

Draft Decision:

# **KASILOF RIVER SPECIAL USE AREA**

**ADL 230992**



*September 2010*



State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Southcentral Regional Land Office

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*Part 1: Draft Decision*

**BACKGROUND, ACTIONS AND AUTHORITY**

**I. PURPOSE AND MISSION:** In a committed effort and in direct response to overwhelming public and agency concerns regarding the impacts from the intense use patterns on state land during the personal use fisheries surrounding the mouth of the Kasilof River, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW) Southcentral Regional Land Office (SCRO) has initiated the process of designating the lower Kasilof River, and vicinity, a Special Use Area. The newly established Kasilof River Special Use Area (KARSUA) boundary is located in the area of the lower Kasilof River system and will directly affect all state owned and managed lands (including both uplands and tidelands) within the KARSUA boundary (see Map 1).

With relatively easy road access, increased participation rates, and the concentrated nature of the fisheries, a number of human uses have already impacted this area and will continue to strain and impact the natural resources upon which the health of the fisheries rely. The land, water, fish, and wildlife values within the proposed KARSUA are held in high esteem by a diverse representation of area residents and the general public who use the area for a variety of purposes, principal among them being fishing and general recreation.

Designating this area as “*special use*” is designed to achieve the following objectives:

1. Provide an immediate management response to the human and natural resource impacts that are degrading the area’s natural values, and prevent further degradation;
2. Bring an acceptable level of order to the use and enjoyment of state resources;
3. Manage for current and expected increases in participation rates and use in this area;
4. Create and maintain a safe, healthy environment for the residents and visitors to the area;
5. Create a minimal, efficient management structure to carry out the purposes of the Kasilof River Special Use Area;
6. Adopt specific regulations designed to discourage behavior known to create negative resource impacts, and;
7. Enhance compliance by application of limited enforcement authority.

The SCRO, within the DMLW is the primary management agency for both general and special use lands within south central Alaska and has direct management responsibility for over 75 million acres of uplands, tidelands, submerged and shore lands throughout the south central area. The SCRO is the appropriate agency to create and manage the KARSUA because it is currently the state land manager in the immediate and adjacent area, and has the direct responsibility to accomplish department and divisional missions within its regional boundaries. Lands contained within the proposed special use area will continue to be managed under the principles of multiple use lands. Furthermore, in light of the resources at risk, and the high level of public and agency concerns, it would be irresponsible for the SCRO to take no action at this time.

It is also important to note that creation of the KARSUA in no way prevents any ongoing discussions concerning the long range plan for management in this area, including the distinct option of creating a special river management area, that would include the entire river system, to be placed under the management of the department's Division of Parks and Outdoor Recreation. In fact, the management strategy and work products produced by this current proposal can facilitate those discussions and serve as an excellent vehicle for transition between management agencies.

## **II. MANAGEMENT ALTERNATIVES:**

The first alternative is to take no action. This alternative is not considered to be a viable alternative because in light of the problem statement(s), it would be irresponsible to do nothing, or to maintain the status quo.

The other two alternatives are similar and include the creation of the KARSUA, but each alternative has different levels of staff and financial support. Creation of the special use area will in and of itself create a higher level of awareness among users and user groups because of the high level of attention this public process will achieve. Although without additional support, management and enforcement will not be effective. The management alternatives are described in more detail below.

### ➤ **No Action:**

This alternative simply leaves the management situation in the vicinity of the mouth of the Kasilof River "as is". Until something else is done, the area will continue to be managed passively as general state land, with activities occurring under Generally Allowed Uses (11 AAC 96.020). No additional resources from the SCRO will be assigned specifically to the area, seasonal contracts for Portable toilets and trash containers could continue so long as a source of funding continues.

*This is an alternative that is unacceptable for the agencies, users and/or residents in the area.*

### ➤ **Special Use Area and Regulations:** No Additional Staffing Support, No Enforcement Authority.

This result represents the first step in bringing order to the use and enjoyment of state resources within the proposed boundaries. It does so through a public process by identifying the issues, creating a management approach for addressing those issues, and creating a higher level of awareness of the area's users through public meetings, signs, and other public awareness printed materials.

Some benefit can be expected in the form of more responsible public behavior owing to the publicity and chatter among users following this public process. Rules of behavior would be created, posted, and made known to all users. However, rules without consequences will not have a significant positive effect on user behavior.

*This approach would enable SCRO to provide some attention and management to the area, although with very limited ability to address the real problems that are in desperate need for attention within the area.*

➤ **Adoption of Special Use Area, Regulations, Dedicated Position(s), Funding, and Limited Statutory Enforcement Authority:**

This would enable SCRO to actively manage the area to satisfy the public need through providing protection for the important natural resource values within the lower Kasilof River area. Also enhancing the opportunity for Alaskans to participate in the available fishery programs and other acceptable forms of recreation, both now and into the future.

*This is the preferred alternative, and the only option that can realistically address the needs of the area. Participation rates are also expected to increase in the future. This option will bring an acceptable level of order for the use of state land and water resources in the proposed KARSUA, and allows the opportunity to protect resource values while managing for the future increases in use.*

**III. LOCATION:** All state owned and managed uplands, tide and submerged lands and shorelands, located within the proposed Kasilof River Special Use Area boundary (see Maps 1 & 2).

**IV. AUTHORITY:** This proposed action will be authorized pursuant to: 11 AAC 96.010(b), 11 AAC 96.014, 11 AAC 96.020, AS 38.04.200(a)(3), AS 38.05.020, AS 38.05.027, AS 38.05.035, AS 38.05.850.

**V. SPECIAL USE LANDS:** Special Use Lands are designations placed on certain lands identified as having "...special resource values warranting additional protections or other special requirements" (11 AAC 96.014). The proposed Special Use Area would protect habitat important for a variety of wildlife including waterfowl, shore birds, fish, and various aquatic resources; it would integrate a system of management designed not to limit overall public use, but to manage it so as to provide for increased public enjoyment of the area's resource values; and use the opportunity to manage and promote this area as one of the state's most accessible and highly valuable attractions on the Kenai Peninsula. Specific regulations consistent with this KARSUA would be adopted per the Administrative Procedures Act (APA) after the establishment of this area.

**VI. THE ISSUES:** Intense use of the area by Alaskans participating in the Kasilof River personal fisheries has created a combination of upland and tideland land management issues. Below is a brief summary of the issues. (For details about each issue including management alternatives and proposed actions see Section XI. starting on page 15).

- Increased risk to public health and safety due to insufficient sanitation facilities.
- Degradation of dunes and associated wetlands from intensive recreational use.
- The strong demand for a public boat launch/recovery site on the lower Kasilof River.
- The early setting of set net fishing gear on the beach for the personal use set gillnet fishery represents a disorderly system for equitable allocation of fishing sites and has been straining existing public safety resources.
- Insufficient public parking/staging areas and extended stays during the fisheries.

- Increased threat to water quality from uncontrolled and unsupported uses.
- Irresponsible disposal of fish waste
- Maintaining and enhancing public access to and from state land.
- Increased trespass on adjacent private lands is creating user conflicts with local residents, poses potential threats to public safety and places strain on existing public safety resources.
- Target and recreational shooting during the fisheries is a public safety concern to the users, families and residents of the area.

## VII. PROPOSED MANAGEMENT ACTIONS:

### Proposed Management Action(s):

- 1) Create a Special Use Area for the lower Kasilof River (KARSUA) under 11 AAC 96.014 for the purpose of enhancing and protecting the important natural resource values within the lower Kasilof River area while balancing the need to preserve and enhance recreational opportunities for all Alaskans now and into the future.
- 2) Utilize the KARSUA decision as the basis for the management of this area and as the basis for department decision-making. More specifically, this area is to be managed by the Department consistent with the requirements of this document described herein as 'Issues and Management' and 'Unit Specific Guidelines, Actions, and Management'.
- 3) Utilize the KARSUA decision as the basis for the addition to the special use regulations (11 AAC 96.014) and as the basis for the management of uses. These additions (rules) are identified below:
  - ❖ Prohibition to place, drop, or discard waste or refuse (including human waste) except within the provided sanitation facilities<sup>1</sup>
  - ❖ Operation of a motorized vehicle is limited to beach areas and designated trails/areas<sup>2</sup>
  - ❖ A permit is required for any placement or setting of gear on the beach or adjacent tidelands, more than 7 days prior to the beginning of the Kasilof River Personal Use Set Gillnet Fishery
  - ❖ The establishment and implementation of the User Pay Fee System (UPFS) to cover management costs associated with providing services in support of the personal use fisheries
  - ❖ A permit is required to park, stage or camp for a period longer than 14 consecutive days
  - ❖ Restriction on discharging of a firearm for the purpose of target or recreational shooting
  - ❖ An authorization is required for any commercial buoy, dock, boat launch/recovery, or mooring
  - ❖ Prohibition to destroy, deface or remove state owned or authorized facilities and/or property
  - ❖ Fish waste should be disposed of in accordance with applicable ADF&G guidelines

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<sup>1</sup> Provided sanitation facilities means any state owned or provided toilet or trash facility.

<sup>2</sup> The term motorized vehicle is defined as "a wheeled vehicle whose propulsion is provided by an engine or motor". Limitations on the use of motorized vehicles does not apply to aircraft or boat, or on state or borough maintained roads, private driveways, designated parking, designated trails, beaches and other areas including Fisherman's Road and established trails throughout unit KB (also see management for unit KB for details)

**VIII. BACKGROUND:** Located on Alaska's Kenai Peninsula the Kasilof River is a relatively large, partially glacial-fed river stretching almost 20 miles; flowing north, northwest; draining Tustumena Lake before emptying into the Upper Cook Inlet. The Kasilof River is the second most productive freshwater fishery on the Peninsula and the second largest source of Chinook (King) Salmon in the state. The River is within a short driving distance from most of Southcentral Alaska's major population center's (180 miles from Anchorage) creating many readily available commercial, recreational and personal use fishing and recreational opportunities for many Alaskans and visitors.

*Land Ownership and Access:* The various land ownership patterns and the limited available public access to the lower river are some of the challenging factors in this scenario, therefore the DMLW is actively working with key land owners such as the Kenai Peninsula Borough (KPB), and the Mental Health Trust Authority (MHT) to help resolve many of the access and user issues. The Kasilof River and the lands underlying the mouth upstream to 13 miles are state-owned and managed; and have been determined as a state navigable water body through a Recordable Disclaimer of Interest process. The state also owns and manages the tide and submerged lands out to a three mile limit. Most of the upland areas adjacent to the Lower Kasilof River are relatively low-lying, located within a designated flood zone. These areas have been affected by damaging flood events as recently as 1995 and 2002.

The state through the DNR, DMLW owns and manages a number of upland areas adjacent to the river that are used to both access and accommodate thousands of users for the personal use fisheries. The available state lands directly adjacent to the river mouth allow the public to readily access both sides of the river mouth for both the set and dip net personal use fisheries. The south side of the mouth can be accessed by following Cohoe Beach Road to the end, then by travelling in a northeasterly direction towards the mouth through unit KS (see Map 2). It is important to note that through the KARSUA process the state was able to acquire a key access area from the MHT authority (Government Lot 11, SM-0479). This area is the main access and parking area to the end of the Cohoe Beach Road. State ownership of this parcel is a very important step in securing long-term public access to these important public lands to the south of the river mouth. The acquisition of this parcel also provides the state with the opportunity to further improve the area for the public through possibly creating additional parking areas, an educational kiosk, and permanent toilet and disposal facilities

Most of the state uplands on the north side are School Trust lands; therefore additional requirements do exist for these lands (see Definitions). Access to the north side of the river mouth (unit KN) is via Kasilof Beach Road by following the road towards the beach. There are a number of unimproved and degraded parking areas adjacent to the beach (below the dunes) including a number of trails to the beach. These areas tend to become very muddy and have been heavily impacted by the users during the peak season. Public access to the north side of the mouth, other than the beach is via a 60ft wide improved public roadway through private land (U.S. Survey 83) and is marked by series of buoys. This public roadway (easement) can be used by the general public to access the river mouth, although the adjacent lands are private, and public traffic can at times strain the access and exit of commercial fish processing vehicles. The issue of trespass on the adjacent private lands has also raised concerns by private land owners.

The lack of available and designated public parking areas on both the north and south access areas to the river mouth and beach is a problem, along with insufficient human waste facilities, for the thousands of users. Many users tend to use the immediate or adjacent areas due to lack of resources and many users stay for extended periods, and frequently past the 14 day Generally Allowed Use (11 AAC 96.020.) limit.

Another highly used access point is Fisherman's Road. This unimproved road cuts through Borough lands, with an adjacent parcel of state land located to the east (unit KB). Fisherman's Road has historically been used to access the beach for the personal gillnet and the commercial gillnet fisheries, and is in desperate need of upgrade/repair, especially for access to get temporary sanitary facilities in place. At present access to the two other remaining state uplands (KU and KL) within the SUA boundary is limited to the river, with no roads to these parcels.

**Public Boat Launch and Recovery:** Access to the lower river is a significant public and agency concern, as no public docks or ramps exist. The only developed public boat launch/and take out facility is approximately eight miles upstream of the mouth located at the Kasilof River State Recreation Site, adjacent to the bridge. A small private boat launch and pier owned by Ocean Beauty Seafoods LLC exists on the north-side of the mouth, but is limited to the commercial fishing fleet during the summer season. There are also a number of private docks in the river less than 3 miles from the mouth that support fish-processing facilities, and two private facilities in the lower river; one being a launch and recovery facility; the other only a take-out facility. These private facilities mainly cater to guided drift boats. The overwhelming need to secure a public facility on the lower river has become a public and agency priority. An agreement with a private dock or upland owner, with the DNR for the purpose of creating a dedicated public boat launch and/or take-out facility on the lower river can be a tangible solution to this river access problem. The lower river is also used for moorage by numerous fishing vessels and fish buyers.

**The Fisheries:** In 1981, the Alaska Board of Fisheries (BOF) created a personal use dip net fishery around the mouth of the Kasilof River; in a similar timeframe the BOF also created the personal use gillnet fishery in the marine waters adjacent to the mouth. These fisheries, managed by the Alaska Department of Fish and Game (ADF&G), are only available to Alaskan residents and were initiated as an alternative to subsistence fishing and originally used as a management tool to harvest the surplus of salmon stocks not harvested by the commercial or sport fisheries. In recent years these fisheries have become increasingly popular, due to increased population and recent economic instability. These fisheries provide Alaskans an economical way to stock their freezers for the coming winter months, while enjoying the social benefits that have become an integral part of the fishery(s). Sockeye (red) salmon is the primary harvest for both of the personal use fisheries, with a limited number of Chinook (King) salmon taken from the personal set gillnet fishery. The peak Sockeye runs typically occurs around mid-July. A large scale commercial set gillnet fishery (including DMLW, SCRO issued set net leases) are present approximately one mile, both north and south of the river mouth. The area is also an extensively used harvest area for the commercial drift gillnet fleet, including the existence of a significant number (over 120) of commercially used mooring sites (buoys) beginning at the river mouth, and extending about 2 miles upstream. The Kasilof River and adjacent state uplands and beaches are also very popular for other opportunities such as boating, hunting, clamming, beachcombing, wildlife viewing, picnicking and camping.

**Wildlife and Habitat:** The Kasilof River and adjacent uplands form an interdependent ecological system rich in important land, water and wildlife resources that Alaskan's have grown to appreciate and depend upon. The lowlands of the lower river extend towards the mouth, where wide and exposed mud flats are surrounded by flat marshy land. The lowlands support patches of semi-open black spruce and muskeg, intercepted with shrub and grass lands. This combined with the highly erodible bluffs of the coastline make development in the area somewhat difficult. Directly adjacent to the river mouth on both the north and south side, upland, sandy beaches exist on the ocean forefront, then salt tolerant plant species (mainly grasses) are found in the slightly higher sandy benches (i.e.: the dunes). An extensive area of wetlands is also found on the southern side of the river mouth. The dunes including the grasses form a natural barrier and aid in protection of the adjacent wetlands and flood plain(s). These wetland areas provide natural water storage, habitat for various

species and perform important water quality functions. In turn, the beach and dune areas are also heavily used by campers and fisherman during the summer season.

The grasslands and adjacent wetland areas directly adjacent to the mouth support a variety of species, particularly in the southern area of the mouth (unit KS). The area supports duck and geese spring (April – May) and fall (August – November) concentrations, shorebird nesting areas and trumpeter swan general distributions. The wetland areas also support moose winter concentrations and waterfowl. The Kasilof River and adjacent Tustumena Lake is a extremely important system supporting both resident and anadromous fish populations that includes habitat for Chinook (King) Salmon, Sockeye (Red) Salmon, Coho (Silver) Salmon and Pink (Humpy) Salmon during their sensitive life cycles (i.e.: spawning and rearing). The system is also home to Dolly Varden Char and Steelhead species.

The Kasilof River area is located within ADF&G Game Management Unit 15. Subunit 15C (the Lower Kenai Controlled Use Area) does not allow anyone using a motorized vehicle (except an aircraft or boat) for moose hunting including the transportation of moose hunters, their hunting gear, and/or parts of moose from Sept 11-14 and Sept 17-20. However, this does not apply to the use of motorized vehicle on a state or borough maintained highway or on graveled portions of Oilwell, Brody and Tustumena Lake Roads, or driveways used for direct access to a primary residence or business per Alaska Hunting Regulations 2010-2011 pg. 76.

***Cultural Resources:*** Prehistoric and cultural resources exist in the area, including the remains of an old Russian fort and an old cannery (third built in Alaska and the first in Cook Inlet) and important graveyards within unit KN. The “Watchman’s Cabin” was located within unit KN, although was relocated by the Kasilof Historical Society to another location nearby to protect and restore. Other prehistoric and cultural resources are also located within units, KN, KS, KB, and KU.

**IX. RELATIONSHIP TO THE KENAI AREA PLAN AND OTHER PLANS:** The creation of the proposed KARSUA is an immediate and cooperative management approach in order to address the current use patterns and environmental issues within the area. This action is consistent with classifications of Wildlife Habitat Land and Public Recreation Land, and the designations and management direction of Habitat (Ha) and Public Recreation (Rp and Rd) as identified within the Kenai Area Plan (KAP). The adoption of the proposed KARSUA fulfills the overwhelming public and agency need for a cooperative management solution that can be implemented in a relatively short timeframe.

Creation of this SUA would not, and is not intended to diminish the importance of any long term management proposals for the entire Kasilof River system as recommended in the Kenai Area Plan. The KARSUA is specifically designed to address the issues in the general area of the mouth and the lower River. Those discussions may continue, but with the realization that creation of a management model based upon that used in the Kenai River Special Management Area will take considerable time to design, create and implement. This proposed SUA will fill an immediate need where the problems dictate immediate action, and may be kept in place as long as necessary, and/or amended to suit the public need. The broader Kasilof River area was also previously recommended for designation as an Area Meriting Special Attention (AMSA). A draft Kasilof River AMSA was prepared by the KPB in 1992, though never formally adopted. Some of the concerns and issues that were identified within the draft AMSA will be addressed through this SUA.

Other plans and management that exist in the general Kasilof River drainage include:

- Kenai Peninsula Borough Coastal Management Plan (2007)
- Kasilof River Salmon Management Plan (5 AAC 21.365) (ADF&G)
- Kenai National Moose Range (AS 16.20.030A08)
- Clam Gulch Critical Habitat Area (AS 16.20.595)

## MANAGEMENT AND UNIT GUIDELINES

**X. MANAGEMENT UNITS:** Although the lands within the KARSUA boundary generally share similar attributes and issues, for the purpose of clear management direction the KARSUA has been separated into smaller geographical units called management units. The creation and application of these management units enables SCRO to be more specific for management purposes within a particular unit that may not be needed or applicable in other areas or units within the boundary. These units have a distinct identifying number (i.e. KT tide and submerged lands) that is clearly described both in the text and on the maps (see Map 2). Below is a brief description of each unit and corresponding map location.

### *Upland Units:*

#### **KN:** *Kasilof River Mouth North*

This unit is located on the north side of the river mouth, is approximately 78 acres and mainly consists of salt tolerant plant species (mainly grasses) found in the slightly higher sandy benches (dunes) near the tideland areas. The beach and dune areas are very heavily used by campers and fisherman during the summer season. Current access to the unit is via following Kasilof Beach Rd., then by either following a 60 ft improved public roadway to the mouth or by using one of the numerous trails to the beach. These are School Trust lands.

#### **KS:** *Kasilof River Mouth South*

Located on the south side of the river mouth and is approximately 222 acres, this unit mainly consists of extensive herbaceous wetland areas located mostly in the southern part of the unit. Towards the coastal areas salt tolerant plant species (mainly grasses) are found in the slightly higher sandy benches (dunes). The beach and dune areas are very heavily used by campers and fisherman during the summer season. Access to the unit or the mouth is by following Cohoe Beach Road to the end, then by travelling in a northeasterly direction towards the mouth using either the beach or the designated trails.

#### **KB:** *Kasilof Bluff*

This unit is located directly adjacent to Cook Inlet, south west of the river mouth and consisting of 93 acres. The unit primarily consists of evergreen (spruce) forest, and highly erodible bluffs along the coastline making development in the area somewhat difficult. The unit is accessed by either the beach (although very steep) or by Cohoe Loop Road This unit receives relatively less use, compared to units KN and KS.

#### **KL:** *Kasilof River Lower*

This unit is located approximately 1-2 river miles upstream from the mouth on the east and north side of the river and consists of 329 acres. The upland areas are low lying and generally consist of mainly herbaceous wetlands with limited areas of sedge grasses. The unit is used for camping, walking, bird watching and hunting and can only be accessed by the river.

#### **KU:** *Kasilof River Upper*

Located approximately 3.5 river miles upstream from the mouth and approximately 36 acres, this unit mainly consists of low lying herbaceous wetlands and small water bodies. The adjacent parcel to the east is KPB owned lands. The unit is used for fishing and recreation and can only be accessed via the river.

### ***Tideland Unit:***

#### **KT: *Kasilof Tide and Submerged Lands and River***

This unit consists of approximately 1,907 acres and includes the tide and submerged lands around the Kasilof River mouth and extends approximately 1 mile north and south from the mouth, and then extends upriver adjacent to unit KL, located approximately 3.5-4 miles upstream. This unit also includes the lower Kasilof River shore lands within the KARSUA and the beach areas. *Note for the purpose of management the KARSUA beach areas may be described or managed within units KT, KS and/or KN, as there are overlapping uses or management requirements.* The tide and submerged lands within the unit are very dynamic consisting of strong tidal currents and influences. The lower river waters are also dynamic and tidally influenced. The river bed in the lower river is extremely silty and the V-shaped channel and with steep banks makes river access at low tides difficult. The tidelands experience strong winds and storm surges. It is important to note this river system is relatively narrow and shallow as compared to the Kenai River.

The tidelands are used extensively for commercial, personal and recreational fishing. Two separately managed personal use fisheries occur in the area. The Kasilof River personal use set gillnet fishery occurs in the salt waters about 1 mile north and south of the river mouth, as defined by the ADF&G markers. The Kasilof River personal use dip net fishery occurs around the mouth from the ADF&G markers posted on Cook Inlet outside of the mouth, to about 1 mile upstream to the ADF&G marker. Finally, the commercial fishing fleet extensively uses the tidelands for fishing operations and transportation and over 120 commercial mooring sites that are located in the lower river.

**XI: ISSUES AND MANAGEMENT:** This section identifies the main issues that need to be addressed within the **KARSUA** and is listed in order of management priority.

A summary of each issue is **Described** (*what is the problem?*), then a description of the **Impacts** that are related to the issue (*why is it a problem?*), followed by **Proposed Management Alternatives** (*see Facilities and Improvement Recommendations Section in Part II*), then finally the **Proposed Action** that “*aids to address the impacts or resolve the issue(s)*”.<sup>3</sup>

**SANITATION, HUMAN WASTE AND DISPOSAL:** Human waste and dumping of trash is an increasing social and environmental concern on both upland and tideland areas adjacent to the river mouth (units KN and KS) and poses serious threats to the health of humans, wildlife and water quality. State funded and privately contracted temporary sanitation facilities (port-a-potties and dumpsters) have been placed at the end of Cohoe Beach Rd (unit KS), at the end of Kasilof Beach Rd (unit KN) and also at Fisherman’s Road (KPB land). These facilities have been beneficial to the users, although overuse and disturbance of these relatively unmanaged facilities has been frequently reported. At unit KS, these services are not conveniently located for the users of the personal dipnet fishery (at the mouth), therefore many users tend to use the adjacent dune, beach and wetland areas.

<b><i>Impacts</i></b>	<b><i>Proposed Management Alternatives:</i></b> ( <i>see also Facilities and Improvement Section in Part II</i> )	<b><i>Proposed Action</i></b>
<ul style="list-style-type: none"> <li>➤ Sanitation and bacteria issues in the grasslands and beach</li> <li>➤ Human waste displeasing to many responsible users (smell and visual impacts)</li> <li>➤ Impacts on the adjacent water quality where fish reside and are harvested.</li> <li>➤ Creates attraction/food for wildlife.</li> <li>➤ Trespass and health concerns from adjacent land owners</li> </ul>	<ul style="list-style-type: none"> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li> <li>❖ Signage and informational kiosk</li> </ul>	<p>✓ <i>Prohibition to place, drop, or discard waste or refuge (including human waste) except within the provided sanitation facilities<sup>4</sup> **<sup>5</sup></i></p>

<sup>3</sup> Note: Although the facilities and Improvement Recommendations have been added to the tables above, they are separate from the actual SUA guidelines and decision. These recommendations are added to put perspective to the issues and actions and are described in detail in Part II of the document.

<sup>4</sup> Provided sanitation facilities means any state owned or provided toilet or trash facility.

<sup>5</sup> \*\* PROPOSED ACTIONS THAT RESOLVE MULTIPLE ISSUES

**DEGRADATION OF DUNES AND WETLANDS:** The areas adjacent to the personal use fisheries have been impacted by increased human use and the associated activities. The grass covered benches (“the dunes”) are heavily used by campers and fisherman especially for the two months during the personal use fishery(s). The use of motor vehicles including ATV’s both on and off existing trails has impacted the area. Also of particular concern is the extensive recreational use of ATV’s in the adjacent wetlands.

<i>Impacts</i>	<i>Proposed Management Alternatives: (see also Facilities and Improvement Section in Part II)</i>	<i>Proposed Action</i>
<p>Degradation to the wetlands and dunes significantly limits the ability of these lands to perform the following functions:</p> <ul style="list-style-type: none"> <li>➤ Provide a natural barrier (to wind and sediment transportation) and to aid in protection of the adjacent wetlands and flood plain(s)</li> <li>➤ Provide habitat for nesting birds shorebirds on the grasslands.</li> <li>➤ Provide structural integrity for the dunes helping resist erosion (from wind and waves) during storm events</li> <li>➤ The grasses create a boundary for wind causing the windblown sand to settle out and also protect the shoreline.</li> <li>➤ The wetlands provide water storage, habitat for various species and perform important water quality functions.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li> <li>❖ Signage and informational kiosk</li> <li>❖ Designated parking/staging areas</li> <li>❖ Limit motorized vehicle use to designated areas</li> <li>❖ Improve designated trails/access</li> <li>❖ Fencing for habitat protection</li> </ul>	<p>✓ <i>Operation of a motorized vehicle is limited to beach areas and designated trails/areas<sup>6</sup> **<sup>7</sup></i></p>

<sup>6</sup> The term motorized vehicle is defined as “a wheeled vehicle whose propulsion is provided by an engine or motor”. Limitations on the use of motorized vehicles does not apply to aircraft or boat, or on state or borough maintained roads, private driveways, designated parking, designated trails, beaches and other areas including Fisherman’s Road and the established trails through unit KB.

<sup>7</sup> \*\* PROPOSED ACTIONS THAT RESOLVE MULTIPLE ISSUES

**LOWER KASILOF RIVER PUBLIC BOAT LAUNCH/RECOVERY FACILITY:** There is limited opportunity for the public to launch/recover boats from lower Kasilof River despite the high demand for these services. Due to a lack of suitable state land available to develop a facility, the state will need to work with stakeholders and private landowners to identify a suitable location to provide this important service.

<i>Impacts</i>	<i>Proposed Management Alternatives:</i> (see also Facilities and Improvement Section in Part II)	<i>Proposed Action</i>
<ul style="list-style-type: none"> <li>➤ Limited public boat access to and from the lower river.</li> <li>➤ Increased risk to public safety</li> <li>➤ User conflicts between commercial guides, private land owners and the general public</li> </ul>	<ul style="list-style-type: none"> <li>❖ Determine if demand exists for a launch facility. Demand for a drift only retrieval facility has been documented.</li> <li>❖ Identify a suitable location for a public boat launch.</li> <li>❖ Identify what type of boat launch system is needed including design and engineering standards.</li> <li>❖ Address operational needs including management and maintenance responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Seek stakeholder and public input as to what type of boat launch/recovery system is appropriate and the most suitable locations, funding sources, and management and maintenance requirements.</i></li> </ul>

**EARLY SETTING OR STAGING OF FISHING GEAR:** The personal set gillnet fishery is open June 15-June 24 each year and attracts an increasing number of participants. Per ADF&G fishing regulations, the sites are on a “first come, first served basis” and the placement of signs, running lines, buoys, or dry nets on the beach in anticipation of incoming tides or fishery opening does not constitute any prior right to net location. Sites are only established when the net actually enters the water. Although the above ADF&G perspective exists, the fact that it is a “first come first served basis” has created upland land management issues related to pre-staging and setting of gear in anticipation for the opening of the fishery. It has become a common practice for users to have sites marked and gear staged on the beach beginning in mid May of every year, creating multiple beach management and public safety concerns. The current Generally Allowed Use regulations (11 AAC 96.020) do not adequately address impacts created by this situation.

<i><b>Impacts</b></i>	<i><b>Proposed Management Alternatives:</b></i> (see also Facilities and Improvement Section in Part II)	<i><b>Proposed Action</b></i>
<ul style="list-style-type: none"> <li>➤ It is state violation of regulations to stage gear for periods greater than 14 days per the Generally Allowed Uses.</li> <li>➤ User conflicts between fisherman, private land owners and the public.</li> <li>➤ Battling for sites (“who’s on first”). Threats to the safety of individuals and “pulling and damaging” gear.</li> <li>➤ With no formal DNR management strategy in place the “battling for sites and pre-staging” occurs along with unacceptable behavior and “bullying”.</li> <li>➤ Private landowners staging areas including mock areas to limit public use.</li> <li>➤ Increases in private land trespass.</li> <li>➤ Early setting of gear in order to get a fishing spot encourages extended stays on public lands.</li> <li>➤ Creates access problems for people to and along the beach.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Restrict pre-site selection more than 7-days in advance of the fishery unless authorized by a DNR land use permit.</li> <li>❖ Obtain enforcement authority for the current 14 day Generally Allowed Use regulation.</li> </ul>	<p>✓ <i>A permit is required for any placement or setting of gear on the beach or adjacent tidelands, more than 7 days prior to the Kasilof River Personal Use Set Gillnet Fishery.</i></p>

**PARKING, STAGING AND EXTENDED STAYS:** Increased participation in the fisheries and inadequate infrastructure has placed strain on grasslands and at key access points. Very limited parking exists at access points and no dedicated parking areas exist for RV’s or smaller vehicles. No time limits on parking and staging have been actively monitored and users tend to park a long way from the temporary trash and toilet facilities.

<i>Impacts</i>	<i>Proposed Management Alternatives:</i> (see also <i>Facilities and Improvement Section in Part II</i> )	<i>Proposed Action</i>
<ul style="list-style-type: none"> <li>➤ Users parking on grasslands adjacent to the beach impact the vegetation (compaction).</li> <li>➤ Users parking away from sanitation and trash facilities are more likely to use the adjacent areas; this creates human and wildlife health issues and creates social problems among users, and especially families.</li> <li>➤ Many RV users tend to camp for more than 14 days, especially during the set gillnet fishery. This puts strain on support facilities and limits the opportunity for other individuals trying to participate in the fishery (monopolizes the area).</li> <li>➤ Insufficient parking areas in key access points places a significant pressure on those concentrated areas through, traffic, conflicts, and leads to trespass on the adjacent private lands.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Designated parking areas</li> <li>❖ Signage and informational kiosk</li> <li>❖ Implement a “User Pay Fee System”</li> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li> <li>❖ Improve designated trails/access</li> <li>❖ Fencing for habitat protection</li> </ul>	<p>✓ <i>A permit is required to park, stage or camp for a period longer than 14 consecutive days **<sup>8</sup></i></p>

<sup>8</sup> \*\* PROPOSED ACTIONS THAT RESOLVE MULTIPLE ISSUES

**PUBLIC ACCESS:** The need for public access to the public lands is very important to many Alaskans. Complicated and ever changing land ownership patterns in and around the river and fishery are at the forefront of the issues. At present access to the river mouth is via the beach and adjacent uplands trails, although many users tend to use the adjacent dune and wetland areas for other uses, not to access the fisheries. As documented these areas have been impacted by use, other than reasonable access.

<i><b>Impacts</b></i>	<i><b>Proposed Management Alternatives:</b></i> (see also Facilities and Improvement Section in Part II)	<i><b>Proposed Action</b></i>
<ul style="list-style-type: none"> <li>➤ Without establishing and officially preserving public access (easements) to the fishery there is a risk to the reasonable and on-going public access.</li> <li>➤ Degradation of habitat from recreational ATV use via direct and in-direct access to the fisheries.</li> <li>➤ Complicated land ownership patterns in key access points, and the lower river.</li> <li>➤ Access can encourage trespass on private lands.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Possibly establish an ADL easement on dedicated trails to officially preserve public access and aid in protection of wetland and dune habitat.</li> <li>❖ Recognize and preserve existing public access areas to the fisheries.</li> <li>❖ Coordinate with land owners to help facilitate preservation of public access to the fishery, and help facilitate the establishment of a public lower boat launch/take-out.</li> <li>❖ Signage and Informational Boards that depict public access routes including the importance of staying on designated trails.</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Identify and secure important public access routes within the KARSUA with dedicated access authorizations such as easements.</i></li> </ul>

**TRESPASS:** Trespass related issues on the adjacent private lands tend to increase during the personal use fishery periods. Although the majority of users typically stay within state lands some users do utilize the adjacent private lands for camping, staging, setting gear, disposing of waste, and conducting loud activities late into the night hours. The existence of public roadways through private land also can encourage trespass.

<b><i>Impacts</i></b>	<b><i>Proposed Management Alternatives:</i></b> <i>(see also Facilities and Improvement Section in Part II)</i>	<b><i>Proposed Action</i></b>
<ul style="list-style-type: none"> <li>➤ Adjacent land owners have to contend with noise, smell, camping and staging on their lands. This creates user conflicts with local residents and poses threats to human safety.</li> <li>➤ Places strain on local law enforcement and state personnel.</li> <li>➤ Damage to local property could create legal issues.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational kiosk</li> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li> <li>❖ Limit motorized vehicle use to designated areas</li> <li>❖ Improve and clearly identify suitable public access</li> <li>❖ Fencing for habitat protection</li> </ul>	<p>✓ <i>Provide adequate sanitation support facilities for the public and educate users about land ownership patterns within the KARSUA.</i></p>

**TARGET AND RECREATIONAL SHOOTING:** With increased participation in the fisheries and no proactive “on the ground” management, activities such as recreational shooting have increased in popularity. The areas of the fisheries are generally flat with little changes in topography, with various land ownership patterns, therefore recreational/target shooting in the area is a serious public safety concern, especially when conducted in an irresponsible manner. Many local residents and fisherman have reported reckless use of firearms.

<i>Impacts</i>	<i>Proposed Management:</i> (see also <i>Facilities and Improvement Section in Part II</i> )	<i>Proposed Action</i>
<ul style="list-style-type: none"> <li>➤ Due to the number of recreational users in this area during these fisheries, target shooting does not appear to be appropriate or compatible use and poses a risk to public safety.</li> <li>➤ With the concentration of people in the area, shooting is not a safe and appropriate recreational activity.</li> <li>➤ Local residents have expressed noise and safety concerns, hearing gunshots whizzing through their yards.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational boards</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Restriction on discharging of a firearm for the purpose of target or recreational shooting</i></li> </ul>

**WATER QUALITY:** Although no direct impacts to water quality has been reported to date; the growing concentration of users and lack of adequate sanitation facilities and management near the river mouth does pose concerns to human health. The area around the Kenai personal dip net fishery recently reported elevated levels of bacteria (enterococci) which can be transmitted through fecal matter. Potential sources were identified as high wildlife concentrations (harbor seals and birds) and humans. Similar issues found in the Kenai could appear in the Kasilof River system in the future.

<i><b>Impacts</b></i>	<i><b>Proposed Management:</b></i> (see also <i>Facilities and Improvement Section in Part II</i> )	<i><b>Proposed Action</b></i>
<ul style="list-style-type: none"> <li>➤ Water quality affects the health of humans, wildlife, and the fisheries.</li>   <li>➤ Decreased water quality can impact the health of the adjacent wetland systems and the wildlife within.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational kiosk</li>   <li>❖ Install permanent vaulted toilets</li>   <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li>   <li>❖ Implement a “User Pay Fee System”</li>   <li>❖ Fencing for habitat protection</li> </ul>	<p>✓ <i>Prohibition to place, drop, or discard waste or refuse (including human waste) except within the provided sanitation facilities<sup>9</sup> **<sup>10</sup></i></p>

<sup>9</sup> Provided sanitation facilities means any state owned or provided toilet or trash facility.

<sup>10</sup> \*\* PROPOSED ACTIONS THAT RESOLVE MULTIPLE ISSUES

**FISH WASTE:** Another issue is the irresponsible disposal of fish waste, thereby not following ADF&G recommendations. This is a particular concern when carcasses are stockpiled especially in a heavily used area.

<i><b>Impacts</b></i>	<i><b>Proposed Management:</b></i> (see also <i>Facilities and Improvement Section in Part II</i> )	<i><b>Proposed Action</b></i>
<ul style="list-style-type: none"> <li>➤ Irresponsible disposal of fish waste attracts wildlife.</li> <li>➤ The disposal of fish on the uplands promotes unsanitary conditions.</li> <li>➤ Disperses users from the area and puts strain on upland trash facilities.</li> <li>➤ Concern to local land owners, through trespass, smell and disposal related issues.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational kiosk</li> <li>❖ Public outreach and education</li> <li>❖ Coordinate with ADFG to provide guidelines and assistance to the public regarding best practices for the disposal of fish waste.</li> </ul>	<p>✓ Fish waste should be disposed of in accordance with applicable ADF&amp;G guidelines</p>

## **XII. UNIT SPECIFIC GUIDELINES, ACTIONS AND MANAGEMENT**

**AREA-WIDE ACTIONS:** Below is the list of actions per Section “VII. Proposed Management Actions” that are proposed area-wide for the state lands within the KARSUA, unless as indicated below:

- Prohibition to place, drop, or discard waste or refuse (including human waste) except within the provided sanitation facilities<sup>11</sup>
- Operation of a motorized vehicle is limited to beach areas and designated trails/areas<sup>12</sup>  
*(NOTE: See KB management within this section for exceptions)*
- A permit is required for any placement or setting of gear on the beach or adjacent tidelands, more than 7 days prior to the beginning of the Kasilof River Personal Use Set Gillnet Fishery  
*(NOTE: Does not affect units KL and KU)*
- The seasonal establishment and implementation of the User Pay Fee System (UPFS) to cover management costs associated with providing services associated with the personal use fisheries  
*(NOTE: Does not affect units KL and KU)*
- A permit is required to park, stage or camp for a period longer than 14 consecutive days
- Restriction on discharging of a firearm for the purpose of target or recreational shooting
- A permit is required for any commercial buoy, dock, boat launch/recovery, or mooring
- Prohibition to destroy, deface or remove state owned or authorized facilities and/or property
- Fish waste should be disposed of in accordance with applicable ADF&G guidelines

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<sup>11</sup> Provided sanitation facilities means any state owned or provided toilet or trash facility.

<sup>12</sup> The term motorized vehicle is defined as “a wheeled vehicle whose propulsion is provided by an engine or motor”. Limitations on the use of motorized vehicles does not apply to aircraft or boat, or on state or borough maintained roads, private driveways, designated parking, trails, beaches and other areas including Fisherman’s Road and the established trails through unit KB.

**UNIT SPECIFIC MANAGEMENT AND GUIDELINES:** The following management guidelines are specific to each individual management unit.

SEE ALSO FACILITIES AND IMPROVEMENT RECOMMENDATIONS.

***UPLAND UNITS:***

***KN: Kasilof River Mouth North (see Maps 2, 5 & 7)***

Located on the north side of the river mouth this unit should be managed for the extremely high use patterns that occur during the personal use fisheries. The goals are to preserve and improve public access to the fisheries, while also protecting habitat and improving public health and safety. *These lands are School Trust Lands and should be managed per Department Order 143.*

Improving the current sanitary and human waste situation is at the forefront of management. Any proposed improvements and facilities need to be adequate to address the user capacity and located near the users of the fisheries (see map 5). Public access to the mouth is by following Kasilof Beach Rd. to the end, then by a 60 ft. improved public roadway to the mouth through U.S. Survey 83. The heavily impacted trail and dune areas adjacent to the beach are in need of relief from high use and concentrated vehicle traffic, and should be considered for a rehabilitation effort. Designated parking and trail access areas should be established that allow reasonable motorized access to the fisheries and beach, these areas should also be clearly marked by signage (see Map 5 & 7). Motorized vehicle use within this unit should be via the designated trails, parking and beach areas only; this area also has potential for the creation of dedicated camping grounds to be developed in the future.

The establishment of a fence (similar to that proposed in unit KS, below) should also be considered, as a method to protect and then further reestablish the dune areas. The old "Watchman's Cabin" site should be preserved to accommodate its possible relocation back to the original site in the future (see Map 5) and the existing graveyard(s) should be preserved and protected. The Alaska Heritage Resources Survey (AHRs) reports prehistoric and/or cultural heritage sites in or around this unit.

***KS: Kasilof River Mouth South (see Maps 2, 4 & 6)***

This unit is located on the south side of the river mouth and should be managed for the extremely high use patterns that occur during the personal use fisheries. The goals are to preserve and improve public access to the fisheries, while also protecting habitat and improving public health and safety.

Improving the current sanitary and human waste situation is at the forefront of management in the unit. Any proposed improvements and facilities need to be adequate to address the user capacity and located near the users of the fisheries (see Map 4). Public access to the mouth is by following Coho Beach Road to the end, then by travelling in a northeasterly direction towards the mouth using either the beach or the designated trails. Designated parking areas should be established at the end of Coho Beach Road, and the designated trail areas should be established and officially recognized through a Public Easement issued by SCRO. The designated trails located upland (see Map 6) should be reserved for a public easement. The proposed designated beach and trail areas for motorized use should be clearly marked by signage and will provide very reasonable access to all areas of the beach, including the area of the fisheries (see Map 6). This area also has potential for the creation of dedicated camping grounds to be developed in the future.

The degradation of the extensive dune grasses and wetlands adjacent to the designated trail(s) and beach areas should be minimized through limiting motorized vehicles through these areas. Motorized vehicle use within this unit should be via the designated trails, parking and beach areas only. The

establishment of a proposed fence, located upland of the designated trail(s) and beach areas would also aid in the protection of these areas (see map 6). The location of the proposed fence (LAS 27627), in combination with the proposed limitations on motorized vehicles is aimed to maintain existing public access and enhance public safety, while also protecting and enhancing the dune and wetland areas.

A relatively small portion of dune trails adjacent to the beach on the Inlet side remains open to motorized vehicles, and should not be enclosed by a fence. This is due to the existence of currently used and previously recognized upland trail access (documented from the 1960's); and the strong tidal influences on the beach areas that raise water levels high enough (20 ft plus tides) to make through traffic and camping on the beach a potential safety hazard during strong tides. These areas are primarily used by the personal set gillnet users and to propose restrictions on these trails and beach areas could be a significant public safety hazard. The proposed fence location should indirectly protect a significant amount of dune and wetland areas from future impacts, while also allowing space for the public to camp and egress the beach area during strong tidal surges. The AHRS also reports prehistoric and/or cultural heritage sites in or around this unit.

***KB: Kasilof Bluff*** (see Map 2)

The unit is located directly adjacent to Cook Inlet south west of the river mouth and receives minimal use as compared to units KN and KS, due to the location away from the river mouth, and extremely limited beach access due to steep and highly erodible bluffs. Although this unit can be accessed by Cohoe Loop Road most of the public use the adjacent beach areas for the personal set net fishery, and other beach activities. Motorized vehicles should be limited to existing trails (to be designated in the future), and the existing trail running parallel to Cohoe Loop Road should be designated and maintained. This unit could be used for a possible campground and or staging area in the future. The AHRS also reports prehistoric and/or cultural heritage sites in or around this unit.

***KL: Kasilof River Lower*** (see Map 2)

This unit is located approximately 1-2 river miles upstream from the mouth on the north side of the river and receives minimal use and should be managed for its recreational attributes. Access to the unit is limited to the river only, and the uplands mainly consist of low lying wetlands. Present uses include camping, walking, bird watching and hunting. The proposed establishment of the seasonal User Fee Pay System (UFPS) will not affect this unit.

***KU: Kasilof River Upper*** (see Map 2)

Located approximately 3.5 river miles upstream from the mouth on the eastern side, this unit receives minimal use and should be managed for its recreational and natural attributes. Access to the unit is limited to the river only, and the uplands mainly consist of low lying herbaceous wetlands and small water bodies. Present uses include fishing and recreation, and the adjacent parcel is KPB lands. The proposed establishment of the UFPS will not affect this unit. The AHRS also reports prehistoric and/or cultural heritage sites in or around this unit.

***TIDELAND UNIT:***

***KT: Kasilof Tide and Submerged lands and River*** (see Map 2)

This unit consists of approximately 1,907 acres and includes the tidelands around the Kasilof River mouth and extends approximately 1 mile north and south from the mouth, and then extends upriver to

unit KL, located approximately 3.5-4 miles upstream. This unit also includes the lower Kasilof River shore lands within the KARSUA and the beach areas. *Note for the purpose of management the KARSUA beach areas may also be described or managed within units KT, KS and/or KN, as there is sometimes overlapping uses or management requirements.* This unit should be managed for its recreational, habitat and commercial opportunities. The focus of management and resources should be geared towards the continued, yet responsible use and development of the commercial and personal use fisheries.

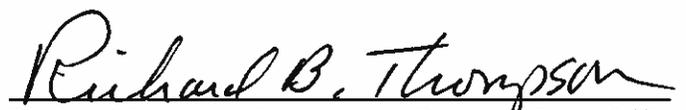
The Kasilof River personal use set gillnet fishery occurs in the salt waters about 1 mile north and south of the river mouth, as defined by the ADF&G markers. The Kasilof River personal use dip net fishery occurs around the mouth from the ADF&G markers posted on Cook Inlet outside of the mouth, to about 1 mile upstream to the ADF&G marker. Active management specifically for the associated upland uses in regards to the fisheries should be the management priority for this unit (also see maps and management for units KN, KS and KB).

This unit is extensively used by the commercial fishing fleet, and includes commercial mooring facilities and docks in the tidelands; and it is very important that any existing or new commercial mooring buoys, docks, boat launch/recovery all require to be permitted by SCRO, DNR. A complete inventory of the lower river regarding the existing uses or structures that require a SCRO issued authorization for activities outside of the Generally Allowed Uses (11 AAC 96.020) should also be completed. The apparent need for a public boat launch/recovery facility is well documented and is likely to be located within this unit, specifically the lower river (see facilities and improvement recommendations section for details). This area, particularly around the river mouth should also be monitored for water quality standards especially during the fishing seasons. The AHRs reports prehistoric and/or cultural heritage sites in or around this unit.

### **XIII: DRAFT DECISION**

The Division of Mining, Land and Water recognizes that the lower Kasilof River area has outstanding natural resource values for fish and wildlife habitat. The Division also recognizes that a mix of opportunities associated with multiple use lands must be offered while protecting these resources. Managing the state lands within the proposed Kasilof River Special Use Area designation in accordance with the guidelines and management set forth herein will assure that the areas resources will be protected and available for the enjoyment of the public while based upon the principle of multiple use lands.

Under 11 AAC 96.014 the state lands described herein and shown on the attached map (Map 2) are hereby proposed to be designated as special use lands. The area will be known as the Kasilof River Special Use Area and managed in accordance with the actions established in Section VII and the management prescriptions within this decision and under the authority of 11 AAC 96.014, once enacted; along with the adoption of the facilities and improvement recommendations in Part II of this document. I find that this proposed action(s) is consistent with the Department of Natural Resources' management authority and that it is in the best interest of the state to proceed with public notice and review. If public comments result in significant changes to the Draft Decision, additional public notice may be given.

  
Regional Manager, Southcentral Regional Land Office

9/30/2010  
Date

#### **XIV: AGENCY REVIEW, PUBLIC NOTICE AND COMMENT PROCESS**

**Agency Review and Public Notice:** The 45 day Interagency Review and the 45 day Public Notice (AS 38.05.945) for this Decision will be run simultaneously, starting on **October 1, 2010**. The Public Notice will be run in both the Anchorage Daily News and the Peninsula Clarion newspapers. Notices will be mailed on October 1, 2010 to agency and interested parties.

In addition, the post offices located in Soldotna, Kenai, Kasilof and Nikiski, will be requested to post the notice per AS 38.05.945(b)(3)(B). The notice will be posted on the department web site located at <http://www.dnr.state.ak.us/pic/pubnotfrm.htm> and copies of the decision and associated maps will be available at: <http://dnr.alaska.gov/mlw/kasilof/>.

**Public Meetings:** The department will host two informational meetings during the 45 day public comment period. The first meeting will be held in Anchorage during the week of October 18th and the second meeting will be held near Kasilof during the week of October 25th. Please continue to check the following website at <http://dnr.alaska.gov/mlw/kasilof/> for specific dates and times for these public meetings.

#### **Written Comment(s):**

This decision is subject to both public and agency comments. All written comments received by the comment deadline will be considered and addressed in the Final Kasilof River Special Use Area Decision.

All written comments on this proposal must be submitted no later than **5:00 PM on November 15, 2010** to be considered.

To submit comments, please choose one of the following methods:

Online: <http://dnr.alaska.gov/mlw/kasilof/>

Postal: Department of Natural Resources  
Southcentral Region Office  
ATTN: Adam Smith or Raymond Keough  
550 West 7<sup>th</sup> Avenue Suite 900C  
Anchorage, AK 99501-3577

E-mail: [adam.smith@alaska.gov](mailto:adam.smith@alaska.gov) or [raymond.keough@alaska.gov](mailto:raymond.keough@alaska.gov)

Fax: 907-269-8913

If public comments result in significant changes to this Draft Decision, additional public notice may be given. Questions about this project or on how to comment should be directed to Adam Smith at 907-269-8557 or Raymond Keough at 907-269-8566.

## *Part 2: Implementation and Maps*

When dealing with matters of great interest to the public which threaten the environmental and social values of our natural resources on and in the vicinity of the lower Kasilof River, it would be irresponsible to create a system of management actions (Special Use Area) that was not fully implementable. Creating a site specific management plan addressing issues relating to overcrowding, equitable allocation, and impacts to natural resources without the human, financial, and legal means to implement is possible to do, but not completely in the best interest of the public.

### **FACILITIES AND IMPROVEMENT RECOMMENDATIONS:**

This section presents recommendations for facilities and/or improvements within the KARSUA. These proposals are designed to remedy management and user problems in the area, correct deficiencies in the present number and type of facilities, and to provide opportunities for Alaskans to better enjoy the personal use fisheries and the other resources within the area.

*These recommendations are depicted on Maps 4 and 5*, and the labels depict the approximate location these proposals could be located. These recommendations are deemed consistent with the mission and objectives for the Kasilof River Special Use Area.

**Lower Kasilof River Public Boat Launch/Recovery Facility:** Identifying a suitable location and developing a public boat launch within Management Unit KT (see map 2) is a management priority. Currently there are only a few small existing boat recovery services on the lower river to accommodate commercial and private boaters.

The three alternatives available to develop a public boat launch/recovery facility on the lower Kasilof River include:

- 1) Use existing public lands (Borough or State)
- 2) Enter into a management/development agreement with an existing landowner, or
- 3) Purchase private property

Due to the limited availability of suitable and economically feasible public land within the lower Kasilof River area, alternatives two or three present the greatest possibilities to make the boat launch/recovery a reality. These alternatives need to be examined to identify a suitable location and willing landowner to entertain one of these two options.

Additional stakeholder, public and agency input are needed to identify the most suitable location and type of boat launch/recovery system desired. It must be determined if a seasonal or year-round boat launch is best for the lower Kasilof River primarily due to the high concentrations of silt and large amounts of ice that scour the river. Other natural and engineering factors to consider include: the high fluctuations of tidal water in the narrow v-shaped river channel; the soft and silty substrate of the river; and the operational limits of the facility due to tidal influences. Determining what types of boats should be supported and identifying the appropriate launch/recovery design is critical. For example, a cable recovery system typically caters to smaller recreational boats such as drift boats while concrete boat ramps can accommodate larger vessels. Stakeholders and the public are encouraged to give feedback specific to these considerations in order to design and develop a safe and viable public launch/recovery on the lower Kasilof River.

**Signage and Informative Kiosk:** (see maps 4, 5,6 & 7) Creating central information depositories or informational kiosks along each of the main access roads on the north and south sides would provide public information about the area and help convey area wide rules and regulations aimed at respecting the resources and managing public behavior. Signs depicting an overview map of the Kasilof River Special Use Area including the designated motorized access routes, sanitation facilities and education materials should be posted on each kiosk within management units KN and KS (Cohoe Beach and Kasilof Beach Roads). Additional signage would be posted along the designated access routes notifying the public to stay off the dunes/grasslands. Potential fines associated with driving on the dunes would be posted including a list of responsible agencies to contact for more information.

**Permanent Vaulted Toilets:** (see maps 4 & 5) To help accommodate the growing demand and alleviate the impacts associated with inadequate sanitation facilities, permanent vaulted toilets are proposed at each of the two main access roads within management units KS and KN (Cohoe Beach and Kasilof Beach Roads). One (double capacity) vaulted facility could be located near the improved parking/staging area on each side of the river along each of the two main access roads. These facilities would be maintained in combination with the continued use of seasonal toilets and dumpsters at the main access points within KS, KN, and KB management units.

**Seasonal Toilets and Dumpsters:** (see maps 4 & 5) The public demand for seasonal portable toilets and dumpsters to support the personal use fisheries is extremely high. One of the challenges is to locate these facilities closer to the users and provide additional units during peak use periods. Providing seasonal facilities on the south side of the river near the Kasilof River mouth during the dipnet fishery would alleviate the need for the public to use the dunes/grasslands as “a bathroom” and reduce the waste being deposited each season on the uplands. This is referred to as the “Kenai Model” and has proved successful for the City of Kenai during the dipnet fishery on the south side of the Kenai River. Maintaining access routes to the mouth is important in order to provide. Seasonal toilets and dumpsters should continue to be located along the main access routes within management units at KN, KS, (including near the mouth), and KB along Fisherman’s Road.

**Fisherman’s Road Upgrades:** (see map 4) Fisherman’s Road is located on Borough land west of unit KB and is especially popular during the set gillnet and commercial gillnet fisheries. It is a management priority to provide upgrades to this road in concert with the Borough in order to get reliable contract services to the end of the road where these facilities are needed. This unimproved road is approximately 1600-feet long and varies in width from as little as 20-feet near the beach access point. Access for the public and the sanitation contractors has been difficult due to the unimproved condition of this road. Road improvements should include raising the road bed surface and creating ditches to drain water, and widening the existing one lane road to accommodate two way traffic and/or vehicular pullouts. It appears there is an adequate source of material from the cut banks along the road near the beach. This material could be deposited along the road to raise the bed surface and harden this access route.

**Parking and Staging Area - Cohoe Beach Road (Newly acquired MHT parcel):** (see map 4) A parking/staging area to accommodate recreational users accessing the beach near the end of Cohoe Beach Road within management unit KS is needed. The proposed parcel (Government Lot 11, SM-0479) was recently transferred from the MHT to DNR. Developing a parking/staging area west of terminus of Cohoe Beach Road would help alleviate traffic congestion and enable contracted sanitation facilities to be serviced without difficulty during peak use periods. This area should also accommodate a permanent vaulted toilet and seasonal dumpsters.

**Parking and Staging Area - Kasilof Beach Road: (see map 5)** Additional parking/staging areas are needed at the end of Kasilof Beach Road within management unit KN. This upgrade would alleviate traffic congestion on Kasilof Beach Road during peak visitation periods. One vaulted toilet and seasonal dumpsters should be provided within this unit.

**Improve the trails to the beach in unit KN: (see maps 5 & 7)** New motorized trails continue to develop from Kasilof Beach Road thru the dunes/grasslands to access the beach within unit KN. Many of these trails develop as alternative access routes as the area becomes congested and main access routes to the beach are blocked off by recreational users. Designating and managing a few main access trails to the beach for “thru traffic only” would discourage new trails from developing throughout the grasslands/dunes. Future dune fencing projects aimed at protecting the dunes/grasses in this unit should be considered provided adequate public access points to the beach are maintained.

**User Fee Pay System:** The introduction of a seasonal User Fee Pay System (UPFS) during the personal use fisheries is proposed in units KN, KS, and KB to provide revenue to support services and management oversight within the KARSUA. *It is important to note that the creation of a User Pay Fee System would not be for a source of revenue obtained from the users to access and use state lands.* Instead, the user fees would be introduced to pay for the facilities and maintenance costs. These fees would also be used for education and enforcement efforts in the area for public health and safety.

#### **TIMEFRAMES AND THE PROCESS:**

The adoption of the KARSUA is expected before the 2011 fishing season. The office of primary responsibility is SCRO, and the work and implementation will be carried out under the supervision of the Regional Manager, by Natural Resource Managers, and Natural Resource Specialists. Below is a list of actions needed in order to implement the SUA and the associated recommendations.

Note these are approximate timeframes that may be subject to change based upon funding, resources and the public processes.

- *Fall 2010:* Draft KARSUA prepared by SCRO and sent out for a public review period; public meetings to explain the draft decision and solicit public comments will also be facilitated during this time.
- *Fall/winter 2010-2011:* Issue response summary prepared from public and agency comment
- *Fall/winter 2010-2011:* Final KARSUA decision adopted
- *Spring 2011:* SCRO begins implementing the KARSUA
- *Spring-winter 2011-2012:* Associated regulation process per the Administrative Procedures Act (APA)
- *Ongoing:* Continue to implement the KARSUA and associated recommendations/facilities

## **EDUCATION AND PUBLIC AWARENESS:**

The goal is to increase public awareness of the lower Kasilof River, its uses and resources and how they can continue to enjoy this unique area, while also protecting the important habitat. Should a User Fee Pay System (UFPS) be instituted, some of the funding would be used for maintenance of the facilities, public awareness and educational materials, signs, and programs. The following recommendations are aimed to help improve the area:

- Construction and maintenance of educational boards, signage, kiosks and brochures
- The use and support of volunteer groups / stewards in the area to help educate the public
- Habitat Regeneration projects along the dunes/grasslands
- The establishment of annual spring/fall clean-ups
- Public informational meetings about the KARSUA
- Establishment of educational programs

## **ENFORCEMENT AND COMPLIANCE**

Adoption of this special use area will be the first step in creating a management structure for the lower Kasilof River that will address the present and emerging management problems. Formal adoption of agency regulations will be the next step toward bringing order to the use and enjoyment of this area by Alaskan residents and visitors alike. These regulations, as discussed in this decision document, are expected to be few in number and directed at protecting the natural resources, creating equitable distribution of beach set gillnet personal use salmon fishing sites, and allowing the safe and enjoyable use of the natural resources by an ever increasing number of users. In order for these regulations to work with respect to creating acceptable limits of general behavior in the area, they must be enforceable for all users. For example, to prohibit littering and to direct motorized uses to designated trails will not in and of itself deliver the results needed and that the public expect. People violating these and other regulations, properly adopted through a separate, public, written decision process should be subject to a simple violation, similar to a traffic ticket, supported by a court approved bail schedule (fine).

## **REVIEW AND MODIFICATION:**

Due to possible changes in use patterns, demands and the dynamic nature of the fisheries, as well as changes in information and data, adjustments to the SUA may need to be made over time. If the proposed adjustments are a major departure from the intent of the KARSUA, the department may determine to initiate a public review process.

This draft SUA reflects the best efforts of SCRO to analyze the uses and resources within the area and provide for continued and improved user opportunities, while not to compromise the important resources within the area. The KARSUA is designed to fulfill the immediate needs, and may be kept in place as long as necessary, and/or amended to suit the public need. Further discussions concerning the long range plan for management of this area, including the option of creating a special river management area should continue. The KARSUA should be reviewed by SCRO periodically to determine if modification is necessary.

## **DEFINITIONS:**

**AAC:** Alaska Administrative Code

**AAM:** Alaska Administrative Manual

**APA:** Administrative Procedures Act

**ADF&G:** Alaska Department of Fish and Game. ADF&G mission statement is *“to protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and well-being of the people of the state, consistent with the sustained yield principle”*.

**ADL:** Alaska Division of Lands

**AHRS:** Alaska Heritage Resources Survey

**Anadromous (Waters):** Fish such as salmon that migrate from salt water to spawn in fresh water. The portion of a fresh water body or estuarine area that is cataloged under AS 16.05.870 as important for anadromous fish; or is not cataloged under AS 16.05.870 as important for anadromous fish but has been determined by the ADF&G to contain or exhibit evidence of anadromous fish.

**AS:** Alaska Statute

**Camp or Camping:** To use a vehicle, tent, or shelter, or to arrange bedding or both, with the intent to stay overnight.

**Commercial:** An action or operation that generates income from the buying, selling, renting, bartering, or trading of goods and services.

**Designated Trials, Parking Areas Beaches and other Areas:** These are specific areas that have been deemed as appropriate to use motorized vehicles.

**DMLW:** Division of Mining, Land and Water, within DNR. The DMLW is the primary manager of Alaska’s holdings. DMLW’s mission statement *“is to provide for the use and protection of Alaska’s state owned land and water. We aim toward maximum use of our lands and waters consistent with the public interest”*.

**DNR:** Alaska Department of Natural Resources. DNR mission statement is *“to develop, conserve and enhance natural resources for present and future Alaskans”*.

**DOT:** Alaska Department of Transportation and Public Facilities.

**DPS:** Alaska Department of Public Safety.

**Easement:** An interest in land that entitles its holder to a specific limited use or purpose, such as crossing over property.

**Enforcement:** Peace Officer(s), being an employee of the department or other person authorized by the commissioner, or a peace officer as defined in AS 01.10.060. The purpose would be to enforce regulations adopted with the KARSUA. This enforcement authority would need Legislative approval.

**Extended Stays:** Camping, staging or setting up gear for personal, noncommercial use for more than 14 days. See also 11 AAC 96.020.

**Facilities:** Includes buildings, parking areas, camping areas, educational areas, a boat launch area or ramp, shelters/cabins, and sanitary facilities.

**Funding:** Could result from many sources such as the legislature, local government or user fees.

**Generally Allowed Uses (11 AAC 96.020):** A permit or other written authorization is required for uses and activities not appearing on the list per 11 AAC 96.020. Unless otherwise provided in (b) of 11 AAC 96.020 or in a special use land requirement in 11 AAC 96.014. The land uses and activities, alone or in combination, as provided in 11 AAC 96.020 are generally allowed uses on state-owned public domain land without any permit or other written authorization from the department, except that a land use or activity for a commercial recreation purpose requires prior registration under 11 AAC 96.018.

**KARSUA:** Kasilof River Special Use Area

**Kasilof:** Russian word for “tall grass”

**KPB:** Kenai Peninsula Borough

**Management Unit:** Lands that are similar topographically and have similar use patterns; in the KARSUA there are six management units.

**Mental Health Trust Authority (MHT):** The Trust Land Office manages Mental Health Trust land to generate income, which is used by the Alaska Mental Health Trust Authority to improve the lives and circumstance of Trust beneficiaries.

**Motorized Vehicle:** A motor vehicle is a wheeled vehicle whose propulsion is provided by an engine or motor. This does not apply to aircraft or boats.

**Multiple Use:** Means the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; it includes:

- a) the use of some land for less than all of the resources, and
- b) a combination of balanced and diverse resource uses that takes into account the short-term and long-term needs of present and future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic values. (AS 38.04.910)

**Public Trust:** A common law doctrine that requires the state to manage tidelands, shorelands, and submerged lands for the benefit of the people so they can engage in such things as commerce, navigation, fishing, hunting or swimming.

**School Trust Lands:** By Department Order #143, the current criteria for actions on School Trust Lands are as follows:

1. The action approved must be for full, fair market value at the highest and best use of the parcel, or
2. The action must be a result of an existing contractual obligation (i.e., land sale contract, reappraisal of an existing lease, or land settlement with a municipality).

**SCRO:** Southcentral Regional Land Office, within DMLW. This Office is one of three Regional Land Offices that has primarily management responsibility for approximately 70 to 80 million acres of land, tideland, submerged land, and shoreland throughout the state.

**Shorelands:** Land belonging to the state that is covered by non-tidal water that is navigable under the laws of the United States up to ordinary high water mark as modified by accretion, erosion, or reliction (AS 38.05.965).

**Special Use Land:** Land identified as having special resource value(s) needing protection under 11 AAC 96.010. As a result of this designation, a permit may be required for activities that would otherwise be considered “generally allowed uses”.

**Staffing:** Ideally, the KARSUA needs two Natural Resource Specialist II positions (Range 16) primarily dedicated to this area. These positions would be part of the SCRO under the direction of the Regional Manger and would provide assistance to the public and Kenai Peninsula.

**State Land:** A generic term meaning all state land, including all state-owned and state-selected upland uplands, all shorelands, tidelands and submerged lands or resources belonging to or acquired by the state.

**SUA:** Special Use Area (11 AAC 96.014)

**Submerged Lands:** State land covered by tidal water between the line of mean low water and seaward to a distance of three geographical miles (AS 38.05.965).

**Tidelands:** State land that is periodically covered by tidal water between the elevation of mean high and mean low tides (AS 38.05.965).

**Trespass:** To enter upon land without authorization from the land owner.

**Uplands:** Land above the mean high water line and ordinary high water mark.

**User Pay Fee System (UFPS):** The introduction of a seasonal User Fee Pay System (UPFS) during the personal use fisheries is proposed in units KN, KS, and KB as to provide support services and management oversight during the Kasilof River personal use fisheries. *It is important to note that the creation of a User Pay Fee System would not be for a source of revenue obtained from the users to access and use state lands.* Instead, the user fees could be introduced to pay for the facilities and improvements including maintenance costs. These fees could also be used towards education and enforcement for the area for the purpose of public health, safety and enjoyment. This system could either be administered by the state (SCRO) or in combination with a state authorized concessioner.

# Kasilof River Special Use Area Map 1

## General Land Status (River Drainage)

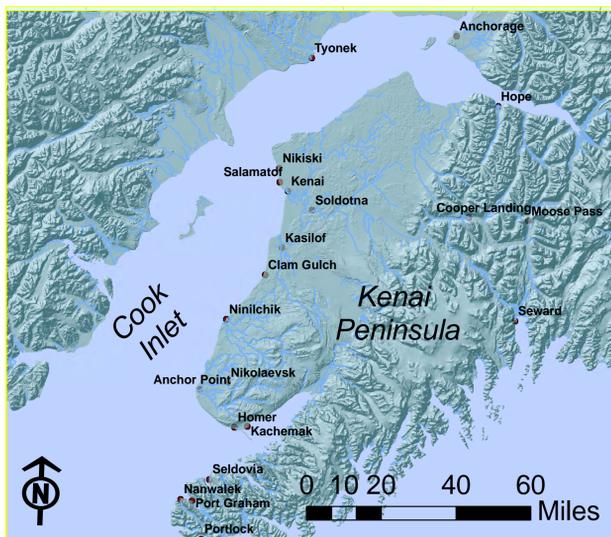
-  KARSUA Boundary
-  State Uplands
-  State Selected Lands
-  Legislatively Designated Area
-  State Parks (Managed)
-  Federal Land
-  Native Land
-  Native Allotment
-  Borough Land
-  University Land
-  Private Land
-  Major Roads

**NOTES:**  
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.

This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.

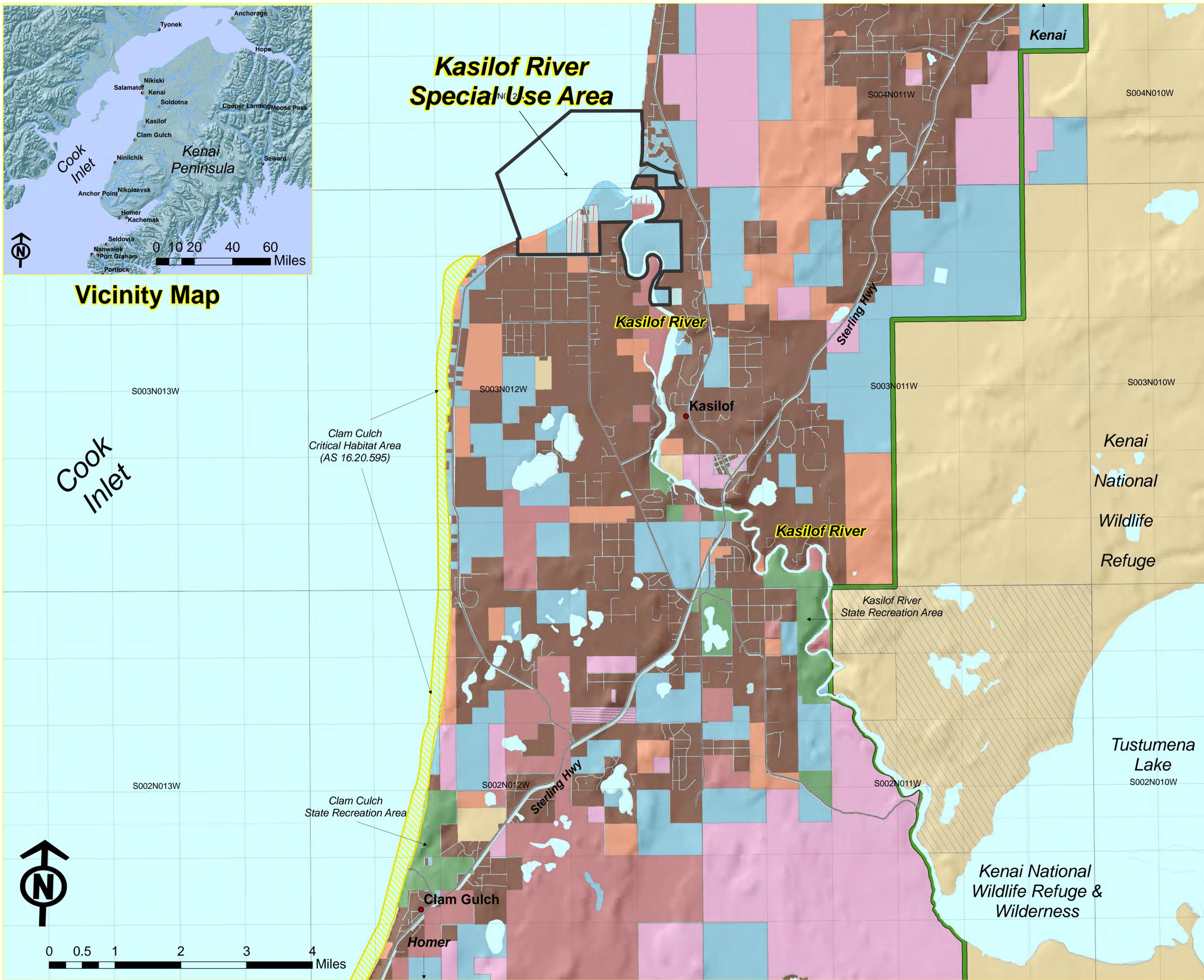


Produced:  
Sept 2010  
DNR DMLW SCRO



**Vicinity Map**

### Kasilof River Special Use Area



Clam Gulch Critical Habitat Area (AS 16.20.595)

Clam Gulch State Recreation Area

Kasilof River State Recreation Area



# Kasilof River Special Use Area Map 2

Cook Inlet

## Kasilof River Special Use Area

Kenai

### Boundary and Management Units

-  KARSUA Boundary
-  Management Units

### ACERAGES

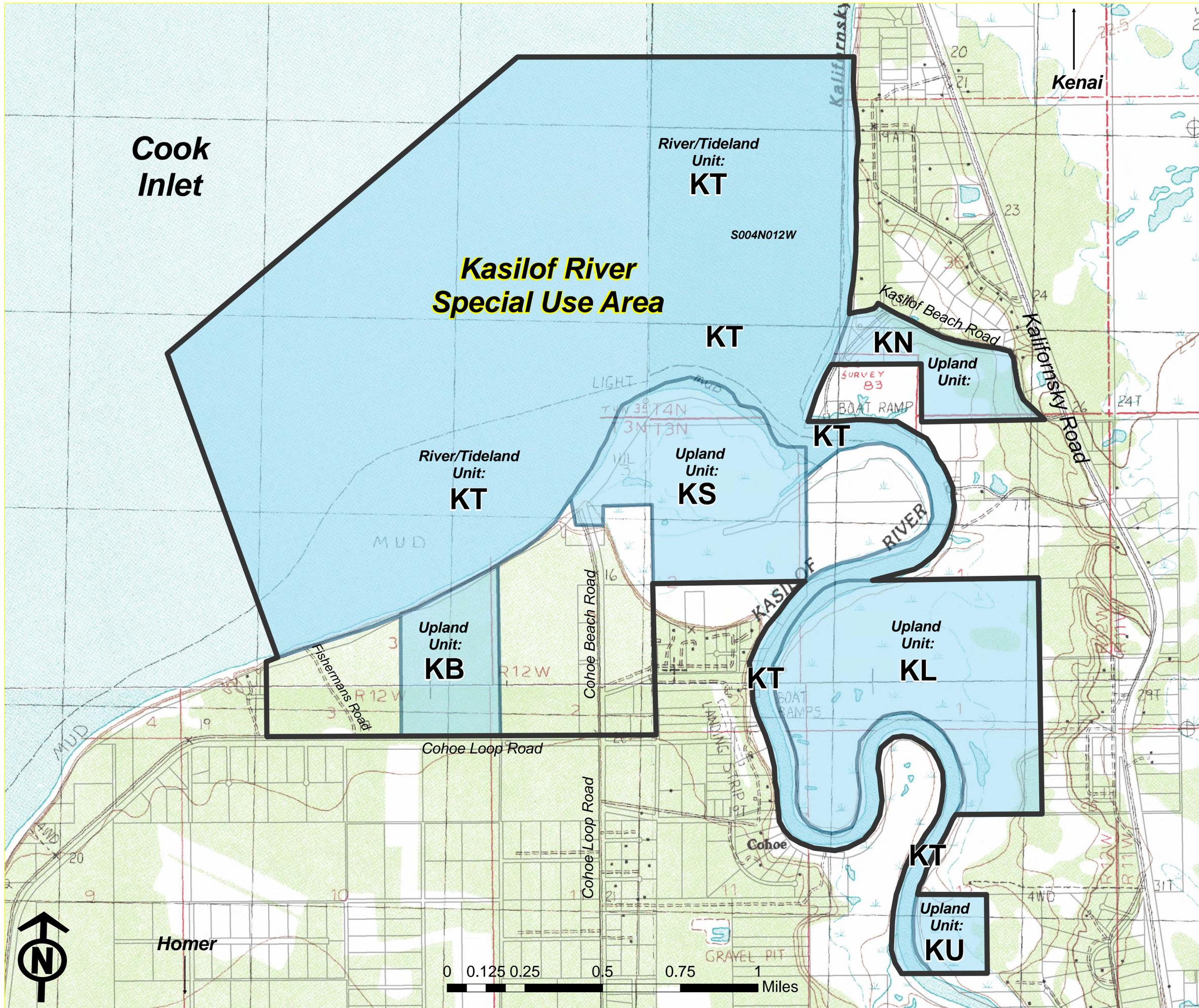
KARSUA Boundary	
Total Acres:	2,965
Total State lands	2,665
Other lands (within Boundary)	300
KT: Kasilof Tide and Submerged lands	1,907
KN: Kasilof North	78
KS: Kasilof South	222
KB: Kasilof Bluff	93
KL: Kasilof Lower	329
KU: Kasilof Upper	36

NOTES:  
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.

This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



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# Kasilof River Special Use Area Map 3

## General Land Status Lower River

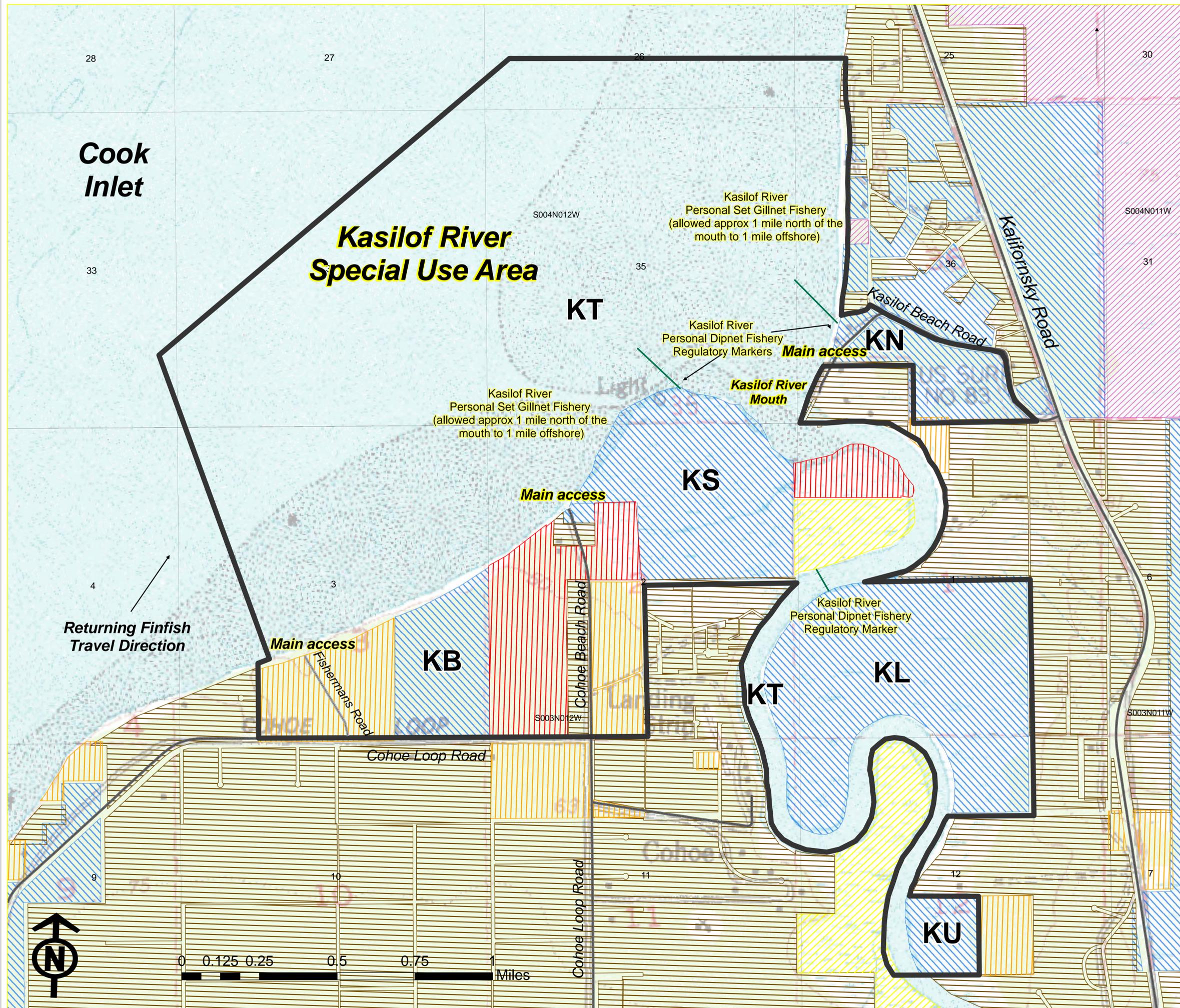
-  KARSUA Boundary
-  State Upland
-  Borough Land
-  Mental Health Trust Land
-  University Land
-  Native Land
-  Private Land

NOTES:  
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.

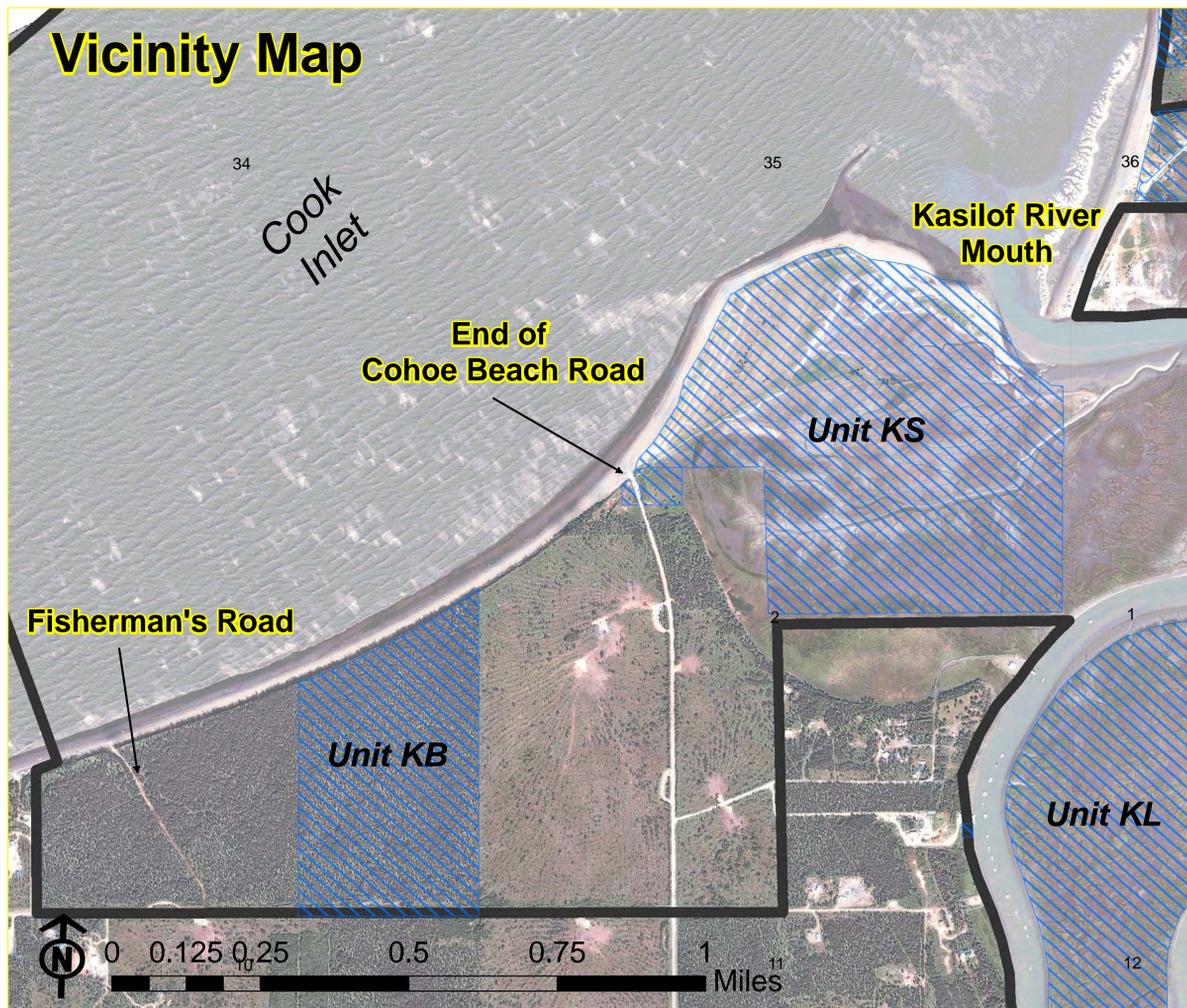
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



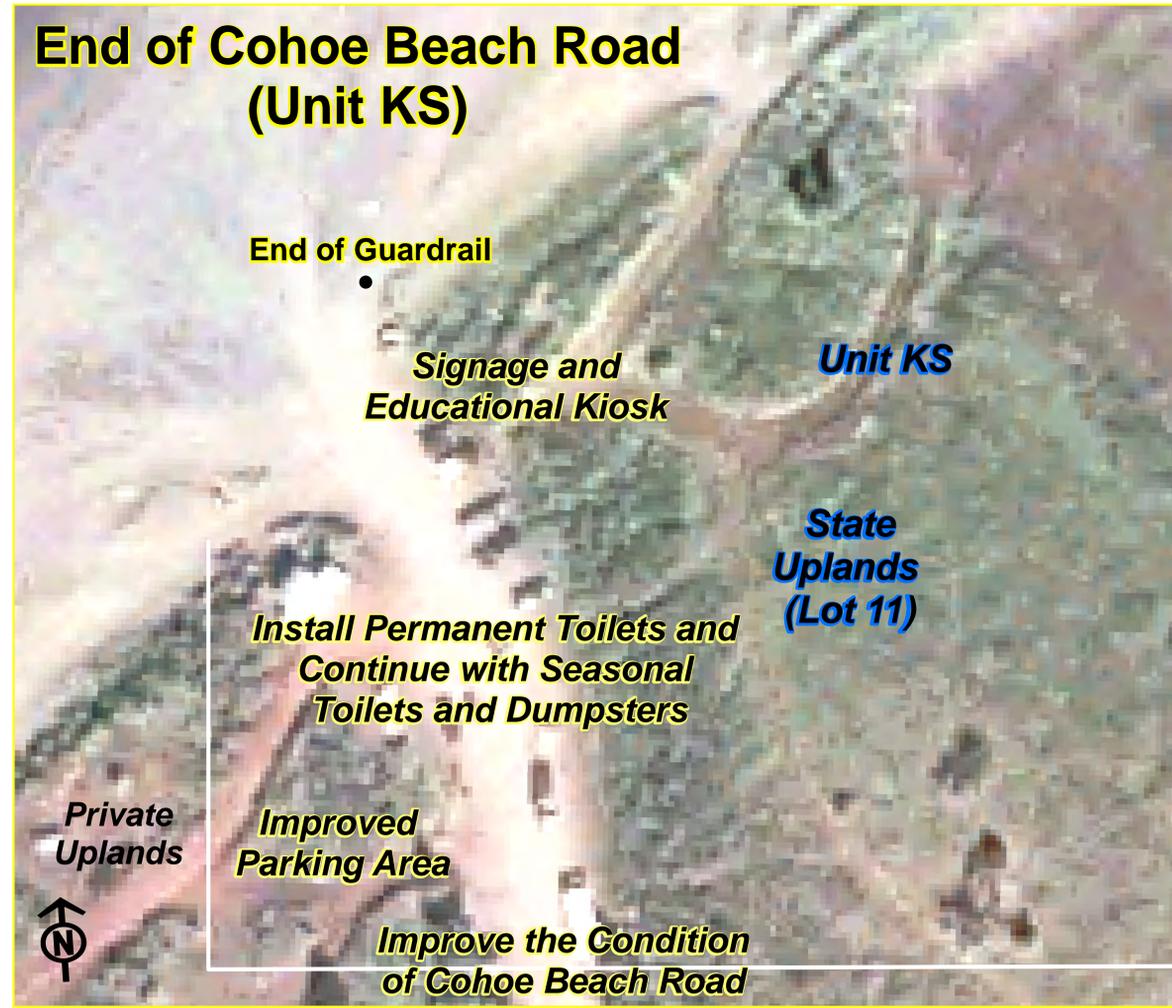
Produced:  
September 2010  
DNR DMLW SCRO



# Vicinity Map



# End of Cohoe Beach Road (Unit KS)



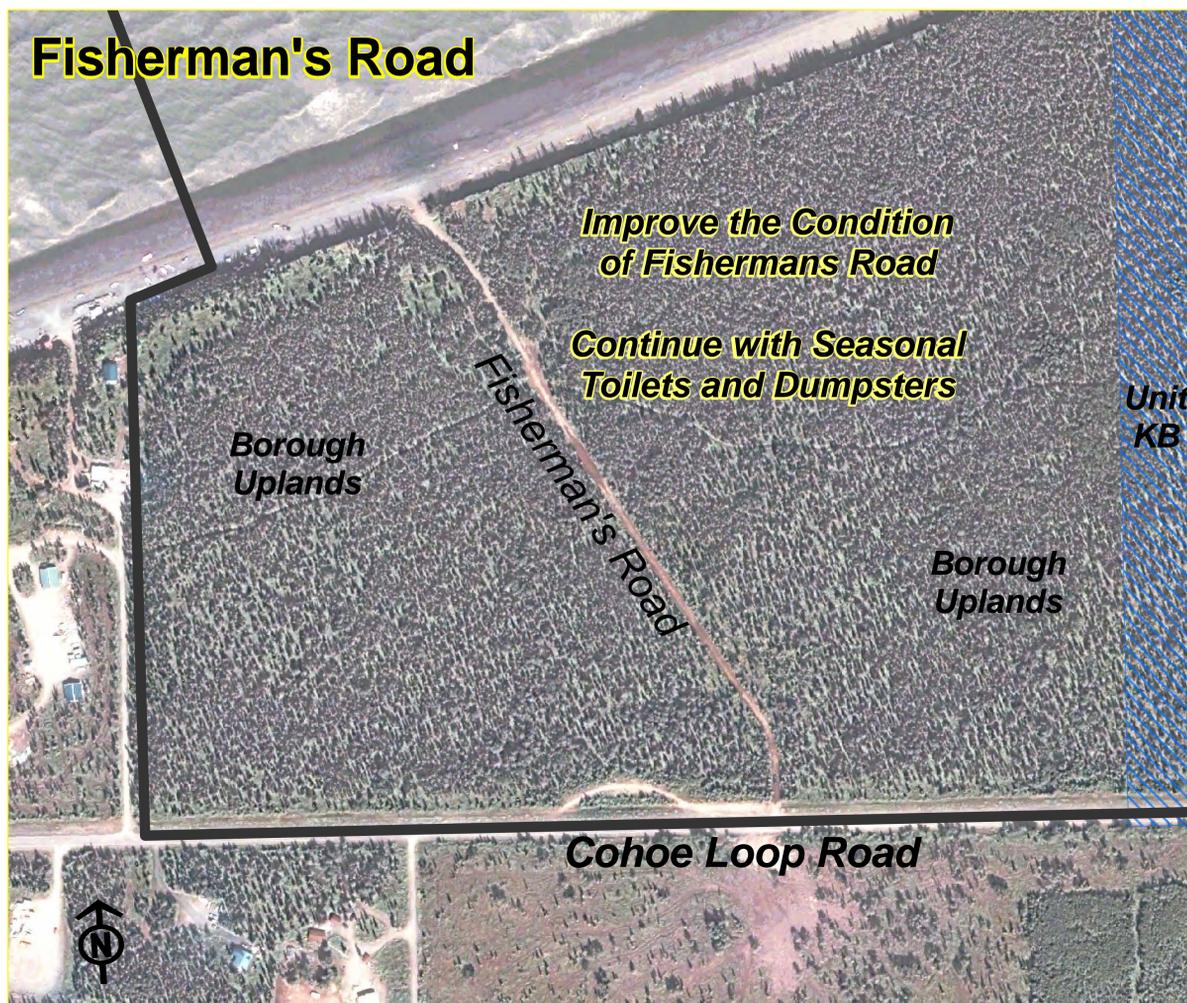
# Kasilof River Special Use Area Map 4

## Facilities and Improvements (South Side)

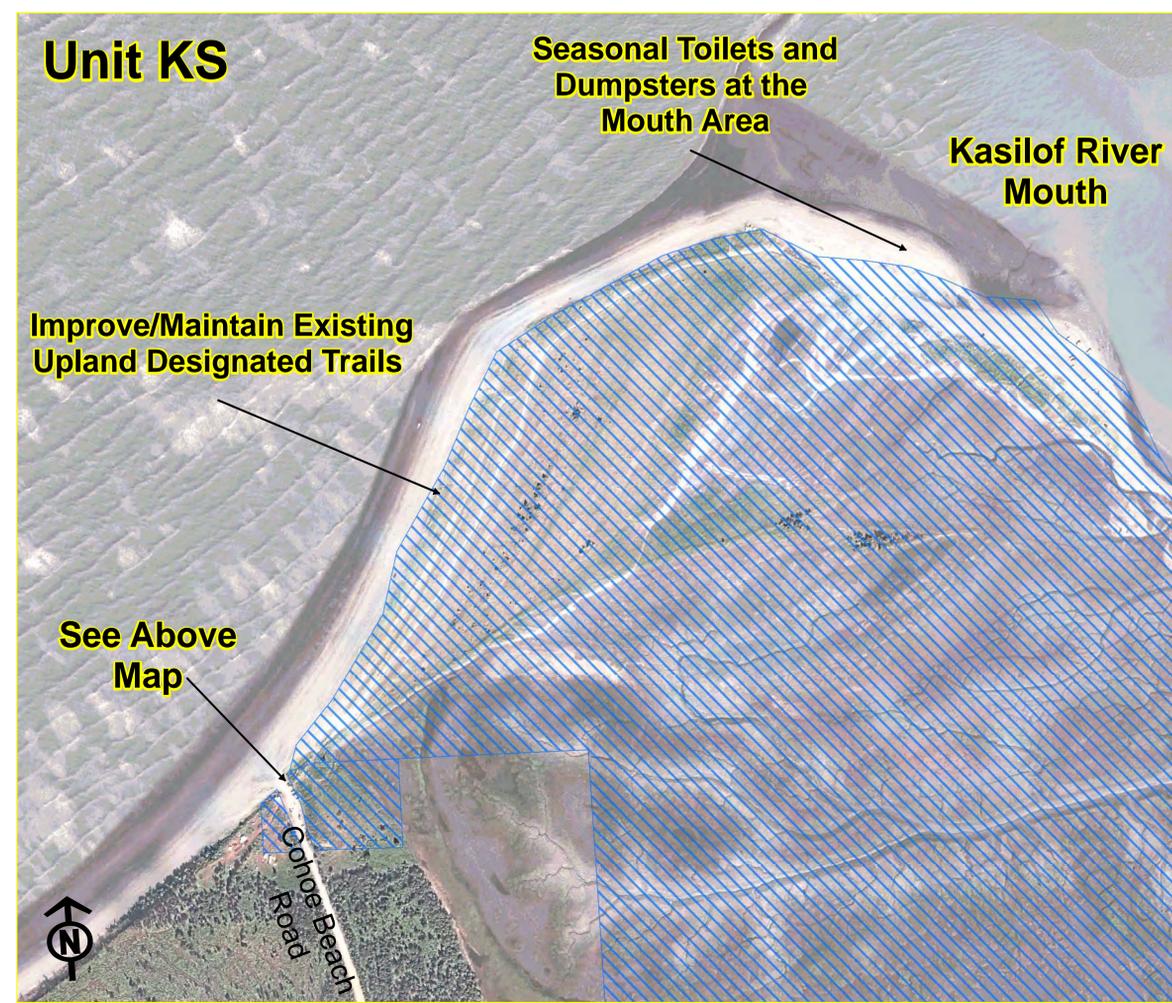
- KARSUA Boundary
- State Upland

**NOTE:**  
 These facilities and improvements are proposed in an approximate location.  
 See also the "Unit Specific Guidelines and Management" and "Facilities and Improvement recommendations" for details.

# Fisherman's Road



# Unit KS



**NOTES:**  
 The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.  
 This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



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 September 2010  
 DNR DMLW SCRO

# Kasilof River Special Use Area Map 5

## Facilities and Improvements (North Side)

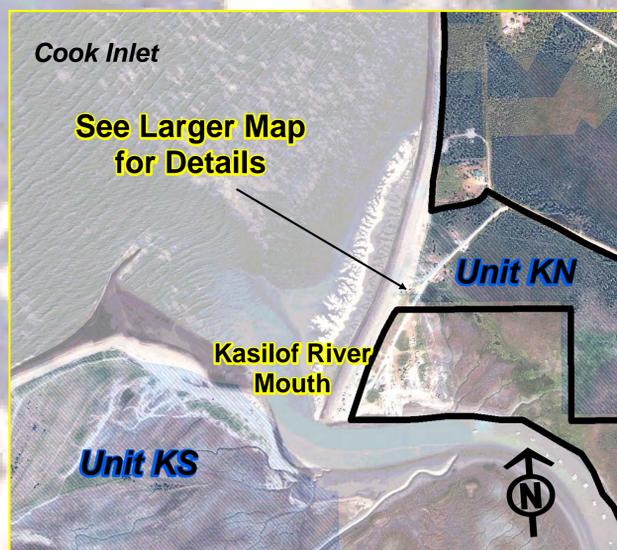
-  KARSUA Boundary
-  State Upland

**NOTE:**  
These facilities and improvements are proposed in a approximate location.  
See also the "Unit Specific Guidelines and Management" and "Facilities and Improvement recommendations" for details.

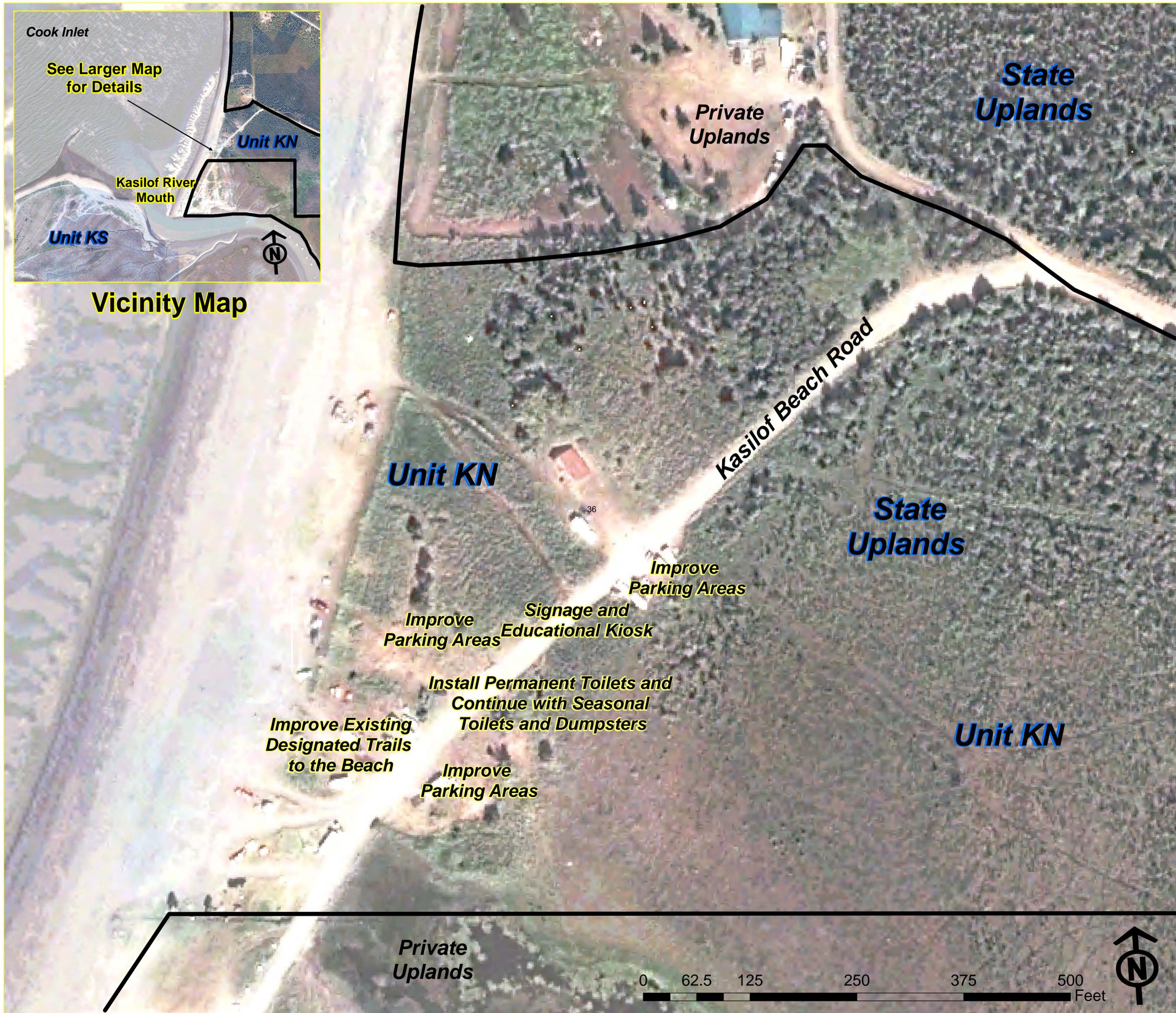
**NOTES:**  
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.  
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:  
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**Vicinity Map**



# Kasilof River Special Use Area Map 6

## Designated Areas South Side (Unit KS)

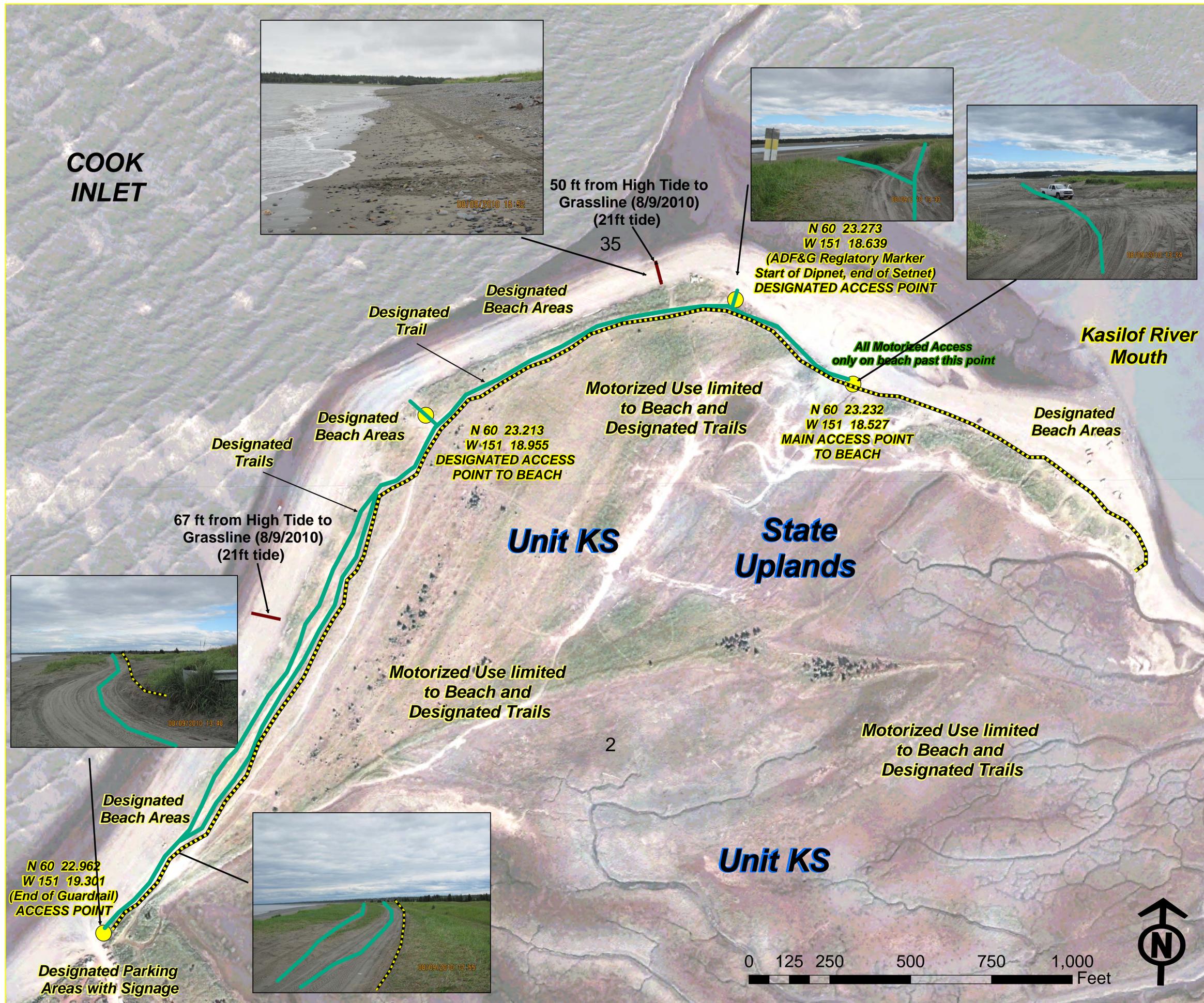
-  Designated Motorized Trails
-  Designated Egress and Access Points
-  Proposed Fence (LAS 27627)

NOTE:  
All beach areas are designated for motorized use up to the MHT or the vegetative line. See also the "Unit Specific Guidelines and Management" for more details

NOTES:  
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.  
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:  
September 2010  
DNR DMLW SCRO



# Kasilof River Special Use Area Map 7

## Designated Areas North Side (Unit KN)

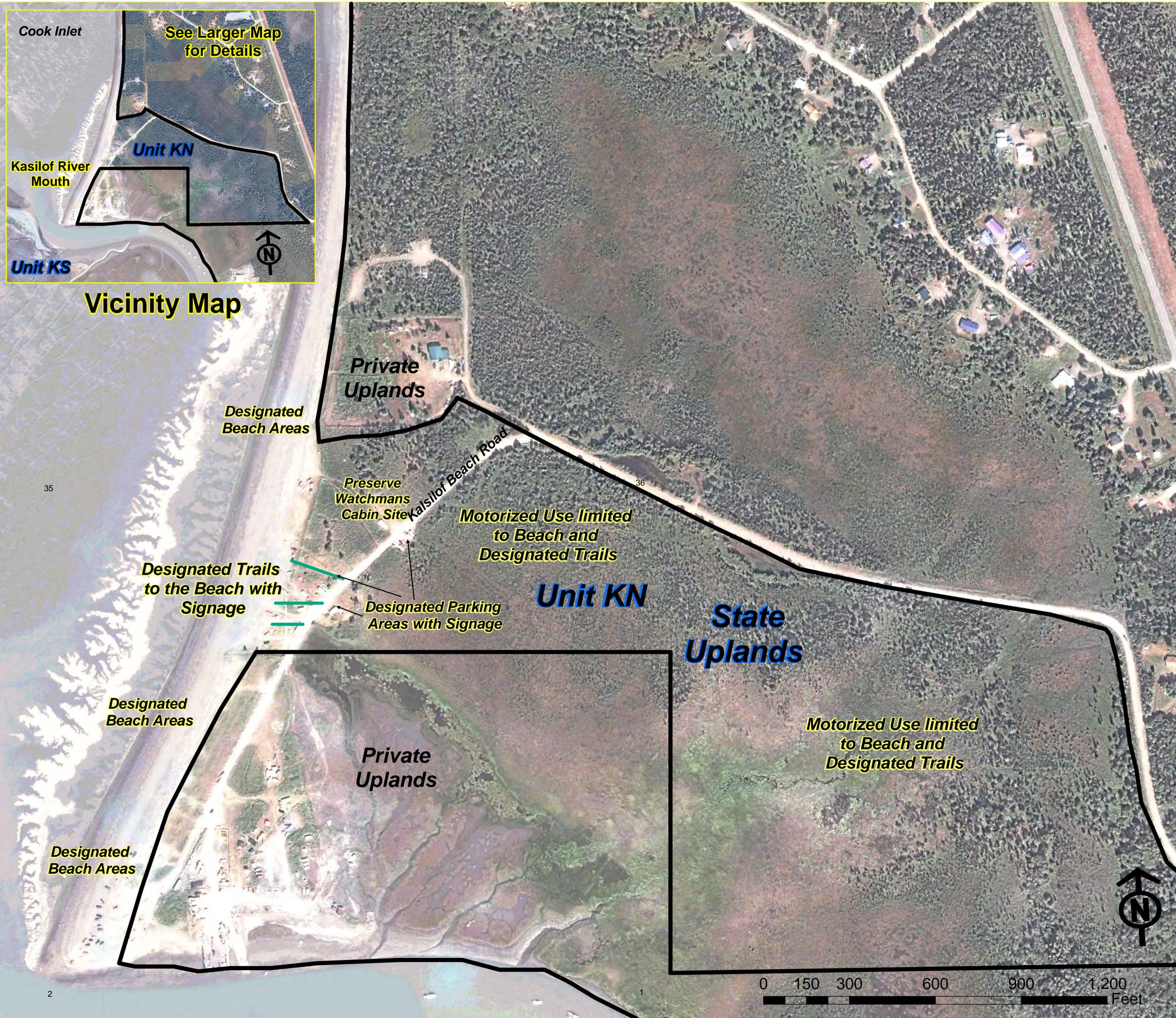
-  KARSUA Boundary
-  State Upland
-  Designated Motorized Trails

**NOTE:**  
All beach areas are designated for motorized use up to the MHT or the vegetative line. See also the "Unit Specific Guidelines and Management" for more details

**NOTES:**  
The State owned and managed tide and submerged lands extend three miles seaward of mean low tide.  
This map is only a graphical representation of the general land status in the area and is intended to be used only as a guide. Consult official land ownership records for details and precise property boundaries.



Produced:  
September 2010  
DNR DMLW SCRO



35

36

2

1