



KENAI PENINSULA BOROUGH

Coastal Management Program

514 Funny River Road • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2216 • FAX: (907) 260-5992

www.borough.kenai.ak.us/

**JOHN J. WILLIAMS
BOROUGH MAYOR**

September 30, 2008

Mr. Jim Renkert, Project Review Coordinator
Alaska Department of Natural Resources
Division of Coastal and Ocean Management
550 West 7th Avenue, Suite 705
Anchorage, Alaska 996501

Subject: North Forest Acres/Japanese Creek Levee-Road Project AK 0807-08AA

Dear Mr. Renkert:

The Kenai Peninsula Borough Coastal Zone Management (KPBCZMP) Program staff reviewed the subject project and concurs with the applicant's certification of consistency with the enforceable policies of the KPBCZMP.

Project Description

The City of Seward proposes to use funding from the Natural Resource Conservation Service (NRCS) to construct a combined 4,450 linear foot gravel filled levee and roadway to combat flooding and to reduce heavy traffic northeast of the North Forest Acres Subdivision in Seward, Alaska.

The purpose and need for the project is:

- Flood control to reduce the risk to human lives and protect against damage to public and private facilities in Seward from future flooding of the Resurrection River and Japanese Creek.
- To improve neighborhood safety by providing for an alternative route for commercial and industrial truck traffic that currently travels on residential streets through the North Forest Acres Subdivision.

Scope of Project to be Reviewed

The project subject to this consistency review is to:

- 1) Discharge 25,400 cubic yards of fill material into 3.1 acres of wetlands and 0.3 acres of Japanese Creek;
- 2) Realign approximately 900 linear feet of Japanese Creek streambed channel.

Additional Information

The proposed 4,450 linear feet levee/road would begin at Dimond Boulevard and terminate at the Seward Highway. The base width would vary from 38' to 62', averaging approximately 52'. The top width would vary between 32' and 38', with a road pavement width of 24'. The levee height would range from 4' to 10' with an average height of approximately 6'. Construction activities would temporarily impact 1.4 acres of wetlands which would be restored. Additionally, 22.2 acres of wetlands would be isolated from the Japanese Creek and Resurrection River floodplains by the proposed levee.

The project would also improve heavy truck access to the Seward waste transfer facility and commercial gravel mining operations.

Mitigation

Mitigation measures have been designed into the project to minimize impacts to waters of the United States. The project would realign 900 linear feet of existing Japanese Creek streambed into a 1,100' channel which incorporates an existing backwater slough. The realigned channel would have a sinuosity of 1.1 and incorporates several fish habitat features to compensate for functions lost in the existing streambed. Additionally, on April 23, 2008 the City of Seward passed resolution 2007-041 authorizing the City Manager to negotiate with property owners to acquire nine parcels for preservation, and to pursue easements and/or rights-of-way as necessary for the remainder of the levee project.

The location is adjacent to and below the ordinary high water line of Japanese Creek, downstream from the Dimond Boulevard bridge crossing at Japanese Creek to the intersection of the Seward Highway, within Sections 27 and 34, Township 1 North, Range 1 West, Seward Meridian; Latitude 60.1404° North, Longitude 149.4348° West.

Findings

The project is subject to flooding and seismic forces but is not within a designated natural hazard area as provided in Kenai Peninsula Borough Coastal Management Enforceable Policy (KPBCMEP) 2.2, Erosion. The applicant has provided an extensive list of mitigation measures including protection of and rehabilitation of disturbed areas. There are no other existing competing uses and activities in the project area, no diminution of access to coastal water bodies and no inconsistency with local zoning, therefore the project is consistent with KPBCMEP 3.0, Recreation and Coastal Access.

The applicant has provided a revised mitigation plan dated September 16, 2008, stating that the City of Seward will acquire and seek to place in conservation status, 9 parcels of privately-owned land adjacent to the project, 12 acres of which are wetlands. Additionally, the plan calls for the City of Seward to pay \$180,000 to the Kachemak Heritage Land Trust for the purpose of supporting habitat preservation in the Seward Area. These provisions offer a significant mitigation for a positive consistency finding within the terms of mitigation requirements in 11 AAC 112.280, Transportation.

Thank you for the opportunity to comment on this project.

Sincerely,



Gary Williams
Kenai Peninsula Borough
Coastal District Coordinator