



APPENDIX B

EXISTING PLAN REVIEW



B-1

RSI-3354 DRAFT





UNIT 395 LAND PLANNING

DRAFT



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EXECUTIVE SUMMARY

Unit 395 is a 1,000-acre parcel of land previously owned by the State of Alaska and recently conveyed to the Kenai Peninsula Borough (KPB). After obtaining management authority of the parcel, the KPB decided to conduct a land planning project to better understand the parcel and the values and visions of the public, particularly nearby Cooper Landing.

Management of Unit 395 is directly and indirectly impacted by several overlapping plans and guidance documents created by the local Advisory Planning Committee, the KPB, and state and federal agencies. The plans reviewed for this project emphasize

- / the rural, natural character of the region;
- / the importance of the wildlife habitat and linkages in and near Unit 395; and
- / the desire to maintain the current aesthetic and character of the Cooper Landing community.

Planning guidance directly related to Unit 395 focuses on limited access from the new Sterling Highway bypass and opposition to commercial development or dense residential development.

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1.0 RELEVANT PLANS

The following are summaries of the most relevant information from each of the official plans and documents that guide, regulate, or otherwise impact land use in and near Unit 395.

1.1 COMMUNITY RECOMMENDATIONS ON A LAND USE PLAN FOR BOROUGH LANDS – COOPER LANDING (1992)

Prepared by: Cooper Landing Advisory Planning Commission

Prepared for: Kenai Peninsula Borough

This document provides guidance to the Kenai Peninsula Borough (KPB) and Cooper Landing Advisory Planning Commission regarding the best use for Borough lands. It includes recommendations for development of centralized public facilities, recreation, commercial and industrial areas, residential areas, and other public facilities such as schools, churches, and restrooms.

The Community Recommendations document includes the results of a survey about the land use and planning goals and desires of the residents of Cooper Landing. Results indicated that maintaining the scenic and rural character of Cooper Landing, particularly through retaining greenbelts, maintaining open spaces, and avoiding strip development, was a high priority for residents. Land use that encouraged the safety of children, pedestrians, and tourists was also highly supported by survey respondents. Of note for potential development were the strong opposition to dense residential areas, due to the potential for developing a city-like character, and the moderately strong support for maintaining an economic base in the community.

1.2 COOPER LANDING LAND USE CLASSIFICATION PLAN FOR BOROUGH-OWNED AND BOROUGH-SELECTED LANDS (1996)

Prepared by: Cooper Landing Advisory Planning Commission

Prepared for: Kenai Peninsula Borough

The 1996 Land Use Classification Plan updates the 1992 Land Use Plan (above), classifies remaining land that was unclassified, and provides direction to the KPB for land management.

The plan recommends the selection of Unit 395 by the KPB “for community expansion as a residential subdivision.” The plan also indicates that the Resurrection Pass Trail system, fish and wildlife habitat, and scenic and aesthetic qualities should be taken into consideration in the development of the unit.

The plan recommends a 200’ wide corridor on either side of the then-proposed bypass (now the MP 45-60 Sterling Highway realignment) and limited access to the highway corridor. The recommendation states there should be no access to the bypass east of Juneau Creek and limited access to it west of Juneau Creek (within Unit 395). It also highlights the community’s opposition to commercial development on Unit 395 and the desire to “funnel travelers” into the existing Cooper Landing commercial district.

1.3 KENAI AREA PLAN (2001)

*Prepared by: Alaska Department of Natural Resources – Division of Mining – Land & Water
Resource Assessment & Development Section*

Prepared for: Alaska Department of Natural Resources

The Kenai Area Plan (KAP) determines management intent, land-use designations, and management guidelines that apply to all state lands within the Kenai Area. It provides an overview to contextualize the land ownership, resource use, and management constraints within the area, and provides a special management intent specific to each state-owned unit.

At the time the KAP was written, the Sterling Highway realignment had not been finalized and the State had not determined which parcel would be conveyed to the KPB. The plan identifies contingencies depending on which realignment path was chosen; because the Sterling Highway was re-routed north of the Kenai River, Unit 395 was ultimately conveyed to the KPB. The State retains ownership of a 100-foot buffer along either side of the Sterling Highway bypass through Unit 395; the Resurrection Trail right-of-way is retained by either U.S. Forest Service (USFS) or the State.

Unit 395 is described as a potential brown bear movement corridor and an important seasonal habitat for moose. The plan designates it as Settlement, meaning it is suitable for residential or residential and commercial use and should be closed to mineral entry prior to sale. Additionally, the plan states that access to the bypass will be limited in order to avoid strip development, unsafe driveways, and disruption to brown bear travel and to retain scenic values and Resurrection Trail access.

1.4 DELINEATION OF LANDSCAPE LINKAGES IN THE COOPER LANDING PLANNING AREA (2010)

Prepared by: U.S. Fish & Wildlife Service – Kenai National Wildlife Refuge; U.S. Forest Service – Chugach National Forest

Prepared for: Kenai Peninsula Borough, Cooper Landing Advisory Planning Committee

The Landscape Linkages document identifies undeveloped areas that would be highly suitable to designate and maintain or improve as wildlife corridors in the Cooper Landing Planning Area surrounding the original (pre-bypass) alignment of Sterling Highway. The recommended wildlife corridors and linkages would reduce wildlife vehicle deaths and improve ease of wildlife movement.

USFS and U.S. Fish and Wildlife Service (USFWS) recommend the creation of the Juneau-Cooper Creeks Landscape Connection (see Figure 1.4-1). This area borders or overlaps the entire eastern edge and most of the southern edge of Unit 395. The landscape connection is identified as containing numerous wildlife locations for bears and wolves, including dens; links between the summer and winter ranges of moose; and links for predators between the summer and winter ranges of mountain goats and Dall sheep. Key recommendations for this area include maintaining landscape connectivity, working with landowners and other partners to improve habitat quality and connectivity, reducing new road development within the area, and concentrating development in already developed areas. These recommendations have implications for potential road access and development near the eastern and southern edges of Unit 395.

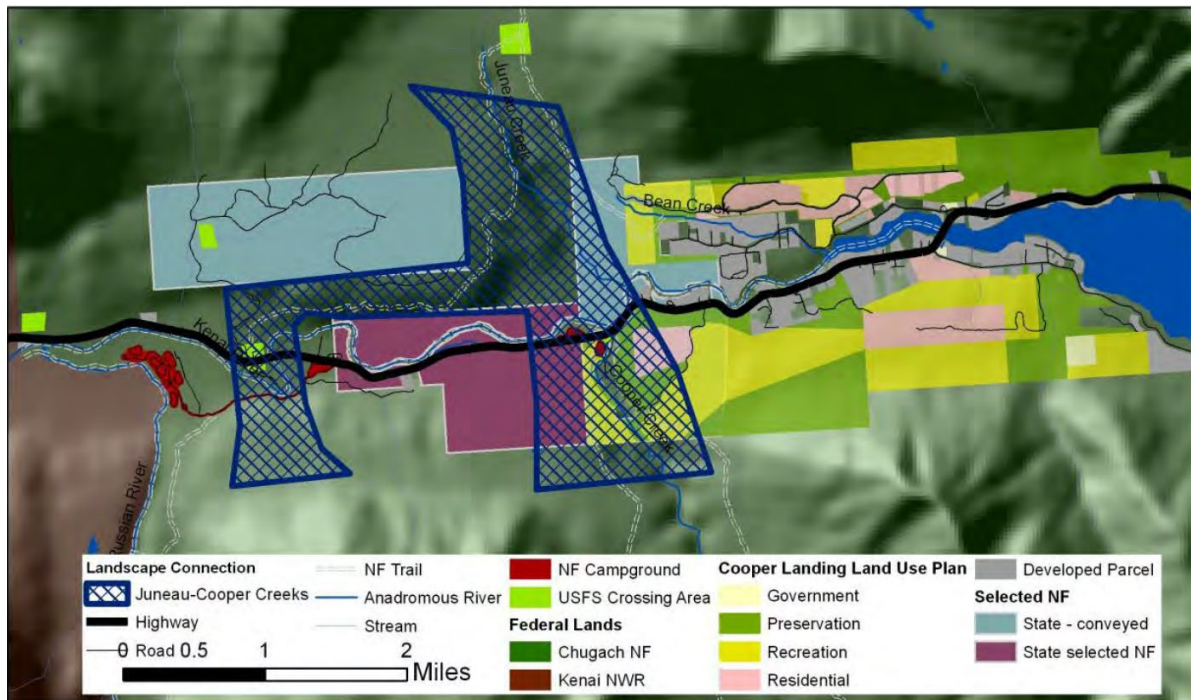


Figure 1.4-1. Juneau-Cooper Creeks Landscape Connection, Delineation of Landscape Linkages in the Cooper Landing Planning Area (2010)

1.5 FINAL, FINDING & DECISION FOR REGION 4 OF THE KENAI PENINSULA BOROUGH (2014)

Prepared by: Alaska Department of Natural Resources

Prepared for: Kenai Peninsula Borough – Land Management

This letter from the Alaska Department of Natural Resources to the KPB identifies which borough-selected lands were conveyed or denied at the time. Unit 395 was conditionally approved for conveyance, with land management authority pending the establishment of the Cooper Landing Bypass (Sterling Highway MP 45-60 realignment).

1.6 STERLING HIGHWAY MP 45-60 FINAL EIS AND FINAL SECTION 4(F) EVALUATION

Prepared by: Federal Highway Administration – Alaska Division; Alaska Department of Transportation and Public Facilities

Prepared for: Public review

The Sterling Highway MP 45-60 Environmental Impact Statement (EIS) evaluates the social, economic, and environmental impacts of the realignment alternatives that were considered by the Alaska Department of Transportation and Public Facilities (DOT&PF), including discussion of the impacts to Unit 395.

1.6.1 CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

It identifies the following resources as being impacted by existing actions or reasonably foreseeable future actions in or around Unit 395: land ownership and land uses, housing and relocation, economic

environment, air quality and climate change, wetlands and vegetation, and wildlife. The impacts to land ownership and land uses are primarily the ownership transfers dependent on the realignment (i.e. conveyance of Unit 395 to the KPBJ); the other impacts are detailed below.

The EIS notes that several private properties will be impacted by the Sterling Highway realignment, but the larger "housing and relocation" impact is the potential for residential development. The EIS estimates a maximum of 126-143 rural residential units (minimum 2.3 acre lots) could be constructed within Unit 395 on suitable land. The two access alternatives identified in the EIS are access from the existing Sterling Highway via West Juneau Road (currently a USFS logging road) or from the new Sterling Highway via ramps; no driveways or side roads will be connected directly to the Sterling Highway realignment to limit access and promote safety. The realignment will be separated, either by overpass or large culvert, from West Juneau Road.

It is estimated that 70% of highway traffic will be rerouted to the realignment, significantly reducing the number of vehicles passing through Cooper Landing. While this will reduce traffic in the community and make local travel easier, it will also reduce the number of unplanned stops by tourists at Cooper Landing businesses. These impacts may be heightened if commercial development occurs within Unit 395.

The traffic through Unit 395 on the new Sterling Highway will increase the air and noise pollution in the area. Depending on where residential units are constructed, if any, this may affect the development(s) in the unit.

The EIS identified the wetland and vegetation types along the realignment alternatives, which include needle-leaved forest and mixed needle-broad-leaved forest surrounding the section of highway that passes through Unit 395.

Chapter 3 also contains information about recreation, and specifically Resurrection Pass Trail, but it is discussed in greater detail in Chapter 4. Information about recreation from Chapters 3 and 4 will be combined below.

1.6.2 CHAPTER 4: FINAL SECTION 4(F) EVALUATION

Chapter 4 analyzes the impacts of the bypass alternatives on areas protected by Section 4(f) of the Federal Department of Transportation Act. This Act prohibits the use of certain lands unless there is "no prudent and feasible alternative" or the impacts are "de minimis."

The Resurrection Pass Trail, which is managed by the USFS, is part of the National Trails System. For the purposes of the EIS analysis, it has a buffered width of 1000 feet on federal land (the trail is entirely within the Chugach National Forest). The trail buffer does not extend onto non-federal land, such as Unit 395; at its closest point, the trail centerline comes within 200 feet of the parcel boundary.

Because the bypass route that was ultimately chosen (Juneau Creek Alternative) intersects the Resurrection Pass Trail, there are direct impacts and mitigation efforts described in this chapter. The current southern trailhead for the Resurrection Pass Trail shares a gravel pullout area with West Juneau Road, a USFS access road off the existing Sterling Highway. This road is used as alternative access to

the Resurrection Pass Trail for horses in the summer and snow machines in the winter, though it is not formally identified or maintained as a trail access point.

A new trailhead will be constructed where the bypass and trail meet (3.4 miles northeast of the trailhead on the existing Sterling Highway) with a parking lot that has greater capacity than the current southern trailhead. This is anticipated to significantly reduce and change the type of use on the section of trail between the current and planned trailheads; hikers would be less likely to include this section in their journey, but mountain bikers may use it to create a trail loop when combined with old logging roads.

Additionally, a new trail will be created from the existing Sterling Highway trailhead to a point north of the falls overlook on the Resurrection Pass Trail for horse and snow machine access. The highway design will include crossings (tunnel or bridge) for this new trail. The proposed route for the trail enters Unit 395 at the southwestern edge and exits from the northern edge.

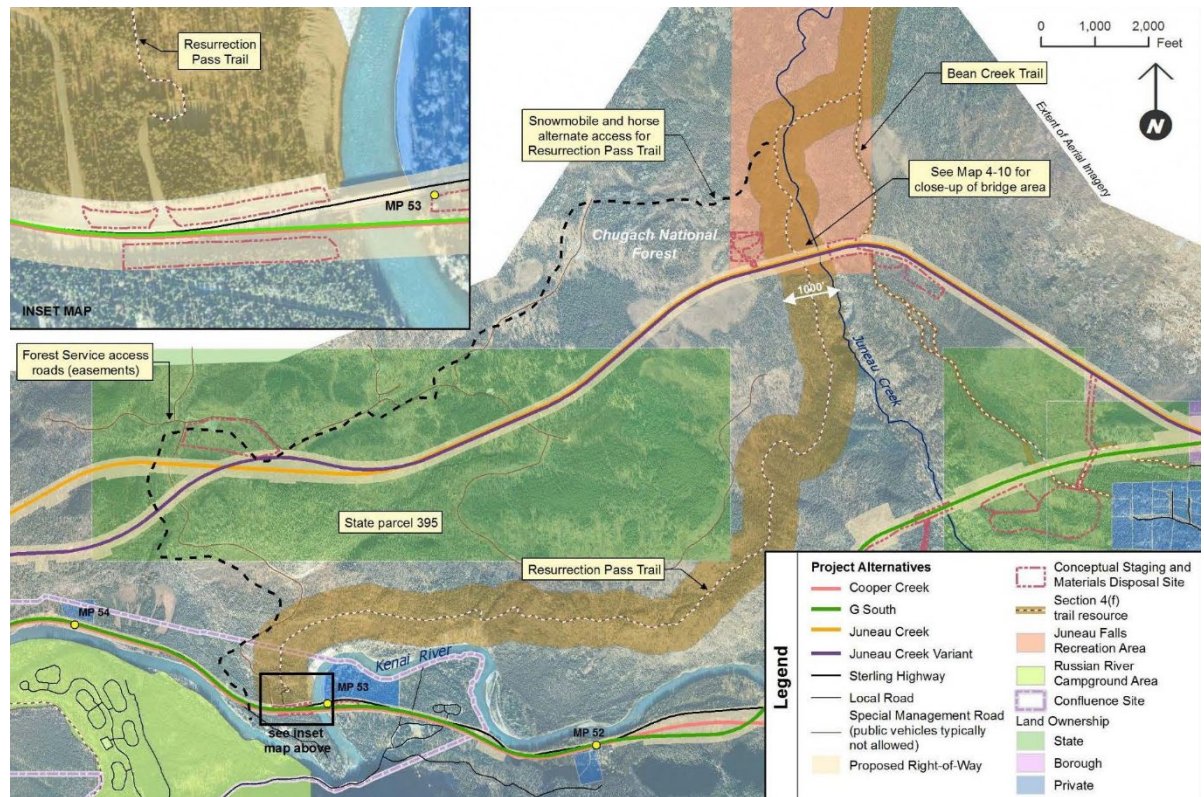


Figure 1.6.2-2. Resurrection Pass Trail, Sterling Highway EIS and Final Section 4(f) Evaluation: Chapter 4 (2018)

USFS manages the Resurrection Pass Trail as a conservation system unit (CSU) under the Alaska National Interest Lands Conservation Act (ANILCA), though the Alaska Attorney General disputes that its status as a CSU.

This chapter also discusses the Sqilantnu Archaeological District, which bisects Unit 395, but the scope of the discussion is focused on the impacts of the bypass construction project. The Sqilantnu Archaeological District is eligible for the National Register of Historic Places and is an important heritage site for the Cook Inlet Region, Inc. (CIRI) and Kenaitze Indian Tribe.

1.6.3 APPENDIX F – SECTION 4(F) DE MINIMUS IMPACT FINDING FORM

This appendix contains a map of the highway project area that identifies the boundary of the Sqilantnu Archaeological District.

1.6.4 APPENDIX I: WILDLIFE CROSSINGS ANALYSIS AND RECOMMENDATIONS

As part of the mitigation efforts to minimize wildlife impacts, DOT&PF committed to constructing wildlife crossings along the bypass. For the chosen bypass alternative, the proposed wildlife overpass is just beyond the western edge of Unit 395.

The analyses conducted for this portion of the project indicates that Unit 395 contains habitat or linkages for brown bears, black bears, moose, lynx, Dall sheep, and wolverines.

1.7 KENAI PENINSULA BOROUGH COMPREHENSIVE PLAN (2019)

Prepared by: Agnew::Beck Consulting, with support from Alaska Map Company, ASRC Energy Services, Alaska Survey Research, Casey Planning & Design, Northern Economics and PDC Inc. Engineers

Prepared for: Kenai Peninsula Borough

The KPBC Comprehensive Plan identifies the values, visions, and priorities of the KPBC in its planning and development efforts. The plan also identifies five high-level goals for the KPBC:

1. Diversify and grow the Kenai Peninsula Borough economy
2. Proactively manage growth to provide economic development opportunities on the Kenai Peninsula Borough while preserving what residents and visitors value about the area's natural features
3. Preserve and improve quality of life in the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services
4. Improve access to, from and connectivity within the Kenai Peninsula Borough
5. Create more active and engaged Kenai Peninsula Borough residents, local communities, and a more effective and efficient Borough government

Goal 2 is central to the current planning and visioning process for Unit 395, and Goal 1 may be relevant if economic development within Unit 395 is desired by the community.

1.8 CHUGACH NATIONAL FOREST LAND MANAGEMENT PLAN (2020)

Prepared by: USDA Forest Service

Prepared for: Chugach National Forest

The Chugach National Forest Land Management Plan (CNFLMP) is a guiding document for USFS's management of the forest for the next 10 to 15 years. The plan is adaptive and strategic; it does not provide authorization for specific projects or activities, but rather a high-level overview of and direction for the Chugach National Forest. It is for use by USFS and does not direct or restrict the public; any restrictions on public use are imposed by law or regulation.

Unit 395 is surrounded by the Chugach National Forest, which is owned and managed by USFS; additionally, access from the existing Sterling Highway would likely require use of West Juneau Road, a USFS logging road, or other USFS land. The CNFLMP identifies USFS-acceptable uses and priorities for the lands around Unit 395. These uses and priorities do not inherently constrain the activities of the KPB or Cooper Landing within Unit 395 but may provide insight into the characteristics of the parcel and surrounding area.

The Sqilantnu Archaeological District, which bisects Unit 395, is noted as an area of tribal importance and is protected against degradation. USFS has committed to collaborating with the Kenaitze Indian Tribe, CIRI, and USFWS to nominate the Sqilantnu Archaeological District to be listed on the National Register of Historic Places.

The northern half of the parcel is bordered by Backcountry Area for which scenic integrity is a very high objective and the southern half is bordered by Front Country designated land for which scenic integrity is a moderate objective. Both Backcountry Areas and Front Country are intended to be used for recreation. Backcountry Areas should be maintained as “natural in appearance” and human activities should not displace native wildlife. Front Country should be accessible by road and meet the community’s needs for access to forest products.

Also included in the CNFLMP is a map of inventoried roadless areas. The western edge and majority of the northern edge are identified as roadless areas while the east, south, and part of the north edges are roaded corridors. The land management plan states that the “undeveloped character of inventoried roadless areas” should be maintained, per the 2001 Roadless Area Conservation Rule. The Resurrection Pass Trail is designated as a National Recreation Trail, for which there are no identified objectives, management approaches, or standards. The CNFLMP recognizes the Resurrection Pass Trail as a CSU under ANILCA.

Guidance in the CNFLMP is intended for the USFS and does not constrain public use not otherwise prohibited by law or regulation. The information summarized here is intended to provide insight into the uses and characteristics of the land surrounding Unit 395 and not to indicate restrictions of use or development within the parcel.

The following sections of the ANILCA of 1980 apply to the Chugach National Forest and may be relevant to Unit 395 access and use.

- / Section 1110(a) permits the use of snowmachines in conservation system units and wilderness study areas
- / Section 1110(b) ensures the rights of the State of Alaska or private owners or occupiers to access their lands within or adjacent to conservation system units or wilderness study areas (subject to reasonable regulation)
- / Section 1111 states that permits be issued to the State of Alaska or private landowners to access conservation system unit land or wilderness study areas for temporary uses such as survey, under the condition that access will not harm the area accessed
- / Section 1323(a) permits access to non-federally owned land that is within the National Forest System

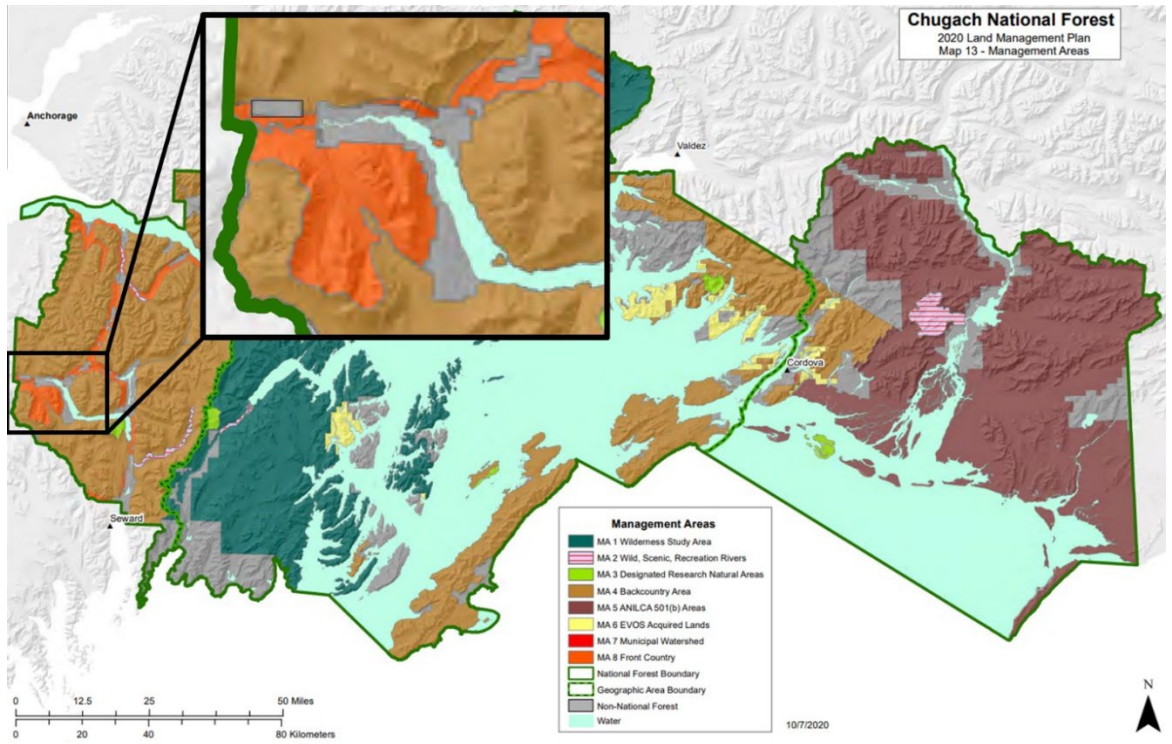


Figure 1-1 Chugach National Forest Land Management Plan (2020) Map 13 – Management Areas. Inset map added by RESPEC for this report.

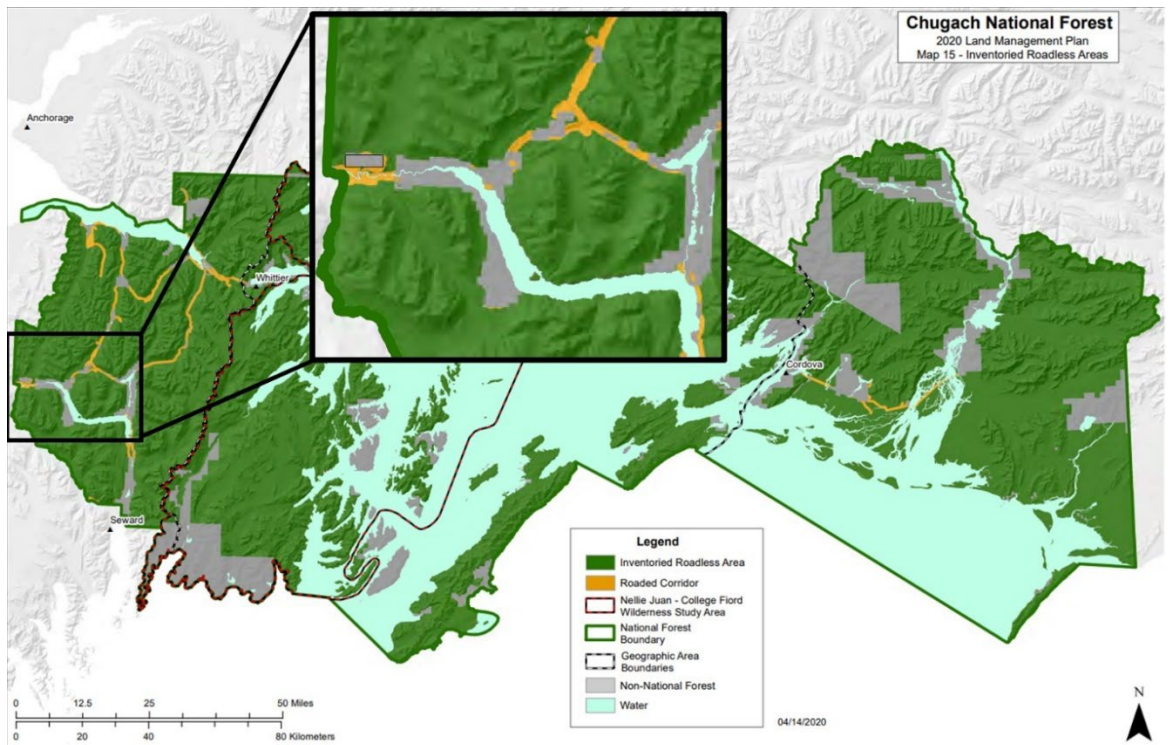


Figure 1-2 Chugach National Forest Land Management Plan (2020) Map 15 – Inventoried Roadless Area. Inset map added by RESPEC for this report.

1.9 STERLING HIGHWAY MP 45-60 PHASES 1A/B THROUGH 6 95% DESIGN (2023)

Prepared by: Alaska DOT&PF

Prepared for: Alaska DOT&PF

The Sterling Highway MP 45-60 Phases 1A/B Through 6 95% design shows the locations of individual features of the highway, including those relevant to Unit 395. Specifically, it shows the location and design cross section for the bridge that will pass over West Juneau Road within Unit 395 and the location and design cross section of the wildlife overpass just west of Unit 395. There will also be a wildlife crossing east of Unit 395 at the Juneau Creek Bridge.

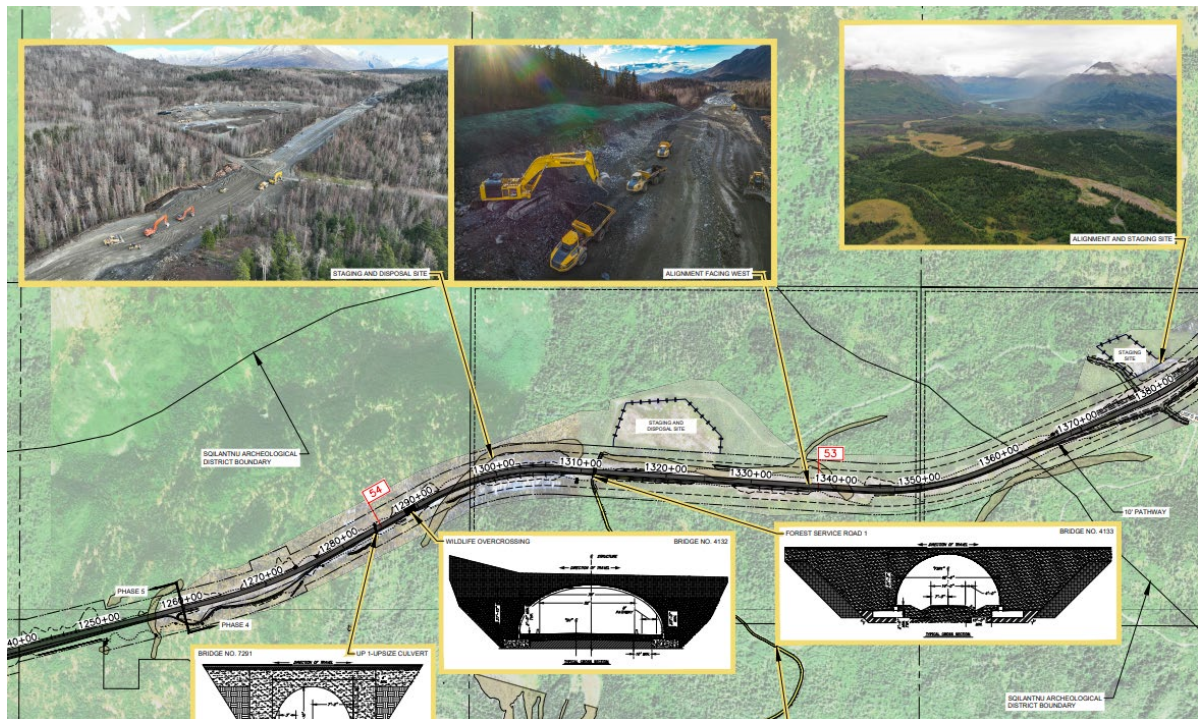


Figure 1-3 Segment of the Sterling Highway MP 45-60 Phases 1A/B Through 6 95% Design plot.

1.10 ALASKA STATE LAND SURVEY NO. 2020-47 PLAN OF SURVEY (2023)

The ASLS No. 2020-47 Plan of Survey identifies the location of key features for the future land survey of Unit 395, including locations of section line easements and roadways.

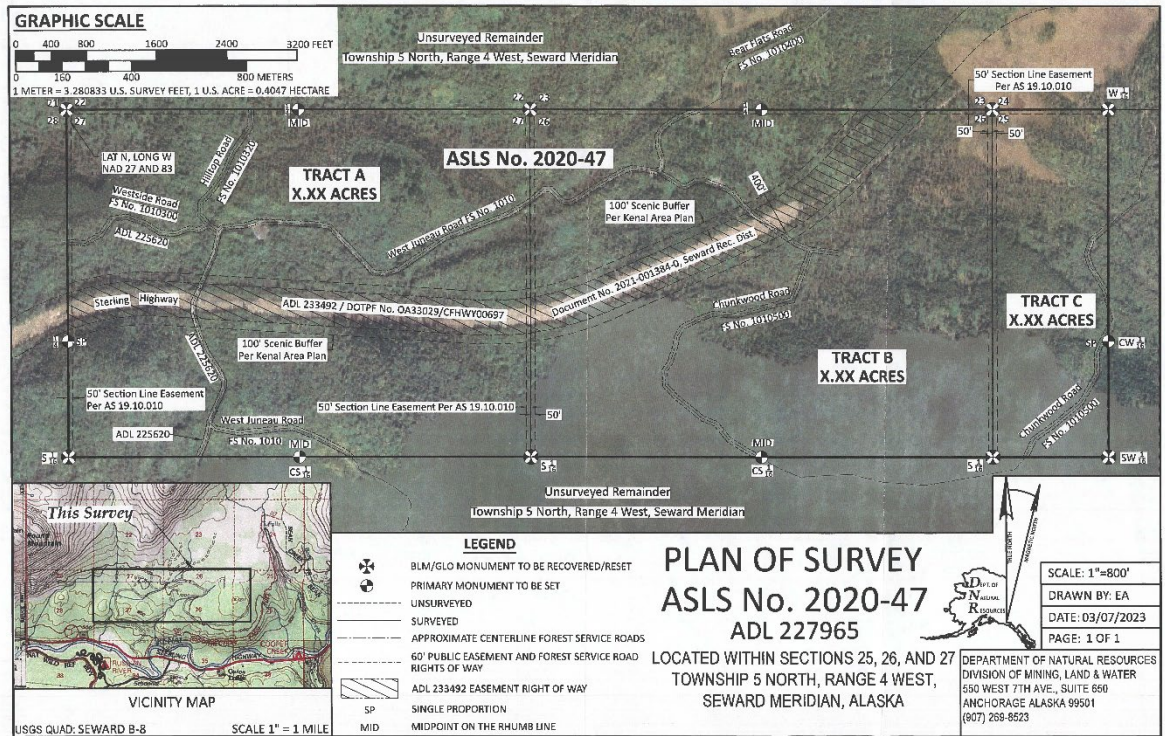


Figure 1-4 ASLS No. 2020-47 Plan of Survey

2.0 CONCLUSION

The many overlapping plans and guidance documents that impact Unit 395 and the surrounding region provide insight into the characteristics of the area and the direction in which it should be developed. Below are the key takeaways from the review.

2.1 THEMES AND KEY CONSIDERATIONS

2.1.1 ACCESS

The *Cooper Landing Land Use Classification* document [KPB-CLAPC, 1996] clearly and strongly states that the community is opposed to creating ramps or spur roads off the Sterling Highway bypass that would provide access to Unit 395. The *Sterling Highway MP 45-60 Final EIS and Final Selection 4(f) Evaluation* [DOT&PF, 2018] reflects this opposition by stating that the development of driveways or side roads off the highway realignment will not be permitted. Emergency and maintenance access to Unit 395 from the bypass may be necessary.

The *Delineation of Landscape Linkages* report [KNWR and CNF, 2010] advises against the construction of new roads within the Juneau-Cooper Creeks Landscape Connection. Because the landscape connection extends through most of the area between Unit 395 and the existing Sterling Highway, this suggestion should be considered if new road access is planned.

2.1.2 CHARACTER

The character of Cooper Landing, Unit 395, and surrounding areas is described as scenic, rural, and natural. Several of the reviewed plans and documents stress the importance of maintaining the aesthetic quality and character of the region.

The *Cooper Landing Land Use Classification* plan [KPB-CLAPC, 1996] indicates that Unit 395 should be developed as a residential subdivision and the creation of a new commercial district should be avoided.

2.1.3 WILDLIFE AND VEGETATION

Unit 395 and the surrounding area contain wildlife habitat and linkages for a variety of species, including black bears, brown bears, moose, lynx, Dall sheep, and wolverine. The *Sterling Highway MP 45-60 Final EIS and Final Selection 4(f) Evaluation* [DOT&PF, 2018] identified both needle-leaved forest and needle-broad-leaved forest within Unit 395; the vegetation inventory was completed for a buffer around the highway realignment and does not necessarily reflect the entire parcel.

Construction of the bypass will include the creation of wildlife crossing features at various locations along the bypass, including Alaska's first wildlife overpass to the west of Unit 395 and a crossing at the Juneau Creek Bridge to the east.

2.2 CHARACTER OF SURROUNDING LANDS

Unit 395 is surrounded by the Chugach National Forest, bordered on two sides by the Juneau-Cooper Creeks Landscape Connection, and overlapped by the Sqilantnu Archaeological District. Each of these areas has its own guidance or regulations intended to minimize degradation. The *Chugach National Forest Land Management Plan* [USFS, 2020] and the *Delineation of Landscape Linkages in the Cooper Landing Planning Area* [KNWR and CNF, 2010] do not restrict activities or development in or access to Unit 395; however, they do signify that the areas surrounding Unit 395 will remain largely undeveloped.

2.3 TIMELINE OF CONVEYANCE

1996

Unit 395 recommended for KPB selection
Cooper Landing Land Use Classification Plan for Borough-owned and Borough-selected Lands

2001

Unit 395 designated as Settlement and identified as potentially conveyable to the KPB, pending final determination of the Sterling Highway bypass route
Kenai Area Plan

2014

Unit 395 conditionally conveyed to the KPB from the State; management authority withheld until the final determination of the Sterling Highway bypass route
Final, Finding and Decision for Region 4 of the Kenai Peninsula Borough

2018

Sterling Highway bypass route finalized
Sterling Highway MP 45-60 Final EIS and Final Selection 4(f) Evaluation

2022

Kenai Peninsula Borough contracts with RESPEC to perform the Unit 395 Land Planning study

3.0 ACRONYMS

DOT&PF	Alaska Department of Transportation & Public Facilities
ANILCA	Alaska National Interest Lands Conservation Act
CIRI	Cook Inlet Region, Inc.
CNFLMP	Chugach National Forest Land Management Plan
CSU	conservation system unit
EIS	Environmental Impact Statement
KAP	Kenai Area Plan
KPB	Kenai Peninsula Borough
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service