

Moose Range Meadows conservation is a challenging but worthwhile “work in progress”

by Rick Johnston

If you like to do some salmon fishing in the Soldotna area, you've probably heard of the Moose Range Meadows subdivision on the Kenai River. Maybe you have fished off the Refuge's fiberglass boardwalks on the north bank, or maybe a law enforcement officer has asked you to pack up your fishing gear and leave what you thought was a public river bank. Or maybe you are a riverbank property owner who either fumes about government restrictions against a desired dock or gazebo, or who enjoys the more-or-less “wild” view when looking up and down the river from your property. If your riverbank property in Moose Range Meadows is an investment, you may well appreciate the extra appraisal value that non-development restrictions can add to your property.

All of the above situations relate to the three mile federal easements along both banks of the Kenai River through the Moose Range Meadows subdivision. Most homeowners are familiar with utility easements which give utility companies the right to dig up the lawn and service the wires and pipes to the house. Similarly, a road right-of-way easement gives the highway department the right to widen the road in front of your house. As the owner, you still own the property, but other parties have a legal right to use it for their purposes, whether you like it or not.

In the Moose Range Meadows, the Federal Government holds easements for a strip of land that includes the river bank and back as much as 140 feet, in some places. The public can walk on this land much of the year, but property owners cannot build any kind of structures on this land, except removable boardwalks for habitat protection, with a special permit.

The easements provide a scenic buffer, bank stabilization, and a corridor for wildlife movement up and down the river. They provide public access to the river, and they seek to preserve some of the wild look of the river. These are the goals, but what is the reality? To understand the reality, we need to step back and look at the history of this unusual federal-private ownership of the Kenai River bank.

Originally all of Moose Range Meadows was

within the Kenai National Wildlife Refuge, or more precisely, within the Kenai National Moose Range, as the Refuge was originally called. Under the Alaska Native Claims settlement Act, Congress in 1979 granted native villages and groups the right to select certain Refuge lands. In a separate agreement, the Salamatof Native Association, who had not been included in the 1979 Act, was given the right to select lands along the Kenai River as part of their land claims settlement. In 1984 Salamatof began subdividing its claimed land as the Moose Range Meadows Subdivision and selling the attractive riverfront properties to ready buyers.

These riverfront properties, however, came with some strings attached, in the form of two separate federal easements. The first easement gave the public the right of access to the first 25 feet of riverbank; this was a concession to fishermen who had been fishing these banks since the Moose Range was established in 1941. The second easement was a “non-development” easement that was negotiated between the Refuge and Salamatof Native Association when Salamatof needed gravel to build roads for its new subdivision. Both easements were firmly in place before any subdivision lots were put on the open market.

The non-development easement was specifically designed to preserve wildlife habitat along the river and to retain undeveloped vistas up and down the river. This non-development easement is generally wider than the public use easement, extending back to the base of the main floodplain terrace, which was typically 50 to 100 feet back from the water's edge, but can be back as much as 140 feet. The non-development easement is actually quite restrictive. It bars construction of any buildings or structures; it requires that no gravel, topsoil, peat or organic matter be removed or disturbed, that no trees or shrubs be disturbed, and allows no fires or motor vehicles.

As bank fishing and related tourism exploded in the Soldotna area in the late 1980s and early 1990s, fisherman became aware of the guaranteed public access in the Moose Range Meadows and of the good fishing along the banks. Parcels sales within the pri-

vate subdivision were brisk. New residents seeking scenic river frontage, the protective guarantees of the non-development easement, and good fishing in their backyard eagerly snapped up the riverbank lots and began building new homes.

A classic conflict soon developed between public fishermen “loving the banks to death” and private owners who could not legally deny the public access that was causing the bank damage. State and federal managers were in general increasingly concerned about bank damage along the Kenai River and specifically in riparian shoreline zones in places like Moose Range Meadows.

In response, the Refuge established regulations that close the public use easement seasonally (July 1 - August 15) each year to protect riverbanks from trampling by the general public, but still allow property owners and their guests to fish and otherwise enjoy their private property. The remainder of the year (August 16 - June 30) the easement remains open to the public at large.

To mitigate the loss of public riverbank access during the July 1 - August 15 closure, the Refuge purchased several riverside parcels and constructed fiberglass boardwalks that provide good fishing access while protecting the riverbanks from trampling. Exxon Valdez Trust Funds purchased a large unsubdivided block off the river for wildlife habitat, which has been re-incorporated into the Refuge, along with the boardwalk parcels.

Managing the non-development easement has proven to be a “high maintenance” task for the Refuge staff. Everyone enjoys the relatively uncluttered, forested vistas along the river, but some owners have tried to build stairs, gravel paths, and various other structures within the easement, and we have required them to remove these encroachments, at their own expense. On the other hand, we have assisted a number of property owners with permits for boardwalks that must be seasonally removed, which has been especially valued by people with disabilities.

We like to say that the Moose Range Meadows private land—federal easement relationship is a “work in progress.” Basically, the easements are accomplishing the original goals of preserving a bit of wild nature amidst a riverside residential development, as well as providing some public access for traditional fishing activities. It has taken time to educate both fishermen and property owners about the rights and restrictions of the easements, but all-in-all we feel that this rather unique experiment in public-private partnership is turning out remarkably well, and that the moose, salmon and human folks are all benefiting from it.

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