

Introduced by:	Martin
Date:	09/07/04
Action:	Postponed until 10/12/04
Action:	Adopted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2004-087(MARTIN) SUBSTITUTE**

**A RESOLUTION OPPOSING THE PROPOSED MIXING ZONE REVISIONS TO THE  
ALASKA WATER QUALITY STANDARDS**

- WHEREAS,** the State of Alaska Department of Environmental Conservation is proposing several current Mixing Zone regulation changes, which govern the permit requirements for areas where treated wastewater mixes with a water body; and
- WHEREAS,** the proposed amendments would allow Mixing Zones in “an area of anadromous fish spawning” where the existing rules prohibit Mixing Zones in such areas due to concerns that industrial effluent may have a negative impact on fish habitat; and
- WHEREAS,** the entire Kenai Peninsula Borough is interested in maintaining high water quality and is highly dependent on the growth and propagation of fish and other aquatic life; and
- WHEREAS,** a large part of the Kenai Peninsula Borough’s economy stems from healthy salmon and other marine life stocks residing in the waterways that could be affected by these proposed regulations; and
- WHEREAS,** the healthy wild salmon and other marine life industries support many jobs and subsistence resources to the people and communities throughout the state; and
- WHEREAS,** the Kenai Peninsula Borough has provided significant support to the Cook Inlet Salmon Branding program, which is largely dependent upon the ability to market Cook Inlet wild salmon; and
- WHEREAS,** allowing Mixing Zones in anadromous fish spawning areas would impair the efforts of Cook Inlet sport and commercial fishers and processors to promote Cook Inlet wild salmon as clean, fresh, and healthy; and
- WHEREAS,** in some cases existing municipal mixing zone permit holders have faced permit revocation or costly upgrades when seeking a renewal because salmon have started spawning in the area delineated as the wastewater treatment plant’s approved Mixing Zone; and
- WHEREAS,** revoking a permit in such cases could be detrimental to the salmon spawning area as it could cause the stream to dry up or otherwise damage the habitat; and

**WHEREAS**, a provision authorizing existing mixing zone permits to be grandfathered in if salmon start spawning in the previously approved Mixing Zone area would address these concerns; and

**WHEREAS**, the comment period for the proposed regulations ends on November 1, 2004;

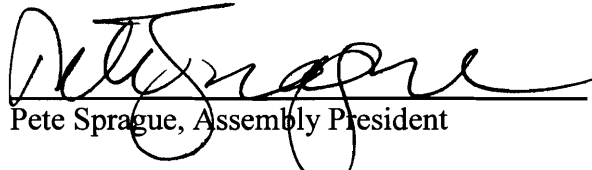
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough Assembly opposes amending the state water quality standards to allow wastewater to be discharged into areas of anadromous fish spawning in Alaska, and urges the Department of Environmental Conservation to not adopt any such proposed changes except to allow the renewal of permits in areas where salmon started spawning in the previously approved mixing zone effluent.

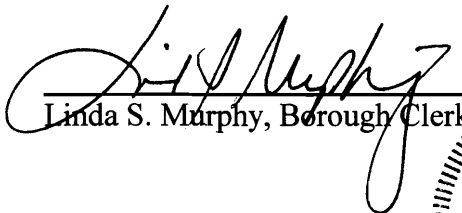
**SECTION 2.** That copies of this resolution shall be provided to Ernesta Ballard, Commissioner of Department of Environmental Conservation, Governor Frank Murkowski, and Senators Thomas Wagoner, Gary Stevens, Georgianna Lincoln, and Con Bunde, Representatives Kelly Wolf, Mike Chenault, Paul Seaton, Mike Hawker, and Carl Morgan.

**SECTION 3.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12TH DAY OF OCTOBER, 2004.**

  
Pete Sprague, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

