



# LANDMARKS

WINTER 2005 NEWSLETTER OF KACHEMAK HERITAGE LAND TRUST

## ANCHOR RIVER MOUTH PROJECT



The Anchor River is one of the few road-accessible salmon and steelhead streams on the Kenai Peninsula, draining a 125,000--acre watershed flowing clear over productive spawning gravel for much of its length. The Anchor River supports strong runs of king, coho and pink salmon, Dolly Varden, and one of the northern-most runs of steelhead on the continent. The most sensitive and heavily used location on the Anchor River is the estuary and barrier beach system where the river drains into Cook Inlet. Here, salmon and steelhead rest before continuing upstream to spawn and young fry spend months in the productive salt marsh estuary. Thousands of waterfowl and shorebirds come through during annual migrations. The beach and estuary support large numbers of bald eagles in the spring and summer, and it is not unusual to view and photograph up to 50 eagles at one time. Unsurpassed views of Cook Inlet, three active volcanoes and phenomenal sunsets can be had from the mouth of the Anchor River.

Several years ago, a landowner called asking KHLT staff to meet him at the Anchor River Inn. He wanted to show us an important piece of property. Although the parcels of Anchor River mouth land he showed us had long been an outstanding fishing and recreational area used by the public, they were privately-owned land. We got to work immediately looking at options for funding to purchase this important area to protect its recreational and its habitat values.

We were successful bringing in The Nature Conservancy (TNC), and they, in turn, and with KHLT as a partner, applied for and received a grant from the U.S. Fish and Wildlife Services National Coastal Wetland Conservation Grant Program. The long process following included an appraisal unacceptable to the owners, resulting in a preliminary plat submitted and approved by the Kenai Peninsula Borough to subdivide it into RV lots using the river as access. The area would then have been off-limits to the public. (cont. page 5)



## ANCHOR RIVER MOUTH PROJECT

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As the owners, their surveyor, and the Borough's planning department wrestled with the details over the next couple of years, more public support was gained for protection of this wonderful place. KHLT requested that TNC re-appraise the property when it looked like the owners might take their subdivision to court. The new appraisal numbers were acceptable to the owners and a purchase agreement was signed. After such a long time, the grant funds were no longer enough, and KHLT offered to raise the balance. We were pleased to be able help local folks and users raise the funds to preserve their enjoyment of this popular area. The Exxon Valdez Oil Spill Trustee Council's long dormant Small Parcel Program was petitioned successfully by TNC, and with additional wonderful letters of support from some of you, they provided additional funds toward the purchase.

With a balance of \$55,000 left to raise in a very short period of time, we began to contact anyone and everyone we thought would care about protecting this land for public benefit. We called friends, sent lots of letters, put up posters, and made presentations. Many of you made donations and urged others to do the same. The response was exactly what we'd expected and we are very pleased to report that we made our goal! In early 2006, TNC should close on the property and it will be subsequently transferred to the State of Alaska and managed for habitat protection and public access.

Thank you to everyone who wrote or signed letters, sent in contributions, talked to friends or allowed us to speak to your groups. **YOU** made it happen and generations of Alaskans and visitors to come will benefit by your foresight and generosity!





## Anchor River Update

As you might remember several years ago, one of the owners of one of the only two privately-owned parcels of land at the mouth of the Anchor River came to us asking us to find a way to purchase both properties to protect their habitat and public recreational values. In our work to assess support, to research funding possibilities, and to plan for the most practical eventual ownership, we were pleased to bring The Nature Conservancy (TNC) into the project. With the private owner ready and willing to sell, TNC and KHLT joined forces to bring agency, private and foundation dollars together with public support. With the State of Alaska as a key partner, grant funds were applied for and received from the U.S. Fish and Wildlife Service, the Exxon Valdez Oil Spill Trustee Council, and from many individual donors. We extend a **HUGE** thank you to Ducks Unlimited, to Clarke & Barbara Springer and the Springer Family, and to Brad Feld and Amy Batchelor for providing significant donations to us to complete our push to raise the last of the purchase funds necessary!

Property owners Paul Mutch and the Anchor Land Corporation and The Nature Conservancy entered into agreements for purchase and sale on August 4, 2005. Both closings were to have taken place by the end of December 2005. The Anchor Land Corporation's closing did not occur because issues arose over the status of title. The Mutch parcel was acquired on December 30, 2005.

The Anchor Land Corporation property is divided physically into two parts. One part consists of land located on the east side of the Anchor River. The other is essentially a spit of land located on the west side of the River. Directly to the south of both parcels is the Mutch parcel, now owned by The Nature Conservancy for eventual transfer to the State.

In evaluating the status of the properties, it was discovered that the State may claim title to some or all of the west parcel of the Anchor Land Corporation's property as accreted lands. The State alleges that this land belongs to the State under applicable law. It was also determined that some or all of the accreted lands might instead belong to the owner of the Mutch Tract. Because the acreage under private ownership is in dispute, the original Anchor Land Corporation transaction was not closed, although TNC proceeded with the acquisition of the Mutch Tract, since it was very unlikely that anything more than a very small portion of that parcel could be claimed by the State as accreted land.

The Nature Conservancy has been communicating with the State and with Anchor Land Corporation about the possibility of conducting a quiet title action to resolve the questions of title to any accreted lands on the property. This process asks the courts to determine ownership. TNC plans to undertake this action, remains committed to acquiring the property as identified, and the parties have subsequently amended the original agreement.

As is outlined in the new purchase and sale agreement, the second purchase may take place in stages. The first closing will take place with respect to the entire east parcel. TNC will have the right to acquire at a second closing, the portion of the west parcel that the court finally determines is owned by the Anchor Land Corporation. Both parties have agreed to cooperate with one another to ensure that this action proceeds as expeditiously as possible, and with as little expense as possible, understanding that the State will also need to be a party to the action. If the status of the title to the west parcel hasn't been resolved by June 30, 2007, then either party has the right to terminate the agreement as to the west parcel.

We want to thank so many of you for contributing to this important acquisition project. We also extend huge thanks to Paul Mutch and Jim Jacobs, in particular, for allowing us this amazing opportunity to preserve such a rich and popular place for the future! They have indeed left a legacy. We can look forward to knowing that anglers for generations to come will enjoy this wonderful resource every summer, playing and camping on the beach, watching eagles, waterfowl and shorebirds, and catching kings, steelhead and dollies.

See **YOU** on the River!

