

Introduced by: Mayor  
Date: 01/02/24  
Hearing: 01/16/24  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-31**

**AN ORDINANCE APPROPRIATING \$50,000 AS A CASH CONTRIBUTION FOR THE  
DEEP CREEK FISH PASSAGE PROJECT APPLICATION, A PARTNERSHIP  
BETWEEN THE KENAI PENINSULA BOROUGH AND THE U.S. FISH AND  
WILDLIFE SERVICE**

**WHEREAS,** the Kenai Peninsula Borough (“Borough”) and the U.S. Fish & Wildlife Service have identified fish passage culverts to be mitigated on Oilwell Road within the Road Service Area; and

**WHEREAS,** the Infrastructure Investment Jobs Act of 2021 provided \$200 million to the U.S. Fish and Wildlife Service, National Fish Passage Program (“NFPP”) to support mitigation projects that improve fish passage; and

**WHEREAS,** the Borough and the U.S. Fish & Wildlife Service (“FWS”) intend to submit a cooperative agreement application that will result in planning, conceptual designs, and construction improving fish passage restoration in the Deep Creek Watershed (“Project”); and

**WHEREAS,** the project provides \$1,365,000 of NFPP funds toward the Project phase one design and engineering as well as supplemental funding to construct one of the two culvert designs; and

**WHEREAS,** funding for Project management may be used as a non-federal cash contribution to increase the application scoring process, which is available in the Roads Service Area fund balance; and

**WHEREAS,** upon successful award of the grant, a separate ordinance will be provided that appropriates the grant funds; and

**WHEREAS,** at its regularly scheduled meeting held on January 9, 2024 the Road Service Area board recommended approval;

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

**SECTION 1.** The Mayor is hereby authorized to allocate local funds as a demonstration of contribution under the U.S. Fish & Wildlife, National Fish Passage Program application and to execute the application, agreement, and any necessary amendments or other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

**SECTION 2.** The amount of \$50,000 in local funds will be appropriated from the Road Service Area Operating Fund, fund balance to account 236.33950.24PAS.49999 for Project management costs associated with the overall Project.

**SECTION 3.** The grant funds and cooperative agreement will be approved and appropriated by ordinance upon award notification from the U.S Fish & Wildlife Service.

**SECTION 4.** That appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 5.** This ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF JANUARY, 2024.**

*Brent Johnson*

Brent Johnson, Assembly President

ATTEST:

*Michele Turner*

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: None

Absent: None