

Introduced by: Brown, Merkes, Popp,
Sprague, Mayor
Date: 06/06/00
Action: Adopted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
RESOLUTION 2000-044**

**A RESOLUTION SUPPORTING THE KENAI PENINSULA BOROUGH PROTECTING
THE BOROUGH'S INTERESTS IN A FEDERAL LAWSUIT THAT SEEKS TO
COMPEL THE DESIGNATION OF COOK INLET BELUGA UNDER THE
ENDANGERED SPECIES ACT**

- WHEREAS,** the Kenai Peninsula Borough, a second class borough, has adopted non-area-wide economic development powers within its boundaries; and
- WHEREAS,** vast areas of the Cook Inlet fall within Kenai Peninsula Borough boundaries; and
- WHEREAS,** much of the Borough's economy is dependent upon activities that occur on or near the Cook Inlet such as Tourism, Commercial and Sport Fishing, Transportation, Oil and Gas Development; and
- WHEREAS,** the Kenai Peninsula Borough owns land located on or near Cook Inlet; and
- WHEREAS,** the Cook Inlet Beluga enhance the quality of life for Peninsula residents who study and observe Cook Inlet Beluga; and
- WHEREAS,** the National Marine Fisheries Service has designated the Beluga as depleted, and have negotiated a co-management agreement which protects the Cook Inlet Beluga and will promote their recovery; and
- WHEREAS,** a complaint has been filed in the District Court in Washington D.C. to compel the designation of Cook Inlet Beluga under the Endangered Species Act; and
- WHEREAS,** a designation as endangered could result in all or a portion of the Cook Inlet being designated as Critical Habitat, which could significantly and adversely impact the economy of the Kenai Peninsula Borough; and
- WHEREAS,** such a designation could also significantly and adversely impact the value of land held by the Kenai Peninsula Borough, the costs incurred by the Borough concerning any of its activities which the federal government determines could impact the critical habitat including exercise of solid waste powers, future exercise of port and harbor powers, and the exercise of the Borough's planning powers;

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

SECTION 1. That the Kenai Peninsula Borough supports the protection of Borough interests, including intervention in U.S. District Court Case Number 1.00CV01017

Joel Blatchford, Center for Marine Conservation, Alaska Center for the Environment, Alaska Community Action on Toxics, Alaska Wildlife Alliance, Center for Biological Diversity, and the National Audubon Society

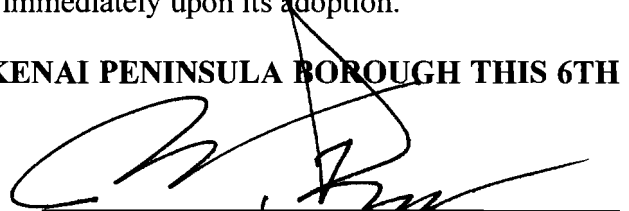
vs.

William M. Daley, Secretary of the U.S. Dept. of Commerce, and the National Marine Fisheries Service.

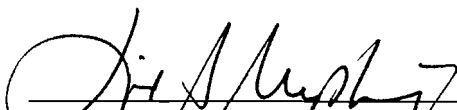
SECTION 2. That the mayor is authorized to intervene in the above-described lawsuit on behalf of the Kenai Peninsula Borough if, upon further evaluation, the mayor determines that such intervention would be in the best interests of the Borough.

SECTION 3. This resolution becomes effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JUNE, 2000.


William R. Popp, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

