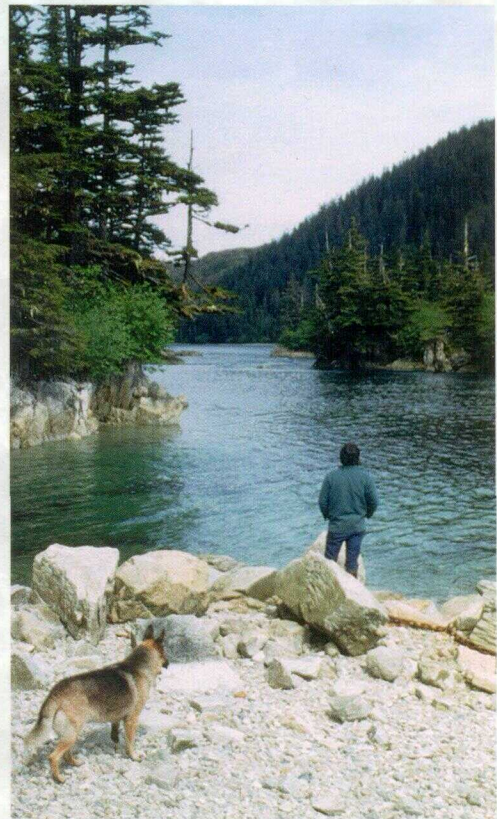


PRINCE WILLIAM SOUND PUBLIC ACCESS ATLAS

INCLUDING A SUPPLEMENT TO THE KENAI EASEMENT ATLAS



State of Alaska
Department of Natural Resources
Division of Land
March 1997

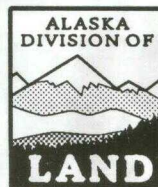


TABLE OF CONTENTS

page no.

ii	Project Team
ii	Acknowledgments
1	Introduction
2	Land Ownership and Management
6	Navigability
7	Easements
10	List of Maps
11	Vicinity Map
12	Maps and Easement Descriptions
166	Glossary
167	Funding Sources for Trail Projects

PROJECT TEAM

◆ DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

Resource Assessment and Development Section:

Dick Mylius, Section Chief
Jim Culbertson, Project Manager
Mike Mitchell, Research and Editing
Charles Benson, Research and Editing
Irene Garcia-Sandoval, Quality Control

Southcentral Regional Office:

Kim Kruse, Review of Draft

Technical and Data Management Section:

Dennis Daigger, Section Chief
Susan Peck, GIS Project Coordinator
Elaine Thomas, GIS Data Entry/Editing
Mario Ayerdis, GIS Data Entry

DIVISION OF MANAGEMENT

Status Graphics Unit:

Wendy Woolf, Unit Manager
Duncan Purvis, GIS Project Coordinator
Renee Graham, GIS Data Entry
Dave Luck, GIS Data Entry
Joanna Maciejowska, GIS Data Entry
Marty Martin, GIS Data Entry
Raymond Nix, GIS Data Entry

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City of Cordova; George Keeney

City of Valdez; David Dengel

City of Whittier; David Morgan

The Chenega Corporation; John Hoffer

The Eyak Corporation; Brian Lettich

The Tatitlek Corporation; Clare Doig

University of Alaska; Patricia Alexander

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U.S. Fish & Wildlife Service;
Doug Vandegraft

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Public meetings were held in June of 1994 in Chenega, Tatitlek, Cordova, Valdez, Whittier and Anchorage. We would like to express our appreciation to the members of the public who came to the meetings and worked with us on the maps and documents developed on this project.

INTRODUCTION

Extensive changes in land ownership and land management have occurred in Alaska over the past 20 years. Many areas, previously open to general public use, are now included in a federal conservation unit, state legislatively designated unit, or have been conveyed to a Native corporation or other private party. Public use of these areas may now be restricted or no longer available.

These recent changes in land ownership and management have resulted in a growing problem: the unauthorized use of land and resources. The purpose of this atlas is to aid the public and the land owners in dealing with this problem. Most unauthorized use has been inadvertent, resulting from a lack of readily available and easily understood land status information. This atlas provides current land ownership and public use information, including use restrictions on the date of publication.

This atlas is not a legal document. It is a representation of official federal, state, municipal and private land records. For complete information on land ownership, contact the State Records Office or the apparent land owner. Official land status records are also available at government offices listed in this atlas. You may need to contact several offices to obtain a complete picture of the area you are interested in.

This atlas tells who owns the land, who to contact, where public access easements are located, and the kinds of activities allowed on each easement.

Be aware that within state and federal parks, game refuges and sanctuaries, critical habitat areas, and "special use land" areas, there are additional restrictions on uses and activities allowed on the land. Permits or special authorizations may be required for certain uses in these areas.

For information on generally allowed uses and activities on state land, that is not in any special management category or status, contact the Public Information Office at the Department of Natural Resources listed in this atlas.

Except as provided for by a public access easement, private land is not open to public use without prior permission from the landowner. Use of private land or use of a public easement for an unauthorized purpose, without obtaining prior permission from the landowner may constitute trespass.

Contact the appropriate landowner if you have any questions concerning public use of an area. Obtain permission and any necessary permits in advance. A list of landowners is included in this atlas. Always contact the landowner for updated rules and regulations before conducting any activity.

Cabins and tent camps, used for trapping, fishing, hunting, mining, and other purposes, are essential to the livelihood of many rural residents. Only in a real emergency should the public use someone else's cabin or camp. A cabin or camp may appear abandoned but the owner probably will return and will need everything in the cabin or camp during the coming season. Alaska's pioneers established the honorable tradition of respecting cabins and campsites.

Please continue with this tradition.

We recommend that readers who are unfamiliar with land management terminology review the Glossary before continuing.

LAND OWNERSHIP and MANAGEMENT

When using this atlas, remember that land ownership in Alaska may fall into one of four categories: land owned by the federal government, land owned by the state government, land owned by a municipal government, and land owned by a private corporation or individual. Based on ownership, land is commonly referred to as **federal, state, municipal, or private** (ANCSA corporations).

Land owned by a government is usually managed by an agency of the government. Land owned by an ANCSA corporation is usually managed by the corporation itself. An agency or corporation responsible for managing land typically designates a land manager or contact person for purposes of dealing with the public on matters involving use of the land. This atlas lists agencies and ANCSA corporations responsible for managing land and the current contact person for each.

◆ FEDERAL:

Agency

Contact Person/Phone

Alaska Public Lands Information Center
605 W. 4th Avenue
Anchorage, Alaska 99501

(907) 271-2737

Bureau of Land Management:

Alaska State Office - Public Room
222 W. 7th Avenue
Anchorage, AK 99513

(907) 271-5960

Anchorage District Office
6881 Abbott Loop Road
Anchorage, AK 99507

Nicholas Douglas
(907) 267-1248

Glennallen District Office
P.O. Box 147
Glennallen, AK 99588

Dave Mushovic
(907) 822-3217

Fish & Wildlife Service:

Alaska Regional Office
Realty Section
1011 East Tudor Road
Anchorage, AK 99503

Sharon Janis
(907) 786-3490

Alaska Maritime
National Wildlife Refuge
Headquarters Office
2355 Kachemak Drive, #101
Homer, AK 99603-8021

John Martin
(907) 235-6546

◆FEDERAL, cont.

Agency	Contact Person/Phone
Forest Service:	
Chugach National Forest 3301 C Street, Suite 300 Anchorage, AK 99503	Larry Hudson (907) 271-2500
National Park Service:	
Alaska System Support Office 2525 Gambell Street, Room 107 Anchorage, AK 99503-2892	Charles Gilbert (907) 257-2584
Wrangell-Saint Elias National Park and Preserve P.O. Box 29 Glennallen, AK 99588	Jon Jarvis (907) 822-5234

◆STATE:

Agency	Contact Person/Phone
Alaska Railroad Corporation 327 Ship Creek Avenue Anchorage, AK 99501	Mike Fretwell (907) 265-2478 or (907) 265-2465
Department of Fish & Game:	
Habitat & Restoration Division 333 Raspberry Road Anchorage, AK 99518-1599	Lance Trasky (907) 267-2342 FAX 267-2464
Department of Natural Resources:	
Public Information Office 3601 C Street, Room 200 Anchorage, AK 99510-5929	(907) 269-8400 FAX 269-8901 TDD 269-8411
Division of Land Southcentral Regional Office 3601 C Street, Suite 1080 Anchorage, AK 99503-5937	Rick Thompson (907) 269-8559
Division of Management, State Records Office:	
Anchorage and Cordova Recording Districts 3601 C Street, Suite 1140 Anchorage, AK 99503	Jim Davis (907) 269-8872

◆STATE, cont.**Agency****Contact Person/Phone**

Division of Management, State Recorders Office (cont.)

Chitina Recording District
Ahtna Building
P.O. Box 86
Glennallen, AK 99588

Magistrate Recorder
(907) 822-3405

Seward Recording District
P.O. Box 1929
Seward, AK 99664

Magistrate Recorder
(907) 224-3075

Valdez Recording District
213 Meals Avenue
P.O. Box 127
Valdez, AK 99611

Magistrate Recorder
(907) 835-2266

Division of Parks and Outdoor Recreation

Kenai Area Office
Mile 3.5 Lou Morgan Road
P.O. Box 1247
Soldotna, AK 99669

Chris Degemes
(907) 262-3717

Mat-Su/Copper Basin Area Office
Finger Lake State Recreation Area
HC 32 Box 6706
Wasilla, AK 99687-5936

Dale Bingham
(907) 747-3975

Mental Health Trust Land Unit
3601 C Street, Suite 880
Anchorage, AK 99503-5936

Steve Planchon
(907) 269-8656

Department of Transportation and Public Facilities:

Central Region, Planning Division
4111 Aviation Drive
Anchorage, AK 99502
Mail: P.O. Box 196900
Anchorage, AK 99519-6900

Pat Beckley
(907) 266-1675

Northern Region, Southcentral District
Maintenance and Operations
P.O. Box 507
Valdez, AK 99686-0507

George Le Vasseur
(907) 835-2347

University of Alaska:

Office of Statewide Land Management
3890 University Lake Drive
Anchorage, AK 99508

Martin Epstein
(907) 786-7766

◆ MUNICIPAL:

City	Contact Person/Phone
City of Cordova P.O. Box 1210 Cordova, AK 99574	George Kenney (907) 424-6200
City of Valdez P.O. Box 30 Valdez, AK 99686	David Dengel (907) 835-4313
City of Whittier P.O. Box 608 Whittier, Ak 99693	Michelle Swarhout (907) 472-2327

◆ PRIVATE:

ANCSA Corporation	Contact Person/Phone
Chugach Alaska Corporation 560 E. 34th Ave., Suite 200 Anchorage, AK 99693	Mark Stahl (907) 563-8866
The Chenega Corporation 3333 Denali Street, Suite 260 Anchorage, AK 99503	Charles W. Totemoft (907) 277-5706
The Eyak Corporation P.O. Box 340 Cordova, AK 99574	Brian Lettich (907) 424-7161
The Tatitlek Corporation P.O. Box 650 Cordova, AK 99574	Clare Doig (907) 346-021 Carroll Kompkoff (907) 424-3777

NAVIGABILITY

◆ OWNERSHIP OF LAND UNDER NAVIGABLE AND PUBLIC WATERS

In Alaska, the state owns the land under a waterbody that has been determined to be navigable under federal law. The state claims ownership of the land under a waterbody that meets the federal criteria for navigability but has not yet been officially determined navigable and, in addition, claims ownership of the land under a waterbody determined by the state to be navigable on the basis of the hydrologic character of the waterbody.

The land under a non-navigable public waterbody is owned by the state if the waterbody is on state land. On private land the land under a non-navigable waterbody may belong to the private land owner or, ownership having been reserved at the time of conveyance, it may belong to the federal or state government.

◆ AVULSION

During the March 27, 1964 Good Friday Earthquake, land masses in a portion of central and eastern Prince William Sound were uplifted up to 33 feet causing tidelands to emerge and dry. These former tidelands are known as avulsed lands. The State of Alaska claims ownership of avulsed lands that rose above the mean high tide line as an immediate result of the 1964 earthquake. Determination of avulsed lands will be done at the time of survey. For more information on avulsed lands, contact the Department of Natural Resources, Public Information Office listed under **STATE** in this atlas.

◆ USE OF NAVIGABLE AND PUBLIC WATER

The people of Alaska have a constitutional right to use and have free access to navigable and public water. Navigable and public water includes inland or coastal, fresh or salt water forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, straight, passage, sea or ocean or any other body of water or waterway. While the right to use and have free access to state waters is guaranteed by the Constitution, it is subject to valid existing rights and restrictions or limitations imposed by state or federal law. The right to use public waters is irrespective of streambed ownership. The navigability determinations illustrated in this atlas may be changed by revised administrative decisions or court decisions.

Private ownership of land bordering navigable or public waters does not grant the owner an exclusive right to use of the water. The public's right to use and have access to navigable and public waters, however, does not create any right or privilege to cross or enter private land. The boundary between public waters and private land is the ordinary high water mark.

The ordinary high water mark is the mark along the bank or shore of a waterbody where the presence and action of water is common and usual, continues in all ordinary years, and leaves a natural line impressed on the bank or shore. That line may be indicated by erosion, shelving, changes in soil character, destruction of terrestrial vegetation, or other distinctive physical characteristics.

EASEMENTS

State maintained highways and easements, which access public land, are shown on maps in this atlas. No attempt was made to identify section line easements, R.S. 2477 rights-of-way, or public rights-of-way dedicated by a filed plat or recorded grant of easement in the local recorders office.

An easement is an interest in land owned by another that entitles its holder to a specific limited use or enjoyment. Easements are reserved for specific purposes, typically trails, roads, campsites and airstrips. Easements are restricted in physical size and the use(s) allowed. The season and duration of use may also be restricted. Easements cannot be used for other purposes.

In this atlas, each easement has a written description giving its location and identifying any restrictions. Users must limit their use to the activities authorized for the easement. Be aware that easements are not always marked on the ground. When an easement is marked on the ground in a different location than shown in this atlas, use the marked location.

Access routes shown in this atlas may have "gaps" that do not appear to be covered by a reserved easement. Where a gap occurs, a search of the applicable state status plat, federal master title plat, and ANCSA 17(b) easement map has revealed no reserved easement. Additional research might reveal a reserved easement.

Generally the most direct means of obtaining legal access where there is no reserved easement shown is simply to obtain permission from the land owner. Public access around or across a gap may also be gained by use of a section line easement, a R.S. 2477 right-of-way, use of public land, or use of navigable or public waters.

◆ SECTION LINE EASEMENTS

A section line easement is an easement for a public highway granted under Alaska Statute (A.S.) 19.10.010 which has not been vacated. Section line easements on federal land or land conveyed by the federal government are also granted by R.S. 2477.

Alaska Attorney General Opinion No. 7 (1969) summarized the State's position on section line easements: Each surveyed section line in the state is subject to a section-line right-of-way for the construction of highways if: 1) It was owned by or acquired from the

territory (or State) of Alaska at any time between April 6, 1923, and January 18, 1949, or at any time after March 26, 1951, or; 2) It was unreserved public land at any time between April 6, 1923, and January 18, 1949, or at any time after March 21, 1953.

Many section line easements in Alaska have been vacated and, therefore, no longer exist. Some research is clearly required to determine, for a specific section line, whether or not a valid easement exists. DNR public information office personnel are available to assist persons wishing to perform the required research. In some cases the answer may be readily available, in others the required research may be time consuming.

◆ R.S. 2477 RIGHTS OF WAY

An R.S. 2477 right-of-way is a right-of-way granted under Revised Statute 2477, formerly codified as 43 U.S.C. 932. R.S. 2477 is an historic federal statute that granted rights-of-way over unreserved public land. These right-of-ways were established by public use or construction.

Passed in 1866, it granted states and territories rights-of-way over federal land wherever roads, trails, paths or other common routes existed. The law remained in effect until its repeal in 1976.

Today, the State of Alaska has a program for nomination and assertion of R.S. 2477 rights-of-way. The program is administered under 11 AAC 51. A \$100 application fee is required. For information on R.S. 2477 rights-of-way and how to file an application, contact the DNR public information office.

◆ ESTABLISHING RIGHTS-OF-WAY BY PRESCRIPTION

In the absence of any reserved easement, or reasonable alternate access, and where established public use for a period of ten or more years has created a trail or road across private land, it may be possible to establish an easement by prescription (adverse possession). Prescription means the acquirement of the title or right to something through its continued use or possession over a long period. Alaska law provides for establishment of public rights-of-way by prescription.

◆ CONSTRUCTION ON EASEMENTS

Be aware that the existence of a public access easement does not mean that a trail, road or other improvement can be constructed on the easement. Before any construction can be undertaken, the land owner and easement holder must be consulted. Permission or additional right-of-way may be required by law.

◆ ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA), 17(b) EASEMENTS

The easement type designation is enclosed in parentheses at the end of the description. To determine the activities allowed on an easement, look up the designation in this section of the atlas.

EIN 25-Foot Trail: Uses allowed on a 25-foot wide trail easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (under 3,000 lbs. gross vehicle weight).

EIN 50-Foot Trail: Uses allowed on a 50-foot wide trail easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

EIN 60-Foot Road: Uses allowed on a 60-foot wide road easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

EIN One-Acre Site: Uses allowed on a one-acre site easement are vehicle parking (cars, trucks, snowmobiles, all-terrain vehicles, boats, aircraft), and temporary camping, loading or unloading. Temporary camping, loading, or unloading is limited to 24-hours.

Chenega One-Acre Site: The uses allowed for these site easements are vehicle parking (e.g., aircraft and boats), temporary camping, loading and unloading. Temporary camping, loading, or unloading is limited to 24-hours.

EIN Airstrip Site: The uses allowed on an airstrip site are aircraft landing, vehicle parking (i.e., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading is limited to 24-hours.

Winter use only: Use of the easement is limited to times when the easement is covered by adequate snow or

ice to allow customary winter modes of travel without appreciable surface disturbance or damage.

Right bank (or left bank): The bank of a stream or lake on the right (or left) hand of an observer positioned facing down stream.

◆ CHUGACH NATIVES INC. (CNI) EASEMENTS

The easement type designation is enclosed in parentheses at the end of the description. To determine the activities allowed on an easement, look up the designation in this section of the atlas.

CNI Trail: CNI trail easements are 25 feet in width unless otherwise stated. Trail easements are reserved for the construction, use, and maintenance of trails, ditches, bridges, culverts, areas for parking, turnout and turning, and other structures or facilities deemed necessary for the utilization of the easement as a transportation route; and, for the construction, use and maintenance of pipeline, communication systems, power systems, utility transmission lines, and structures, facilities, improvements and appurtenances. Trail easements may be used for travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (under 3,000 lbs. gross vehicle weight).

CNI Local Road: Local road easements are 60 feet in width. Local road easements are reserved for the construction, use, and maintenance of roads, trails, ditches, bridges, culverts, areas for parking, turnout, and turning, and other structures or facilities deemed necessary for the utilization of the easement as a transportation route; and, for the construction, use and maintenance of pipelines, communication systems, power systems, utility transmission lines, and structures, facilities, improvements and appurtenances.

CNI Regional Road: Regional road easements are 100 feet in width. Regional road easements are reserved for the construction, use, and maintenance of roads, trails, ditches, bridges, culverts, areas for parking, turnout, and turning, and other structures or facilities deemed necessary for the utilization of the easement as a transportation route; and, for the construction, use and maintenance of pipelines, communication systems, power systems, utility transmission lines, and structures, facilities, improvements and appurtenances.

CNI Site: CNI site easements are 1 acre in size unless otherwise stated. Site easements are reserved for the construction and maintenance of any structure, improvements, and facilities, and uses related to access

over any adjoining easements, recreation, camping, public sanitation, storage, vehicle parking and servicing, log transfer, and administration of the site, adjoining easements or publicly owned lands or waters.

CNI Airstrip Site: The uses allowed on an airstrip site are aircraft landing, vehicle parking (i.e., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading.

CNI Streamside: Streamside easements comprise that area of land constituting the bed and banks of the stream, and the area 50 feet upland of the ordinary high water mark on both sides of the stream. Streamside easements are reserved for access to publicly owned lands, waters, resources and facilities, and for recreation, sport fishing, hiking, camping, water related sports, and the landing, parking and servicing of aircraft and watercraft, and the building, maintenance and use of structures and facilities necessary for such uses. Streamside easements may be used for travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (under 3,000 lbs. gross vehicles weight).

CNI Marine Shoreline: Marine shoreline easements comprise that area of land from the mean high tide line

to 50 feet upland. Marine shoreline easements are reserved for access to publicly owned lands, waters, resources and facilities, and for recreation, sport fishing, hiking, camping, water related sports, and the landing, parking and servicing of aircraft and watercraft, and the building, maintenance and use of structures and facilities necessary for such uses. Streamside easements may be used for travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (under 3,000 lbs. gross vehicles weight).

Development Restrictions On Streamside and Marine Shoreline Easements: No construction shall be undertaken on streamside or maintain shoreline easements without the prior approval of CNI, which permission shall not be unreasonably withheld if the construction is consistent with the limited purposes of the reservation, provided that the construction use and maintenance of campgrounds, privies and toilets, tables, benches, shelters, small docks, boat or plane ramps, firepits, waterwells, pumps, and sites shall be permitted without prior approval of CNI. (1982 CNI Settlement Agreement)

LIST OF MAPS

Title	Page Number	Title	Page Number	Title	Page Number
Anchorage A1, A2	13	Cordova B6	65	Seward B1	119
Anchorage A3, A4	15	Cordova B7	67	Seward B2	121
Anchorage B1, B2	17	Cordova C1	69	Seward B3	123
Anchorage B3, B4	19	Cordova C2	71	Seward B4	125
Bering Glacier A1, A2	21	Cordova C3	73	Seward B5, B6	127
Bering Glacier A3, A4	23	Cordova C4	75	Seward C1	129
Bering Glacier A5, A6	25	Cordova C5	79	Seward C2	131
Bering Glacier A7, A8; Icy Bay D-8	27	City of Cordova	81	Seward C3	133
Bering Glacier B1, B2	29	Cordova C6	83	Seward C4	135
Bering Glacier B3, B4	31	Cordova C7	85	Seward C5, C6	137
Bering Glacier B5, B6	33	Cordova C8	87	Seward D1	139
Bering Glacier B7, B8	35	Cordova D2	89	Seward D2	141
Bering Glacier C3, C4, C5	37	Cordova D3	91	Seward D3	143
Bering Glacier C6, C7, C8	39	Cordova D4, D5	93	Seward D4	145
Bering Glacier D5, D6, D7	41	Cordova D6	95	Seward D5	147
Bering Glacier D-8; Cordova D1 . .	43	Cordova D7	97	Valdez A1, A2, McCarthy A8 . .	149
Blying Sound D1, D2	45	Cordova D8	99	Valdez A3	151
Blying Sound D3, D4	47	Icy Bay D1	101	Valdez A4	153
Blying Sound D5, D6, D7	49	Icy Bay D2, D3	103	Valdez A5	155
Cordova A1, A2	51	Middleton Island B7	105	Valdez A6	157
Cordova A3, A4	53	Middleton Island D1, D2	107	Valdez A7	159
Cordova A7, A8, B8	55	Seward A1	109	City of Valdez	161
Cordova B1, B2	57	Seward A2	111	Valdez A8	163
Cordova B3	59	Seward A3	113	Valdez B6, B7, B8	165
Cordova B4	61	Seward A4	115		
Cordova B5	63	Seward A5, A6	117		

GLOSSARY

ADL: An easement granted or retained by the Alaska Division of Land.

ANCSA: Alaska Native Claims Settlement Act

AMNWR: Alaska Maritime National Wildlife Refuge

BLM: Bureau of Land Management

CAC: Chugach Alaska Corporation (formerly CNI)

CHA: Critical Habitat Area

CHE: The Chenega Corporation

CNI: Uses allowed on a Chugach Natives, Inc.(CNI) easement under the "1982 CNI Settlement Agreement" are listed in the Easements section on page 7. CNI is now called Chugach Alaska Corporation (CAC).

DNR: Department of Natural Resources

EIN: A public access easement established under section 17(b) of the Alaska Native Claims Settlement Act. Uses allowed on an EIN easement are listed in the Easements section on page 7.

EYA: The Eyak Corporation

FP: An easement dedicated by a plat filed with the State Recorder's Office.

KPB: Kenai Peninsula Borough

LAS: An easement retained by the federal government in a Native allotment conveyance.

LSH: An easement granted to the State of Alaska by a private property owner.

NP: National Park and Preserve

NWR: National Wildlife Refuge

SGR: State Game Refuge

SRA: State Recreation Area

SRS: State Recreation Site

TAT: The Tatitlek Corporation

FUNDING SOURCES FOR TRAIL PROJECTS

One possible solution to some access needs is creation of a trail. For example, it may be possible to construct a trail around a gap in legal access. The following agencies and programs represent possible sources of funds for mapping, marking and building trails.

◆ DNR DIVISION OF PARKS AND OUTDOOR RECREATION

As part of Governor Tony Knowles' Trails and Recreation Access Across Alaska (TRAAK) initiative there is a proposal to establish a program office for the Alaska Trails Assistance Program. One of the purposes of this program will be to disburse funds for the maintenance and development of trails. As of this writing, funds for disbursement probably won't be available until at least early 1997. For more information contact Ron Crenshaw at 269-8704.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) provides funds for many kinds of transportation enhancement projects including mapping and marking of trails and easement acquisition and dedication. For more information contact Tom Young at 269-8729.

The Symms National Recreational Trails Act of 1991 is for recreational trails. Projects must come from trail plans in Alaska's Statewide Comprehensive Outdoor Recreation Plan. This program is currently unfunded. For more information contact Ron Crenshaw at 269-8704.

◆ ALASKA DEPARTMENT OF FISH AND GAME

The Federal Aid in Sport Fish Restoration Act provides funds to states for fisheries research. A portion of these funds is available for recreational boating access and angler access projects. For more information contact Tom Donek at 465-4180 or Doug Vincent-Lang at 267-2339.

◆ NATIONAL PARK SERVICE

The River and Trail Conservation Assistance program provides funds for conservation projects. Funds may not be used for grants, land acquisition or development. For more information contact Jack Mosby at 257-2650.

This publication was released by the Department of Natural Resources, produced at a cost of \$17.24 per copy, and printed in Anchorage, for the purpose of consolidating graphic depictions and text descriptions of legal public access across private and public land in the Prince William Sound area.