



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Wildlife Conservation
Statewide Programs

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May 5, 2020
Johni Blankenship
Borough Clerk
Kenai Peninsula Borough Assembly

Clerk Blankenship,

The Alaska Department of Fish and Game (ADF&G) has recently become aware of the Kenai Peninsula Borough (KPB) Ordinance 2019-24, adopting KPB 20.80, which would allow for the creation of private streets and gated subdivisions from existing public rights-of-way. It is our understanding that KPB 2019-24 was adopted at the April 21, 2020 Assembly meeting, however, it is up for reconsideration at the May 5, 2020 meeting. ADF&G would like to offer the following comments to the KPB Assembly for their reconsideration of KPB 2019-24. Please distribute these comments to the entire Assembly for review.

The Kenai Peninsula experiences some of the most intensive fishing and hunting activity of anywhere in the state, from residents and tourists alike. ADF&G is committed to maintaining, creating and advocating for public access to public lands and waters for hunting, fishing and other outdoor activities and we are concerned that this ordinance has the potential to eliminate such access. Once access to a lake or tract of public land is eliminated, trying to create new access is often time and cost prohibitive. In our experience, the loss of public access occurs more frequently than the creation of new access.

It is our understanding that KPB 2019-24 would require that any existing public rights-of-way would need to be formally vacated pursuant to KPB 20.70, prior to the creation of any private roads. ADF&G reviews and comments to the KPB Platting Authority on proposed right-of-way vacations and we typically object to any action that results in the elimination or reduction of public access to public lands and waters. We urge the Assembly to consider potential loss of public access when evaluating proposals for private subdivisions under this new ordinance. We recommend that the applicant be required to identify potential public access concerns and offer mitigation by dedicating equal or better access as a replacement for any loss of public access to public lands or waters. Additionally, it is our understanding that this ordinance would not impact valid public access rights from Section Line Easements and other public access easements. We recommend that this ordinance have provisions to ensure that any gated communities that result from this ordinance shall not impede these reserved public uses.

Thank you for taking the time to consider these comments. Please feel free to contact me with any questions or clarification.

Sincerely,

Adam DuBour

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Ecc: Marla Carter, ADF&G-DWC