KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX**: (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Borough Mayor

FROM: John Mohorcich, River Center Director

DATE: December 30, 2011

SUBJECT: Implementation Status of KPB Ordinance 2011-12, Adding Additional Water
Bodies Subject to Anadromous Stream Habitat Protection

This ordinance authorized the administration to implement the management of streams published
in the Atlas and Catalogue of Waters Important for Spawning, Rearing or Migration of
Anadromous Fish under KPB 21.18 Habitat Protection District in geographic phases. It is the
administration's intent to implement KPB 21.18 on January 1, 2012 for those cataloged waters
on Kalgin Island and the west side of Cook Inlet within the Kenai Peninsula Borough boundary.
The implementation of KPB 21.18 on the remaining cataloged waters, which are on the east side
of Cook Inlet within the Kenai Peninsula Borough boundary excluding all portions within the
Seward-Bear Creek Flood Service area, is intended to be May 1, 2012.

This time frame allows for the completion of proper mapping and the identification of properties
of the generally populated areas within the newly expanded Habitat Protection District so that
individual notification can be accomplished 30 days prior to implementation.

KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

ANADROMOUS WATER BODIES POLICY

ESTABLISHING CERTAIN WATER BODY BOUNDARIES

I. Background:

The Kenai Peninsula Borough (Borough) Assembly enacted ordinance 2011-12, which expanded the Borough anadromous stream habitat protection district ("District") to include all anadromous water bodies in the Borough that are listed in the "Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" ("Atlas"), excluding all portions of waterways within the Seward-Bear Creek Flood Service area. This Atlas includes a single point in the water for locating the mouth(s) of each water body, called mile 0.

KPB 21.18.040 defines the District as including "all lands within 50 horizontal feet of the streams set forth in KPB 21.18.025. This shall be measured from the ordinary high water mark or mean high water line in tidal areas." Accordingly, these marks and lines must also be identified when determining the District boundary.

Therefore a consistent policy is needed for locating mile 0 on the ground and for determining where the District boundaries lie on the land adjacent to Mile 0, which is in the water. The purpose of this policy is to provide policies and procedures for establishing the boundaries of the district where clarification is necessary.

II. Policy and Procedure:

When the location of the mile 0 point or lands included in the District are in question, mile 0 shall be determined by starting with mile 0 as identified in the Atlas. The District boundary shall be the nearest point of land on each side of mile 0. If an affected party disputes the accuracy of mile 0, then the affected party shall file written notice to the borough of the dispute. The affected party shall retain a surveyor licensed and registered in the State of Alaska to determine the correct adjusted mile 0 in accord with survey instructions provided by the Borough.

Where the location of mile 0 is in the process of being determined, the mile 0 established in the Atlas shall control any permit applications under KPB 21.18 until

mile 0 is further established or re-established through the survey process set forth in this policy and procedure.

This policy is effective upon the date of the borough mayor's signature.

DATED: ___1/3/12___

Mike Navarre, Borough Mayor