

Introduced by: Popp, Scalzi, Merkes
Date: April 7, 1998
Action: Adopted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
RESOLUTION 98-026**

**A RESOLUTION REQUESTING THE U.S. ARMY CORPS OF ENGINEERS
TO TEMPORARILY REISSUE THOSE PERMITS THAT WERE
EXCLUDED FROM THE KENAI RIVER COMPREHENSIVE MANAGEMENT
PLAN BOUNDARIES IN SPN 97-02**

- WHEREAS,** in the past, citizens and businesses wishing to make minor intrusions into wetlands could apply for and be granted a nationwide permit under an expedited process; and
- WHEREAS,** these permits have been widely used by utility companies and have resulted in lower utility costs and a timely response to the needs of utility consumers; and
- WHEREAS,** all of the area encompassed by the Kenai River Management Plan has now been excluded from this nationwide permitting process and several existing permits have been revoked under SPN 97-02; and
- WHEREAS,** this action was taken without adequate public notice to residents and businesses in and around the affected area;
- WHEREAS,** the elimination of this expedited permitting process will deprive individuals and businesses of the opportunity to make minor intrusions into wetlands without going through a timely and expensive full permitting process and forces utility providers operating within the Kenai River Comprehensive Management Plan boundary wetlands to violate federal regulations in trying to adhere to existing state public utilities regulations; and
- WHEREAS,** because of the elimination of the nationwide permits, severe economic hardships could result on the Kenai Peninsula in those areas affected by the elimination of the nationwide permits due to increased construction permitting costs, delayed or canceled construction projects, and resulting lost construction jobs; and
- WHEREAS,** under 33CFR384.13, the District Engineer of the U.S. Army Corps of Engineers has authority in the event of an emergency to waive any provision of the regulations applicable to the permitting of wetlands construction; and

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

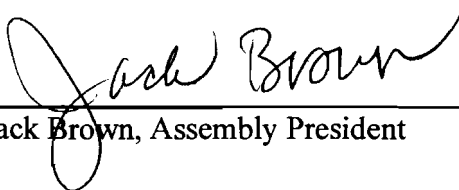
SECTION 1. That the U. S. Army Corps of Engineers is urged to temporarily reinstate those nationwide permits excluded from the Kenai River Comprehensive Management Plan Boundaries in SPN 97-02 until new nationwide permits are developed through an appropriate public hearing process.

SECTION 2. That the Kenai Peninsula Borough opposes any actions with respect to the revocation, modification or exclusion of nationwide permits within the Borough until the agencies involved have provided local citizens and businesses information regarding the changes and adequately noticed public hearings have been conducted in the affected area.

SECTION 3. That copies of this resolution be sent to Governor Tony Knowles; Senator Ted Stevens; Senator Frank Murkowski; Congressman Don Young; Colonel L. Sheldon Jahn, Alaska District Division Engineer of the U.S. Army Corps of Engineers; Commissioner John T. Shively, Department of Natural Resources; Director Diane Mayer, Division of Governmental Coordination; Commissioner Michele Brown, Department of Environmental Conservation; and Commissioner Frank Rue, Department of Fish and Game.

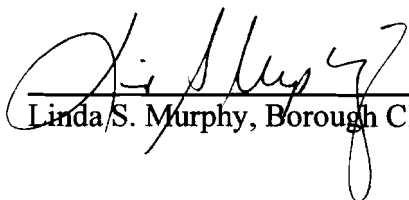
SECTION 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF APRIL, 1998.



Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

