

Introduced by: Dimmick
Date: June 5, 1984
Vote: 9 Yes, 5 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 84-107

REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND U.S. CORPS. OF ENGINEERS TO REVOKE OR MODIFY THE LEASE OR PERMIT ISSUED TO CHERRIER, KING & CHERRIER OF STATE OWNED LANDS IN THE NINILCHIK BOAT HARBOR FOR CONSTRUCTION OF CERTAIN DOCK AND LOADING FACILITIES.

WHEREAS, Cherrier, King & Cherrier obtained a permit from the Corps. of Engineers for a project within the Ninilchik boat harbor; and

WHEREAS, the application did not fully advise or make the public aware of the nature of the facilities to be constructed under the permit; and

WHEREAS, the Department of Natural Resources, Division of Land & Water Management, granted an application for the lease of lands within the boat harbor for construction of the facilities authorized under the Corps. of Engineers' permit; and

WHEREAS, the Planning Commission of the Kenai Peninsula Borough issued a no comment response on both applications; and

WHEREAS, subsequent information has disclosed that the facility will impact the use of the harbor and impede traffic within that harbor, and will further impact other users of the harbor in their ability to dock and unload their boats; which facts were not known to the planning commission at the time of the issuance of the no comment response; and

WHEREAS, the vague nature of the applications effectively deprived the public of notice of the proposed activities;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the lease or use permit for lands within the Ninilchik boat harbor issued by the Department of Natural Resources, Division of Land & Water Management of the State of Alaska to Cherrier, King & Cherrier be revoked or modified so that adequate public comment can be obtained for the reason that the permitting process did not give notice of the nature of the facilities to be constructed.

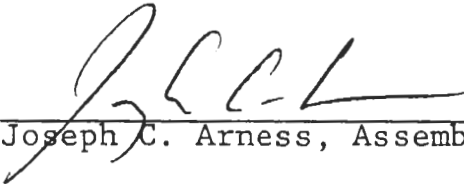
Section 2. That the Department of Natural Resources is requested to hold public hearings in Ninilchik on any future applications submitted to it for leases or permits for activities regulated by DNR affecting the Ninilchik area, including but not

limited to those concerning the harbor.

Section 3. That the U.S. Corps. of Engineers is urged to revoke or modify the permit for use of the harbor or to assign a person to manage the harbor on a full time basis throughout the 1984 commercial salmon fishing season.

Section 4. That copies of this resolution be supplied to Bill Fowler & Larry Reeder of the Corps. of Engineers, Commissioner of Natural Resources, Esther Wunnicke; Governor William Sheffield; Senators Donald Gilman and Paul Fischer and Representatives Hugh Malone and Milo Fritz.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 11th DAY OF June, 1984.



Joseph C. Arness, Assembly President

ATTEST:



Frances Bryner
Borough Clerk