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**From:** Blankenship, Johni  
**Sent:** Monday, October 05, 2015 10:19 AM  
**To:** Havrilla, Brion  
**Subject:** FW: Letter to KPB Assembly Regarding Ordinance 2014-32  
**Attachments:** Borough Assembly Letter Regarding Ordinance 2014-32 2015-10-04.docx

**From:** Toby Burke [<mailto:kenaibirder@gmail.com>]  
**Sent:** Sunday, October 04, 2015 7:41 PM  
**To:** Blankenship, Johni <[JBlankenship@kpb.us](mailto:JBlankenship@kpb.us)>  
**Subject:** Letter to KPB Assembly Regarding Ordinance 2014-32

Kenai Peninsula Borough Assembly,

I respectfully request your thoughtful consideration of the points enumerated in regard to ordinance 2014-32 in the attachment. The ordinance is scheduled to be discussed and possibly voted upon on October 13, 2015.

Sincerely,

Toby Burke  
K-Beach High-Water Task Force Co-Chair  
335-1558

## REASONS FOR REJECTING KENAI PENINSULA BOROUGH ORDINANCE 2014-32

1. The 4.3 acre former barrow pit of the 9.2 acre "Keohane parcel", owned by Paula and Timothy Keohane, at the intersection of Karluk Avenue and K-Beach Road should not be obtained nor reserved in any way for a short or long-term storm drainage basin for the following reasons:

A. The approximately 3 million gallon capacity of the depression is, hydrologically speaking, a relative thimble. It's relatively small capacity is quickly reached and exceeded with even a modest storm flow.

B. During high water events the basin is likely to be already partially filled by elevated ground water before surface waters are diverted to it, as it was in 2013. So the basin is most likely to be already compromised at the time its entire capacity is most needed.

C. Diverting millions of gallons of surface water into the basin will only exacerbate high ground water problems in the surrounding neighborhood as the enormous hydraulic pressures of the heavy body of water pushes water outward in all directions toward neighboring residential properties and DOT's K-Beach Road bed.

D. Has the storm water retention basin been properly engineered? Is the basin to be lined with an impermeable membrane to stop infiltration from further elevating ground water levels and damaging neighboring properties? Are neighboring property owners aware of the risks the unengineered storm water storage basin presents to them?

E. Borough officials in 2013 justified the use of the basin as a temporary, emergency, stop-gap measure. Does this ordinance not essentially "kick the can down the road" and put off the day of reckoning by continuing to rely on this unreliable store-and-pump storm water strategy - making the "temporary" expediency permanent?

F. Are adjacent bluff property owners likely to continue to allow the borough to pump emergency storm waters across their properties? And even if so, are they not also likely to seek compensation for this public service just as the Keohanes are?

2. The 1.84 acre "borough property" at mile 12.1 K-Beach Road along the bluff should not be sold, exchanged, divided, or impaired in any way that might prevent or constrain the construction of a potential large-scale drainage structure, its long-term maintenance, and potential future enhancements for the following reasons:

A. The borough parcel is invaluable to borough taxpayers and K-Beach residents since it would serve as the most likely location for a major culvert to move excessive storm water runoff off of inundated area roads (Dogfish, Trawling, Buoy, Equestrian, and Karluk) and safely and efficiently under K-Beach Road to the waters of Cook Inlet. It is likely that the construction of a major culvert could not realistically be limited to a narrow ROW. Prudence would dictate that the entire parcel be retained for excavations, material storage, heavy equipment, and large trucks moving materials on and off the site. A miscalculation of structure size and construction needs could needlessly prevent or curtail construction, ultimately multiplying future construction complexity and costs. Maintaining future options by retaining the entire parcel, not merely a drainage ROW, is the wisest course. The

**deteriorating K-Beach Road culvert near Dogfish should be a lesson in retaining strategic borough parcels for future drainage purposes.**

**B. Retaining the entire borough parcel preserves the more efficient option of moving storm waters via graded ditches across public property to Cook Inlet instead of storing and pumping storm waters on and across private properties.**