

MEMORANDUM

DATE: March 10, 2008

TO: Grace Merkes, President
Members, Kenai Peninsula Borough Assembly

THRU: John Williams, Kenai Peninsula Borough Mayor
Max Best, Planning Director

FROM: Gary Williams, Coastal Program Coordinator, Kenai River Center

SUBJ: Ordinance 2008-12_ adopting an amendment to Ordinance 2007-25 adopting the Kenai Peninsula Borough Coastal Management Program

On August 21, 2007 the Kenai Peninsula Borough Assembly approved the final plan amendment proposed to, and accepted by, the Office of Project Management and Permitting (OPMP) which then forwarded the amendment to the office of the Commissioner of Alaska Department of Natural Resources (ADNR). Commissioner's staff in the Division of Mining land and Water objected to the language in KPB Enforceable Policy 3.3., Public Access.

Further negotiations between the Kenai Coastal Program Coordinator's office and the ADNR, through the OPMP, resulted in a compromise to the language of Policy 3.3, Public Access that provides the borough with the right to review proposals from applicants that plan access to coastal water bodies and comment on potential adverse impacts, if any. The simple explanation the ADNR offered in rejecting the original proposal was, "the State of Alaska will not allow the borough to tell us what we must do".

The language change that is the subject of this amendment to Ordinance 2007-25 is:

From: "An access management plan detailing how the access route will be protected from adverse physical impacts as a result of public use, shall be required for all public access routes to coastal water bodies, lakeshore and riverfronts within designated recreational use areas when municipal and state lands are leased, dispose of, or subdivided."

To: "An applicant shall detail in the project application how legal public access routes to coastal water bodies lakeshores and riverfronts will be protected from adverse physical impacts as a result of public use, where practicable."

We ask for a shortened hearing inasmuch as the final plan amendment must be adopted by the borough by May 15, 2008.