



KENAI PENINSULA BOROUGH

Coastal Management Program

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BOROUGH MAYOR

JOHN J. WILLIAMS

June 21, 2007

Mr. Jim Renkert, Project Review Coordinator
Alaska Department of Natural Resources
Office of Project Management and Permitting
550 West 7th Avenue, Suite 705
Anchorage, Alaska 99501

Subject: Halibut Cove/Kjetil Solberg/Boardwalk and Floating Dock AK 0603-09 AA

Dear Mr. Renkert:

Kenai Peninsula Borough Coastal Management Program (KPBCMP) staff received a project proposal for review submitted by Kjetil Solberg to the Alaska Coastal Management Program (ACMP) seeking a consistency determination for construction activity in Halibut Cove, Alaska. The project is located in Section 6, Township 7 South, Range 11 West, Seward Meridian. Based on our review of the project, we offer the following comments.

Project Description

The subject of this consistency review is an after-the-fact authorization for the construction of a 10' x 120' boardwalk and a proposed 10' x 60' extension to the boardwalk, a 16' x 20' dock at the end of the boardwalk, a 8' x 60' ramp connecting to two 10' x 40' pontoon floats. The floats will be moored with a 6,000/lb kedge anchor.

The construction materials include weathered creosote pilings surplused from the Homer Small Boat Harbor and new lumber.

Project Discussion

The project, as it existed at the time this consistency review was initiated, included a newly constructed 10' x 120' boardwalk on State of Alaska Tidelands attached to an islet also in State of Alaska ownership. Neither of these activities was permitted by the State of Alaska.

The applicant proposes to construct additional boardwalk and ramp and docking floats that will extend the reach of facility into water at low tide. This activity is for the purpose of allowing the applicant access to navigable water at low tide and replace applicant's current docking facility that grounds at low tide.

Representatives of the State of Alaska, Division of Mining, Land and Water, the Alaska Coastal Management Program, the Alaska Department of Fish and Game, local residents and this writer visited the site on April 20, 2007 during low and high tides to assess the impact of the proposed project. Subsequently, the Division of Mining, Land and Water has objected to the project as proposed because the boardwalk, because it is attached to a state-owned islet, decreases public access to the islet because it gives the impression that the islet is for the applicant's private use.

Kenai Peninsula Borough Enforceable Policy (KPBE) 4.1 provides that public land which receives significant use by sport fishers, clam diggers or recreational users and public waters that have high potential for recreational use are designated for recreational use. Halibut Cove qualifies for recreational designation. Under this designation KPBE 4.2 is affected. This provision requires that activities that could conflict with recreational use shall be conducted to minimize conflicts. Additionally, KPBE 4.4 requires that public access routes to coastal waters and recreational land shall be maintained, to the extent feasible and prudent, and increased when public land is leased, disposed or subdivided. KPBE 5.4 requires that development in productive habitats shall be designed to keep such developments to the minimum area necessary for the project. To achieve the goal of providing dock side mooring in sufficient water to keep a boat from going dry at the lowest of tides is not in keeping with the "minimum area" provision.

Findings

The Kenai Peninsula Borough Coastal Management Program proposes to find this project "Consistent with Alternative Measures".

Alternative Measure #1: To comply with Kenai Peninsula Borough Enforceable Policy 4.1, Recreational Use Designation, the applicant's project must be sited so that watercraft navigation is not impeded through the "S" channel that connects the cove to the outer waters of Kachemak Bay.

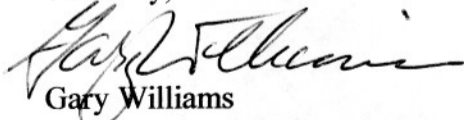
Alternative Measure #2: The effect of connecting the boardwalk to the state-owned islet could conflict with the actual or perceived ability of the public to recreate on the site. Therefore, Kenai Peninsula Borough Enforceable Policy 4.2, Conflicts with Recreational Use, requires that the boardwalk not connect to the islet.

Alternative Measure #3: The design and use of the boardwalk and dock facility must be constructed, used and maintained in a manner that preserves the current access route between the cove and the outer waters of Kachemak Bay per Kenai Peninsula Borough Enforceable Policy 4.4, Public Access.

Alternative Measure #4: The footprint of the facility is consistent with Kenai Peninsula Borough Enforceable policy 5.4, Habitat Protection, if watercraft can access the facility at all but the lowest of tides, there being no evidence of health or safety reasons that necessitate continual access.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Williams". The signature is fluid and cursive, written over the printed name.

Gary Williams

Kenai Peninsula Borough
Coastal District Coordinator