

# Homer

## “Exhibit A”



**DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
805 FRONTAGE ROAD, SUITE 200C  
KENAI, ALASKA 99611-7717**

REPLY TO  
ATTENTION OF:

June 01, 2005

Regulatory Branch  
South Section  
POA-2005-899-9

Mr. Paul Ostrander  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669

Dear Mr. Ostrander:

This is in response to your May 31, 2005, request for a Department of the Army (DA) wetland determination for a parcel of land located within section 14, T. 6 S., R. 13 W., Seward Meridian, in Homer, Alaska; and, Latitude 59.60 °N Longitude 151.48 °W.

Based on our review of the information you furnished and information available to our office, we have determined that the above property contains wetlands under Corps regulatory jurisdiction (see enclosure titled, "JURISDICTIONAL DETERMINATION").

This office, due to the size of the properties involved, can not do a definitive delineation of the wetlands that occur on your property. To acquire the necessary data, we suggest that a consultant be hired to gather the field information, from which, we can then map the wetlands on the above mentioned properties. For planning purposes only, we suggest you refer to the Homer wetland mapping to be found on the Kenai Peninsula Borough web site.

Your proposed project site was reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344).

For regulatory purposes, the Corps of Engineers defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Navigable waters of the U.S. are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified as navigable by the Alaska District.

Please be advised that land clearing operations involving vegetation removal with mechanized equipment such as front-end loaders, backhoes, or bulldozers with shear blades, rakes, or discs in wetlands; or windrowing of vegetation, land leveling or other soil disturbances are considered placement of fill material under our jurisdiction.

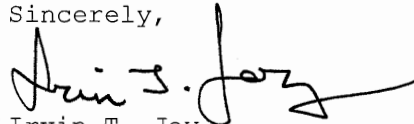
This preliminary jurisdictional determination is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect any proposed work.

Please take a moment to complete and return the enclosed questionnaire. Our interest is to see how we can continue to improve our service to you, our customer, and how best to achieve these improvements. Upon your request, you may also provide additional comments by telephone or a meeting. We appreciate your efforts and interest in evaluating the regulatory program.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number POA-POA-2005-899-9, Kenai River, in future correspondence or if you have any questions concerning this determination. You may contact me at the letterhead address, at (907) 283-3519, or by FAX at (907) 283-3981. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,



Irvin T. Joy  
Project Manager  
South Section

"skip" →

Enclosures

CF via Email w/out enclosures to Agencies outside the Kenai River watershed:

Ms. Lynnda Kahn - USFWS (Kenai)	Ms. Jade Gamble - ADNR-OHMP (Anchorage)
Ms. Jeanne Hanson - NMFS (Anchorage)	Mr. Richard B. Thompson - ADNR/Land (Anchorage)
Mr. Phil North - EPA (Kenai River Center)	Ms. Kara Moore - ADNR/Land (Anchorage)
Ms. Robin Willis - ADFG (Anchorage)	Ms. Kellie Westphal - ADNR/Water (Anchorage)
Ms. Christine Ballard - ACMP (Anchorage)	Mr. John Czarnecki - KPB (Kenai River Center)
Ms. Jane Gabler - Floodplain Administrator, KPB	Ms. Holly Babcock - KPB (Kenai River Center)
Mr. John Breiby - SHPO (Anchorage)	Ms. Mel Langdon - DEC (Anchorage)
Mr. Lee McKinley - ADNR-OHMP - (KRC)	Ms. Susan Magee - ACMP (Anchorage)
Ms. Brie Darr - USFW (Kenai)	Mr. Gary Williams - CZM, KPB (Soldotna)
Mr. Brian Lance - NMFS (Anchorage)	Mr. Larry Dugan - DEC (Anchorage)

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

**DISTRICT:** Alaska  
**FILE NUMBER:** POA-2005-899-9

**PROJECT LOCATION INFORMATION:**

State: Alaska  
Borough: Kenai Peninsula Borough  
Center coordinates of site (latitude/longitude in degree decimal format): Lat.59.60 ° N., Long.151.48 ° W.  
\* Approximate size of area (parcel) reviewed, including uplands: ~~300~~ <sup>25</sup> acres.  
Name of nearest waterway: Kachemack Bay

**JURISDICTIONAL DETERMINATION**

**Method:** Office determination   
Onsite determination   
**Date Form Completed:** June 01,2005

*\* per 6/8/05 phone call with "Skip" Jay*

**Jurisdictional Determination (JD):**

- Preliminary JD - Based on available information,  there appear to be (or)  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:
  - There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.  
Approximate size of jurisdictional area:
  - There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area.  
Approximate size of jurisdictional area:
  - There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
    - Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- \*  (5) The presence of a tributary to a water identified in (1) - (4) above. *not checked, none fit category*
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

DISTRICT: Alaska  
FILE NUMBER: POA-2005-899-9

**Lateral Extent of Jurisdiction:** (Reference: 33 CFR parts 328 and 329)

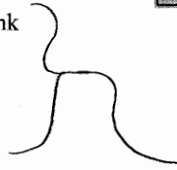
\*

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- destruction of terrestrial vegetation
- shelving
- other:

High Tide Line indicated by:

- oil or scum line along shore objects
- fine shell or debris deposits (foreshore)
- physical markings/characteristics
- tidal gages
- other:



*Corp. will need to do site visit before checking*

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

To the limit of the wetland boundaries

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
  - Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
  - This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
  - This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps
- Wetland boundary map prepared by the Corps
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles: SELDOVIA c-4
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps: Seldovia C-4
- State/Local wetland inventory maps: *Corp. used KPB aerial photo*
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date): Homer 1999
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit [Date(s)]:
- Previous determination(s) [File number and date of response letter]:
- Applicable/supporting case law:
- Other information (please specify):

Signature

*[Handwritten signature]*

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# Request for a Jurisdictional Determination from the Regulatory Branch of the U.S. Army Corps of Engineers

Instructions: Provide the information on this sheet along with a map of the property and send it to one of the Corps offices listed on the back of this form.

NAME KENAI PENINSULA BOROUGH

PHONE - HOME 907-714-2203

ADDRESS 1 144 N. BINKLEY ST

PHONE - WORK 907-262-8618

ADDRESS 2 \_\_\_\_\_

CITY SOLDOTNA STATE AK ZIP 99669

Property Location:

Section 14 Township 6S Range 13W Meridian S.M. Nearest City HOMER

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_ Subdivision Name: GOVERNMENT LOTS 6, 7, 11, 12, 13, 18, 19, 20, 22, & 23

Physical Address (if any): \_\_\_\_\_

Directions to the property: SEE ATTACHED

How are the boundaries of the property identified? \_\_\_\_\_

Do you own the land?  Yes or No

If "Yes", do we have your permission to visit the property?  Yes or No

**If you do not own the property and in the event a site visit is necessary, provide a written statement from the landowner allowing the Corps of Engineers to enter the site.**

Signature: Paul Oshank

Date: 5/23/05

Mail to the Corps office responsible for the geographic area that encompasses your property. (See back)

OPTIONAL FORM 89 (7-00)

### FAX TRANSMITTAL

# of pages 2

To <u>Dan</u>	From <u>Reece James</u>
Dept./Agency _____	Phone # _____
Fax # _____	Fax # _____

Page

### Fairbanks Area

The Fairbanks Field Office is responsible for the area encompassed by the following U.S. Geological Survey 7.5 minute quadrangles: Beaver, Bettles, Big Delta, Chandalar, Circle, Fairbanks, Livengood, Tanana and Wiseman. Communities include Circle, Central, Delta Junction, Fairbanks, Nenana, Minto, and Tanana.

U.S. Army Corps of Engineers, Fairbanks Field Office, 3437 Airport Way, Suite 206, Fairbanks, Alaska 99709-4777.

Phone (907) 474-2166. FAX (907) 474-2164.

### Juneau Area

The Juneau Field Office is primarily responsible for the area encompassed by the City and Borough of Juneau, as well as Haines, Skagway, Cordova, Hoonah, and portions of Prince of Wales Island.

U.S. Army Corps of Engineers, Juneau Field Office, 8800 Glacier Highway, Suite 106, Juneau, Alaska 99801-8079.

Phone (907) 790-4490. FAX (907) 790-4499.

### Kenai Area

The Kenai Field Office is responsible for an area within an eastern limit of the Moose River, west to Cook Inlet, north to Nikiski, and south to the tip of the Homer Splt. Communities serviced by Kenai Field Office include Kenai, Soldotna, Kaslof, Nikiski, Clam Gulch, Ninilchik, Anchor Point, Homer, and parts of Sterling.

U.S. Army Corps of Engineers, Kenai Field Office, 805 Frontage Road, Suite 200C, Kenai, Alaska 99611-7755.

Phone (907) 283-3519. FAX (907) 283-3981.

### All Other Parts of Alaska

U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 6898, Elmendorf AFB, Alaska 99506-0898.

Phone us in Anchorage at (907) 753-2712 or toll free at (800) 478-2712. FAX (907) 753-5567.

For more information concerning the Corps' Regulatory Program visit  
**[www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg)**

LITTLE FIREWEED LN

Subject Property



REC'D AUG 18 1982



Box 335  
Homer, Alaska 99603

- REPLY TO:
- City Hall  
Phone 235-8121
  - Port of Homer  
Phone 235-8597
  - Harbor Master  
Phone 235-8959
  - Public Works Dept.  
Phone 235-8120

August 13, 1982

The Honorable Stan Thompson  
Mayor, Kenai Peninsula Borough  
Box 850  
Soldotna, Alaska 99669

Dear Stan:

Enclosed is a resolution from the Homer City Council requesting that the Kenai Peninsula Borough Assembly classify Lots 6, 7, 11, 12, 13, 18, 19, 20, 22, 23, Section 14, T6N, R13W, S.M., within the city limits of Homer, for public use. These lots are shown on the enclosed exhibit which shows the relationship of borough owned lands to the existing city lands.

The city is making the request for a number of reasons which are outlined below.

1. A study of the recreation needs for the City of Homer was completed this past summer. It included a survey of city residents, non-residents and tourists to measure the interest in recreation and the types of activities desired by the public. One of the basic findings of this report is that the City of Homer is deficient in developed recreation areas and availability of city lands suitable for future development.
2. Of urgent need are areas suitable for the development of ballfields to meet the needs of softball, baseball, soccer, rugby and other athletic events. Almost 500 individuals, both city and non-city residents, participated in the city's little league and adult softball program during the 1981 season. The existing facilities are completely inadequate to meet this growing demand. Participants were required to play on less than regulation size ballfields and to shorten the time required to complete games due to intense scheduling.

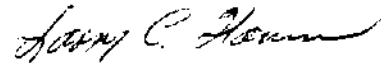
3. There is very little undeveloped public land within the city limits which can be developed for use by the public. The city owns a total of 16 acres of undeveloped land, ten of which consists of four 2 1/2 acre parcels interspersed with the borough lands outlined above. (The City Council has also dedicated these city lands to public use in the enclosed resolution.)
4. Due to severe geographic constraints and the amount of land already subdivided, there is no public land and very little private land within the city limits that can be developed for larger scale public uses. (You have no doubt recognized this in your search for a school site.)
5. The particular land in question is located in a low lying area of the city underlain by a thick layer of peat which would be very expensive to intensively develop at the present time. By utilizing the property now for large scale non-intensive public uses it could still be developed in the future for other, more intensive uses as the area itself develops.

If retained in public ownership, the lands would remain open to the public for a variety of uses including provision of access to adjacent city lands, nature study, and open space. In the future the city would be interested in developing portions of the land for playing fields, as needed.

This request is made pursuant to Section 17.04.100 of the Kenai Peninsula Borough Code of Ordinances. We have been in contact with Carolyn Thompson, on your staff, who has advised us of the procedures for making this request.

If there is anything further you require, please let us know.

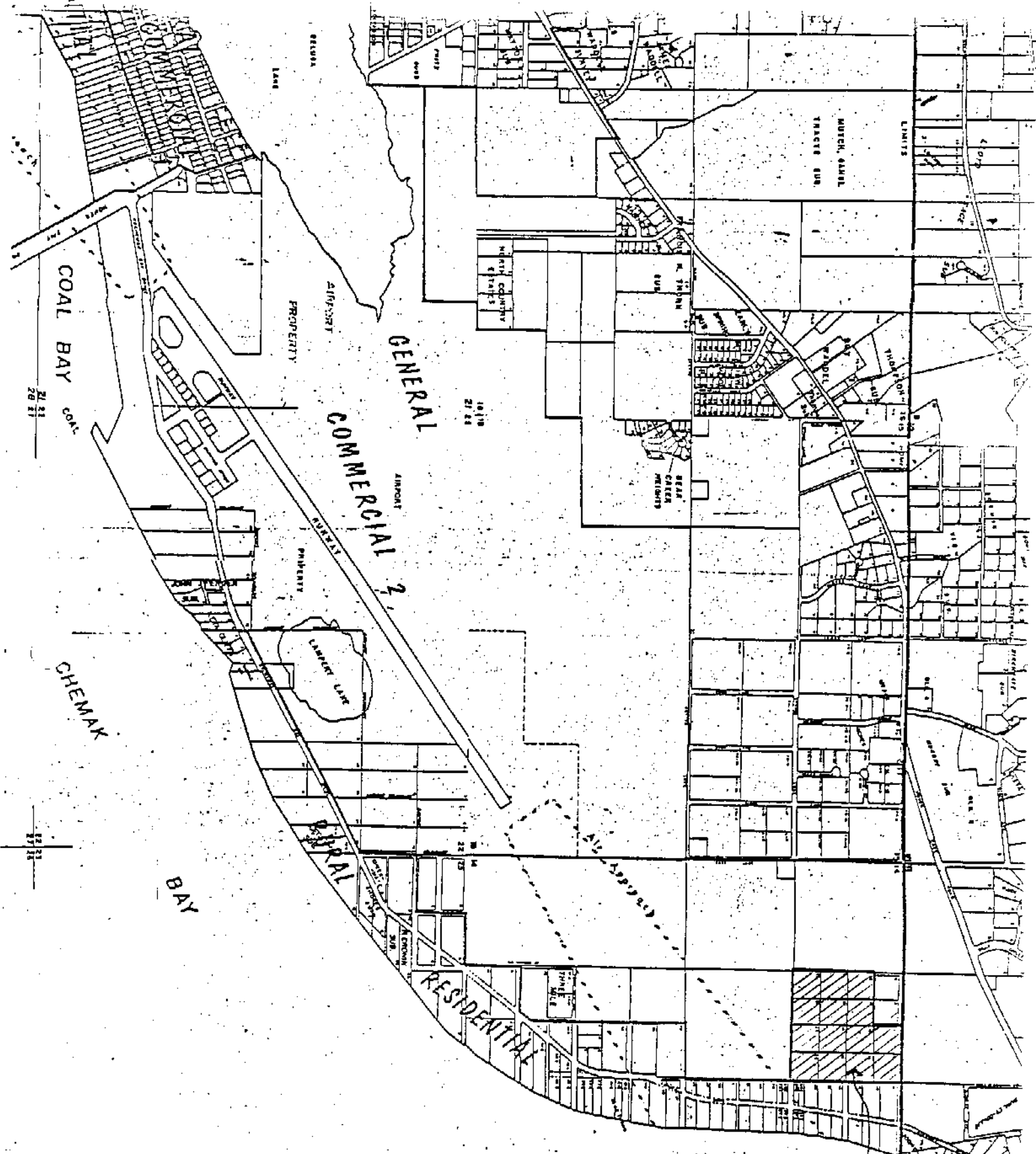
Very truly yours,



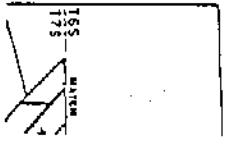
Larry C. Farnen  
City Manager

LCF/RK/pb

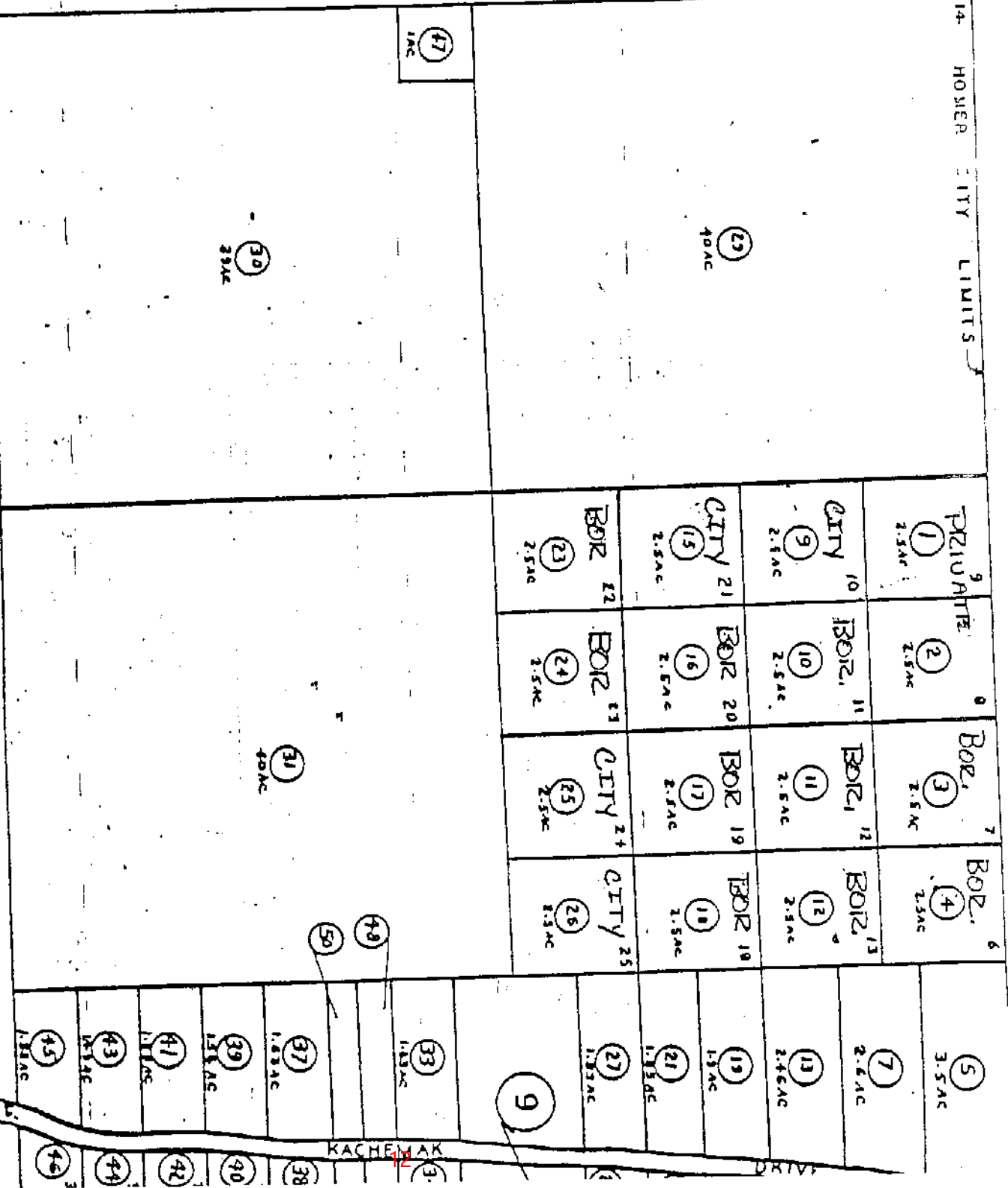
enclosures



LOCATION OF  
Subject Prop



13  
14 HOMER CITY LIMITS



1

10

GOVERNMENT S

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KACHELAK DRIVE



# CITY OF HOMER

## CITY HALL

491 EAST PIONEER AVENUE

HOMER, AK 99603-7624

TELEPHONE (907) 235-8121

TELECOPIER (907) 235-3140

20 November 1989

*Clanning*

RECEIVED

NOV 21 1989

Don Gilman, Mayor  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669

RE: USE OF BOROUGH LANDS - HOMER, ALASKA

Dear Don:

The Homer Parks & Recreation Advisory Commission at their regular meeting of November 16, 1989 unanimously moved to ask for a follow-up regarding the status of Resolution 89-34 (A) requesting the Kenai Peninsula Borough to deed 25 acres of land to the City of Homer for public use, as well as Resolution 89-35 (A) requesting a use permit or joint use agreement to utilize a portion of the Paul Banks School property for public park use.

It is my understanding that Chairman Louis Strutz delivered these resolutions to you earlier this summer. I assume these and other matters of business have been lost in the oil shuffle, but the Commission is eager to pursue both of these issues and I would be happy to do anything within my power to help facilitate both matters.

Thank you for your attention to this request and if additional information is required, please advised.

Sincerely,

CITY OF HOMER

*Philip C. Shealy*  
Philip C. Shealy  
City Manager

PCS/tw

Enc (3)

cc: Louis Strutz





# KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669  
PHONE (907) 262-4441

DON GILMAN  
MAYOR

November 22, 1989

Mr. Philip C. Shealy, City Manager  
City of Homer  
491 East Pioneer Ave.  
Homer, AK 99603-7624

Subject: Borough Land - Homer, Alaska

Dear Mr. Shealy:

Mayor Gilman has referred your letter dated November 20, 1989, regarding the use of certain borough lands, to me for response.

The subject of conveying Government Lots 6,7,11,12,13,18,19,20,22 and 23, Sec. 14, T6S, R13W, S.M. to the city has lain idle for some time. We received the final decision on transferring this land from the state to the borough in 1982. In 1983 draft legislation was prepared which would have classified this land for public use. However, this was not presented to the assembly, because we had not received title. That situation has not changed and it appears a longer delay can be expected. The municipal entitlement section of DNR was not funded for this year and most of their activities have been suspended, to which we have voiced strong objection.

We believe that before public funds are expended on development of land, it is prudent to have full title to the property. We are reluctant to transfer management authority on selection approved lands due to the hidden issues that may surface. We will continue to work on this situation and keep you advised.

On the matter of a joint use agreement for a portion of the Paul Banks Elementary School property, we will initiate action by referring the matter to school officials for comments. We shall also keep you informed on this matter.

Sincerely,



Richard P. Troeger  
Planning Director

RPT/rs

cc: Don Gilman, Mayor  
Carolyn Turkington, Land Management Office ✓

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 89-34(a)

A RESOLUTION OF THE HOMER CITY COUNCIL RESERVING TEN ACRES OF CITY OWNED LAND FOR PUBLIC PURPOSES AND REQUESTING THE KENAI PENINSULA BOROUGH TO DEED TWENTY-FIVE ACRES OF LAND TO THE CITY OF HOMER FOR PUBLIC USE.

WHEREAS, the City of Homer has a State of Alaska patent, dated September 11, 1973 to Lots 10, 21, 24 and 25 of Section 14, T6S, R13W, S.M. consisting of approximately ten acres in four separate lots of undeveloped land within the city limits; and

WHEREAS, government Lots 6, 7, 11, 12, 13, 18, 19, 20, 22 and 23 of Section 14, T6S, R13W, S.M. are in the process of being transferred from the State of Alaska to the Kenai Peninsula Borough; and

WHEREAS, the Parks and Recreation Commission at a special meeting held March 31, 1989 recommended that the City Council direct staff to contact the Borough and proceed with negotiations for development of the Kachemak Drive Sports Park as identified in the 1989 Capital Improvement Program for the City of Homer; and

WHEREAS, the City of Homer by Resolution 82-39, 84-25 and 87-84 has stated their intent to reserve ten acres of city owned land for public purposes as well as requesting the Kenai Peninsula Borough to classify twenty-five acres of land for public use and combine all fourteen parcels into a public park.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Homer reserves Lot 10, 21, 24 and 25, Section 14, T6S, R13W, S.M., containing ten acres for public purpose and request that the Kenai Peninsula Borough deed Lot 6, 7, 11, 12, 13, 18, 19, 20, 22 and 23 of Section 14, T6S, R13W, S.M., containing twenty-five acres of land to the City of Homer as public use lands per Section 17.04.090 of the Kenai Peninsula Borough Code of Ordinances for a public park.

DATED this 10th day of April, 1989 at Homer, Alaska

CITY OF HOMER



JOHN P. CALHOUN, MAYOR

ATTEST:



PATTI J. WHALIN, CITY CLERK

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 89-35(a)

A RESOLUTION OF THE HOMER CITY COUNCIL REQUESTING A USE PERMIT OR JOINT USE AGREEMENT TO UTILIZE A PORTION OF THE PAUL BANKS SCHOOL PROPERTY FOR PUBLIC PARK USE.

WHEREAS, the Homer Park and Recreation Commission has recommended that a portion of the publicly owned land behind Paul Banks Elementary School include a day use park for children, ball fields and a connection point for trail development from the city center eastward; and

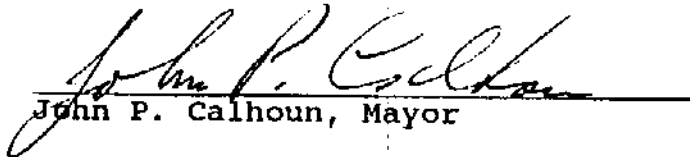
WHEREAS, the City Council of Homer did adopt the Paul Banks Day Use Park as part of the 1989 Capital Improvement Program; and

WHEREAS, the Parks and Recreation Commission at their Special Meeting held March 31, 1989 recommended that the City Council direct staff to contact the Borough and proceed with negotiations of a use permit to provide for the Paul Banks Day Use Park.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Homer request the Kenai Peninsula Borough to issue a use permit or joint use agreement for a portion of the Paul Banks Elementary School property as a day use park to be constructed and maintained by the City of Homer to provide appropriate ball fields and other day use park facilities for the area citizens.

DATED this 10th day of April, 1989 at Homer, Alaska.

CITY OF HOMER

  
John P. Calhoun, Mayor

ATTEST:

  
Patti J. Whalin, City Clerk



# UNAPPROVED MINUTES

Session 89-12, the regular meeting of the Homer Parks and Recreation Advisory Commission was called to order by Chairman Strutz at 7:32 p.m. at Homer City Hall, Council Chambers, 491 E. Pioneer Avenue, Homer, Alaska, 99603.

## CALL TO ORDER

## ROLL CALL

PRESENT: COMMISSIONERS: KING, HARRY, HUNT, STRUTZ,  
GLIDDEN

STAFF: PWD DIRECTOR HOBBS  
PWD ADMIN. ASSIST. STEVENSON  
DEPUTY CITY CLERK SHANNON

OTHERS: CITY COUNCILMAN GREGOIRE

ABSENT: COMMISSIONERS: SPENCE (excused)

## APPROVAL OF AGENDA

The agenda was approved with the additions of Items B., C., and D. under Commission Business as presented by Chairman Strutz. Item B. Report on the Sports Complex, Item C. Paul Banks Joint Use Agreement and Item D. Visitor's Center Proposal.

## APPROVAL OF MINUTES

A. Regular meeting minutes of October 19, 1989.

Commissioner Harry noted on the last page under Commissioner Comments that she does not want the worksessions to start earlier. There being no further corrections the minutes were approved as corrected.

## STAFF REPORT

### PENDING BUSINESS

A. Kachemak Heritage Land Trust Trails Project

Commissioner Hunt reported that he had been unable to contact Ranger Jeff Johnson, adding that his intention is to invite Mr. Johnson to the December regular meeting.

### COMMISSION BUSINESS

A. Development of Parks & Recreation Department

Chairman Strutz stated that time needs to be taken to hire someone interested in parks, that the job could be done for \$10,000 (each season), and that the job would be done better than it is presently being done. He stated that the P/R

PARKS AND RECREATION ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 16, 1989

Department person would need to be concerned with maintenance, development, promotion and must be a good scrounger.

Commissioner Harry queried Councilman Gregoire regarding introduction of an Ordinance for the Parks & Recreation Department.

Councilman Gregoire drew attention to the letter from Mr. Shealy contained in the packet.

Public Works Director Hobbs advised the Commission of the December 4th Budget worksession with the Council and the Commissions, suggesting that this would be the appropriate time for the Commission to give their views regarding the establishment of a Parks & Recreation Department. Mr. Hobbs suggested that in this manner the Ordinance could then be drawn to develop a Parks & Recreation Department with a budget for equipment, personnel and et cetera and could be on the December 11th Council Meeting Agenda or if the Commission desired Mr. Gregoire could introduce an Ordinance at the November 27th meeting.

HUNT/KING - MOVED TO SEND A REPRESENTATIVE TO THE NOVEMBER 27TH MEETING, AS THE NEW ORDINANCE NOW ALLOWS, TO PROPOSE ESTABLISHMENT OF A PARKS & RECREATION DEPARTMENT.

VOTE: YES: HUNT, STRUTZ, GLIDDEN, HARRY, KING.

Motion carried.

B. Report on Sport's Complex

Chairman Strutz expressed concern regarding the status of the Resolutions which Council had passed and which he had hand delivered to Mayor Gilman regarding both the forty acres at the east end of the runway for a Sport's Complex and the proposed joint use agreement with Paul Banks Elementary.

KING/HUNT - MOVED TO ASK THE CITY MANAGER TO FOLLOW UP ON THESE RESOLUTIONS.

VOTE: YES: STRUTZ, GLIDDEN, HARRY, KING, HUNT

Motion carried.

C. Paul Banks Joint Use Agreement

Addressed under Sport's Complex.

D. Visitor's Center Proposal

Chairman Strutz reported that when he was notified that there was State Funding available there were only four days in which to get the information completed. Mr. Gregoire



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

DIVISION OF WILDLIFE CONSERVATION  
Southcentral Region

3298 Douglas Place  
Homer, Alaska 99603  
907.235.8191

23 November, 2015

To whom it may concern,

This letter is written in response to a request by the Kachemak Moose Habitat, Inc. to evaluate land relative to the importance to moose in and around the greater Beluga Lake wetlands. KMHI has a long history of protecting moose habitat on the Kenai Peninsula, particularly in the Homer area. Wetlands around the greater Beluga Lake area provide important wintering habitat for moose in the Homer area. When there are deep snow winters, the Homer bench area can hold a significant portion of the moose population on the lower Kenai Peninsula. The greater Beluga Lake area is important winter habitat that contributes to the health of the moose population on the lower Kenai Peninsula.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas McDonough".

Thomas McDonough  
Wildlife Biologist  
Alaska Department of Fish and Game  
Homer, AK 99603  
thomas.mcdonough@alaska.gov  
907-399-8241

# HOMER WETLAND COMPLEXES AND MANAGEMENT STRATEGIES

## Moose Population and Movements Around Homer

Moose have been abundant on the Kenai Peninsula for over 100 years (Lutz 1960). Moose are an important resource for hunters and are a desired spectacle for local wildlife viewers and tourists. Densities around the state vary according to the quality of the habitat, predation levels, and other factors. The moose population around the greater Homer area (south of the Anchor River to Kachemak Bay) is currently over 500 animals and is considered a high-density population (Schwartz and Franzman 1989) with about 3 moose per square mile. This Homer moose population is currently the most abundant and productive population on the Kenai Peninsula. Moose from this population likely act as a "source" population in providing dispersing individuals to areas of lower moose densities around the lower Kenai Peninsula (Laporte et al. 1998).

Moose have evolved and adapted to habitat changes influenced by fire (Spencer and Hakala 1964, Loranger et al. 1990) and other natural disturbances. While disturbances such as fire increase the quality and quantity of browse for moose over time with the regeneration of new plant growth, the habitat changes caused by human development can remove important moose forage, eliminate access to existing forage, and/or fragment available browse into small and disconnected areas.

Moose and humans have shared the landscape in various Alaskan communities for many years. Moose inhabit areas within Anchorage because there still is available habitat. However, human-moose conflicts continue to increase as the human population grows and the amount of moose habitat decreases. Moose have been radiocollared in Anchorage using GPS technology that records locations multiple times each day. The data have not been analyzed; however, moose in urban areas appear to spend most of their time in natural areas including parks, greenbelts, and undeveloped properties near developments (R. Simoni, Anchorage-ADF&G biologist, pers. comm.). These "green areas" provide moose browse, cover to escape from human disturbance and to stay cool, bedding areas for rest and food processing, and undisturbed areas for calving.

Moose around Homer eat a wide variety of vegetation based on the nutritional quality and availability of the plant species. In the summer when vegetation is plentiful, moose eat leaves from birch and willow along with forbs, grasses, sedges, and aquatic plants (LeResche and Davis 1973). During the winter, food is often limiting and moose focus on twigs of limited nutritional quality such as birch, willow, and ornamentals planted around human residences. Willows are an integral part of the diet for moose especially in the winter. During the winter, when moose browse greater than 30% of the previous summer's growth of willow stems, there can be an increase in the production of new stems the following year (Collins 2002). However, browsing over 80% of the previous year's growth will increase the production of secondary plant compounds, which limits the amount of nutrition the moose receives from the plant (Collins 2002). Continued browsing of the new annual growth of a plant, such as paper birch, year after year can eventually kill the plant (Oidemeyer 1983). Every winter in Homer, most preferred willow species suffer nearly 100% browsing of the previous summer's plant growth.

Moose spend much of their time along forest edges because of the availability of good browse and for avoiding human disturbance (Bangs et al. 1985). Utilization of moose browse species will increase with the severity of the winter snowfall (Collins 2002). Winter snow conditions are often severe in Homer. Deep snow conditions cover food sources and make traveling more energetically difficult for moose, especially calves. The deep snow winters of 1991/92, 1994/95, 1997/98, and 1998/99 resulted in severe over-browsing of the available moose habitat and caused the death of over 200 moose in and around the city of Homer due to malnutrition. Even in relatively mild winters such as 2005-06, over 10 moose died in residential areas in Homer during late winter due to malnutrition. These mortality totals do not include many moose that die due to malnutrition and are unreported or undetected.

It is likely that a low-density moose population could survive within expansive human development with or without mitigating development and proactive planning for protecting moose habitat. However, mitigation measures to protect certain critical moose habitat patches in Homer will improve the long-term sustainability of our local moose population. The Homer moose population is currently a high-density population and the growth in the local moose population during the past 5-10 years has bolstered moose numbers in areas surrounding Homer. Moreover, failing to protect important habitats for moose in Homer will ensure a large proportion of the population will die due to malnutrition every winter. Negative moose-human interactions will also rise as moose increase their movements between available food patches and act defensively while feeding on small browse patches around human residences.

The purpose of identifying important areas of moose habitat and mitigating development of these habitats is not to improve or enhance the moose habitat that currently exists. The purpose is to lessen the impact of habitat loss that is inevitable with development. The assumption is that the public wants the local moose population to be healthy and negative encounters between humans and moose to be low. A desired decrease in the moose population to reduce potential human-moose conflicts should warrant a detailed plan of moose reductions via hunting rather than a slow removal of their prime habitat in the city and subsequent mortality due to malnutrition when winter snow conditions are severe. If the direction of wildlife management is to maintain a healthy moose population, then an active habitat management program is required. Providing mitigation measures for the human development of high-quality moose habitat within the City of Homer is a wise first step.

Thomas McDonough  
Wildlife Biologist  
Alaska Department of Fish & Game  
5 June 2006



**"Natural Vegetation"**  
Natural vegetation consists of the vegetation that would be on the site without human manipulations. Lawns are not natural vegetation. Natural vegetation retains water and filters runoff. It is important for flood control and to remove pollutants from water running off roofs, paved areas, lawns, and cleared ground.

**Synopsis**  
In 2005-2006 representatives of the City of Homer, US Army Corps of Engineers, Environmental Protection Agency, US Fish & Wildlife Service, Kachemak Bay Research Reserve, Cook Inletkeeper, Kenai Watershed Forum, Natural Resources Conservation Service, and Alaska Department of Fish & Game met to assess Homer wetlands. After a thorough review of methods, a scoring protocol was developed and all wetlands were scored. These strategies arose from that effort and are currently being used by some agency personnel to comment on Clean Water Act Section 404 wetland permits.

**Beluga Lake**  
Prohibit fill in Beluga Lake or the two associated wetland polygons (docks are permitted).

**Beluga Slough**  
Development in tidally influenced wetlands should be prohibited.

**Beluga Slough Discharge Slope**  
Development should be encouraged in this core area of Homer. Mitigate for the loss of moose habitat. Further development north of Bunnel Avenue and east of Main Street should be discouraged. A goal of this plan is to bring private parcels in this area into conservation status. Development in tidally influenced wetlands should be prohibited.

**Bridge Creek Wetlands**  
The wetland management strategy for this watershed is the same as the Bridge Creek Watershed Protection ordinance, which includes a prohibition on filling wetlands.

**Diamond Creek Wetlands**  
Maintain large lot sizes. Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Downtown wetlands**  
On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**East Beluga Discharge**  
Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Site design should include hydrologic connectivity to upstream and downstream parcels. Moose habitat values are high throughout. Moose habitat should be preserved or mitigated. Development along the border with the East Homer Drainageway Complex should maintain an 85 ft buffer of natural vegetation.

**East Homer Drainageway**  
This area should be targeted for preservation and restoration. Encourage purchasing of private lots by Kachemak Heritage Land Trust, Moose Habitat Incorporated and others. If possible, restore hydrology and repair or implement suitable storm water management measures along Kachemak Drive. Some fill may be allowed along Kachemak Drive.

**Kachemak Kettle**  
Maintain a 100 ft buffer along the East Homer Drainageway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Lampert Peatland**  
Maintain a 100 ft buffer around Lampert Lake. Mitigate for lost hydrologic, general habitat, and moose habitat functions in wetlands west of Lampert Lake. Discourage further development of wetlands east of Lampert Lake. Prohibit wetland filling more than 400 ft from Kachemak Drive.

**Landfill Kettle**  
Restrict development to the south side of the wetlands and along the highway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated. The peatlands should be preserved and buffered with a 50 ft setback of undisturbed natural vegetation as they are highly functional for water retention and filtering.

**Loop Kettle**  
Loss of moose habitat should be mitigated.

**NE Slough**  
Retain natural vegetation as is practicable. Preserve existing wetlands for water quality functions and moose habitat.

**N. Paul Banks Discharge**  
Encourage development here. Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Ocean Kettle**  
Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Ocean Drive Kettle**  
Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Outer Loop Kettle**  
Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Overlook Park**  
Public lands: Maintain in conservation status and manage according to site management plan. Private Lands: Maintain moose habitat by limiting fill to the minimum necessary for a residence and minimum driveway and parking. No ditching or changes to drainageways should be allowed. Locate roads out of wetlands and out of drainageways to the extent possible. Maintain a 100 ft setback of natural vegetation on either side of Overlook Creek.

**Palmer Drainageway and Fan**  
Maintain a 100 ft setback of natural vegetation on either side of Palmer Creek. Crossings should be perpendicular to the channel via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. All of these wetlands should be preserved. A wetlands bank with Moose Habitat Incorporated will target private parcels in this area, along with the East Homer Drainageway, for purchase and preservation. Wetlands within the City of Homer that have been targeted for moose mitigation are eligible to receive credits from this bank.

**Raven Kettle & Roger's Loop Depression**  
Avoid wetland fill. Maintain the hydrologic integrity of drainageways and water retention and filtration capacity of the complex. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Runway Discharge**  
Within the airport boundary wetland hydrology should be maintained. Public lands: Those tracts outside the airport boundary should be maintained and managed for the values of the Homer Airport Critical Habitat Area. Private lands: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**Upper Woodard**  
On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Retain as much natural vegetation on individual lots as is practicable. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

**West Beluga Slope**  
Public lands: Publicly owned lands should be preserved as undisturbed wetlands. Private lands: These should be prioritized and purchased over time for inclusion in a mitigation bank whose purpose is to preserve moose habitat. Development should be discouraged. A master plan should be developed for this area as it is a very important wetland complex, and it is probably the most threatened in the City of Homer.

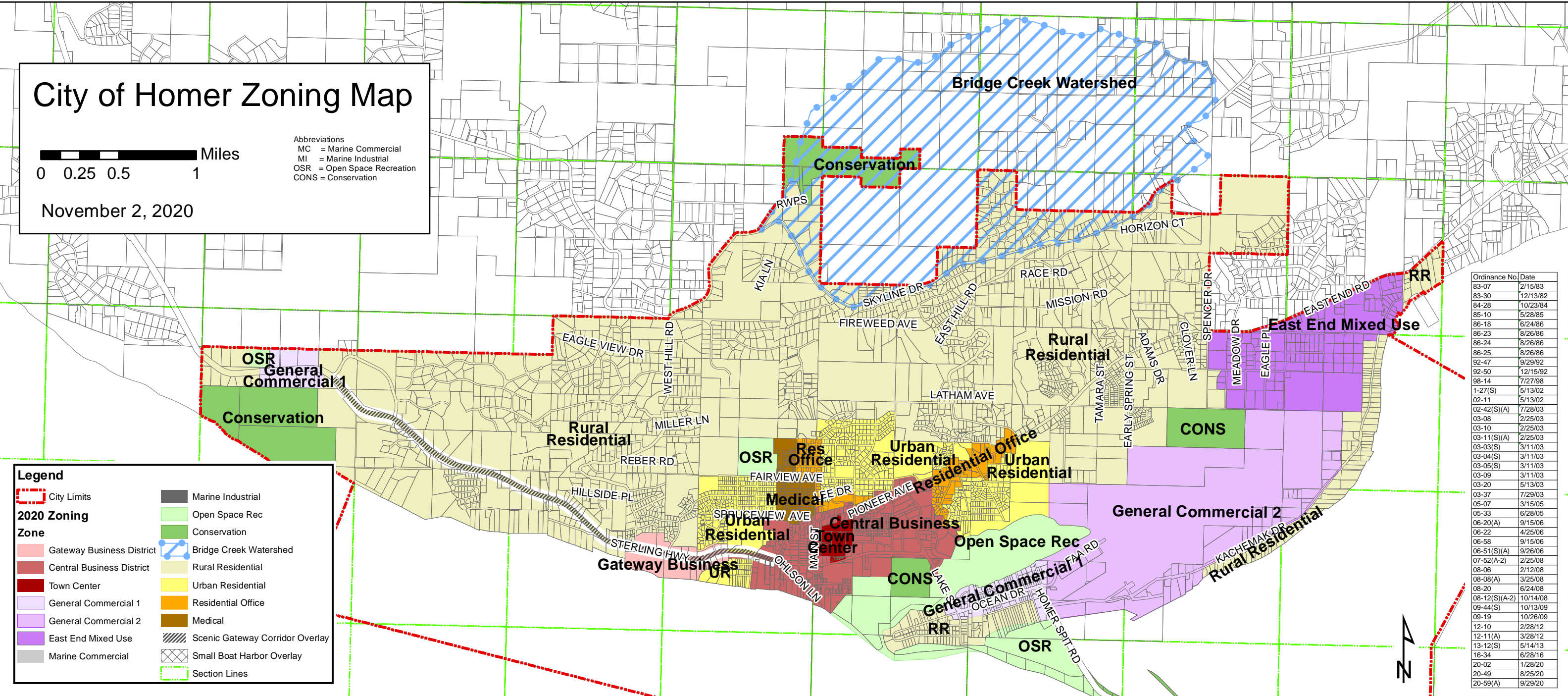
**West Homer Discharge**  
Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

# City of Homer Zoning Map

0 0.25 0.5 1 Miles

November 2, 2020

Abbreviations  
 MC = Marine Commercial  
 MI = Marine Industrial  
 OSR = Open Space Recreation  
 CONS = Conservation

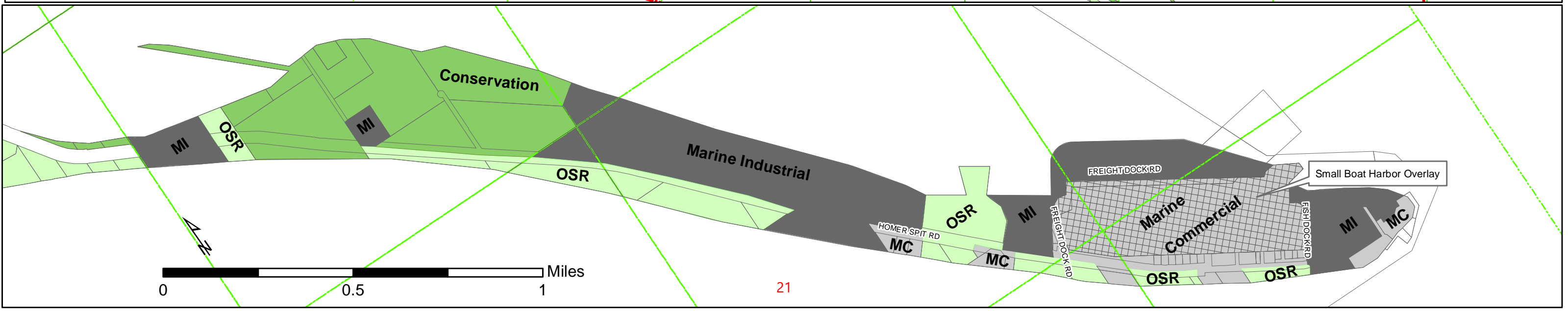


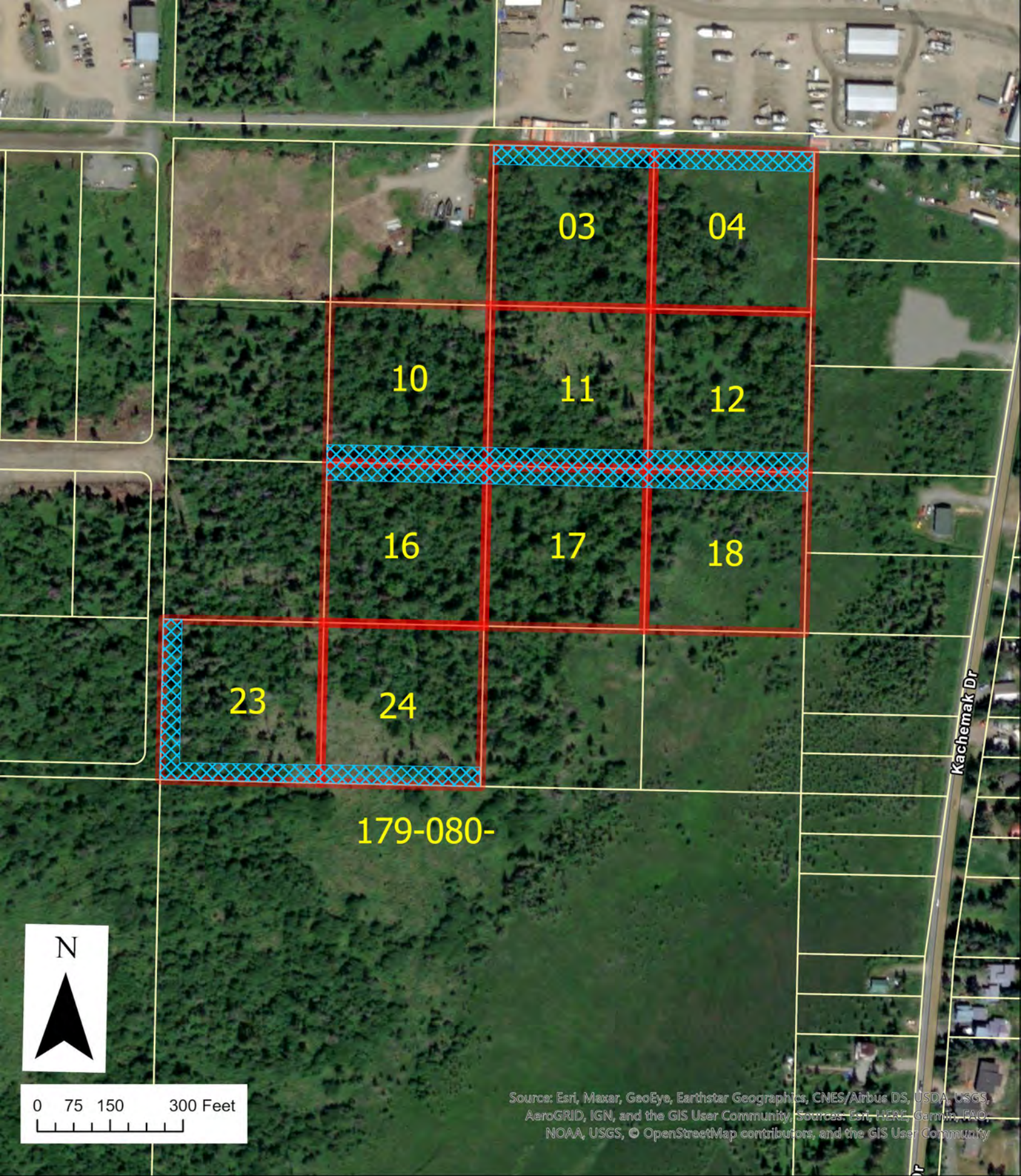
**Legend**

**2020 Zoning**

**Zone**

- Gateway Business District
- Central Business District
- Town Center
- General Commercial 1
- General Commercial 2
- East End Mixed Use
- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Rural Residential
- Urban Residential
- Residential Office
- Medical
- Scenic Gateway Corridor Overlay
- Small Boat Harbor Overlay
- Section Lines





Approximate Location of Proposed  
30 Foot Wide Retained Easements