

Mr. Paul Ostrander
Facilitator, Anadromous Fish
Habitat Protection Task Force
Kenai Peninsula Borough

December 14, 2012

Subject: Anadromous Fish Habitat Protection Task Force; Response to Kenai Watershed Forum Letter Dated November 5, 2012

Dear Mr. Ostrander:

The Kenai Watershed Forum submitted a November 5, 2012 letter to Mayor Navarre and the Kenai Peninsula Assembly in support of KPB 21.18 and requested that no repeal or substantial modification of KPB 21.18 be made. The Watershed Forum letter cited eleven organizations which join them in supporting their position.

In their letter, Kenai Watershed Forum recounts the cultural and economic value of a robust salmon fishery to the Kenai Peninsula. These are sentiments that are not in dispute in our community. All Alaskans take pride in being envied world-wide for our abundant wild salmon resource.

As you know, in 1996, in order to address certain perceived concerns about protecting wild salmon, the Assembly created a 50' habit protection 'buffer's and codified this within Kenai Peninsula Borough 21.18. Various amendments to KPB 21.18 have been passed through the years extending the habitat protection. The recently passed Ordinance 2011-12 extended habitat protection from 602.45 stream miles to 2,317.25 which is almost a fourfold increase. Some lakes are also included in the habitat protection zone which would significantly increase the shoreline mileage much more than this.

The Watershed Forum has consistently lobbied for and supported all these increases in the habitat protection zones since 1996. They have fully embraced the concept of 'green belts' along water bodies which are deemed to contain anadromous fish. This is a 'one-size fits all' or 'omnibus' approach which gives little thought to the effect of the restrictions placed on land-use on the riparian property. All water body properties, remote or otherwise, are subject to the same rules regardless of the development status. No attempt is made by the Borough to assess each water body individually for habitat protection. The Borough merely defers to the State Atlas and catalogue as the criteria for expanding the habitat protection district. This seems to be the typical approach of many in dealing with the stated crisis of 'saving the fish' and not striking a reasonable balance with responsible land use. A strict biological 'solution' may not be in the best interests of the community in the long term.

The Watershed Forum letter predictably supports the status quo of a uniform 50-foot wide habitat protection district. A better way to analyze the effects of Ordinance 2011-12 is outlined by the National Association of Realtors in their October 8, 2012 letter. This letter has been

included in the Task Force record for consideration. The Board has expressed concerns about Ordinance 2011-12. Some of these concerns include:

- (1) Legal inconsistencies with other Ordinances,
- (2) The 50-foot uniform habitat protection district for all covered streams and rivers may be less effective in “protecting important habitat than a more context-sensitive and flexible approach,
- (3) The automatic expansion of habitat district based on additions to the State Atlas and Catalogue,
- (4) The Ordinance is overly restrictive in how it addresses existing structures within the habitat protection district
- (5) The Ordinance appears to have disproportionate impact on private property owners
- (6) Obvious errors contained within Ordinance 2011-12.

Thus far, none of the contents of this letter have been discussed or referred to during any of the Task Force meetings. Board has identified issues and offered very thoughtful solutions to the Task Force.

Finally, the Watershed Forum has been a respected organization within the community for many years. However, like any organization, they are agenda driven by their funding sources which pays for projects being completed. A review of their “2010-2015 Action Plan” states two of their goals are “to continue to identify and secure new funding sources” and to “develop marketing plan / branding for KW”. Both goals are worthy and necessary for the survival of the Watershed Forum, but this also points out that their activity is shaped by those willing to pay the salaries of those involved in the tedious task of attempting to please all user groups.

Sincerely,

Fred Braun

Stacy Oliva