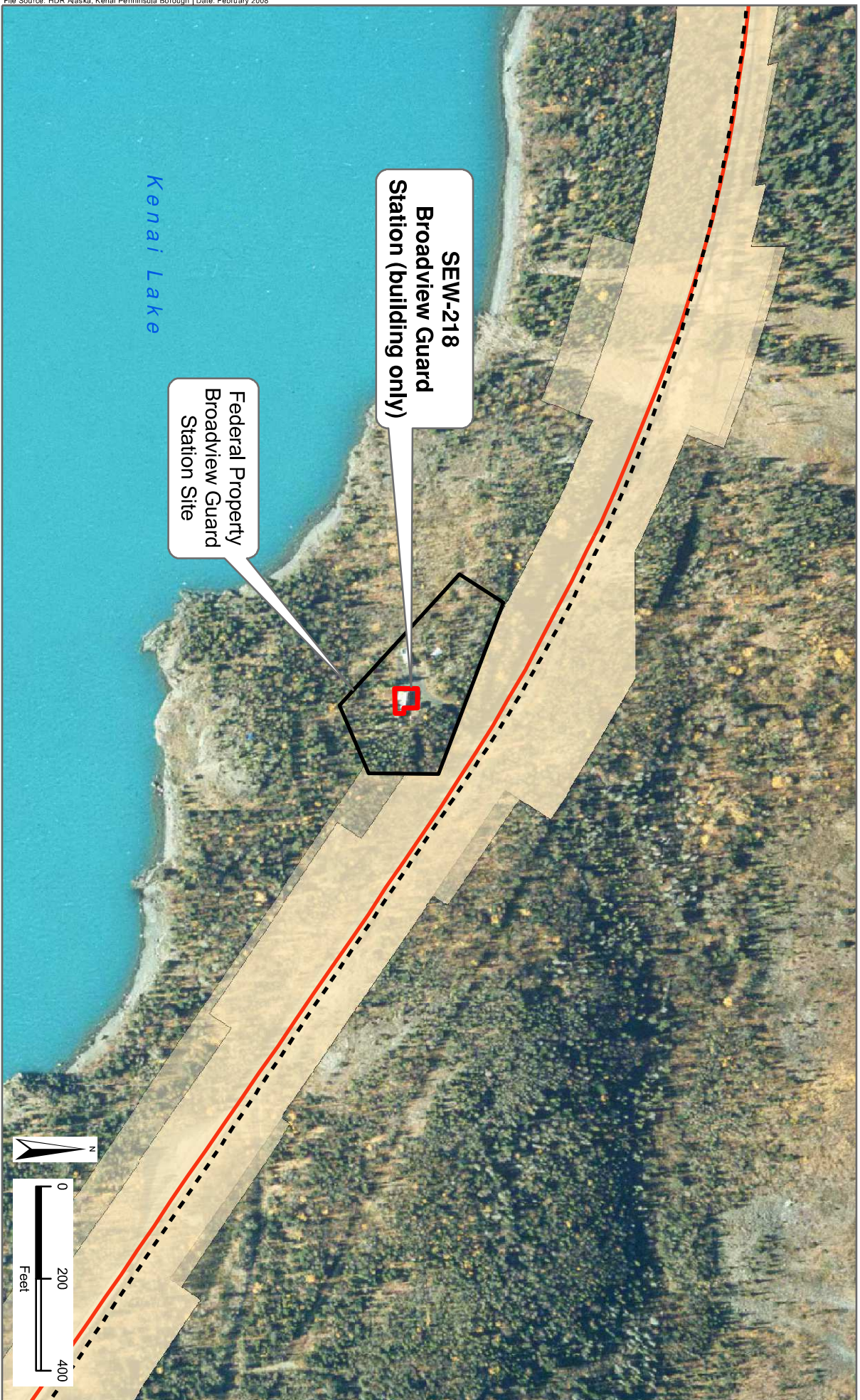
Figure 13

Beginnings Heritage Site

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.







- Existing Sterling Highway
- - - Proposed Alternatives
- Proposed Right-of-Way

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

**Figure 14**  
**Broadview Guard Station**



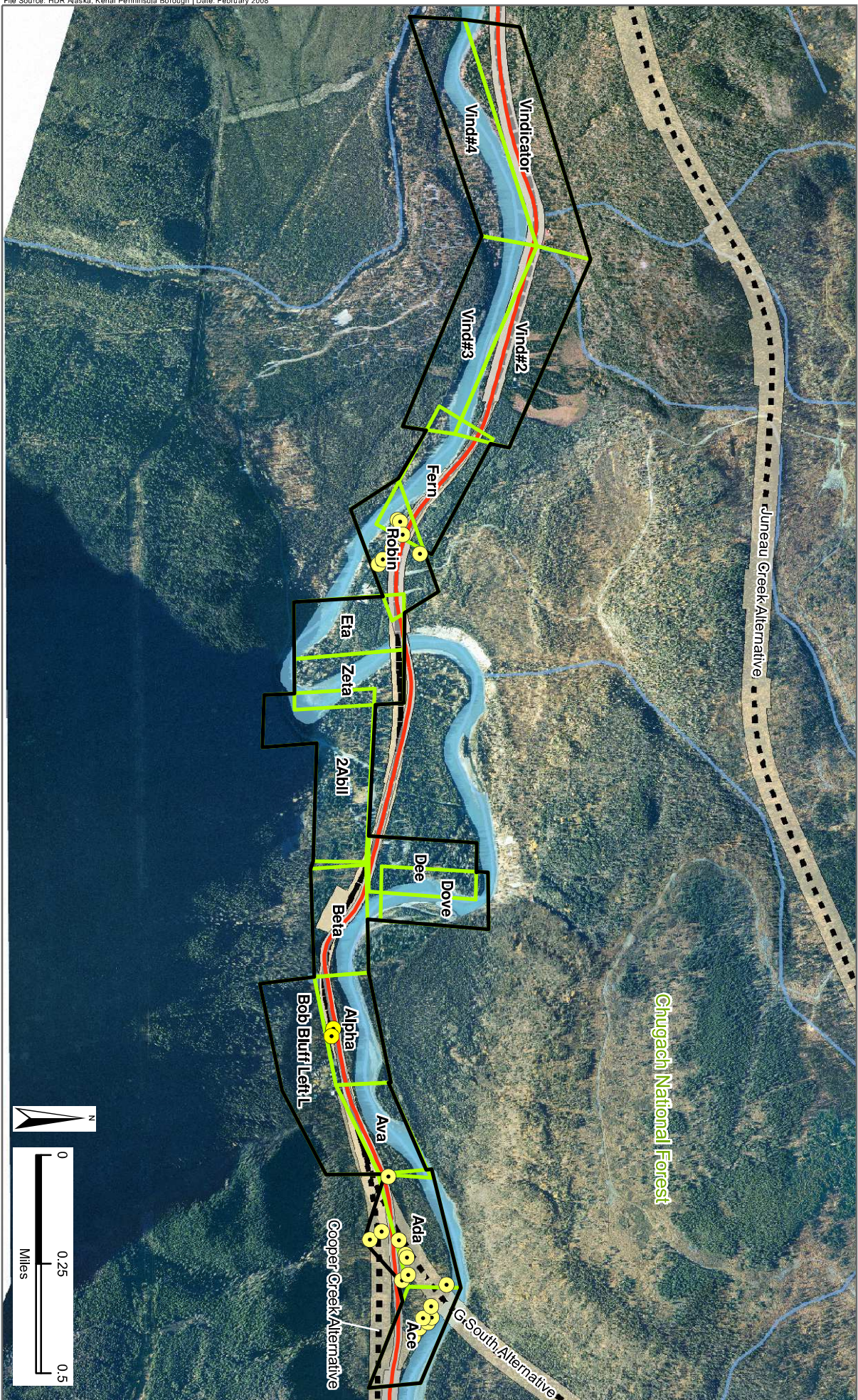
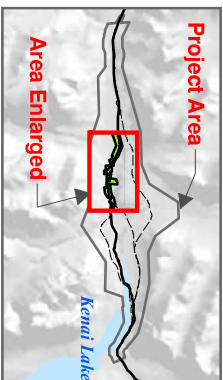


Figure 15

- Hubbard Mining District
- Hubbard Mining Claims
- Prospect Pits and Bulldozed Trenches
- Existing Right-of-Way
- Existing Sterling Highway
- Proposed Alignments
- Proposed Right-of-Way
- Streams

Hubbard Mining Claims  
Historic District







Gwin's Lodge  
(building only)

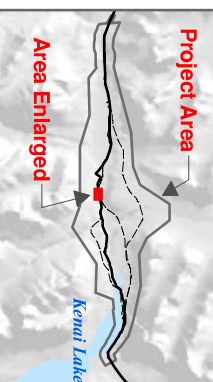
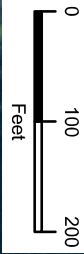
Kenai River

MP52

Cooper Creek Right-of-Way

G South Right-of-Way

Cooper Creek & G South Alternatives



- Existing Sterling Highway
- - - Proposed Alternatives
- Existing Right-of-Way
- Proposed Right-of-Way

Note: The Kenai River Special Management Area is the Kenai River and Kenai Lake, below ordinary high water.

Figure 16  
Gwin's Lodge