

logging road) west of Juneau Creek, Bean Creek Trail and old logging road easements east of Juneau Creek, and a 50-foot-wide public access/public recreation easement along the Kenai River on CIRI Tract B (see also Section 3.1.1.5 below).

KNWR lands lie mainly on the western slopes of the Kenai Mountains and the forested lowlands bordering Cook Inlet. In the project area, the Sterling Highway lies within the KNWR between MP 55 and MP 58, within a right-of-way easement. The State of Alaska owns land rights for maintenance and operation of the Sterling Highway. The history of the establishment of the right-of-way is complex and the subject of a legal opinion from the Alaska Attorney General's office (Sullivan and Goldsmith 2014). The State and USFWS agree that a right-of-way exists and that it passed to the State of Alaska at statehood in 1959 (DOT&PF 2014a). There is a separate 1971 right-of-way agreement between USFWS and the State that provides additional information on rights and responsibilities to manage and approve transportation work within the right-of-way.

Approximately 21 percent of the project area (2,885 acres) is KNWR lands. Outside the existing Sterling Highway right-of-way and parallel power transmission line, the portion of the project area within the KNWR is primarily undeveloped land. The KNWR area north of the power transmission line is the Mystery Creek Wilderness, a Federally designated Wilderness area. South of the highway and Kenai River is another KNWR Wilderness unit, the Andrew Simons Wilderness. The USFWS manages Wilderness to preserve the pristine and unmodified character of these areas under provisions of The Wilderness Act (16 USC 23) and the Alaska National Interest Lands Conservation Act (ANILCA).

3.1.1.3 State Ownership and Land Uses

Lands owned by the State of Alaska are shown on Map 3.1-3. In addition, there are lands selected by the State but not yet conveyed from the Federal government, and these are shown along with State-owned lands on Map 3.2-4, following Section 3.2, Land Use Plans and Policies. Various land management units are designated within the *Kenai Area Plan for State Lands* (DNR 2001), and larger units are shown on the maps. Based on Borough Geographic Information System (GIS) parcel data, approximately 1,722 acres of State-owned land are within the project area, and the majority of this land is undeveloped. The project area also contains the Kenai River and Kenai Lake, which the State of Alaska asserts are State-owned submerged lands, except within the KNWR boundary, where the United States owns submerged lands. A Federal court has not adjudicated title to the bed of the Kenai River and Kenai Lake within the CNF boundary. Unless a Federal court has adjudicated title to the bed of such a body of water and determined the bed to be in non-Federal ownership, Forest Service policy is to depict title to beds of water bodies in land status records as National Forest System submerged riparian land. These lands are not included in the Borough parcel records. The State considers the submerged lands to be among the most prominent State lands in the area, as the Alaska Legislature has designated them as a unit of the State park system called the Kenai River Special Management Area (KRSMA). The State also owns several other parcels dedicated to specific public uses, including the Cooper Landing and Sportsman's Landing public boat launch ramps on the Kenai River, several small recreation sites, and a 2,200-foot-long gravel runway (Unit 398) off Quartz Creek Road (Quartz Creek Airport; (DNR 2001)). The State owns land rights for transportation purposes within the existing Sterling Highway right-of-way on CNF and KNWR and on other lands in the project area.