

Introduced by: Mayor  
Date: 10/11/11  
Hearing: 12/06/11 & 01/03/12  
Action: Postponed until 01/03/12  
Date: 01/03/12  
Action: Enacted as Amended  
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2011-19-24**

**AN ORDINANCE APPROPRIATING \$100,000 FROM THE GENERAL FUND TO THE  
KENAI WATERSHED FORUM TO FUND RESTORATION PROJECTS AT  
ANADROMOUS STREAM CROSSINGS**

**WHEREAS,** the Kenai Watershed Forum (KWF) is an Alaska nonprofit corporation dedicated to maintaining the health of watersheds on the Kenai Peninsula using education outreach, restoration and research programs; and

**WHEREAS,** one of the organization's missions is to restore fish passage, completing one to two culvert projects annually since 2002; and

**WHEREAS,** the borough receives revenues from the State of Alaska's fish tax, such revenues averaging approximately \$729,162 per year, depending upon the success of the commercial fishing industry for each year, which may be used to help reduce the effect of fisheries business activities on the borough including the expense of any municipal service per AS 29.60.450; and

**WHEREAS,** improving fishery habitat is anticipated to provide greater revenue in the number of salmon returning to spawning grounds, improving the number of fish available to be caught, thus increasing the fish tax revenues for the borough; and

**WHEREAS,** Alaska Statute 29.35.010(8) authorizes the borough to acquire, manage, control use, and dispose of property which includes borough rights-of-way; and

**WHEREAS,** installing culverts in borough rights-of-way is an exercise of this power; and

**WHEREAS,** the 2005 Kenai Peninsula Borough Comprehensive Plan, Goal 7.7: Objective 1 is "to minimize adverse impacts to critical habitat and populations of sensitive, threatened and endangered fish, plant and wildlife species;" and

**WHEREAS,** Goal 7.7: Objective 2 is to "collaborate with state, federal and local agencies to protect critical wildlife habitat areas;" and

**WHEREAS,** providing KWF funds to be used for culvert projects to restore fish passage is consistent with these goals;

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

**SECTION 1.** That \$100,000 is appropriated from the general fund fund balance to account no. 100.94910.12KWF.43011, to fund a grant agreement with the Kenai Watershed Forum to support culvert restoration projects at anadromous stream crossings within borough rights-of-ways in areas of the borough outside of city limits.

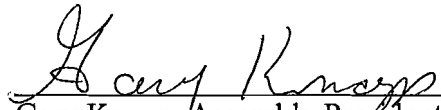
**SECTION 2.** The provisions of KPB 19.30.020 through KPB 19.30.070, establishing procedures and requirements for assisting economic development proposals, shall not apply to this project.

**SECTION 3.** That the mayor is authorized to execute all documents and to make all agreements deemed necessary to fulfill the intent and purpose of this ordinance.

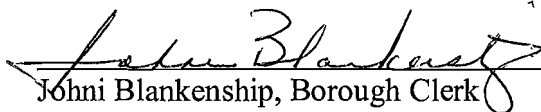
**SECTION 4.** That due to the length and nature of this project, the appropriation established through this ordinance shall not lapse at the end of any particular fiscal year.

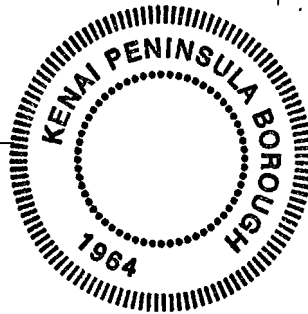
**SECTION 5.** This ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JANUARY, 2012.**

  
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Gary Knopp, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen  
No: Knopp  
Absent: None