



# **KENAI PENINSULA BOROUGH**

## **Coastal Management Program**

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**JOHN J. WILLIAMS  
BOROUGH MAYOR**

April 2, 2007

Ms. Nicole Allison, Project Review Coordinator  
Alaska Department of Natural Resources  
Office of Project Management and Permitting  
550 West 7<sup>th</sup> Avenue, Suite 705  
Anchorage, Alaska 99501

Subject: Anglin Private Dock – Peterson Bay AK 0703-02AA

Dear Ms. Allison:

The Office of Project Management and Permitting is coordinating a consistency review of an application to construct a dock for private use in a portion of Kachemak Bay some 11 miles southeast of Homer known as Peterson Bay, on Lot 2 within the J. Moss Subdivision. The proposed dock is located within Section 14, Township 7S, Range 12W, Longitude  $-151.2675^{\circ}$ W, Latitude  $59.5666^{\circ}$ . This review will evaluate the project's consistency with the enforceable policies of the Kenai Peninsula Borough.

### Project Scope

The applicant proposes to construct a 12' x 40' dock, a 6' x 50' ramp, a 12' x 20' wooden landing and an 8' x 96' boardwalk. A total of six steel pilings will be used to support the dock. The boardwalk will be supported by weathered, used, creosote piling. Wood for the decking has been pressure treated with ACQ Type B wood preservative.

### Project Discussion

This project involves construction of a boardwalk from applicant's Lot 2 in the J. Moss Subdivision to bridge steep beach upland and construction of a landing, ramp and dock in a small bight at the head of Peterson Bay. Due to considerable tidal fluctuations in the area the applicant proposes a 50' ramp to link the dock to the onshore landing and a dock extending some 40' into the bight. At Mean Low Water the dock occupies a large area of the bight. The facility will not impede water traffic patterns in the Bay although the presence of the facility particularly at low tide may give the appearance that the area is not trafficable. It is noted that the survey plat provides covenanted easement permitting foot traffic along a 20' corridor on the southeast portion of Lots 2 and 3 of the J. Moss Subdivision.

The applicant states that adjacent property owners/leaseholders, Anderson and Bagley, will have use of the facility at all times.

### Findings

- 1) Construction adjacent to a waterbody is subject to Kenai Peninsula Borough Enforceable Policy 12.4, Bank Stabilization and 3.3, Erosion. To achieve consistency with these policies the applicant's construction activity involving bank cuts, fills and exposed earthwork must be stabilized during and after construction to prevent sedimentation from entering Peterson Bay. It is the further objective of these policies to minimize shoreline erosion by retaining the existing vegetation in the affected area to the greatest extent feasible and prudent. In cases where vegetation is removed the area shall be revegetated or the area shall be protected by other appropriate measures.
- 2) Projects, which require clearing or construction in productive habitats, are subject to Kenai Peninsula Borough Enforceable Policy 5.4, Habitat Protection. To achieve consistency with this policy the applicant's activity must be limited to the minimum area necessary for the project. The extent to which the dock intrudes into the bight is significant and appears to be larger than necessary to provide adequate mooring. While there are no standards for dock size in our habitat protection policy we urge the applicant to resize the dock to minimize its footprint on the water. We also urge the applicant to reposition the dock in a more northerly orientation so the structure does not, by its size and visual appearance, discourage those who may desire to exercise the right of access between Peterson Bay and China Poot Bay within the 20' easement.
- 3) The Alaska Department of Natural Resources, Office of History and Archaeology (OHA) has identified the applicant's proposed area of construction as proximate to a known archaeological site. Kenai Peninsula Borough Enforceable Policy 14.2, Protection from Disturbance, requires that those involved in development activity notify the OHA if previously undiscovered artifacts or areas of historic, prehistoric or archaeological importance are discovered during development. The applicant's assurance that their performance will be consistent with this policy is necessary to achieve consistency.

The OHA has stated that this project may not be found consistent with the Standards of the Alaska Coastal Management Program until an archaeological survey has been completed.

Thank you for the opportunity to comment on this project.

Sincerely,



Gary Williams  
Kenai Peninsula Borough  
Coastal District Coordinator