

# KENAI PENINSULA BOROUGH

## Kenai Peninsula Borough Assembly

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Gary Knopp, Assembly President  
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### MEMORANDUM

**TO:** Gary Knopp, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Bill Smith, Assembly Member *Bill Smith*

**DATE:** April 19, 2011

**RE:** Ordinance 2011-12, Amending KPB 21.18 Anadromous Streams Habitat Protection to extend protection to all Kenai Peninsula Borough Anadromous Streams.

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In 1996, the Kenai Peninsula Borough began regulating development adjacent to the Kenai River in order to provide riparian habitat protection.

In 2000, the Assembly enacted Ordinance 2000-08 which added 24 additional streams to include more of the major salmon rearing and spawning habitat on the Kenai Peninsula.

The findings validating Ordinance 2000-08 are not only valid for the currently managed anadromous streams, they are valid for all anadromous streams within the borough.

Some findings in Ordinance 2010-16 include:

- A. In enacting this ordinance the assembly finds numerous factors affect the habitat of the anadromous streams within the Kenai Peninsula Borough. These include bank erosion, bank trampling, pollution, inadequate tourism infrastructure, unsuccessful attempts to remedy bank erosion or protect and restore habitat, inconsistent regulations and enforcement, logging, grazing, mining, wetland fill and drainage, excavation and fill of property, dredging, inappropriately installed culverts, fuel storage, and maintenance of existing structures.
- B. The assembly finds that the sensitivity of the river area requires general prohibition on activities within an area immediately adjacent to anadromous streams, and only activities which do not damage the habitat should be allowed.
- C. The assembly finds that fuel storage and significant removal of vegetation within the 100-year floodplain along the anadromous streams require regulation to protect the salmon habitat.

- D. The assembly finds that the uncontrolled use and pollution of shoreland and riparian areas adversely affects the public health, safety, convenience, and general welfare, and impairs the tax base.
- E. The assembly finds that the legislature of Alaska authorizes the borough to provide for planning, platting, and land use regulation. AS 29.40.010, Planning, platting, and land use regulation, states in subsection (a) that "[a] first or second class borough shall provide for planning, platting, and land use regulation on an areawide basis."
- F. The assembly finds that the riparian ecosystem includes stream bank and floodplain areas and recognizes that impacts to anadromous streams may be due to activities and uses within the greater watershed.
- G. The assembly finds that the 1997 update of the Alaska Department of Natural Resources Kenai River Comprehensive Management Plan recognized the increased use of the Kenai River resource and its associated impacts and recognized the deterioration of nearshore habitat for juvenile salmon and stated in Section 2.2 that "[t]he importance of riparian (stream bank) vegetation to fish and wildlife values cannot be overestimated."
- H. The assembly finds that it is in the public interest to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; and to preserve shore cover and natural beauty. These responsibilities are hereby recognized by the Kenai Peninsula Borough.

I believe the findings above well elaborate the need to provide protection for salmon habitat and should apply equally to all such habitat within the borough.

Your consideration will be appreciated.