

Office Memorandum • UNITED STATES GOVERNMENT

TO : Regional Director, BSWF, Juneau, Alaska

DATE: February 17, 1961

FROM : Asst. Refuge Manager, BSWF, Kenai, Alaska

SUBJECT: Federal Register, April 22, 1958 - Kenai Nat'l Moose Range

Corrections may be required in the description of lands not open to oil and gas leasing on the Kenai National Moose Range as it appeared in the Federal Register dated April 22, 1958.

Near the top of the third column, it reads "T3N, R11W (Partly Unsurveyed) Secs. 34, 35 and 36; and $E\frac{1}{2}$, $E\frac{1}{2}$ $W\frac{1}{2}$ Sec. 33"

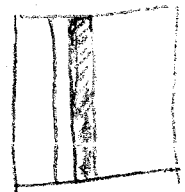
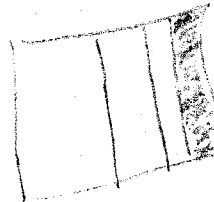
We believe this should read $E\frac{1}{2}$, $E\frac{1}{2}$ $E\frac{1}{2}$ Sec. 33

It is believed that lands in R5W, T2S; R5W, T3S; R5W, T4S; and R4W, T3S (Unsurveyed) that lie within the Moose Range Boundary were intended to be included in this list of lands not open to oil and gas leasing.

Robert V. Wade
Robert V. Wade

cc: Regional Refuge Supervisor, Kenai

ACT. INF.	T	IN.
ASST. REG. DIR.		
DIV. W. L.		
Pred. & Control Sup.		
WATERFOWL SUP.		
ENGINEER		
D. V. RESTOR.		
D. J. SUP.		
ADM. OFF.		
FILE		



See Zimmerman



Regional Director, BSEW, Juneau, Alaska

February 17, 1961

Asst. Refuge Manager, BSEW, Kenai, Alaska

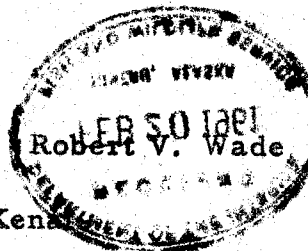
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cc: Regional Refuge Supervisor, Kenai



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR

Anchorage Region
P. O. Box 166
Anchorage, Alaska

Memorandum

To: David L. Spencer, Refuge Supervisor
U. S. Fish and Wildlife Service, Kenai

From: Regional Solicitor, Anchorage

Subject: Status of land within excepted areas in the Kenai National Moose Range

Executive Order 8979, dated December 16, 1941, withdrew and reserved approximately 2,000,000 acres of land on the Kenai Peninsula as a refuge and breeding ground for moose. By virtue of this order none of the lands so withdrawn were subject to settlement, location, sale, entry, or other disposition, under any of the public land laws applicable to Alaska with the exception of the land withdrawn by such order in Townships 5 North Ranges 8, 9, 10 and 11 West and a strip of land six miles in width along the shore of Cook Inlet. In respect to these excepted areas the order provided inter alia:

That as to the foregoing excepted lands, primary jurisdiction therewith shall remain in the General Land Office of the Department of the Interior and their reservation and use as a part of the National Moose Range shall be without interference with the use and disposition thereof pursuant to the public land laws applicable to Alaska: Provided further, that the lands in the said excepted areas shall be classified by the General Land Office, Department of the Interior, and those lands classified as not suitable for settlement shall no longer be available for that purpose.

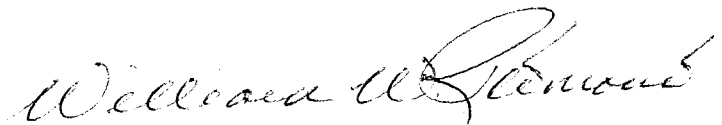
On June 16, 1948 Public Land Order No. 487 was issued. This order withdrew for examination and classification all of the excepted area in Township 5 North Ranges 8, 9, 10 and 11 West as well as all of the portions of the excepted six mile strip located in Township 2 North Ranges 11 and 12 West; Township 3 North Ranges 11 and 12 West, Township 4 North Ranges 11 and 12 West and Township 5 North Range 12 West. This order also withdrew for the same purpose portions of the excepted six mile strip in Township 6 Ranges 11 and 12 West. Thereafter on September 9, 1955, Public Land Order No. 1212 was promulgated. This Order revoked Public Land

Order No. 487 in its entirety; classified certain of the land withdrawn for recreational purposes; withheld disposal of certain withdrawn lands pending classification under the small tract act; classified and opened certain of the withdrawn land under the homestead and homesite laws; and restored the remaining land withdrawn by Public Land Order No. 487 to entry and settlement under the general public land laws.

As can be seen from the foregoing, Public Land Order No. 1212 was in effect an order classifying the lands pursuant to the provisions of the withdrawal created by Public Land Order No. 487. Accordingly, inasmuch as none of the lands in the excepted areas withdrawn by Public Land Order No. 487 were classified in Public Land Order 1212 as not suitable for disposal under the public land laws, it is our conclusion that the lands in the excepted areas affected by Public Land Orders No. 487 and 1212 remain under the primary jurisdiction of the Bureau of Land Management and are subject to disposition pursuant to the public land laws applicable to Alaska.

With respect to the area in the excepted six mile strip not affected by Public Land Orders No. 487 and 1212, we are not aware of any formal order of classification. We have been advised by officials of the Bureau of Land Management, however, that such lands have been noted on the land office records as open for settlement and acquisition under the general public land laws applicable to Alaska. It therefore appears that these lands have also been classified or determined to be suitable for disposal under the land laws applicable to Alaska and that the Bureau of Land Management would have primary jurisdiction over these lands to carry out such disposal procedures.

If there are further questions or if we can be of further assistance please advise.



William W. Redmond
Regional Solicitor

Regional Director, BSWF, Juneau, Alaska

October 30, 1961

Regional Refuge Supervisor, BSWF, Kenai, Alaska

Boundary Adjustment - Kenai Nat'l Moose Range

Reference is made to Director Jansen's memo of February 16, 1961 and my memo of September 11, 1961. Enclosed is a proposed redescription of the Kenai National Moose Range.

For your information:

1. The Bureau of Land Management wishes to survey and monument a permanent boundary for the Range from Kasilof River to Sheep Creek to finalize State selections in this area. They have plans to proceed with this survey early in Calendar Year 1962.
2. The State of Alaska will select all unappropriated lands adjoining the Range boundary which may become available.
3. We considered the first description prepared September 22 (copy enclosed) to be unsatisfactory in some aspects. At a second conference October 17, the description was further revised (October 20 - enclosed), adding approximately three sections to the Moose Range. This addition included two miles of Beaver Creek--a fisheries stream, and six half sections south of Soldotna where we have recreational installations and winter range lands of value. One half section was deleted since it had valid homestead entries.
4. We sought to include about one and one-half miles of the Kasilof River, but were advised that this tract had already been administratively determined open to the public land laws. (See December 1, 1955 BLM memo attached.) This action seems strange. (1) We have no copy of this in our files. (2) The action was taken thirteen years after the Secretary's instructions. (3) This excepted area is south of the Kasilof River. Executive Order #8979 does not specify an excepted area south of the Kasilof River. (4) The status sheet we have indicates this area closed to entry.

We considered this one and one-quarter section of importance as it is good winter range and includes one and one-half miles of the Kasilof

River. Our reasoning is that salmon streams will fare better surrounded by public holdings than by private lands.

Perhaps the Central Office can shed some light on this matter.

5. Conflicts with State selections are indicated on the small scale map of the proposed boundary. These are not within the excepted area hence would not be allowed under the old boundary.

For your decision:

- A. As you know, a proposed exchange of the excepted area lands for a tract of public domain lands on upper Deep Creek could not be accomplished. The State of Alaska had applied for these lands by the time we were authorized to investigate such an exchange.

The State of Alaska, as represented by Mr. Lang, has informally inquired if the Service would release lands along Cook Inlet. At the time, I indicated this to be unlikely.

It may be, however, that we would be wise to consider an exchange of lands along Cook Inlet for lands in the upper Deep Creek area (proposed 8/6/59 and 10/22/59 for acquisition). Considerations in this question are:

1. Upper Deep Creek lands are of much greater value as moose range than lands bordering Cook Inlet.
2. During the past four years, ten trumpeter swan nests have been located within a two-mile-wide coastal strip from Bishop Creek to Point Possession.
3. There are eleven tracts of private land bordering Cook Inlet from Bishop Creek to Point Possession.
4. We may eventually be forced to give road right-of-way access to these private lands.
5. There are 20-30 active commercial fishing sites along the beach from Bishop Creek to Point Possession.
6. We will continue to have pressure for a public road along the beach.
7. We will continue to have pressure to release a strip of land along Cook Inlet.

8. Any completed exchange of lands should be consummated and incorporated in this proposed boundary revision.

Although such an exchange has many ramifications, we believe it is a wise course and accordingly recommend that we be authorized to contact State land officials relative to such an exchange of lands prior to further consideration of this boundary redescription.

- B. We can reduce the size of the Moose Range on paper by 100-150,000 acres through a westward adjustment of the boundary in the Harding Ice Field. This tract is of no apparent value to the Range.

David L. Spencer

- Encl: 1. Sept. 22 - Description
2. Oct. 17 - Description w/maps
3. Dec. 1, 1955 BLM Determination
4. March 29, 1961 letter from Solicitor re: classification of lands in excepted area.

Regional Director, BSWF, Juneau, Alaska

November 21, 1961

Assistant Refuge Manager, BSWF, Kensi, Alaska

Boundary Revision

A boundary revision, to exclude much of the mountainous ice fields is; from the suggested Bureau of Land Management corner at a mountain peak, 5873' elevation, at about 150° 20' latitude, 59° 52' longitude: thence approximately as follows:

Bearing	Distance Miles	Elevation Feet	Latitude	Longitude
N 47° E	12.2	5244	150° 04'	59° 58'
N 19° W	9.2	5355	150° 08'	60° 07'
N 64° E	13.8	5300	149° 47'	60° 11'

The last location being a suggested BLM corner.

The revised boundary is approximately 102,000 acres less than the proposed BLM boundary acreage.

Robert V. Wade



762-084

U. C. Nelson, Regional Director, BSWF, Region 6
c/o DIRECTOR, BSWF, Washington 25, D. C.

November 24, 1961

Regional Refuge Supervisor, BSWF, Kenai, Alaska

Kenai National Moose Range - Proposed Land Exchange

Enclosed are maps showing tentative tracts to be considered for land exchange in connection with the boundary realignment of the Kenai National Moose Range.

The area which we propose to acquire is late fall and early winter Moose Range lands at the head of Deep Creek as proposed 8/6/59 and 10/22/59. The tract delineated on the enclosed Map I is roughly 45 sections or approximately equal to a tract bordering Cook Inlet which could be made available for exchange. Any additional area which might be available through negotiations would be added on to the west side of this tract.

Map II roughly shows the proposed area to be released in exchange together with pertinent notes. Many sections, as indicated, should be given additional evaluation prior to consummation of an exchange.

David L. Spencer

Encl: 2
cc: Regional Director, Juneau w/o attach