



## KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520  
Toll-free within the Borough: 1-800-478-4441 Ext. 2150  
PHONE: (907) 714-2150 • FAX: (907) 714-2377  
www.mayor.kenai.ak.us

**Mike Navarre**  
Borough Mayor

October 11, 2016

Kelly Peterson, PE  
Project Manager  
Alaska Department of Transportation and Public Facilities  
P.O Box 196900  
Anchorage, AK 99519-6900

RE: Sterling Highway Milepost 45-60 Project

Dear Ms. Peterson:

We are writing this letter to request a delay of Record of Decision (ROD) on the Sterling Highway MP45-60 project until a determination is made on the prospective land exchange between the Cook Inlet Region Inc. and the Kenai Wildlife Refuge. This exchange, authorized in the Russian River Land Act<sup>1</sup>, is currently under consideration and would result in a change in land status of the potentially impacted portion of the Mystery Creek Wilderness Area.

Upon this determination, we request a reconsideration of the selection of G South Alternative as the preferred alternative. We ask that this selection is reevaluated in consideration of both the land exchange and the following comments in opposition to the selection of G South.

We have significant concerns regarding the analysis that led to the selection of the G South alternative. There are three areas of concern this letter discusses.

1. **Purpose and need:** The DSEIS fails to recognize the long term protection of the Kenai River as a key element of the purpose and need for this project.
2. **Impacts of the G South alternative to the Kenai River:** We have concerns that the assessment does not fully consider the impacts to the Kenai River, and have concerns with the relative lack of weight that these impacts were given in the selection of a preferred alternative.
3. **Lack of input on G South Alternative:** A number of historical factors, including the previous selection of different preferred alternatives and the length of time this project has been ongoing, create a unique situation where stakeholders and the public were unlikely to provide input specific to G South. As such, ADOT&PF and the FHWA should formally solicit, consider, and respond to, comments on their selection prior to the ROD.

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<sup>1</sup> Russian River Land Act, Pub. L. No. 107-362, 116 Stat. 3021

If the Kenai River were given the proper weight in the analysis and if the protection of the Kenai River were recognized as part of the purpose and need for this project, we believe a different preferred alternative would have been selected.

## 1. Purpose and need

### *Draft SEIS 1.2.1 Project Purpose*

*“The purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreational destinations in the area, both now and in the future. In achieving this transportation purpose, DOT&PF and FHWA recognize the importance of protecting the Kenai River Corridor”*

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Although DOT&PF and the FHWA recognize the importance of protecting the Kenai River Corridor in the overview of project purpose, this importance is not carried through to any of the three listed needs. We believe that - although not explicitly stated as a need in this DSEIS - protection of the Kenai River Corridor has historically been understood by the public and stakeholders as an important reason for this project. Failing to move a substantial amount of traffic away from the river and accepting the risk of a catastrophic hazardous spill in the Kenai fails to realize a fundamental benefit of this project. We believe that an alternative that does not move the highway off of the Kenai River Corridor does not meet the purpose and need of this project. As such, regardless of the 4(f) analysis, G South should not be selected.

In addition to inadequately protecting the Kenai River Corridor, G South Alternative does not meet the stated purpose and need as well as the Juneau Creek Alternatives. While G South does bypass Cooper Landing proper, it fails to bypass Segment 5 (MP 51.3 - 55.09), the section of the project with the highest crash rate cited in the DSEIS. This area, particularly the segment between the Russian River Ferry Entrance and Russian River Campground, is a frequently congested area with multiple parked vehicles and pedestrians along the road during peak summer fishing season.

Bringing the highway up to current design standards but failing to bypass this segment does not improve safety for recreational users and pedestrians as well as moving the majority of traffic away from the area. Many fishermen will continue to travel along and cross this section of the road, and the higher traffic speeds may increase the potential severity of an accident if it does occur.

## II. Impacts to the Kenai River

We believe that, in the analysis that lead to the selection of G South as the preferred alternative, impacts to the Kenai River were not given adequate weight. While we recognize the complexity of this process, and are aware of the impacts each alternative will have on important habitat and recreational opportunities, sustained impacts to the Kenai River were shown less concern in the

selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area.

### ***Failure to Avoid Impacts of Potential Spills***

#### *Draft SEIS 3.17.2.4 G South Alternative P 2 Spill Risk*

*“Approximately 6.4 miles of the alignments (45 percent) would be within 500 feet of the Kenai River and other Tier 1 streams, of which about 4.7 miles (33 percent of the total) would be within 300 feet. The G South Alternative has moderate exposure to Tier II streams and wetlands that are hydrologically connected to the Kenai River. A substantial portion of this alternative would be built on the existing alignment near the Kenai River”*

#### *Draft SEIS 3.17.2.5 Juneau Creek and Juneau Creek Variant Alternatives*

*“Both of these alternatives have moderate exposure to steep side slopes and high exposure to wetlands. However, these alternatives provide separation from the Kenai River and other streams over the longest distance, likely providing responders more time to protect the Kenai River in the event of a spill.”*

Forty-five percent of the G South Alternative remains within 500ft of the Kenai River or other Tier 1 Waterbodies, compared to 25% of the Juneau Creek Alternative. 33% of G South is within 300 feet of a Tier 1 stream, compared to 15% of Juneau Creek. The separation provided by the Juneau Creek Alternative, which moves 75% of the route more than 500ft away from a Tier 1 waterbody, provides responders with extra time to protect the Kenai River in the event of a hazardous spill. This difference is acknowledged within the DSEIS; however, these risks are minimized citing that “the highway would be reconstructed throughout to meet current standards and improve safety”. Improved safety along the corridor - while marginally decreasing the likelihood of an accident - does not eliminate the risk nor does it mitigate the impact a spill will have when it occurs. In order to mitigate the impact a hazardous spill will have, the road must be moved away from the river to the maximum degree reasonably possible.

### ***Limitations of Emergency Response and Cleanup Capabilities***

#### *Emergency Response Assessment Hazardous Materials Spills (HDR 2003b) 3.4 Constraints to Emergency Response and Cleanup*

*“The distance over which some emergency response teams would have to travel to reach a hazardous materials spill along the Sterling Highway between MP 45 and MP 60 can increase the risk of release to resources within the spill migration pathways. In addition, the ability of regional responders to respond to and clean up an accidental spill can be impaired by weather conditions and the accessibility of the spill. Temperatures along this section of the Sterling Highway are often near freezing, which frequently*

*causes "black ice" on the roadway surface, which creates hazardous driving conditions. Snow on the roads can slow travel to the spill site, as well as hinder spill control activities. Steep slopes can make access to the spill difficult and impair the ability to set up spill control equipment."*

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Limited regional capability to respond to significant spills in this area, due to both the capacity of local volunteer agencies and the geographic limitations of the area, considerably increase the risk posed by failing to move the majority of traffic off of the Kenai River Corridor. The 2003 risk evaluation, *Emergency Response Assessment and Hazardous Material Spill Control* lays out these limitations in detail. Due to the constraints of the area, and the likelihood of a delayed response to a spill, the additional response time that the Juneau Creek Alternative gives local responding agencies is a crucial consideration and should be given high priority in the analysis.

***Sustained impacts on the Kenai River and other Tier I Waterbodies***

In addition to the potential impact of hazardous spills, G South also sustains or increases a number of existing impacts to the Kenai River and riparian habitat. G South not only fails to move the majority of traffic away from the corridor – maintaining current general runoff impacts due to heavy traffic immediately adjacent to a Tier 1 waterbody – but also requires additional river crossings. The Juneau Creek alternatives bypass all crossings of the Kenai River, whereas the G South route will require an additional crossing and the replacement of the existing bridge at Schooner Bend. Additionally, several more small stream and drainage crossings are required under the G South alternative. We maintain that, by selecting G South as the preferred alternative, DOT&PF and FHWA have highlighted the Juneau Creek alternatives' impact on wetlands and human recreation, while showing less concern for these substantial encroachments on the Kenai River.

***Relative weight of the Kenai River compared to other elements***

Protecting the Kenai - a resource crucial to the environmental, cultural, recreational, and economic health of this region - should receive as much, if not more, weight in the decision making process as an administrative boundary such as the Mystery Creek Wilderness Area. The Mystery Creek wilderness area is an extremely small portion of this project, yet carries an outsized weight due to the administratively complex process needed to build in the area. Conversely, moving the road away from the Kenai River - an important resource heavily impacted by a large portion of the project area - is not being given high priority consideration in this project.

Additionally, we recognize that the Juneau Creek Alternative will bisect the south end of the Resurrection Pass Trail and the Juneau Falls Recreation area. We recognize that planning efforts and restraint in development are necessary to mitigate the impacts of the Juneau Creek Alternative to this area. However, we are confident that, were the Kenai River given the appropriate consideration in this analysis, the value of long term protection of the Kenai River would outweigh the impacts of shortening the trail.

Should an accident due to the location of the road negatively impact the health of the Kenai River, the environmental impacts would be extensive and the economic wellbeing and livelihood

of borough residents would be significantly impacted. Although the impacts of the Juneau Creek routes are concerning, they do not outweigh the opportunity to prevent a major chemical spill or the opportunity to dramatically decrease general traffic adjacent to the river.

### **III. Lack of Agency and Public Comments on G South Alternative**

This project has been ongoing in some form since the early 1980's. There have been multiple DEISs, scoping periods, and public comment periods. It is not practical to assume continuous extensive public engagement with the process over such a long time period. Upon DOT&PF and FHWA making a noteworthy announcement about the preferred route, numerous stakeholders that were otherwise disengaged voiced significant concerns. Given that it failed to meet a perceived need of the project, many of these stakeholders did not consider G South a likely option and therefore, did not submit comments specifically regarding this alternative. As such, comments focused on the impacts of the other options and the necessity for further study and mitigation of those impacts. Given the unique history and the likelihood of public disengagement over such a lengthy project period, we believe that ADOT&PF and the FHWA should solicit and respond to comments on their preferred alternative before a final decision is made.

We recognize there are numerous concerning impacts of all alternatives that need to be addressed. We request awareness of those issues and that mitigating steps are taken to minimize impacts on wildlife for all of the alternatives. However, we strongly oppose the selection of any alternative that fails to protect the Kenai River and believe that the protection of such a crucial resource should receive the highest priority in the decision making process.

Please see attachments for additional signatories, signature pages, and resolutions from local municipalities opposing the selection of G South.

Please consider these comments in your reconsideration of the alternative.

Sincerely,

Kenai Peninsula Borough;  
City of Kenai;  
City of Homer;  
Cook Inlet Aquiculture;  
Cook Inlet Keeper;  
Kenai Watershed Forum;  
Kenai Peninsula Fishermen's Association (KPFA);  
Kenai River Sportfishing Association (KRSA);  
United Cook Inlet Drift Association (UCIDA);

ADOT Sterling Highway MP 46-60 Comments  
Attachment A – Additional Signatories


Cooper Landing Advisory Planning Commission;  
Kenai River Special Management Area (KRSMA) Board;  
City of Soldotna;  
Kenai River Professional Guide Association (KRPGA);  
Soldotna Chamber of Commerce;  
Kenai Chamber of Commerce;  
Kenai River Keys Property Owners Association;  
Kenaitze Indian Tribe;  
Salamatof Native Association, Inc.;  
Ninilchik Traditional Council

ADOT Sterling Highway MP 45-60 Comments  
Attachment B - Signature Pages

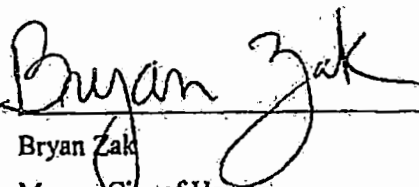
Letter approved and signed by:

By:   
Mike Navarre  
Mayor, Kenai Peninsula Borough


Date: 10/12/2016

By:   
Pat Porter  
Mayor, City of Kenai

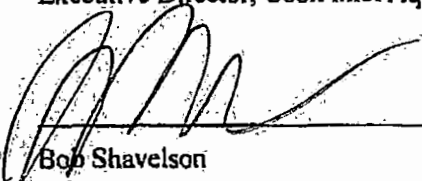
Date: 10/12/16

By:   
Bryan Zak  
Mayor, City of Homer

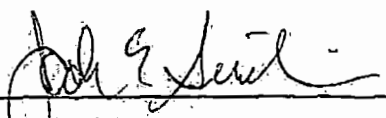
Date: 10/12/16

By:   
Gary Fandrei  
Executive Director, Cook Inlet Aquiculture

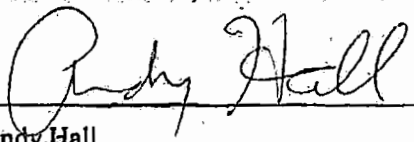
Date: 10/14/16

By:   
Bob Shavelson  
Executive Director, Cook Inlet Keeper

Date: 10/18/16

By:   
Jack Sinclair  
Executive Director, Kenai Watershed Forum

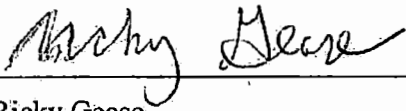
Date: 10/17/16


By:   
Andy Hall  
President, Kenai Peninsula Fishermen's Association (KPFA)

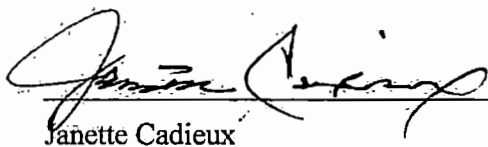
Date: 10/12/16

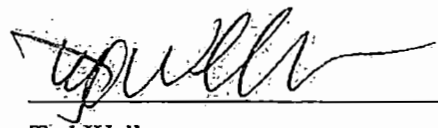
ADOT Sterling Highway MP 45-60 Comments  
Attachment B - Signature Pages

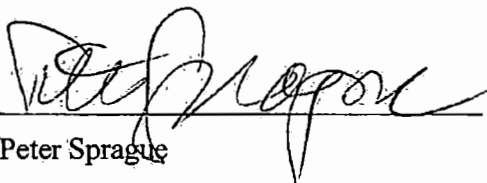
Letter approved and signed by:

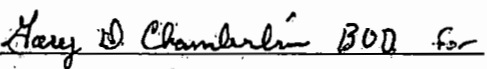
By:  Date: 10-14-2016  
Ricky Gease  
Executive Director, Kenai River Sportfishing Association (KRSA)

By:  Date: 10-17-16  
Erik Huebsch,  
Vice President, United Cook Inlet Drift Association (UCIDA)

By:  Date: 10-15-16  
Janette Cadieux  
Chair, Cooper Landing Advisory Planning Commission

By:  Date: 10-17-16  
Ted Wellman  
President, KRSMA Board

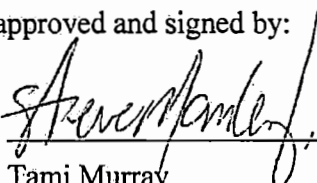
By:  Date: October 14, 2016  
Peter Sprague  
Mayor, City of Soldotna

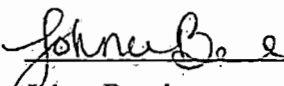
By:  Date: Oct 14, 2016  
Steve McClure  
President, Kenai River Professional Guide Association



ADOT Sterling Highway MP 45-60 Comments  
Attachment B - Signature Pages

Letter approved and signed by:

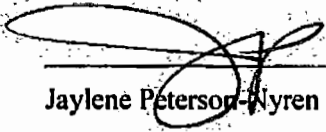
By:  President  
For Tami Murray Chamber Board Date: 10/19/16  
Executive Director, Soldotna Chamber of Commerce

By:  Date: 10/19/16  
Johna Beech  
President/COO, Kenai Chamber of Commerce

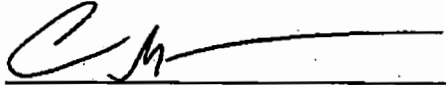
By:  Date: 10-19-16  
William T. Bailey, Jr.  
President, Kenai River Keys Property Owners Association

ADOT Sterling Highway MP 45-60 Comments  
Attachment B - Signature Pages

Letter approved and signed by:

By:   
Jaylene Peterson-Wyren  
Executive Director, Kenaitze Indian Tribe

Date: 10-26-16

By:   
Chris Monfor  
President/CEO, Salamatof Native Association, Inc.

Date: 10-25-2016

ADOT Sterling Highway MP 45-60 Comments  
Attachment B - Signature Pages

Letter approved and signed by:

By: Ivan Z

Date: 10/27/2016

Ivan Z. Encelewski  
Executive Director, Ninilchik Traditional Council

ADOT Sterling Highway MP 45-60 Comments  
Attachment C - Kenai Peninsula Borough Resolution

Introduced by: Mayor  
Date: 09/06/16  
Action: Adopted  
Vote: 8 Ycs, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2016-049**

**A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED  
ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND  
SUPPORTING THE JUNEAU CREEK ALTERNATIVE**

- WHEREAS,** the Sterling Highway MP 45-60 (Cooper Landing Bypass) project has been under consideration by the Alaska Department of Transportation and Public Facilities ("DOT&PF") and Federal Highway Administration ("FHWA") for numerous years; and
- WHEREAS,** a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation were released for public review in April and May 2015; and
- WHEREAS,** on December 11, 2015, DOT&PF and FHWA announced the identification of the G-South Alternative as the preferred alternative for the project; and a final SEIS and Record of Decision (ROD) are expected in 2016; and
- WHEREAS,** the DOT&PF and FHWA recognized the importance of protecting the Kenai River Corridor in the purpose of the project and included reduced risk of spills in the Kenai River as a benefit of the project; and
- WHEREAS,** the G-South alternative does not adequately protect the Kenai River Corridor; and
- WHEREAS,** the Juneau Creek Alternative bypasses all crossings of the Kenai River, while the G-South route will require an additional crossing and replacement of an existing bridge; and
- WHEREAS,** a substantial portion of G-South would be built on the existing alignment near the river, such that 45 percent of the G-South Alternative is within 500 feet of the Kenai River or another Tier 1 stream, as opposed to 25 percent of the Juneau Creek Alternative.
- WHEREAS,** a small portion of the congressionally-designated Mystery Creek Wilderness Area and the southern end of the Resurrection Pass trail would be impacted by the Juneau Creek Alternative; and
- WHEREAS,** long-term protection of the Kenai River, the opportunity to prevent a major chemical spill in the river, and the opportunity to significantly decrease traffic adjacent to the river, should take priority in the selection of an alternative;

ADOT Sterling Highway MP 45-60 Comments  
Attachment C – Kenai Peninsula Borough Resolution

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough opposes the selection of the G-South alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

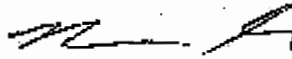
**SECTION 2.** That the Kenai Peninsula Borough supports the selection of the Junction Creek Alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

**SECTION 3.** That the Kenai Peninsula Borough urges Governor Bill Walker, all state legislators representing the Kenai Peninsula Borough, Marc Luiken, Commissioner of DOT&PF and Sandra Garcia-Aline, the Division Administrator of the FHWA to reevaluate the selection of G-South, and give adequate weight to the protection of the Kenai River.

**SECTION 4.** That a copy of this resolution shall be provided to DOT&PF, FHWA.

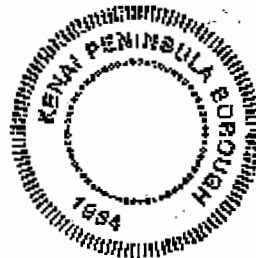
**SECTION 5.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2016.**

  
Blaine Gilman, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunn, Holmdahl, Johnson, Knapp, Ogle, Gilman  
No: None  
Absent: Welles



Suggested by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2016-43**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND SUPPORTING THE JUNEAU CREEK ALTERNATIVE.

WHEREAS, the Sterling Highway MP 45-60 (Cooper Landing Bypass) project has been under consideration by the Alaska Department of Transportation and Public Facilities ("DOT&PF") and Federal Highway Administration ("FHWA") for numerous years; and,

WHEREAS, a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation were released for public review in April and May 2015 ; and,

WHEREAS, on December 11, 2015, DOT&PF and FHWA announced the identification of the G-South Alternative as the preferred alternative for the project; and a final SEIS and Record of Decision (ROD) are expected in 2016; and,

WHEREAS, the DOT&PF and FHWA recognized the importance of protecting the Kenai River Corridor in the purpose of the project and included reduced risk of spills in the Kenai River as a benefit of the project; and,

WHEREAS, the G-South alternative does not adequately protect the Kenai River Corridor; and,

WHEREAS, the Juneau Creek Alternative bypasses all crossings of the Kenai River, while the G-South route will require an additional crossing and replacement of an existing bridge; and,

WHEREAS, a substantial portion of G-South would be built on the existing alignment near the river, such that 45 percent of the G-South Alternative is within 500 feet of the Kenai River or another Tier 1 stream, as opposed to 25 percent of the Juneau Creek Alternative; and,

WHEREAS, a small portion of the congressionally-designated Mystery Creek Wilderness Area and the southern end of the Resurrection Pass trail would be impacted by the Juneau Creek Alternative; and,

WHEREAS, long-term protection of the Kenai River, the opportunity to prevent a major chemical spill in the river, and the opportunity to significantly decrease traffic adjacent to the river, should take priority in the selection of an alternative.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that:

ADOT Sterling Highway MP 45-60 Comments  
Attachment D – City of Kenai Resolution

**SECTION 1.** That the Kenai City Council oppose the selection of the G-South alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

**SECTION 2.** That the Kenai City Council supports the selection of the Junction Creek Alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

**SECTION 3.** That the Kenai City Council urges Governor Bill Walker, all state legislators representing the City of Kenai, Marc Luiken, Commissioner of DOT&PF and Sandra Garcia-Aline, the Division Administrator of the FHWA to reevaluate the selection of G-South, and give adequate weight to the protection of the Kenai River.

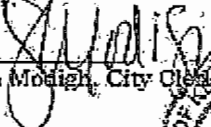
**SECTION 4.** That a copy of this resolution shall be provided to DOT&PF, FHWA,

**SECTION 5.** That this resolution takes effect immediately upon its adoption.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of October, 2016.

  
\_\_\_\_\_  
PAT PORTER, MAYOR

ATTEST:

  
\_\_\_\_\_  
Sandra Mough, City Clerk



ADOT Sterling Highway MP 45-60 Comments  
Attachment E – City of Soldotna Resolution

Introduced By  
Date:  
Action:  
Vote:

Mayor Springs  
October 12, 2016  
Adopted:  
5 Yes, 0 No

CITY OF SOLDOTNA  
RESOLUTION 2016-039

A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED  
ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND  
SUPPORTING THE JUNEAU CREEK ALTERNATIVE

WHEREAS, the Sterling Highway MP 45-60 (Cooper Landing Bypass) project has been under consideration by the Alaska Department of Transportation and Public Facilities ("DOT &PF") and Federal Highway Administration ("FHWA") for many years; and

WHEREAS, a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation were released for public review in April and May 2015; and

WHEREAS, on December 11, 2015, DOT &PF and FHWA announced the identification of the G-South Alternative as the preferred alternative for the project; and a final SEIS and Record of Decision (ROD) are expected in 2016; and

WHEREAS, the DOT &PF and FHWA recognized the importance of protecting the Kenai River Corridor in the purpose of the project and included reduced risk of spills in the Kenai River as a benefit of the project; and

WHEREAS, the G-South alternative does not adequately protect the Kenai River Corridor and will require an additional crossing and replacement of an existing bridge; and

WHEREAS, the Juneau Creek Alternative bypasses all crossings of the Kenai River; and

WHEREAS, a substantial portion of G-South would be built on the existing alignment near the river, such that 45 percent of the G-South Alternative is within 500 feet of the river or another Tier 1 stream, as opposed to 25 percent of the Juneau Creek Alternative; and

WHEREAS, a small portion of the congressionally-designated Mystery Creek Wilderness Area and the southern end of the Resurrection Pass trail would be impacted by the Juneau Creek Alternative; and

WHEREAS, long-term protection of the Kenai River, the opportunity to prevent a major chemical spill in the river; and the opportunity to significantly decrease traffic adjacent to the river, should take priority in the selection of an alternative; and

WHEREAS, although the project area is not within Soldotna City Limits, the long-term health and protection of the Kenai River are vitally important to the city;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Soldotna City Council opposes the selection of the G-South alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.



ADOT Sterling Highway MP 45-60 Comments  
Attachment E – City of Soldotna Resolution


Section 2. That the Soldotna City Council supports the selection of the Juneau Creek Alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

Section 3. That the Soldotna City Council urges Governor Bill Walker, all state legislators representing the Kenai Peninsula Borough, Marc Luiken, Commissioner of DOT &PF and Sandra Garcia-Alina, the Division Administrator of the FHWA to reevaluate the selection of G-South, and give adequate weight to the protection of the Kenai River. This resolution shall become effective immediately upon its adoption.


Section 4. That a copy of this resolution shall be provided to DOT &PF, FHWA.

Section 5. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL THIS 12TH DAY OF OCTOBER, 2016.

  
\_\_\_\_\_  
Pete Sprague, Mayor

ATTEST:

  
\_\_\_\_\_  
Michelle M. Sauer, CMC, City Clerk

Yes: Cashner, Murphy, Baxter, Whitney, Daniels, Manley  
No: None

ADOT Sterling Highway MP 45-60 Comments  
Attachment F – Kenaitze Indian Tribe Resolution

**Kenaitze Indian Tribe**  
P.O. Box 988, Kenai, Alaska 99611-0988  
Resolution No. 2016 - 38

**A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED ALTERNATIVE FOR THE  
STERLING HIGHWAY MP 45-60 PROJECT AND SUPPORTING THE JUNEAU CREEK ALTERNATIVE**

**Whereas**, the Kenaitze Indian Tribe is a federally recognized tribe reorganized under the Indian Reorganization Act of 1934, as amended for Alaska in 1936, and in accordance with the Tribal Constitution the territory of the Kenaitze Indian Tribe shall extend to all lands and waters of the central and upper Kenai Peninsula; and,

**Whereas**, the Kenaitze Indian Tribe has jurisdiction to the fullest extent possible over all lands and people within its territory; and,

**Whereas**, the Kenaitze Indian Tribe is responsible for the social, cultural, political, and economic progress of its members and people within its territory; and,

**Whereas**, the social, cultural, and economic wellbeing of the Kenaitze Indian Tribe and those it serves is directly tied to the long term health of the Kenai River and the life it supports; and

**Whereas**, since time immemorial the Kenaitze Indian Tribe through unwritten law, social custom, and cultural traditions and practices, places the protection of the Kenai River and the life it supports, as a tribal responsibility of the highest order; and,

**Whereas**, on December 11, 2015 DOT&PF and FHWA announced the identification of the G-South Alternative as the preferred alternation for the Sterling Highway MP 45-60 Project; and,


**Whereas**, the G-South Alternative does not adequately protect the Kenai River; and,

**Whereas**, the Juneau Creek Alternative bypasses all crossing of the Kenai River; and,

**Now Therefore Be It Resolved**, that the Kenaitze Indian Tribe opposes the selection of the G South alternative as the preferred alternative for the Sterling Highway MP 45-60 Project; and supports the selection of the Juneau Creek Alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

**Certification**

  
Jennifer Showalter Yeoman, Tribal Chairperson  
Kenaitze Indian Tribe

  
Lusia Blizzard, Tribal Secretary  
Kenaitze Indian Tribe

Nov. 2, 2016  
Date