

Introduced by:	Mayor
Date:	02/15/11
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2011-010**

**A RESOLUTION SUPPORTING ENACTMENT OF HOUSE BILL 89 AUTHORIZING
THE DEPARTMENT OF NATURAL RESOURCES COMMISSIONER TO OFFER
BEDLOAD MATERIAL FOR FLOOD CONTROL PURPOSES IN EXCHANGE FOR A
PERCENTAGE OF THE PROFIT FROM THE SALE OF THAT MATERIAL**

WHEREAS, flooding is a serious problem in the Seward-Bear Creek area, where at least six major flooding events have occurred since 1986, causing millions of dollars in damage to private and public properties and infrastructure; and

WHEREAS, the Seward-Bear Creek area is subject to alluvial fan flooding hazards including high velocity floodwaters which can cause tremendous erosion, and carry large amounts of sediment and debris which fill stream beds and allow floodwaters to spread widely, threatening development over a broad area; and

WHEREAS, one problem encountered in mitigating losses from flooding that the borough, the City of Seward and the Seward-Bear Creek Flood Service Area ("SBCFSA") have attempted to address is the charge imposed by the State for gravel removed from stream beds under navigable water which rendered the level of removal needed infeasible due to the horrendous cost; and

WHEREAS, following the work of the flood plain task force established by the assembly in resolution 2009-005 a summit was held during October 2010 in Seward to bring the various involved parties together including the Department of Natural Resources ("DNR"), the City of Seward, the borough administration, the SBCFSA representatives, representatives from the Matanuska-Susitna Borough, the Corps of Engineers and other agencies; and

WHEREAS, one proposal presented at that summit was to support revisions to state statutes that would give the DNR commissioner the discretion to offer bedload material for disposal for flood control purposes in exchange for a percentage of profit from the sale of the material instead of a fixed permit fee; and

WHEREAS, Representative Seaton is sponsoring House Bill no. 89 which would amend AS 38.05.872 to grant such discretion to the commissioner; and

WHEREAS, support of House Bill 89 is consistent with the short term mitigation measures and goals of the SBCFSA Flood Hazard Mitigation Plan (May 2010); and

WHEREAS, support of House Bill 89 is consistent with section 2.12 Flood Mitigation Strategy 4 of Chapter 2.0 of the KPB All Hazard Mitigation Plan;

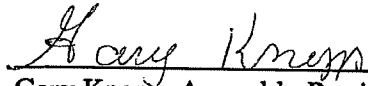
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the assembly supports HB 89 in its current form, which would grant the Department of Natural Resources Commissioner the discretionary authority to sell bedload material for flood control purposes from state land in exchange for a royalty based on a percentage of the pretax profit derived from the sale of such material.

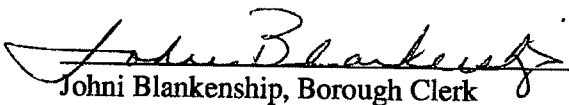
SECTION 2. That copies of this resolution shall be forwarded to the Borough's Legislative Delegation Senators Cathy Giessel, Al Kookesh, Thomas Wagoner, and Gary Stevens, and Representatives Alan Dick, Mike Hawker, Kurt Olson, Mike Chenault, and Paul Seaton.

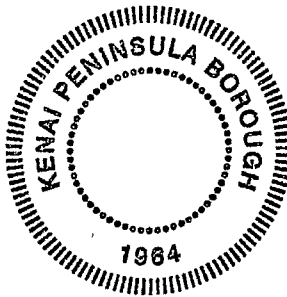
SECTION 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF FEBRUARY, 2011.


Gary Knopp, Assembly President

ATTEST:


John Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None