

Agenda Item:	<u>N.1.b.</u>
Committee:	<u>Policies and Procedures</u>
Page Number:	<u>69</u>

ADDITIONAL PUBLIC COMMENTS
ORDINANCE 2015-14

1. WHITTENBERG, Betty..... Sterling
2. LEIGHTON, Ronald Kasaan
3. GONZALEZ, Ramon Seward
4. SHAVELSON, Bob Homer
5. ZAMZOW, Kendra Soldotna
6. COOPER LANDING ADVISORY PLANNING COMMISSION JUNE 2, 2015
UNAPPROVED MEETING MINUTES

I oppose ordinance 2015-14

Betty Whittenberg [Betf@alaska.net]

Sent: Friday, June 19, 2015 6:36 PM

To: Bagley, Dale

Dear Assembly,

Please vote no on ordinance 2015-14 and keep the existing salmon buffers in place. The existing ordinance was developed and supported with extensive community input and should not be changed or removed. It is a common sense and balanced solution to a problem that has been recognized around the world. The destruction of natural stream banks has helped accelerate the demise of wild salmon from Europe to New England to the Pacific Northwest. The existing ordinance recognizes the need to protect the streams and banks where our salmon spawn and rear.

Betty Whittenberg
35737 Ryan lane
35737 Ryan lane
Sterling, AK Alaska
9072625053

Please keep the salmon setbacks in place

Ronald Leighton [akdilligas@starband.net]

Sent: Saturday, June 20, 2015 10:18 AM

To: Bagley, Dale

Dear Assembly Member,

I encourage you to keep the existing salmon setbacks in place and vote no on Ordinance 2015-14. These setbacks prohibit major construction, excavation, and extensive clearing of vegetation within 50 feet of streams, but allow vegetation control, the removal of dead trees, building boardwalks, docks and fish cleaning stations. In other words, the current ordinance strikes a reasonable balance between private property rights and the public interest. Our local economies and families depend on our salmon runs, and these runs deserve to be protected in a common sense way.

Ronald Leighton
No. 1 Jones st.
Kasaan, AK 99950
907-617-2089

Please keep the salmon setbacks in place

ramon gonzalez [snow6359bird@gmail.com]

Sent: Sunday, June 21, 2015 3:47 PM

To: Bagley, Dale

Dear Assembly Member,

I encourage you to keep the existing salmon setbacks in place and vote no on Ordinance 2015-14. These setbacks prohibit major construction, excavation, and extensive clearing of vegetation within 50 feet of streams, but allow vegetation control, the removal of dead trees, building boardwalks, docks and fish cleaning stations. In other words, the current ordinance strikes a reasonable balance between private property rights and the public interest. Our local economies and families depend on our salmon runs, and these runs deserve to be protected in a common sense way.

ramon gonzalez
po box 1271
seward, AK 99664
9072248777

Havrilla, Brion

Subject: FW: Ordinance 2015-14
Attachments: Missing Link.doc

From: Bob Shavelson [mailto:bob@inletkeeper.org]
Sent: Wednesday, June 24, 2015 3:59 PM
To: Blankenship, Johni
Subject: Fwd: Ordinance 2015-14

Hi Johni -

Can you please circulate the info below and attached to the assembly as a comment on Ordinance 2015-14 - it's a note from Dr. David Montgomery, a professor at the University of Washington and the author of the book "King of Fish."

Thanks and let me know if you have any questions.

Bob

Cook Inletkeeper
P.O. Box 3269
3734 Ben Walters Lane
Homer, AK 99603
p. 907.235.4068 x22
f. 907.235.4069
c.907.299.3277
skype: inletkeeper
bob@inletkeeper.org

Cook Inletkeeper turns 20 this year! Celebrate with us and make an extra gift when you PICK.CLICK.GIVE. You can also donate on our website.

----- Forwarded message -----

From: David Montgomery <kingofish@gmail.com>
Date: Wed, Jun 24, 2015 at 3:32 PM
Subject: Ordinance 2015-14
To: Bob Shavelson <bob@inletkeeper.org>

Dear Bob,

It has come to my attention that someone up in your neighborhood is holding up my book "King of Fish" to support the proposition that salmon streams do not need riparian buffers by arguing that "erosion is good for salmon". This blanket statement is in error and represents a rather shallow reading of my book. Indeed, the document (*The Reparian* [sic] *Missing Link*) that was forwarded to me (copy attached) seriously misrepresents the science and understanding of salmon that I laid out in the book; the document selectively takes quotes out of context and does not accurately capture an understanding of what sets the size of gravel (and its size distribution) in streams.

Indeed, there are logical non-sequiters in the document and it confuses the effects of background erosion from those of increased erosion due to big natural events or from changes in the landscape (like riparian logging or disturbance of riverbanks). There are many studies that demonstrate that too much erosion is not good for salmon and the author of this misleading piece conflates the idea that some erosion is necessary (to produce and move spawning gravels) into the idea that all erosion is good for salmon. This is silly, bad science, and not at all useful for any serious policy discussion.

And the quote from the second page about locking a river in place refers to levee construction not to riparian buffer — a channel with a riparian buffer will continue to migrate (erode its cutbank). It is rather frustrating to see one's work misunderstood and so blatantly misinterpreted and misappropriated. I guess that there are those who will latch onto specifics that they think support their views and miss understanding or overlook the wider context.

Sincerely,

David R. Montgomery
kingofish@gmail.com

THE REPARIAN MISSING LINK

The missing link in the reparian buffer argument is 'time', the dynamic variable 'time'.

Other than not over fishing, three essential principles of fish propagation are:

Erosion- is essential for fish propagation.

Erosion impingement – provides nutrients directly and indirectly for fish.¹

Deposition from erosion – The ever changing, variable density gravel beds provided by continuing erosion provide the necessary range of gravel sizes to accommodate all sizes of salmon spawning, to wit:

The spawning dance begins as the female prepares a nest in the gravel. She lies on her side and thrashes her tail, hydraulically digging a pit roughly two feet by two feet in the streambed. She then lays her eggs into the hole, where an eager male fertilizes them. To cover the fertilized eggs the female digs another pit just upstream. Disturbed gravel rises into the water and settles back down onto the excavated nest, burying her fertilized eggs. Once spawning is done, the exhausted fish die.²

The fertilized eggs develop gradually in the streambed and emerge from the gravel several months later as small fish called fry.³

Now, let's think about this hole in the gravel. Different conditions are needed for each size of fish whether referring to different species of salmon or within the large ranges of sizes of the same species.

It is essential for the fish egg survival that the eggs be buried below the scour layer of the streambed.

The depth to which salmon bury their eggs also depends on the size of the fish. Big fish dig deep nests. Small fish dig shallow nests. The size of streambed gravel influences the size of salmon in different rivers and streams.⁴ So erosion is very beneficial for maximizing the range of gravel size in the deposition zone along with water velocity and depth.

I want you to think about the fact that if we don't have erosion, we don't get the necessary entrainment (or scour) and deposition (or fill) to provide the range in gravel sizes to support the maximum range of fish sizes.

The key point is that erosion is good, even essential for fish propagation! In sharp contrast, the 50-foot reparian setback program is directly counterproductive to fish productivity because it is designed and intended to police riverbank 'stabilization', i.e. curtail erosion!

¹ "On The River", see cut-bank page 13 and the meandering river provides an indefinite supply of nutrients, page 12.

² "King of Fish – Salmon", David R. Montgomery, page 11

³ Ibid.

⁴ Ibid. page 13

Quoting Mr. David R. Montgomery, author of "King of Fish, the Thousand-Year Run of Salmon", "The result is a straight-jacketed river that can no longer move across its floodplain. Once locked in place, a river no longer supports natural processes of channel migration that create the side channels and off-channel water bodies that shelter young salmon. These fish not only need water, they need 'dynamic' rivers to create and sustain suitable habitat. Without a doubt, the best way to allow a river to retain some natural character is to give it a little room to move around and, well, act like a river."⁵

Within the reparian argument, one hears that undercut banks (cutbanks) are important for shade and bird protection! To me that is evidence of personification, ignorance and lack of experience. A very well respected, now retired, fish biologist recently told me the highest salmon minnow percentage that he ever caught was typically in front of our place in Sterling. The water is just inches deep and they make no effort to look for shade, though readily available! Sea birds could have a feast!

The salmon minnows found under the precious cutbanks of the argument are feeding, not 'shading' or ducking birds! Here within the cutbanks lies the missing link. Cutbanks are formed by erosion. The impingement of high velocity water flow eats away the bank releasing nutrients that feed the fish directly and indirectly as well as releasing the multiple sized gravel creating clean and fresh spawning beds for salmon. The missing link, 'time' is that cutbank erosion needs to remain ever active and keep moving or new cutbanks need to start and move in order to maintain a steady supply of nutrients and clean, diversified-sized bedding material for spawning. The moving cutbank means that the riverbed is meandering around the flood plain, as it should, providing a continuous source of food and fresh bedding! An excellent analogy is that erosion is to fish what plowing is to the farmer, a continuous source of nutrition.

There is also a missing link with respect to the word 'reparian'. 'Repairian' means 'nearshore', a big, deceptive, misnomer in this case! For immediately, the 'reparian' promoter starts into a long rendition of how wide should it be 50 feet, 100 feet, 250 feet, etc. Having been raised on a farm with a trout stream running through it and working with Cornell University, we contoured farmed a half-mile away for the sake of erosion control! My grand father's farm (in the family since 1792) a mile downstream did the same. The missing link is the word 'reparian' itself. 'Reparian' is a bad choice of wording for what is actually described as "uplands" erosion mitigation. And there never has been such onerous regulation there!

In conclusion, erosion is essential for fish preservation! Our runs of salmon other than Kings are doing well. Over fishing of our Kings is our central problem! Granted, erosion is bad for us land owners. The collision and ignorance of erosion, landowner property damage coupled with \$.25 words such as anadromous and reparian has been promulgated into the promotion of the welfare of a local non-profit's well being at the expense of the extortion of 50' of property rights, without tax relief, for property owners!

Having removed many logjams of hardwood trees much larger than anything here on the Kenai Peninsula including several trips in the last few years; my heart goes out to you, my fellow landowners, who suffer from erosion. My opinion is that if those on an anadromous water body want some erosion buffer, you are welcome to it by a vote of those affected.

⁵ "King of Fish - Salmon", David R. Montgomery, page 220, 226.

Other than that, may I encourage you to come help your neighbors regain their stolen property rights of today at our July 7th Kenai Assembly meeting, for tomorrow it will be your property rights!

Blankenship, Johni

02015-14

From: Kendra Zamzow <kzamzow@gmail.com>
Sent: Wednesday, July 01, 2015 1:06 PM
To: Blankenship, Johni
Subject: comment on proposed changes to ordinance 2015-14

This statement is for the Assembly President. I am emphatically opposed to changing habitat setbacks for salmon. My sisters, Erin and Heidi Zamzow, concur. We own property jointly off Funny River Road in the Kenai River Salmon Run Subdivision.

I realize this statement may be too late to be considered for the vote.

Thank you,

Kendra Zamzow
907.354.3886 cell

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: COMMUNITY CLUB
THURSDAY, JULY 2, 2015
6:00 PM**

UNAPPROVED MINUTES

1. CALL TO ORDER – 6:03pm
2. ROLL CALL – Janette Cadieux, Kathy Reckon, Laura Johnson, David Story all present.
3. APPROVAL OF AGENDA – L. Johnson moves to approve, K. Reckon seconds, all approve.
4. APPROVAL OF MINUTES for May 6, 2015 – K. Reckon moves to approve, L. Johnson seconds, all approve.
5. CORRESPONDENCE
 - a. Kenai River Watershed Foundation, the Friends of Cooper Landing, and the Quartz Creek Homeowners' Association letter re. KPB Ordinance 2015-14 (see attachment)
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE - none
7. REPORT FROM BOROUGH - none
8. OLD BUSINESS - none
9. NEW BUSINESS
 - a. KPB Ordinance 2015-14
 - i. L. Johnson moves to recommend against Ordinance 2015-14 as written and suggests amending Chapter 21.18 ONLY to fully ensure ALL anadromous waters of the Kenai Peninsula Borough are protected by at least the 50-foot habitat setback as enacted through Ordinance 2013-18. D. Story seconds the motion.
 1. K. Reckon states that protecting the health and vitality of the entire Kenai River Watershed and its fish is of utmost importance to the economy of Cooper Landing and surrounding communities.

2. J. Cadieux states that all of the peninsula's anadromous waters are important for the well being of the peninsula and its people.

ii. All approve. Motion passes unanimously.

10. PLAT REVIEW - none

11. INFORMATION and ANNOUNCEMENTS – L. Johnson announced that the Fourth of July Parade at Princess would be held at 3:30 pm. The children's theme is pirates. Setup will take place at 3:00 pm and all children and parents are welcome to participate.

12. COMMISSIONER'S COMMENTS

a. K. Reckon would like to revisit the option to post "No Camping" signs at rogue campsites along neighborhood roads throughout the area.

13. ADJOURNMENT – L. James moves to adjourn, K. Reckon seconds. All approve.
6:34pm

For more information or to submit comments please contact:

Janette Cadieux, Chair
P.O. Box 694, Cooper Landing, 99572
907-595-4686



Kenai River Watershed Foundation, Inc.
P.O. Box 815, Cooper Landing, Alaska 99572

907-595-2129
kenailake@arctic.net

June 16, 2015

Dale Bagley, President
Kenai Peninsula Borough Assembly
144 N. Binkley Street
Soldotna, Alaska 99669

(via Clerk jblankenship@kpb.us)

Subject: Ordinance 2015-14

Dear President Bagley and Members:

The Kenai River Watershed Foundation, the Friends of Cooper Landing, and the Quartz Creek Homeowners' Association very strongly oppose anti-anadromous Ordinance 2015-14, because it would jeopardize the integrity of the entire Kenai River by excluding all anadromous headwaters feeding Kenai Lake.

The Kenai Peninsula's economy is dependent upon the vitality of its fisheries. Most residents understand the economy would collapse without fish. Protective, functional stream buffers are extremely important. Practicing a long, sustainable view of the economy's fundamental basis is required, not a short view.

An anti-anadromous ordinance impacting any waters of the borough is ill-advised. Short-term development pressure represented by Ordinance 2015-14 would add unacceptable high risks to the entire Kenai Peninsula economy and our way of life.

Please do not impose additional risk with Ordinance 2015-14.

Sincerely,

/s/ Robert L. Baldwin, President
Kenai River Watershed Foundation, Inc.
Friends of Cooper Landing, Inc.
Quartz Creek Homeowners' Association, Inc.

--Save the Kenai--