HOMER ADVISORY PLANNING COMMISSION
491 E PIONEER AVENUE
HOMER, ALASKA

October 3, 2018
6:30 PM WEDNESDAY
COWLES COUNCIL CHAMBERS

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment
The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. Reconsiderations

5. Adoption of Consent Agenda
All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda.

A. Approval of minutes of September 19, 2018 **Not included in packet**

6. Presentations

7. Reports

A. Staff Report 18-63, City Planner's Report **p. 1**

8. Public Hearings
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report 18-64, Ordinance 18-41, an ordinance of the City Council of Homer, Alaska, amending HCC 21.61.040(b) to codify the City Council's role as the local regulatory authority under AS 17.38 and authorizing Council to decide whether to protest marijuana establishment applications filed with the State of Alaska for sites within the City of Homer **p. 3**

9. Plat Consideration

10. Pending Business

A. Staff Report 18-65, Central Business District Setbacks **p. 9**

11. New Business

A. Staff Report 18-66, Green Infrastructure **p. 19**

12. Informational Materials

A. City Manager's Report for the September 24, 2018 Homer City Council meeting **p. 55**

13. Comments of the Audience
Members of the audience may address the Commission on any subject. (3 min limit)

14. Comments of Staff

15. Comments of the Commission

16. Adjournment
The next regular meeting is scheduled for Wednesday, October 17, 2018. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

City of Homer
www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: October 3, 2018
SUBJECT: Staff report PL 18-63, City Planner's Report

City Council
9.24.18
Ordinance 18-39, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.18.040 to Reduce the Setback Requiring a Conditional Use Permit from Twenty Feet to Ten Feet in the Central Business District. Aderhold. Introduction and Refer to Planning Commission August 27, 2018, Public Hearing and Second Reading September 24, 2018. (Recommend postpone to a date certain for continued Planning Commission consideration)
POSTPONED to not later than January 14, 2019 without discussion.

10.8.18
Ordinance 18-37, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Capital Budget by Appropriating up to $48,590 from the Homer Accelerated Roads and Trails Program (HART) for Traffic Calming and Safety Improvements on Karen Hornaday Park Road. Stroozas. Introduction August 13, 2018, Public Hearing and Referred to PARCAC August 27, 2018, Second Reading October 8, 2018.
Resolution 18-0xx, A Resolution of the City Council of Homer, Alaska Requesting an Extension of 60 Days for a Total of 90 Days of Public Comment on the The Kachemak Bay State Park & Kachemak Bay State Wilderness Park Draft Management Plan, Public Review Draft. Aderhold.

Staffing
I am taking a long overdue vacation and will be out of town from October 11th through the end of the month.
Minutes and decisions and findings are absent from the packet as the minutes have not been completed as of Friday morning.

City Council report sign up
10.8.19 Dale
10.22.18 Tom
11.12.18 _____
12.10.18 _____

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Planning
491 East Pioneer Avenue
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(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 18-64

TO:	Homer Advisory Planning Commission
FROM:	Rick Abboud, City Planner AICP
DATE:	October 3, 2018
SUBJECT:	AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HCC 21.61.040(B) TO CODIFY THE CITY COUNCIL'S ROLE AS THE LOCAL REGULATORY AUTHORITY UNDER AS 17.38 AND AUTHORIZING COUNCIL TO DECIDE WHETHER TO PROTEST MARIJUANA ESTABLISHMENT APPLICATIONS FILED WITH THE STATE OF ALASKA FOR SITES WITHIN THE CITY OF HOMER

Introduction

At the City council meeting on September 10th, ordinance 18-41 was referred to the Planning Commission for their required review of amendments to Title 21. The Commission recommended the item for public hearing at the October 3rd meeting.

Analysis

This ordinance requires that the City Council review licenses for marijuana related establishments after receiving the zoning review for such from the City Planner.

As protests for a marijuana related license may be based on factors other than zoning compliance, it is appropriate for the City Council to have a role in the formulation of recommendations to the Marijuana Control Board for licenses and renewals after the City Planner has made recommendation based on code compliance. This proposed ordinance just adds a role for the City Council to make recommendation to the Marijuana Control Board on whether or not to protest an application or renewal.

Staff Recommendation

Hold a public hearing and make a recommendation to the City Council regarding adoption of the ordinance.

Attachments

Ordinance 18-41

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 18-41

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HCC 21.61.040(B) TO CODIFY THE CITY COUNCIL'S ROLE AS THE LOCAL REGULATORY AUTHORITY UNDER AS 17.38 AND AUTHORIZING COUNCIL TO DECIDE WHETHER TO PROTEST MARIJUANA ESTABLISHMENT APPLICATIONS FILED WITH THE STATE OF ALASKA FOR SITES WITHIN THE CITY OF HOMER

WHEREAS, AS 17.38.200 provides that, upon receiving an application or renewal application for a marijuana establishment, the Marijuana Control Board shall immediately forward a copy of each application and half of the registration application fee to the local regulatory authority for the local government in which the applicant desires to operate the marijuana establishment; and

WHEREAS, 3 ACC 306.060 provides local governments 60 days to protest new marijuana establishment license applications, renewal applications or transfer requests of a marijuana establishment license; and

WHEREAS, Homer City Code ("HCC") 21.62.040(b) presently provides that the City Planner shall be responsible for reviewing all applications filed with the State of Alaska for the operation of marijuana establishments in the City of Homer, and also that the City Planner, or his or her designee, shall make recommendations concerning whether such applications comply with the Code; and

WHEREAS, It is appropriate for City Council, which is the local regulatory authority for purposes of AS 17.38, to review such applications and determine whether or not to protest such applications subject to input by the City Planner regarding whether or not the application complies with the Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Homer, Alaska that:

Section 1. Homer City Code 21.62.040 entitled "Pre-application conference and State of Alaska application review process" is hereby amended to read:

a. When this title requires a conditional use permit for a marijuana facility, the applicant must meet with the City Planner to discuss the conditional use permit process and any issues that may affect the proposed conditional use. This meeting is to provide for an exchange of general and preliminary

information only and no statement made in such meeting by either the applicant or the City Planner shall be regarded as binding or authoritative for the purposes of this title.

~~b. The City Planner shall be responsible for reviewing all applications filed with the State of Alaska under AS 17.38 for the operation of marijuana establishments in the City of Homer once those applications have been submitted to the City for its review by the State of Alaska. The City Planner, or his or her designee, shall recommend to the State of Alaska, within 15 days of receipt of an application denying an application that does not comply with this code or he or she may recommend approving the application with conditions that, if adopted, will result in compliance with this code.~~

b. Council is designated as the "local regulatory authority" as that term is used in AS 17.38.

c. The City Planner shall review all applications filed with the State of Alaska under AS 17.38, once those applications have been transmitted to the City for its review by the Marijuana Control Board or other designated agency of the State of Alaska, for compliance with the Code. Within 15 days of receipt of an application under this section, the City Planner shall provide the City Clerk with the application with a written notice to Council stating whether the application complies or fails to comply with the Code.

d. Upon receipt of the application and the City Planner's notification regarding compliance, Council shall consider whether or not to protest the application at its next regularly scheduled meeting. Council may protest any application under this section or may recommend that an application under this section be approved subject to conditions.

e. The review of an application under this section shall not be subject to formal rules of evidence or procedure and Council may consider any facts or factors it deems relevant to its review so long as such facts or factors are not arbitrary, capricious or unreasonable.

f. Council's decision regarding whether or not to protest an application under this section shall be final and is not subject to appeal.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of_____, 2018.

CITY OF HOMER

_____
BRYAN ZAK, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____ _____
Katie Koester, City Manager Holly Wells, City Attorney

Date: _____ Date: _____

City of Homer
www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 18-65

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 3, 2018
SUBJECT: Central Business District Setback

Introduction

The Commission had some discussion about the proposed ordinance at the work session meeting of September 19th. When the regular meeting time exceeded 10pm, the commission approved a motion to move the item to their next meeting.

Analysis

The City Council had moved the item to public hearing on the agenda of their September 24th meeting. At the meeting, they moved to postpone their public hearing and 2nd reading of the proposed ordinance to no later than January 14, 2019.

Staff Recommendation

Have a discussion about the proposal. Request any additional information you may need. Consider for further work or public hearing.

Attachments

Memorandum 18-095
Ordinance 18-39
Memorandum from City Clerk, synopsis of 8/27/18 Council Committee of the Whole meeting
Central Business District Map, *2005 Homer Area Transportation Plan*

City of Homer
www.cityofhomer-ak.gov

Homer City Council
491 East Pioneer Avenue
Homer, Alaska 99603
(p) 907-235-3130
(f) 907-235-3143

Memorandum 18-095

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: DONNA ADERHOLD, COUNCILMEMBER

DATE: AUGUST 22, 2018

SUBJECT: REDUCTION OF SETBACK IN THE CENTRAL BUSINESS DISTRICT (CBD)

The purpose of this memo is to introduce the concept for a draft ordinance to the City Council for review prior to recommending the Planning Commission work on an ordinance. This serves two purposes: 1. an opportunity for the public to be aware of the item and that the subject is proposed to be sent to the Planning Commission for review and, 2. for the City Council to express their support for the concept and to discuss any refinement which may lead to a better recommendation to the Planning Commission.

Over the past 10 years, 10 Conditional Use Permits in the CBD for reduction of a setback have all been approved. Allowing a reduced setback to be permitted in the Planning office supports the reduction of staff time preparing for these public hearings and reducing process and delays for applicants.

Recommendation: Please express your support for the ordinance and concepts.

CITY OF HOMER
HOMER, ALASKA

Aderhold

ORDINANCE 18-39

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HCC 21.18.040 TO REDUCE THE SETBACK PERMITTED FROM 20 FEET TO 10 FEET IN THE CENTRAL BUSINESS DISTRICT.

WHEREAS, It is in the City's best interest to permit uses outright that promote the goals of the Homer Comprehensive Plan, including permitting setback reductions in the Central Business District that would promote walkable business district locations located on local, non-arterial roads.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Chapter 21.18.040 is amended to read as follows:

21.18.040 Dimensional requirements.

The following dimensional requirements shall apply to all structures and uses in the Central Business District:

a. Lot Size.

1. The minimum lot area shall be 6,000 square feet. Lawful nonconforming lots of smaller size may be newly developed and used if off-site parking is provided in accordance with the City parking code, Chapter 21.55 HCC;

2. Multiple-family dwelling containing three or more units shall meet the standards in HCC 21.14.040(a)(2);

3. Townhouses shall meet the standards in HCC 21.53.010.

b. Building Setbacks.

1. Buildings shall be set back **10** ~~20~~ feet from all dedicated rights-of-way, except as **required or** allowed by subsection (b)(4) of this section.

2. Nonresidential buildings shall be set back five feet from all other lot boundary lines except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of

the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.

3. Residential buildings shall be set back five feet from all other lot boundary lines.

4. **Setbacks from a dedicated right–of-way from** ~~If approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street~~ arterial roads, shall be at least 20 feet. ~~may be reduced.~~ **For purposes of this subsection, "arterial" roads means a street, road, boulevard or highway that emphasizes mobility and is designed to carry higher volumes at higher speeds, attributes that usually conflict with safe access. Sterling Highway is an example arterial street.**

5. Alleys are not subject to a **10** ~~20~~ foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (e)(1) and (2) of this section.

6. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit.

e. Building Area and Dimensions – Retail and Wholesale.

1. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.

2. No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of subsection (e)(1) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsection (e)(1) of this section.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of_____, 2018.

CITY OF HOMER

_____
BRYAN ZAK, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____ _____
Katie Koester, City Manager Holly Wells, City Attorney

Date: _____ Date: _____

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: Acting Chair Bentz and the Advisory Planning Commission

FROM: Melissa Jacobsen, MMC, City Clerk

DATE: August 30, 2018

SUBJECT: City Council Comments Regarding Ordinance 18-39

City Council discussed Ordinance 18-39 during their Committee of the Whole session on August 27th. It was requested by Mayor Pro Tem Aderhold that their talking points be provided to the Planning Commission for consideration. A summary of Council comments is as follows:

Councilmember Venuti asked why the change? They've been dealing with it through CUP and every situation is different, and we don't want to take away anything they've done well.

Mayor Pro Tem Aderhold explained the Planning Commission has never denied a CUP for a setback up to 10 feet and it's also the area of greatest litigation, which is part of the reason for evaluating this. If the Planning Commission is always issuing a permit for the reduction, then maybe with certain stipulations, the Planning Department can issue the permit rather than going through the Commission, in an effort to streamline that process.

Councilmember Smith commented his biggest concern is that there might be lots that you don't want to give up the ten feet, then it becomes a problem, and their wide open to do it. It might be more problematic. The CUP has worked, but he understands it's taken a lot of time in the courtroom as a result of where it's at now. He sees benefits on both sides and would like to see what the Planning Commission comes up with in their review.

Councilmember Erickson commented as the Planning Commission is are relooking at the transportation plan she thinks it's important we are not looking at one little picture on this, but at the broader view, particularly if we start opening up where town center would be. What do we want that to look like with road placement? There is a lot involved as we open up new territory, versus where we have things on Pioneer Ave. that are old and kind of all over the place. There are a couple issues and it will be good that they are looking at both issues and how we should integrate that with the transportation plan and road planning.

Councilmember Stroozas commented we have the CUP process as a system of checks and balances, and agrees there may be properties we don't want the ten feet on. The system has worked, people who have applied have general received it without any conflict, yes, it has been a big point of litigation for the city over the year.

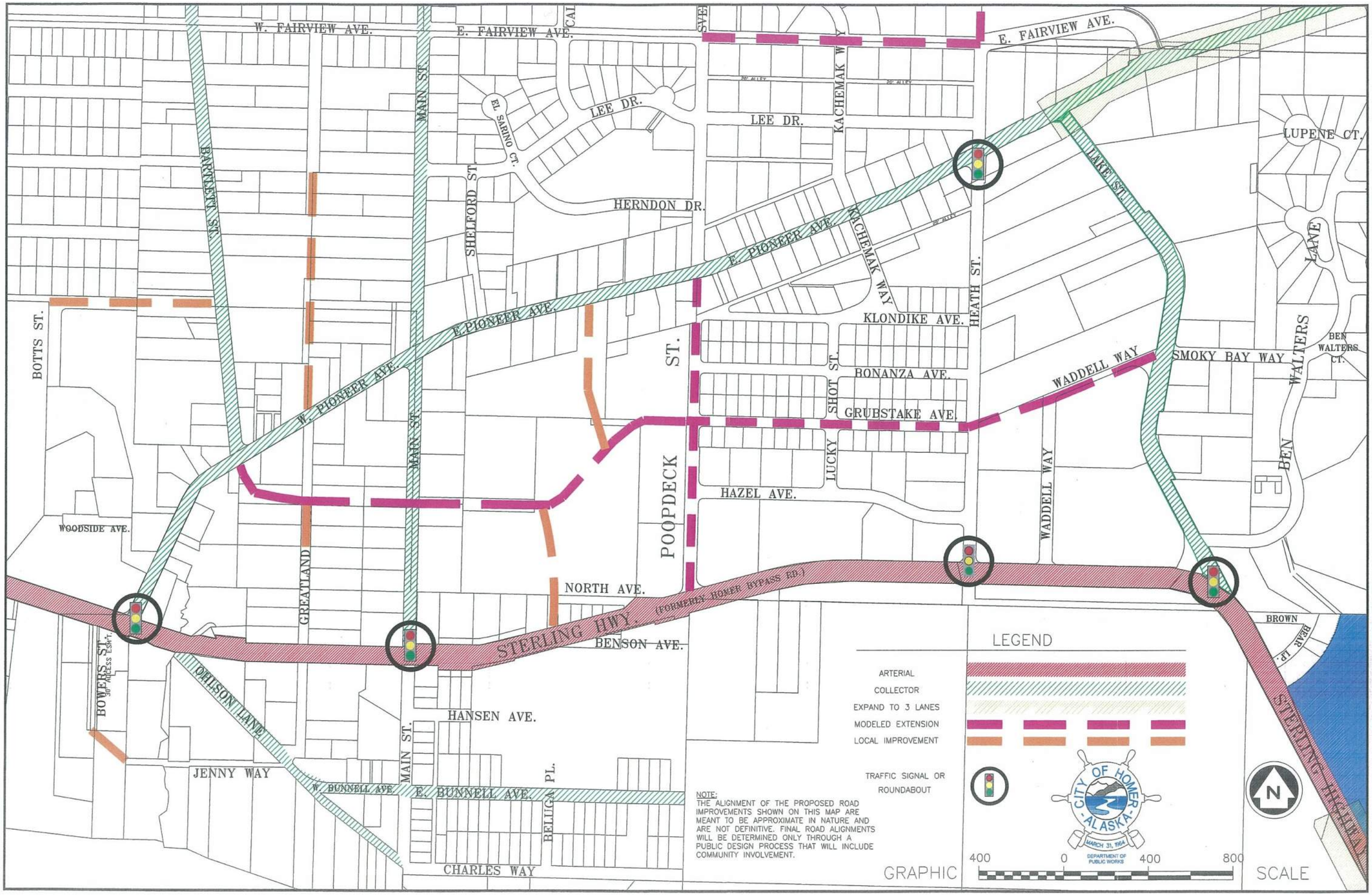


PLATE 2A

2005 HOMER AREA TRANSPORTATION PLAN

CENTRAL BUSINESS DISTRICT, ALTERNATE A

Mike Taurianen, P.E.
CONSULTING ENGINEERS, INC.
IN ASSOCIATION WITH
TRANSPORTATION ENGINEER
KINNEY ENGINEERING
TRANSIT ENGINEER
BROOKS & ASSOCIATES
TRAILS CONSULTANT
LAND DESIGN NORTH
PLANNING CONSULTANT
BECKTEL PLANNING & DEVELOPMENT

DATE JULY 2001
SCALE AS SHOWN
DESIGNED BY MT
DRAWN BY RS
CHECKED BY MT
APPROVED BY _

City of Homer
www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 18-66

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 3, 2018
SUBJECT: Green Infrastructure

Introduction
The Commission has requested that green infrastructure become a priority on the worklist.

Analysis
Green infrastructure is centered on the management of water. Green infrastructure supports a variety of best practices. Volumes of material are available on the subject. Perhaps the best way to start a conversation is to review concepts of green infrastructure and those which we currently support as a city.

The Environmental Protection Agency (EPA) answers the question, what is green infrastructure?

> Green infrastructure is a cost-effective, resilient approach to managing wet weather impacts that provides many community benefits. While single-purpose gray stormwater infrastructure—conventional piped drainage and water treatment systems—is designed to move urban stormwater away from the built environment, green infrastructure reduces and treats stormwater at its source while delivering environmental, social, and economic benefits.
>
> Stormwater runoff is a major cause of water pollution in urban areas. When rain falls on our roofs, streets, and parking lots in cities and their suburbs, the water cannot soak into the ground as it should. Stormwater drains through gutters, storm sewers, and other engineered collection systems and is discharged into nearby water bodies. The stormwater runoff carries trash, bacteria, heavy metals, and other pollutants from the urban landscape. Higher flows resulting from heavy rains also can cause erosion and flooding in urban streams, damaging habitat, property, and infrastructure.
>
> When rain falls in natural, undeveloped areas, the water is absorbed and filtered by soil and plants. Stormwater runoff is cleaner and less of a problem. Green infrastructure uses vegetation, soils, and other elements and practices to

> restore some of the natural processes required to manage water and create healthier urban environments. At the city or county scale, green infrastructure is a patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the neighborhood or site scale, stormwater management systems that mimic nature soak up and store water.
>
> Source: U.S. Environmental Protection Agency (last updated July 3, 2018). *What is Green Infrastructure?* Retrieved from https://www.epa.gov/green-infrastructure/what-green-infrastructure.

So how do we currently address green infrastructure (GI) and water in Homer?

We have created the Bridge Creek Watershed Protection District (HCC 21.40) which limits development and activities in the watershed. GI methods are employed to moderate stormwater discharges. Stream buffers and erosion plans are required. We have been successful to the point of gaining and award for water source protection.

We regulate flood prone areas (HCC21.41). This falls a lot into the natural hazards conversation. The measures required do provide protection for structures as well as the water with requirements that limit spills and debris seen in a flood event.

Development standards (21.50.020(d)) trigger stormwater plans (HCC 21.75) where water will be detained or retained on site to moderate stormwater flows. Also triggered are Development Activity Plans (DAP). (HCC 21.50.030(d)). DAP's generally deal with larger developments and those on or near steep slopes and water courses. Landscaping requirements are also part of all levels of site development standards.

Development on slopes is also regulated (HCC 21.44). Like flood prone areas, the regulations are designed to address a natural hazard, while GI methods may be used to help stabilize the site.

We do have a *Stormwater and Meltwater Management Handbook* to help property owners make development decisions. This is not codified.

What can we do to improve?

We can look at improving our current regulations. Any of the above regulations can be reviewed for opportunities for improvement. The document *Tackling Barriers to Green Infrastructure* (link below) might be a wonderful place to start reviewing our policies. It's a bit of a hefty document, but the electronic version has fillable audit sections. If you would like this printed, please let me know as it is 130 pages. I have included the first 16 pages as an attachment.

Big Picture

One of my main concerns is about just how effective are our somewhat ad hoc solutions. This leads directly to our number 3 CIP list project, Storm Water Maser Plan. Attached you will find an EPA document that provides guidance for municipalities for the development of long-term stormwater plans. This document could be used to set the stage for other activities that eventually address the larger goal of community-wide stormwater planning. I believe that we can benefit from going through the process of the audits to learn more about our particular needs and weighing the benefits of adoption of the various green infrastructure practices.

Staff Recommendation

Review information and have a discussion about moving forward.

Attachments

United States Environmental Protection Agency, Office of Water. (October, 2016). *Community Solutions for Stormwater Management. A Guide for Voluntary Long-Term Planning.* Retrieved from www.epa.gov/npdes/stormwater-planning.

Wisconsin Sea Grant With Support From The NOAA Coastal Storms Program. (2013) *Tackling Barriers to Green Infrastructure;* Foreword, Background, Introduction, and What You Need to Know Before the Audit: Key Strategies and Common Barriers (pgs. 1-16). Retrieved from http://seagrant.wisc.edu/Home/Topics/CoastalCommunities/Details.aspx?PostID=2462.

Community Solutions for Stormwater Management

A Guide for Voluntary Long-Term Planning

United States Environmental Protection Agency

Office of Water
October 2016

www.epa.gov/npdes/stormwater-planning

DRAFT

The purpose of this guide is to assist EPA, states and local governments in developing new or improving existing long-term stormwater plans that inform stormwater management implemented by communities on the ground. The document describes how to develop a comprehensive long-term community stormwater plan that integrates stormwater management with communities' broader plans for economic development, infrastructure investment and environmental compliance. Through this approach, communities can prioritize actions related to stormwater management as part of capital improvement plans, integrated plans, master plans or other planning efforts. Early and effective stormwater planning and management by communities as they develop will provide significant long-term cost savings while supporting resilience, economic growth and quality of life.

EPA considers this guide a draft that will be supplemented with an integrated online tool to assist communities in implementing the planning process, piloted through community-based technical assistance efforts, and updated over time with feedback from users.

Photography courtesy of Alisha Goldstein

I. Introduction

DRAFT

Stormwater management is a major and growing challenge nationwide, with stormwater pollution, flooding and other impacts imposing serious impacts on water quality, public health and local economies. EPA recognizes the technical and financial challenges that communities face in appropriately addressing stormwater pollution. At the same time, managing stormwater over the long term can create opportunities for communities to rediscover rainwater as a resource, invest in resilient infrastructure, revitalize urban waterways and introduce green space that makes communities more livable. The agency is introducing this voluntary guide to lay out a path forward that any community[1] can use to facilitate cost-effective, sustainable and holistic solutions that protect human health and manage stormwater as a resource. This guide offers a comprehensive approach for communities looking to achieve multiple community goals simultaneously. The agency understands that effectively managing stormwater will require long-term investments. This guide provides EPA's support for comprehensive stormwater planning for investments spanning many years. Communities using this long-term approach have the potential to identify new and broader financial resources and to get out in front of future regulatory commitments through forward-looking planning and investments. Planning and investing in this way can help to proactively address the costly and difficult water pollution problem and public health concern that urban stormwater continues to pose.

In the face of climate change, it is increasingly important that communities reevaluate how best to make use of their water resources and treat rain and stormwater as the resource they are. Communities can no longer afford to allow stormwater laden with trash, metals and pollutants to contaminate local waters. A new generation of management practices has emerged to effectively manage stormwater while simultaneously building vibrant, attractive communities. Green infrastructure (e.g., green roofs, permeable pavement, bioswales, rainwater harvesting, green streets, stormwater parks, conservation areas) can effectively address stormwater pollution and mitigate flooding, while at the same time providing open space for recreation, habitat, improved air quality, climate resiliency and aesthetic benefits. When used in conjunction with gray infrastructure, these approaches, can create an effective stormwater infrastructure network. These innovative practices also help to revitalize community economies, particularly for communities in need, by supporting sustainable local jobs, improving community assets and reducing blight.

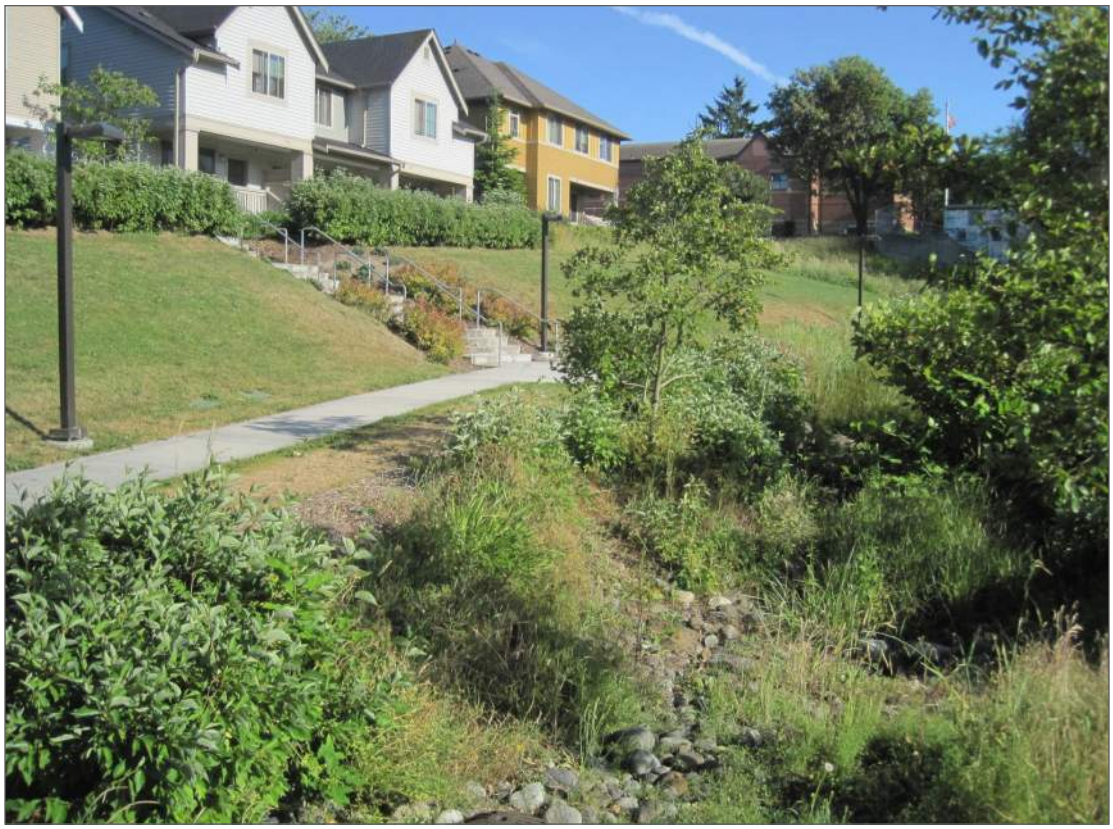
As communities grow and develop their local economies, they're looking for sustainable and effective approaches to reduce existing and emerging sources of stormwater pollution while balancing other community priorities. Sound investments in systems to manage stormwater can complement community development initiatives and promote economic vitality.

[1] A community can include entities like cities, towns, townships, boroughs, transportation departments, universities and counties.

DRAFT

Many communities are rediscovering that stormwater is a valuable freshwater resource to combat drought conditions, while others are using green infrastructure to reduce localized flooding events. Cities and towns across the nation are evaluating and adopting integrated approaches to managing stormwater in order to reduce water and wastewater treatment costs, provide adequate water supplies and protect local waterbodies.

Across the country, forward-thinking communities are proving that revitalized water resources and smart green infrastructure solutions can be central drivers of economic development, community vitality and resiliency. Every community is different, but all share the ultimate goal of having clean water that is safe for people to use and enjoy. Developing a long-term plan for stormwater management can help communities find new opportunities for improvements and address these challenges. While identifying planning and management approaches that are economically and environmentally effective is a significant hurdle for many communities, well thought-out plans can help to guide smart policies and investments. These plans also can help open the door to potential new sources of funding by strategically identifying long-term community goals and better aligning activities with a comprehensive water resource management focus.



II. Concepts Guiding Smart Infrastructure Investments

EPA recognizes that each community has a set of unique circumstances that influence the planning process and the community's ability to finance and implement appropriate solutions for long-term stormwater management. Differences in regulatory status, governance, financial status, community size, geography and technical and programmatic expertise require a process that can be tailored to the needs of individual communities.

Any community may develop a long-term stormwater plan. Because of the multiple benefits of long-term stormwater plans, especially the resiliency-focused benefits of reduced flooding and augmentation of local water supplies, communities with unregulated MS4s may want to consider developing these plans to make proactive infrastructure decisions.

The approaches in this guide are built on a foundation of input from sustained engagement with key partners including states, communities, business/industry groups, academia and nongovernmental organizations. This foundation, comprised of the following concepts, undergirds the overall process:

1. By adopting a long-term approach to planning, communities can provide for plan implementation that allows for the integration of selected projects within other community development plans such as capital improvement plans and master plans.

2. Managing stormwater close to where precipitation falls, such as with retention or a similar hydrologically focused approach, has been shown to be an effective stormwater control method.

3. Innovative technologies, including green infrastructure, are important tools that can generate many benefits ranging from improved air and water quality to cost savings to more community amenities. They also may be fundamental aspects of communities' plans for integrated solutions.

4. The voluntary approach to long-term planning described in this guide can be a useful part of the larger effort to comply with any Clean Water Act (CWA) requirements (e.g., over multiple permit cycles). For example, a regulated municipal separate storm sewer system (MS4) that has developed an initial plan may work with EPA and/or the state to consider how the plan can help satisfy the requirements of their permits.[2,3]

[2] EPA recognizes that states, as our partners in the implementation of the CWA stormwater management programs, have the lead for the day-to-day activities in approved NPDES states.

[3] EPA understands that communities need sufficient time to implement flexible, community-integrated approaches within effective and comprehensive long-term stormwater plans.

III. Components of a Long-Term Stormwater Plan

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This section sets forth the key steps in the development of a long-term plan, including elements to include in the plan and related questions to explore for laying the groundwork of the planning process.

For those communities that are regulated under the NPDES program, stormwater discharge requirements for regulated MS4s are included in permits that are effective for a maximum of five years. Regulated communities should consider how long-term stormwater planning can assist them in meeting specific permit requirements.

Long-term stormwater plans may address source water protection efforts and reduce nonpoint source pollutants through proposed trading approaches or other mechanisms. These plans may also address stormwater contributions causing localized flooding and sewer overflows.

When developing the plan, a community should determine and define the scope of the integration effort, ensure the active participation of entities that are needed to implement the plan, and identify the role each entity will have in implementing the plan.

Long-term stormwater planning does not remove obligations to comply with the CWA, nor does it change existing regulatory or permitting standards or requirements. Rather this approach recognizes the flexibilities in the CWA for the appropriate sequencing and scheduling of work to meet the requirements of the Act and implementing regulations.

ELEMENT 1

Identify the goals of the long-term stormwater planning effort, incorporating existing community objectives, such as the following:

- ☐ Stormwater runoff volume reduction, increasing infiltration, groundwater recharge and rainwater harvesting.
- ☐ Water quality.
- ☐ Capital improvements (including transportation, complete streets and public schools).
- ☐ Flooding reduction.
- ☐ Resiliency.
- ☐ Economic development to attract resources to the community.
- ☐ Social amenities for health or wellbeing of the community (including parks, urban gardens, green space, public art space, bike lanes and other transportation).
- ☐ Open space preservation.
- ☐ Natural channel, watershed, shoreline and/or natural floodplain functions protection.

ELEMENT 2

Describe any applicable water quality and human health issues to be addressed in the plan, including the following:

- ☐ Identification and characterization of the chemical, physical and biological quality of the waterbodies, including unimpaired waters, impaired waters, water quality threats and, where available, applicable wasteload allocations (WLAs) of an approved total maximum daily load (TMDL) or an equivalent analysis.
- ☐ An assessment of existing and long-term stormwater management challenges in meeting CWA requirements and projected future CWA requirements (e.g., water quality-based requirements based on a new TMDL).
- ☐ Identification and characterization of human health risks.
- ☐ Identification of sensitive areas and environmental justice concerns.
- ☐ Linkages to goals in local planning documents.

GROUNDWORK QUESTIONS

Are there applicable state requirements and planning efforts and can they incorporate state input on priority setting and other key implementation issues?

For regulated MS4s, what are water quality standards and other provisions of the CWA including existing flexibilities in the CWA and its implementing regulations, policies and guidance to consider?

How is the plan consistent with, and designed to meet the objectives of, any applicable total maximum daily loads (TMDLs)?

ELEMENT 3

Describe existing stormwater systems and their performance, including the following:

- ☐ Identification of communities and utilities that are participating in the planning effort and a characterization of their systems.
- ☐ Characterization of flows into and from the systems.
- ☐ Consideration of how current system performance may be impacted by changes in local climate (e.g., changes in precipitation and temperature).
- ☐ Assessment of new development, redevelopment and areas without adequate stormwater management that could use improvement.

ELEMENT 4

Institute and document how open communication with relevant stakeholders will be maintained in order to facilitate full consideration of all viewpoints in the planning and implementation of the plan. This process can be part of other on-going public involvement efforts that consider the following:

- ☐ Identify target audience groups and potential partners like watershed, industry, development and community groups (particularly those related to identified goals).
- ☐ Create opportunities for meaningful input during the identification, evaluation and selection of alternatives and other appropriate aspects of plan development.
- ☐ Make new information available to the public and any proposed modifications to the plan.
- ☐ Evaluate the implementation of the approach for communities with green infrastructure requirements in their permits or an enforcement order.

GROUNDWORK QUESTIONS

What are the community impacts and will there be disproportionate burdens resulting from current approaches as well as proposed options?

ELEMENT 5

Identify, evaluate and select stormwater management alternatives based on identified goals and objectives that address the following:

- ☐ Sustainable infrastructure planning approaches, such as asset management, to assist in tracking the necessary information for prioritizing investments in and renewal of major stormwater systems.
- ☐ A systematic process to consider green infrastructure and other innovative measures where they provide more sustainable solutions.
- ☐ Criteria to be used for comparing alternative projects, including those related to sustainability, and a process used for comparing alternatives and selecting priorities.
- ☐ Potential and planned non-structural and structural investments.
- ☐ Rate and document all options including: cost estimates, potential disproportionate burdens on portions of the community, projected pollutant reductions, benefits of receiving waters and other environmental and public health benefits associated with each option.
- ☐ A description of the relative priorities and optimization of the projects selected including a description of how the proposed priorities address adverse impacts on public health and water quality.

GROUNDWORK QUESTIONS

Where can effective watershed approaches and sustainable technologies, particularly green infrastructure be incorporated for stormwater control, resiliency and hazard mitigation?

Are there approaches to control stormwater in the long term from new development and redevelopment in the early planning phases and after construction ends to minimize stormwater runoff and potential sources of stormwater pollution?

Can existing stormwater discharges from already developed areas be reduced through retrofits and/or redevelopment on public and/or private land?

What projects are part of planned public works investments? Can they catalyze retrofits, promote comprehensive community-focused outcomes that address human health and water quality, and capitalize on cost efficiencies?

ELEMENT 6

Document a process for proposing investments and implementation schedules. Include consideration of the following:

- ☐ Stakeholder groups – other communities, local groups, states, federal agencies, planning organizations and universities – in order to coordinate resources and actions.
- ☐ Life-cycle costs, including capital and operation and maintenance investments that help implement the plan.
- ☐ Proposed implementation schedules and, if applicable, alignment of implementation schedules with other existing efforts.
- ☐ A financial strategy for each entity participating in the plan to ensure investments are sufficiently funded, operated, maintained and replaced over time.

GROUNDWORK QUESTIONS

How do we provide appropriate opportunity for meaningful stakeholder input when proposing investments and implementation schedules?

Is there a financial strategy in place, including appropriate fee structures, to support capital investments and long-term operations and maintenance?

ELEMENT 7

Document a process for evaluating the performance/success of the plan's projects. Evaluate projects as they are being implemented, which may involve evaluation of monitoring data, information developed by pilot studies and other studies and other relevant information, including the following:

- ☐ Propose performance metrics: Track metrics using modeling and monitoring results and costs to measure the success of human health and water quality objectives and the effectiveness of controls.
- ☐ Evaluate the performance of site-specific and large-scale green infrastructure and other innovative measures to inform adaptive design and management. Include identification of barriers to full implementation.
- ☐ Track cost savings gained due to long-term planning efforts.

IV. The Plan is Finished - What's Next?

DRAFT

Build it

Identify, evaluate and select new projects or modifications to ongoing or planned projects and implementation schedules:

- In situations where a community is seeking modification to a plan, or to the permit that is requiring implementation of the plan, the community should collect the appropriate information to support the modification and should be consistent with Elements 1 – 7 discussed above.
- This long-term stormwater planning approach can also inform the recently embraced integrated planning approach to municipal wastewater and stormwater management. Integrated planning encourages communities to take a comprehensive planning approach to clean water management by making strategic, long-term investments in their wastewater and stormwater systems.
- These planning approaches will assist communities on their critical paths to achieving the human health and water quality objectives of the CWA by identifying efficiencies in implementing requirements that arise from distinct wastewater and stormwater programs, including how best to make capital investments.

Incorporate it into an NPDES Permit

All or part of a long-term stormwater plan can inform an NPDES permit as appropriate. Permit writers can use the proposed implementation schedules included in the plan to develop clear, specific and measurable permit requirements that are consistent with applicable regulations. Identifying milestones of a long-term stormwater plan in NPDES permits can support the community's goals while simultaneously providing regulatory predictability.

Limitations and considerations for incorporating long-term stormwater plans into permits include:

- Specific activities to be implemented during the permit term.
- Measurable goals and metrics for tracking progress with the plan.
- Reopener provisions in permits consistent with section 122.62(a) may better facilitate adaptive management approaches.
- Securing funding.
- Green infrastructure approaches at site-specific and larger scales and related innovative practices that provide more sustainable solutions by managing stormwater as a resource should be considered and incorporated, where appropriate, where they provide more sustainable solutions for municipal wet weather control.
- Appropriate water quality trading may be reflected in NPDES permits.
- Annual reporting requirements.

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Communicate it

Communities may want to coordinate with their state and federal partners when getting ready to implement their long-term approaches. For example, some of these other partners may be able to help a community determine if it's eligible for certain funding to complete projects or parts of projects.

EPA recognizes the importance of and encourages early coordination between NPDES states and EPA on key implementation issues that may arise in individual plans. This will ensure that plans will not need to be revised in order for them to be implemented.

Refine it

Establish a process for periodically reviewing the plan to consider the results of performance metrics. Continue to identify opportunities to integrate with new community goals, public works projects and integrated planning efforts.

V. Conclusion

DRAFT

EPA considers this guide a draft and encourages feedback. EPA will also provide an online toolkit to assist communities in implementing the planning process, piloted through community-based technical assistance efforts, and updated over time with feedback from users. For additional information go to: www.epa.gov/npdes/stormwater-planning

Long-term stormwater plans can support community efforts to prioritize and implement effective stormwater management practices. Integrating these plans with broader community goals such as economic development, infrastructure investment and environmental compliance leverages the planning effort to support resilience, economic growth and quality of life.

With this guide, any community can lay out a path forward to cost-effective, sustainable and comprehensive solutions that protect human health and manage stormwater as a resource.

TACKLING BARRIERS TO Green Infrastructure

AN AUDIT OF LOCAL CODES AND ORDINANCES

WISCONSIN SEA GRANT WITH SUPPORT FROM THE NOAA COASTAL STORMS PROGRAM

TACKLING BARRIERS TO Green Infrastructure

FOREWORD

Municipal stormwater management conjures images of gray concrete curb and gutter covered with prison-like grates. All too frequently, stormwater management is relegated to public works departments with instructions only to keep expenses down.

This workbook illustrates the opportunities of thinking differently about managing runoff. It will lead you through the process of introducing sustainable practices to manage stormwater. Implementing green infrastructure practices that use nature to mimic natural hydrologic processes to control stormwater can provide multiple benefits. Water can be managed more efficiently through the use of native vegetation, which can dramatically improve the aesthetics of a community, leading to increased property values. Public spaces naturally landscaped to reduce runoff become more inviting. Strategic tree planting to provide natural storage of rainwater can also provide additional shade that minimizes urban heat islands — which in turn reduces the need for air conditioning in nearby residences. Development that reduces the need for parking becomes more enjoyable for walking.

In addition to providing storage for excess rainwater in storm events, the best practices described in this workbook can help improve water quality. The right choice of vegetation near a stream or lake can slow down the flow of water as well as filter out pollutants that run off streets and parking lots. Cleaner lakes and streams benefit everyone.

Based on the work we have done in dozens of Wisconsin communities, we partnered with the University of Wisconsin Sea Grant Institute to develop this user's guide to maximize the benefits of green infrastructure. With this workbook, you can lead your community through the process of revising codes and onto a more sustainable pathway to stormwater management.

Community participation is key to success. Changes in zoning should never be considered without significant and real community support. This support will come only through active citizen participation in the changes required to realize the greatest benefits of green infrastructure. By undertaking a process that identifies the barriers and opportunities for green infrastructure, cost-effective stormwater controls can be developed to meet the community's goals and inspire a sense of community pride.

At 1000 Friends of Wisconsin, we believe developing and implementing a new, more natural approach to stormwater management can transform a community's appearance and make the community stronger and more resilient for years to come.

Sincerely,

Steve Hiniker
Retired Executive Director, 1000 Friends of Wisconsin

BACKGROUND

This workbook would not have been possible without the work of 1000 Friends of Wisconsin who developed and implemented the green infrastructure municipal code project throughout southeastern Wisconsin from 2012-16. With funding support from the Fund for Lake Michigan, the Wisconsin Coastal Management Program and the Milwaukee Metropolitan Sewerage District (MMSD), 1000 Friends of Wisconsin and its partners developed a comprehensive audit process methodology and completed detailed audits of the codes and ordinances for the municipalities in the MMSD service area.

The project team consisted of 1000 Friends of Wisconsin, Milwaukee County Environmental Services, MMSD, Orion Planning and Design and the 28 participating municipalities.

1000 Friends of Wisconsin, with its focus on livable cities and protection of natural resources, led the project, bringing its strengths in communication and partnership building and engagement. Orion Planning and Design served as the project's planning consultant, bringing years of experience and expertise in best practices and up-to-date research on the relationship between land use, ordinances and green infrastructure.

Milwaukee County Environmental Services provided expertise on green infrastructure installations and implementation, as well as lessons learned and best practices.

The health of rivers and streams and, by extension, the health of our communities, is bound to how we live on and use the land.

MMSD, a nationally recognized leader in green infrastructure, provided extensive data, local context and priorities established by a regional green infrastructure plan.

What makes this project unique among similar audits for green infrastructure? 1000 Friends of Wisconsin recognized the need for a "no judgment" approach in working with municipalities to audit, revise and prioritize codes and ordinances that inhibit the use of green infrastructure. Barriers to green infrastructure can vary widely within the code language, including specific rights, specific prohibitions, partial limits and practices mentioned with no guidelines for implementation or maintenance.

Therefore, solutions to code barriers need to be customized for the specific municipality and cannot be satisfactorily addressed by model ordinances or someone else's idea of how the municipality "should" operate. Engaging county and municipal zoning and land use staff, planners, consultants and non-profit groups in reviewing, auditing and developing codes and ordinances that work for their communities is a critical part of the audit process.

Understanding how green infrastructure fits within a municipality's context is also a key ingredient in overcoming code barriers. What are the important local issues — the regional culture, the pattern of development and specific challenges regarding water quality or quantity — and how might greater use of green infrastructure help with those issues?

Finally, communication and teamwork are key. Kate Morgan, former water policy director of 1000 Friends of Wisconsin, noted, "With this project, we were building, in many cases, new relationships with municipalities and municipal staff. We wanted to do it right, taking the time to build a strong foundation and trust. We saw this not as a one-off-and-done project but rather an opportunity to set the stage for future partnerships and projects to improve water quality in the region."

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Green Infrastructure

Green infrastructure protects water quality and reduces the quantity of stormwater runoff by slowing it down, providing storage and infiltration, and allowing evaporation where it falls. These practices can be used at the site or building scale, neighborhood and public space scale or expanded to a community-wide scale.

Examples of green infrastructure include:

- Bioretention areas, such as plantings in parking lot islands
- Green roofs
- Downspout disconnections into rain barrels, planter boxes and permeable areas
- Rain gardens
- Streets and alleys with permeable surfacing
- Bioswales
- Native plantings
- Wetland and floodplain preservation and restoration
- Conservation and protection of open lands, natural areas and green spaces
- Permeable and porous pavements and paved surfaces
- Urban tree canopy protection and restoration, tree planter boxes and tree trenches

City of Port Washington Wastewater Treatment Plant green roof

INTRODUCTION

The health of rivers and streams and, by extension, the health of our communities, is bound to how we live on and use the land. With development and the associated increase in impervious surfaces has come a parallel rise in the negative impacts of stormwater runoff on our natural resources and communities.

If the code language is not clear that green infrastructure is an acceptable or preferred approach to managing stormwater, green infrastructure will not likely be considered in development proposals, design plans or capital projects.

As rainfall or snowmelt flows over developed areas such as rooftops, roadways, parking lots, construction sites and lawns, it picks up and concentrates pollutants that end up in storm drains that eventually discharge into local rivers and streams. Stormwater runoff can include automotive fluids, heavy metals, sediment, nutrients, deicing salts, pesticides, fertilizers and bacteria from human and animal waste. Stormwater runoff is a leading source of the pollution entering United States waterways.

Impervious surfaces and waterways altered through straightening and channel lining increase the quantity and velocity of stormwater runoff that can lead to flooding, stream bank erosion, damage to property and degradation of aquatic habitat. In addition, increasing frequency and intensity of storm events that deliver high rainfalls in short periods of time are taxing traditional gray infrastructure systems that were designed for pre-21st-century precipitation rates.

Communities are looking increasingly to green infrastructure to help mitigate the impacts of stormwater runoff by managing it where it falls. Mimicking natural hydrologic processes and systems, green infrastructure practices are site-specific stormwater management practices that spread out, store and allow evaporation or infiltration of rain and snowmelt. Distributed strategically across a drainage area, these practices can significantly reduce stormwater flow volumes, velocities and pollution loads.

Although green infrastructure is a proven, effective means to mitigate stormwater runoff, critical barriers remain to its implementation. Outdated, unclear or prohibitive local regulations are a major barrier and one that is readily addressed through a community audit process.

Green Infrastructure and Local Regulations

Local codes and ordinances govern many aspects of community life, including setting standards for roads and sidewalks, land use and development, maintenance of public and private property, as well as others that address public health and safety. Codes also set forth the structure, process and procedures for governance in a community.

Many codes and ordinances were written before the effects of land use and development on stormwater runoff were well understood. Outdated local regulations can have a broad impact on implementation of green infrastructure — and often will directly or indirectly discourage or prohibit its use. Even the absence of language referring to green infrastructure is a barrier. Where codes are ambiguous or silent, code interpretation by local staff and administrators may affect whether the community, builders or developers are willing or able to use green infrastructure practices.

Zoning regulations, in particular, have an outsized impact on the potential for implementation of green infrastructure. Standards and requirements for applications for development projects, site plans, stormwater management plans, landscaping standards, and parking and roadway requirements are particularly important for encouraging or even requiring the use of green infrastructure.

Original §CODE.code.1234	Amended §CODE.code.1234
A landscaping plan shall show the dimensions of planted areas and proposed species.	The landscaping plan shall incorporate the storm-water management approach and grading plan for the site and shall indicate clearly the location and size of all landscaped and vegetated areas, green roofs, rainwater storage systems and areas of permeable surfacing that are intended to provide stormwater treatment or control functions.

Incorporating green infrastructure into site plan reviews. If the code language does not clearly state that green infrastructure is an acceptable or preferred approach to managing stormwater, green infrastructure will not likely be considered in development proposals, design plans or capital projects.

Codes and ordinances that encourage or require the use of green infrastructure can help a community improve the health of local waterways, promote public health, protect private and public properties from flooding and become, overall, more resilient to a changing climate.

This workbook will provide a starting point for tackling barriers in local regulations. It has been developed to help communities review and revise their codes and ordinances with the goal of improving stormwater runoff mitigation by enabling, encouraging and promoting green infrastructure.

In this workbook we describe a community-oriented approach to identify the needs of the municipality or county, provide a detailed audit tool, highlight common key challenges and recommend next steps.

Who Should Use This Workbook?

This workbook is intended to help communities identify and revise local codes and ordinances to allow for and support the implementation of green infrastructure. It may be useful if your community:

- has policies that support green and sustainable outcomes, or would like to move towards these goals
- must meet stormwater regulatory obligations (e.g., municipal separate storm sewer system (MS4) stormwater permits, total maximum daily load (TMDL) allocations)
- participates in FEMA hazard mitigation planning, the Community Rating System or other resilience planning programs
- experiences nuisance flooding and/or stream bank erosion
- is undertaking or planning an update of the comprehensive/master plan
- has natural water resources that are recognized by the community as important, or integral, to its identity

This workbook was written for use by county and municipal staff, particularly those with roles in zoning, land use, urban forestry, stormwater and engineering. Secondary audiences include planning and zoning commissioners and board members; local elected officials; and consulting civil engineers, landscape architects and planners who prepare development, landscape and engineering plans. Organizations, nonprofits, university extension and government agencies whose mission is to protect water resources or promote community resiliency might also be interested in using this tool to advance green infrastructure.

If you need assistance with this workbook or have questions and comments, please contact Julia Noordyk, water quality and coastal communities outreach specialist, University of Wisconsin Sea Grant Institute at **jnoordyk@aqua.wisc.edu** or (920) 465-2795.

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Maryland Avenue Montessori School rain garden, Milwaukee

WHAT YOU NEED TO KNOW BEFORE THE AUDIT: KEY STRATEGIES AND COMMON BARRIERS

The audit focuses on five key strategies to overcome barriers in codes and ordinances to enable green infrastructure, reduce impervious surfaces and protect water quality.

Three of the strategies — reduction of impervious surfaces, disconnection of effective impervious areas and restoration of natural functions — relate directly to green infrastructure and other engineered practices that mimic hydrological processes to manage stormwater and snow melt. An effective impervious area directly connects to surface waters via impervious surfaces and storm drains, without an intervening permeable surface or treatment system.

The fourth strategy recommends additional standards for specific land uses that can generate stormwater pollution and need special attention during development review.

The fifth strategy is encouraging the use of green infrastructure in comprehensive plans, grant applications and purpose statements as the preferred approach to stormwater management.

In the final section, the audit process, your community team will examine codes and ordinances to determine where these key strategies could be implemented.

Often, there are common code barriers (see Table 1) that communities encounter. The following section describes the relationship between the strategies and regulations in more detail and also provides ideas for amending codes to overcome these barriers.

Reduce Impervious Surfaces and Disconnect Effective Impervious Areas

Surface Parking and Driveways

Parking requirements can yield significant opportunities to reduce impervious surfaces and to "green" parking areas. Amendments can both reduce the total surface area required and reduce the impact of those surfaces. Amendments can take the form of reducing the size of parking spaces, updating parking ratios of number of spaces required per square foot of building area, providing procedures and systems[1] to enable off-site and shared parking and allowing waivers if a use does not need the number of spaces required for the size of the building.

Expansive parking areas and wide driveways for residential properties can also result in the spread of impervious surfaces and increases in effective impervious areas. Reducing minimum required driveway widths, setting maximum driveway widths and reducing or eliminating limits on parking on lawns can keep these in check.

Right-of-Ways and Street Widths

Regulations pertaining to streetscapes — street widths, right-of-way areas and setbacks — can either increase the overall

Encouraging the use of permeable materials through regulations can "green" parking lots, driveways, sidewalks, alleys, parking lanes and median strips.

amount of impervious surface or limit it. The use of grassy swales or ditches in appropriate areas, if permitted, rather than curb and gutter drainage, can also provide infiltration for stormwater runoff. Regulations can also be amended to allow for curb cuts and bump outs that channel stormwater into bioswales or bioretention areas (which often do double-duty as traffic-calming methods) to provide stormwater infiltration.

Streetscapes

Using trees and structural soils can play a large role in streetscape stormwater management. Trees capture, store and release stormwater through evapotranspiration and diffuse rain falling through the tree canopy, reducing erosion and slowing peak flows. Intricate root structures create greater soil porosity, enabling more stormwater to infiltrate the soil. Green infrastructure-friendly streetscape regulations can require or encourage street trees and ensure there is adequate space and soil volume to support mature trees by providing for sufficient green space, tree boxes or tree trenches. Technical

standards for tree pits and tree boxes that incorporate stormwater management can also be referenced in the code.

Surfacing Materials

Permeable and porous surfacing materials percolate, filter and slow down drainage of stormwater and snowmelt which can mitigate runoff volumes and pollution. Encouraging or enabling the use of permeable materials through regulations can "green" parking lots, driveways, sidewalks, alleys, parking lanes and median strips. Even the strategic, limited use of permeable surfacing in an alley, parking lane or portion of a parking lot can have substantial water-quality benefits.

Using permeable materials successfully requires help from contractors and engineers with knowledge of where and how to design, install and maintain these products. Since permeable materials have specific maintenance requirements that vary by brand and type, adding reference in the code to standard specifications or performance standards for permeable materials can give developers and contractors important guidance.[2] Effective language in stormwater permits and maintenance plans also ensures maintenance information is passed to owners and building and grounds managers.

Fire Protection Standards

In some communities, written or informal standards related to firefighting equipment building access translate to required road widths, intersection dimensions, cul-de-sac radii and pavement requirements around buildings. Access requirements can lead to the construction of substantial areas of impervious surface on a site.

Allowing permeable surfacing to be used for areas of a site that provide access for public safety and firefighting equipment but otherwise do not see regular use is an important strategy in reducing stormwater pollution loads and runoff volumes.

Work with your fire department and city engineer to discuss acceptable alternatives that can meet the need for public safety and also reduce imperviousness. For example, permeable pavers can be used for part of the fire protection access needed for a building. Grass pavers have been used successfully for this purpose. Some fire departments will approve reduced impervious surface requirements if buildings are equipped with sprinkler systems.

Key Strategies to Mitigate Runoff with Green Infrastructure	Common Code Barriers
Reduce impervious surfaces and maximize vegetated/landscaped areas that promote infiltration, evaporation and evapotranspiration of rainwater	Dimensional standards: lot size, frontage, height, coverage, yards, parking Building codes and public works standards (drains, roads, curb and gutter, sewers, ditches)
Disconnect effective impervious areas and diffuse runoff to either vegetated areas or green infrastructure installations practices	Building codes, engineering and public works standards (drains, roads, sewers, ditches) Landscaping, buffers, trees and tree canopy
Restore and protect natural functions of soils and vegetation	Landscaping, buffers, trees and tree canopy, open space, erosion control requirements
Control pollution from specific sources, such as animal-related uses, outdoor storage and trash handling areas	Site plan review, special and conditional uses
Clarify the intent and purpose of codes to encourage green infrastructure use	Comprehensive plan, purpose statements, applications

Table 1: Key strategies for mitigating runoff with greater implementation of green infrastructure in local codes and corresponding common barriers. Courtesy of Juli Beth Hinds, Orion Planning and Design.

In addition, avoid access problems by adding stipulations that 1) these areas will be snowplowed or otherwise kept accessible during the winter and 2) site plans require designated snow storage areas that do not impede access — an important site plan standard for any community to consider. Enforcement is always crucial in ensuring that site plan conditions are followed.

Restore and Protect Natural Landscape Functions

Most green infrastructure practices use the natural processes of plants to mitigate stormwater runoff. Incorporating stormwater control measures into regulations related to landscaping, native plantings and lawn requirements is a logical place to either encourage or require the use of green infrastructure in every new development or redevelopment project.

Parking Lot Landscaping and Screening

Parking lot landscape requirements are often prohibitive to green infrastructure. These regulations are rife with directives for bermed screening and conventional curbing for landscaped islands and edges of parking lots. Amendments to these codes open the way for bioswales and bioretention areas at the lot edges and green practices in landscaped islands.

If standards are adjusted to ensure that visual screening occurs through a combination of fencing and plantings, green infrastructure

If standards are adjusted to ensure that visual screening occurs through a combination of fencing and plantings, green infrastructure can be integrated almost anywhere landscaping is required for screening and aesthetic purposes.

can be integrated almost anywhere landscaping is required for screening and aesthetic purposes. Codes that require a set number of plants per area, as well as the type of plantings required (e.g., dense evergreen hedge) can be amended to be less prescriptive and encourage the use of green infrastructure for landscaping.

Turfgrass

Turfgrass, as commonly installed, does not allow substantial infiltration due to its root structure and soil substrate. Turfgrass maintenance typically requires the use of herbicides, pesticides and fertilizers that contribute to stormwater pollution. Landscape codes that require turfgrass for landscaping can be amended to allow the use of native plants and even require soil amendments, which increase infiltration rates and reduce the amount of runoff entering local waterways.

Residential Landscaping

Restrictions on residential landscaping requiring turfgrass, a prescribed group of plants to fit community aesthetics or limits on plant heights all prohibit homeowners from using native plantings or installing rain gardens as methods to manage stormwater. This barrier can be overcome by adding affirmative guidance or standards for these practices — for example, by requiring that native lawns or plantings be managed or delineated to keep an attractive appearance.

Shorelines, Riverbanks, Buffer Zones

While most local regulations will protect shorelines and riverbanks with designated buffer requirements, many communities allow a mowed turfgrass area to serve as the required buffer. As stated above, turfgrass does not absorb and infiltrate stormwater effectively in most cases, and the maintenance of turf grass can contribute pollutants that are detrimental to the waterways the buffer was intended to protect.

Requiring the use of native or deep-rooted vegetation, shrubs and/or trees rather than turfgrass for the buffer strip will greatly reduce runoff volumes into streams and reduce or eliminate the need for fertilizers and pesticides. Communities can also reduce these pollutants by adopting policies explicitly stating fertilizer and herbicide applications should be minimized within buffer areas.

Protection of Existing Vegetation and Trees

Existing vegetation can be given additional protection during construction projects with the inclusion of specific, detailed requirements to mark disturbance areas, protecting areas within the "drip line" of mature trees and existing vegetation at construction sites. Verification of these boundaries — which can simply be ribboned or fenced off — can be added to regular construction-phase inspections. These additional measures, which do not add to project costs, can be extremely valuable in preserving natural areas, soil functions and trees.

Pollution Source Reduction From Conditional/Special Uses

Conditional or "special" uses permitted in zoning districts such as animal-related facilities (e.g., doggie day care, veterinary hospitals, kennels, etc.), restaurants and supermarkets, contractor yards, landscaping and garden centers, and vehicle repair and fueling stations, can be direct sources of stormwater pollution. Pollutants from these uses include pathogens, sediment, nutrients, pesticides and herbicides, heavy metals and toxic fluids from vehicles.

To address pollution stemming from these uses, many common-sense standards can be developed and adopted that direct discharge or runoff away from storm drains, gutters, wetlands and waterways. For example, runoff can be redirected from an outdoor dog run or storage area to a grass or vegetated area and away from surface waters or storm drains.

For other activities, consider requiring more specific standards for collection, treatment and disposal of the discharge to the sanitary sewer. Providing for supplemental review of these uses by engineering staff during the development approval process often prevents situations from becoming water quality problems in the first place.

Outdoor Storage and Waste Handling

Dumpsters and trash storage areas are a chronic issue for watershed health. Poorly managed trash areas can allow animals to get into the trash or drainage from food waste to reach storm drains or surface waters, which can produce significant discharges of bacteria to streams and lakes. Ensuring that trash areas are secure and reviewed for drainage impacts is essential. Outdoor storage and waste handling requirements should include provisions that waste and trash receptacles be fully enclosed; surface areas for the receptacles be curbed and graded so runoff drains away from storm sewers and surface waters; and receptacles not permitted to be sited in a stream or wetland buffer.

Ensuring that potentially dangerous materials are not stored in an open outdoor area and that drainage from other outdoor storage is buffered through a vegetated area rather than being directed to storm drains or surface waters will also curb runoff pollution from these uses.

Vehicle Storage and Maintenance

Similarly, uses that include storage, maintenance and cleaning of vehicles can require siting in such a way that all discharge or runoff be directed away from storm drains, gutters, wetlands and waterways. If water is used for cleaning shop floors and adjacent outdoor areas, the wash water should be contained and disposed of appropriately in the sanitary sewer (with review and concurrence from the sanitary sewer provider) or at an offsite disposal facility. Activities and materials that occur outside and could come in contact with rain and snow should be covered to prevent runoff contamination.

An additional standard can require the submission of a detailed plan for the collection, treatment and discharge of wash water and runoff. The inclusion of maintenance areas can be required information for review of the site plan.

Bradford Beach rain garden, Milwaukee

Snow Storage

Snow storage is an often-overlooked but important component of site plan review. Snow storage typically occurs in or near parking areas, and snow piles can, in some cases, take up required parking or impede use of pedestrian access areas. Snow melt is a source of a variety of pollutants, including sediment, nutrients and heavy metals, as well as chlorides and other deicing chemicals. When properly sited, designed and maintained, snow storage areas can significantly reduce the discharge of poor quality meltwater to receiving waters and other sensitive areas.

Identifying snow storage areas on site plans and taking into account snowmelt runoff impacts can be incorporated into application checklists and site plan review standards. Vegetated or grassy swales[3] can be used for snow storage and may be helpful in reducing snow melt peak flows through infiltration and in treating most pollutants associated with snow. When storing snow in landscaped areas, plant species should be selected based on their tolerance for snow storage. Plants should be salt-tolerant perennials that die back annually and shrubs or trees that can bend with weight without breaking. Spring maintenance might also be necessary for areas that accumulate a buildup of sand.

Maryland Avenue Montessori School rain garden, Milwaukee

Clarify the Intent and Purpose of Regulations and Standards

A community's comprehensive plan offers an opportunity to explicitly state that the protection of water resources and use of green infrastructure practices to protect those resources are part of the community vision. When these are incorporated, the comprehensive plan can integrate water quality and watershed health with its plans for growth and development. It communicates a clear intent to promote or require the use of green infrastructure through regulation, permits and plan review.

Purpose statements in zoning districts also can be used to set forth goals to incorporate stormwater management with landscape requirements and to reduce impervious surfaces. In some cases, zoning ordinances can also be amended to include on-site stormwater management as an allowable use, especially retrofits that add bioretention areas or restoration areas.

Development applications and plan reviews, planned unit development agreements and tax increment finance (TIF) applications are opportunities to require that a review for green infrastructure and stormwater management is brought into the early stage of a project or planned development. This signals to a developer alternative solutions for stormwater management are desired. A TIF policy can incentivize green infrastructure through the TIF's finance structure.

Some communities have department staff or elected officials who are advocates for sustainable water resource protection and who understand the importance of green infrastructure. This leadership is often seen in innovative programs and projects within the community. If, however, those priorities are not clearly codified in plans or purpose statements, they can evaporate with a change of leadership. Detailing goals for resource protection and establishing the importance of green infrastructure in purpose statements and comprehensive plans can translate leadership into legacy.

Rain garden or trash collector?

A community installs a rain garden with hopes of reducing stormwater pollution and beautifying its downtown. As it's the first time the city engineers have designed an urban rain garden feature, pretreatment and energy dissipation features are not included, and maintenance is not as frequent as required. Within a year, the rain garden has filled with sediment and trash, which causes it to overflow, ironically, into the river it was intended to protect. Now faced with the very public and visible failure of its pilot project, the community's leaders are hard-pressed to support new green infrastructure projects.

How can we change this story line? While we know that perceptions and experiences can be major barriers for a community to overcome, there are things citizens, boards and committees can do. First, this is an opportunity to enhance dialogue between departments and staff, particularly bridging planning and engineering. In addition, operation and maintenance responsibilities, frequencies and roles must be assigned and carried out. The people charged with these tasks must have proper technical support from others, such as local university extension staff or engineering firms, to ensure these tasks are done correctly. Long-standing neighborhood associations, downtown business associations or business improvement districts can make great allies for green infrastructure maintenance through cooperative agreements because they develop a sense of ownership of projects located "in their backyard."

Perhaps even more important is the community's role in the upkeep of rain gardens and other bioretention systems. Residents and community groups who become caretakers can greatly increase the chance for success and improve public perception. They can often contribute to day-to-day aesthetic maintenance more often than staff. In addition to some initial outreach and education with residents, the key to developing this sense of ownership is to give the project a healthy start with proper design, construction and frequent maintenance (watering) until the "bio" in the bioretention has become established. Then, it can be a source of pride for the residents who care for it.

Bradford Beach rain garden, Milwaukee

City of Homer
www.cityofhomer-ak.gov

Office of the City Manager
491 East Pioneer Avenue
Homer, Alaska 99603
citymanager@cityofhomer-ak.gov
(p) 907-235-8121 x2222
(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council

FROM: Katie Koester, City Manager

DATE: September 20, 2018

SUBJECT: September 24 City Manager Report

Project Manager Hired

I am pleased to announce that the City has hired local Project Manager, Pat McNary for the Homer Police Station project. As a Project Manager for Jay-Brandt, Pat has 30 years of experience on construction projects in the City of Homer, including many community landmarks such as: Kachemak Bay Branch of the Kenai Peninsula College, the Homer Public Library and South Peninsula Hospital, to name a few. Pat was selected from a broad list of qualified candidates; the committee (consisting of myself, Chief Robl, Public Works Director Meyer and Human Resources Director Browning) interviewed 5 candidates over the course of many days. We were impressed not only with Pat's technical skills and experience, but his personality and the value he places on effective communication and believe he will fit well with the City's team. He has a strong background in cost estimating, which will serve the City well. Perhaps most important, Pat wants to be involved in this project that is such an important part of the City he calls home. I am confident Pat will represent the City of Homer well and make sure we get high quality and an honest price out of this project. Pat will begin October 1 and work part time through the design phase, increasing hours once construction begins on an as needed basis.

Visit with the Army Corps Headquarters

On Thursday the 13th Port and Harbor Director Hawkins and I and Councilmember Erickson joined Army Corps of Engineer headquarters staff out of Honolulu and staff from the Anchorage meeting for a meeting on the Homer Port and Harbor Expansion project and tour of the Homer Port and Harbor. It was a productive meeting; Deputy Chief, of the Northwestern and Pacific Ocean Divisions-Regional Integration Team Steve Kopecky, was able to provide valuable insight on how the funding process works in Washington DC. We were given concrete advice to submit a letter of intent to put reinstating a feasibility study in the que – a draft of which is attached. Headquarters commended the Planning Assistance to States grant as a great first step to form a foundation for the feasibility study. We will hold our first in person meeting on this study next week with an all-day meeting at the Port and Harbor with the local Anchorage Corps team. We received repeated comments from Headquarters staff about how robust and well-functioning our Port and Harbor is – especially for a small town. Not only does it point to our exceptional staff that runs a well-oiled machine, but also the importance of the Port and Harbor to the City of Homer as an economic engine.

Green Infrastructure Training

Along with City Planner Abboud, Councilmember Aderhold and 2 members of the Planning Commission (Roberta Highland and Syverine Bentz), I attend a Green Infrastructure Training on September 11th hosted

by NOAA and Islands and Ocean Visitors Center. The training was well attended by a breadth of Peninsula residents who worked in or were interested in how to use green infrastructure to protect from damage from large storm events, erosion and slope instability. We heard from Alaska State Parks and work they have been doing to stabilize the bank at the Anchor Point using root balls. MatSu Borough presented on a culvert replacement project to remove barriers to salmon and the presenters from NOAA showed examples of living shorelines and other green infrastructure projects across the country. The City of Homer speaks to green infrastructure in the Comprehensive Plan and there are examples of green infrastructure in City projects from the rain garden at City Hall to the development rules places in the Bridge Creek Watershed district. The Planning Commission has discussed looking at ways City code can better promote/ remove barriers to green infrastructure project and I look forward to following their conversation.

Third Quarter Citizen Comment Card Summary
Of the 11 cards we received, 7 were compliments to the City (64%!) and of those most were written by folks visiting Homer:

-4 cards from visitors thanked Homer for hosting a great Pickleball Tournament, mentioned enjoying Homer's hospitality and commended Mike Illg.
-2 cards from visitors complimented Homer on its wonderful library.
-1 City of Homer resident thanked Public Works for cutting brush in the ROW on their road.

The City responded to two resident concerns: Public Works replaced a missing street sign and Finance answered a credit card billing inquiry.

We also received to two suggestions:
-One was from a visitor suggesting the City develop parking and access to beaches out East End Road. Communications Coordinator contacted the individual and explained extent of City limits and invited them to enjoy any of a number of access points to the beach in Homer.

-The other, advocating that City Council to protect the library's ability to share knowledge by not cutting its budget, was forwarded to City Council.
-Another patron suggested the Library to open Sundays from noon-5 pm and suggested reducing evening hours to compensate

Cyber Security in the City
I have asked IT Manager Poolos to provide Council with an analysis of the recent Alaskan municipal cyber-attacks and what the City is doing to protect itself from such vulnerabilities.

There has been little actionable information made public about what happened in the Mat-Su and Valdez cybersecurity incidents this summer. The best public information has been Eric Wyatt's report to the Matanuska-Susitna Borough Assembly dated July 30,2018 (attached). From that report, the Mat-Su was infected by that a strain of malware known as Emotet. Emotet is a Trojan that primarily functions as downloader or dropper of other malware. In the Mat-Su incident the Emotet delivered credential stealing malware and the ransomware (Bitpaymer). The initial Emotet infection most likely occurred through an email containing malicious attachments or links that used branding and content to trick the user into opening the attachment or following the hyperlink. This is commonly called a Phishing Attack. The credential stealing malware would have then harvested other network credentials that would be used to gain deeper access into the network and servers.

The City of Homer protects itself against Phishing attacks by:

1) Using an external email security service to validate the sender, scan the email contents for intent and malware, and finally sandbox (isolate) the links in external emails before they are delivered the City's email system.
2) Additionally the City rejects emails that contain URL Shortner links (ie tinyurl.com and bit.ly) and certain attachment filenames that are known to be unsafe and have little to business need to be sent via email.
3) The City systems run an antivirus program that automatically updates malware signatures and software on City client and server computers. This antivirus system has additional protections against Ransomware outbreaks. These protections have been tuned for the City network and file access patterns, if activity outside of the norms is detected the antivirus software will sever the network connections and isolate the deviant system.
4) All City Employees have completed a basic Email Phishing course. This training will be refreshed annually, IT is evaluating options for a robust Phishing test and report. Council will be asked to take the same short online course, as your email is also a potential entry point into the City system.
5) The City runs a robust structure of multiple backup strategies both online and offline. This will prevent a total loss of City data, in the event the steps 1 through 4 fail.

Ribbon Cutting on Greatland

Paving on the Greatland Extension was completed late Tuesday night and striping will occur between the writing of this report and meeting time. Let's celebrate with a ribbon cutting! Tuesday the 25th at 4pm gather at Greatland and Pioneer for a short ribbon cutting and ceremony.

Enc:
Letter of Intent to Army Corps of Engineers
Citizen Comment Card for 3rd Quarter
IT Status Update July 30 by MatSu Borough IT Director Eric Wyatt
CERT Training Class Flyer
Thank you Letter from KHLT
Letters dated September 4 and August 20 from Army Corps: National Historic Preservation Act compliance for the Pebble Project
Email re: Public Review Draft of Kachemak Bay State Park and Kachemak Bay State Wilderness Park Management Plan

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

September 4, 2018

Bryan Zak
City of Homer
2525 Sterling Hwy
Homer, Alaska 99603

Subject: National Historic Preservation Act Compliance for the Pebble Project

Dear Mayor Bryan Zak,

In a letter dated August 20, 2018, U.S. Army Corps of Engineers (USACE), Alaska District, invited your government, City of Homer, to be a Consulting Party under Section 106 of the National Historic Preservation Act (NHPA). The intent of this letter is to provide you with further information on the Section 106 process, as well as a list of the other agencies, local governments, Tribes, or other parties that have been invited to be Consulting Parties.

Section 106 of the NHPA requires Federal agencies, including the USACE, to identify historic properties and resolve adverse effects to historic properties that may be affected by an undertaking. Historic properties are those properties of historic importance to any person or group, which are listed on, or eligible for listing on, the National Register of Historic Places. The undertaking is the activity which requires Federal authorization. In this case, the undertaking includes the activities that require authorization from the USACE, from the Department of the Interior's Bureau of Safety and Environmental Enforcement, and from the United States Coast Guard.

One of the first steps in the Section 106 process is to identify Consulting Parties. Consulting Parties are those agencies, Tribes, representatives of local governments, or other parties, who have a consultative role to play in the Section 106 process. Consulting Parties assist in the identification of potential historic properties; in assessing potential effects to historic properties; and in developing measures to avoid, minimize or resolve adverse effects to historic properties. Representatives of local governments which have jurisdiction over the area in which the effects of the undertaking may occur are entitled to participate as a Consulting Party.

In our August 20, 2018 letter, we inadvertently omitted the list of other potential Consulting Parties. Please find the referenced list enclosed. If you know of any other

organizations that may have knowledge of cultural resources potentially affected by the proposed Pebble Project, please let us know.

If your government has jurisdiction over the area in which the effects of the undertaking may occur and is interested in participating in the Section 106 process for the proposed Pebble Project, please reply on your organization's letterhead to the address at the top of this letter, or via email to poaspecialprojects@usace.army.mil. We request your response by September 20, 2018.

If you have any questions, you can contact Shane McCoy, Program Manager, via telephone at (907) 753-2715, or by email at poaspecialprojects@usace.army.mil. You may also contact Katie McCafferty, Project Manager at (907) 753-2692, or by email at poaspecialprojects@usace.army.mil.

Thank you for providing a response to this invitation.

Sincerely,

Shane McCoy
Program Manager

Enclosure

Attachment: List of Organizations Recieving this Letter

Type	Organization	Contact	Title
Borough	Kenai Penninsula Borough	Charlie Pierce	Mayor
Borough	Lake and Penninsula Borough	Glen Alsworth Sr.	Mayor
City	City of Aleknagik	Kay Andrews	Mayor
City	City of Chignik	Richard J. Sharpe	Mayor
City	City of Clarks Point	Joseph Wassily	Mayor
City	City of Egegik	Scoui Deigh	Mayor
City	City of Ekwok		
City	City of Manokotak	Melvin Andrew	Mayor
City	City of New Stuyahok	Justin Askoak	Mayor
City	City of Newhalen	Susanna Wassillie	Mayor
City	City of Nondalton	Joanna Trefon	Mayor
City	City of Pilot Point	Janice Ball	Mayor
City	City of Port Heiden	Jeffrey Orloff	Mayor
City	City of Togiak	Anna May Kasak	Mayor
City	City of Dillingham	Alice Ruby	Mayor
City	City of Homer	Bryan Zak	Mayor
City	City of Kenai	Brian Gabriel	Mayor
City	City of Soldotna	Nels Anderson	Mayor
Federal	Advisory Council on Historic Preservation	John Eddins	
Federal	Bureau of Indian Affairs, Alaska Regional Office		
Federal	Bureau of Ocean Energy Management Office	John Callahan	
Federal	Bureau of Safety & Environmental Enforcement	Kevin Pendergast	
Federal	National Park Service Alaska Regional Office	Joan Kluwe	
Federal	Pipeline & Hazardous Materials Safety Admin	Chris Hoidal	Director
Federal	United States Coast Guard	David Seris	
NGO	Alaska Association of Historic Preservation	Anne E. Pollnow	President
Organization	Alaska Historical Society	Averil Lerman	President
Organization	Alutiiq Museum		
Organization	Bristol Bay Native Association	Fred T. Angasan	Chairman
Organization	Center for Alaskan Coastal Studies		
Organization	Cooper Landing Historical Society		
Organization	Kasilof Regional Historical Assoc.		
Organization	Kenai Historical Society		
Organization	Pebble Liimited Partnership	James Fueg	Vice President
Organization	Pratt Museum	Laurie Stuart	Executive Director
Organization	Soldotna Historical Society		
Organization	United Tribes of Bristol Bay	Robert Heyano	President
Regional Corporation	Bristol Bay Native Corporation	Jason Metrokin	President and CEO
Regional Corporation	Chugach Alaska Corporation	Gabriel Kompkoff	CEO
Regional Corporation	Cook Inlet Region, Inc.	CEO Sophie Minich	CEO
State	Alaska Department of Fish and Game	Sherry Wright	Southcentral Regional Coordinator
State	Alaska Department of Natural Resources	Kyle Moselle	
State	Alaska Office of History and Archaeology	Judith Bittner	State Historic Preservation Officer
Tribe	Aleknagik Traditional Council	Margie Aloysius	President
Tribe	Chignik Bay Tribal Council	Roderick Carlson	President
Tribe	Chignik Lagoon Village Council	Clemnes Grunert	President
Tribe	Chignik Lake Traditional Council	John Lind	President
Tribe	Clarks Point Village Council	Betty Gardiner	President
Tribe	Curyung Tribal Council	Thomas Tilden	First Chief
Tribe	Egegik Village Council	Ben Shernikoff	First Chief
Tribe	Ekuk Village Council	Robert Heyano	President
Tribe	Ekwok Village Council	Luki Akelkok, Sr.	President
Tribe	Igiugig Village Council	AlexAnna Salmon	President

Attachment: List of Organizations Recieving this Letter

Type	Organization	Contact	Title
Tribe	Iliamna Village Council	Thomas Hedlund	President
Tribe	Ivanof Bay Tribal Council	Edgar Shangin	President
Tribe	King Salmon Tribal Council	Ralph Angasan, Sr.	President
Tribe	Kokhanok Village Council	Peducia Andrew	President
Tribe	Levelock Village Council	Alexander Tallekpalel	President
Tribe	Manokotak Village Council	Melissa Paul	President
Tribe	Naknek Native Village Council	Patricia DeSoto	President
Tribe	Nanwalek IRA Council	John Kvasnikoff	First Chief
Tribe	Native Tribe of Kanatak	Henry Forshey	President
Tribe	Native Village of Perryville	Gerald Kosbruk	President
Tribe	New Koliganek Village Council	Herman Nelson, Sr.	President
Tribe	New Stuyahok Traditional Council	Wassillie Gust Sr.	President
Tribe	Newhalen Tribal Council	Henry Olympic	President
Tribe	Ninilchik Traditional Council	R. Greg Encelewski	President
Tribe	Nondalton Tribal Council	George Alexie	Vice President
Tribe	Pedro Bay Village Council	Keith Jensen	President
Tribe	Pilot Point Tribal Council	Sohphie Abyo	President
Tribe	Port Graham Tribal Council	Patrick Norman	First Chief
Tribe	Port Heiden Village Council	John Christensen	President
Tribe	Portage Creek Village Council	Sophie Snow	Vice President
Tribe	Seldovia Village Tribal Council	Crystal Collier	President
Tribe	South Naknek Village Council	Donald F. Nielsen	President
Tribe	Traditional Council of Togiak	Jimmy Coopchiak	President
Tribe	Twin Hills Village Council	John W. Sharp	President
Tribe	Ugashik Traditional Council	Fred Matsuno	President
Villlage Corporation	Akhiok-Kaguyak, Incorporated	Becky Peratrovich	President
Villlage Corporation	Alaska Peninsula Corporation	Trefon Angasan Jr.	Chairman
Villlage Corporation	Aleknagik Natives Limited		
Villlage Corporation	Bay View Incorporated		
Villlage Corporation	Becharof Corporation		
Villlage Corporation	Chignik Lagoon Native Corporation		
Villlage Corporation	Chignik River, Limited		
Villlage Corporation	Choggiung Limited	Jack Savo Jr.	President
Villlage Corporation	Ekwok Natives Limited		
Villlage Corporation	Far West, Incorporated	Terry Don	Manager
Villlage Corporation	Igiugig Native Corporation		
Villlage Corporation	Iliamna Natives Limited	Lorene Anelon	President
Villlage Corporation	Kijik Corporation	Ventura Samaniego	President/CEO
Villlage Corporation	Koliganek Natives Limited		
Villlage Corporation	Levelock Natives Limited		
Villlage Corporation	Manokotak Natives Limited		
Villlage Corporation	Oceanside Native Corporation	Patrick Kosbruk	President
Villlage Corporation	Paug-Vik Incorporated	William Hill	President
Villlage Corporation	Pedro Bay Corporation	Rayn Aaberg	President/CEO
Villlage Corporation	Pilot Point Native Corporation		
Villlage Corporation	Saguyak, Incorporated		
Villlage Corporation	Stuyahok Limited		
Villlage Corporation	Tanalian Incorporated	Leon Alsworth	President
Villlage Corporation	Togiak Natives Limited		
Villlage Corporation	Twin Hills Native Corporation		

INFORMATION SHEET ON SECTION 106 PROCESS

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies, including the U.S. Army Corps of Engineers (Corps), to identify historic properties and resolve adverse effects to historic properties which may be affected by a proposed project. The Corps Regulatory Program implements Section 106 of the NHPA in accordance with Appendix C of Chapter 33 of the Code of Federal Regulations, Part 325.

There are four stages of the 106 process:

1. Initiate the Section 106 Process
   a. Establish the undertaking – the activity that requires Federal authorization
   b. Identify the Consulting Parties – State Historic Preservation Officer (SHPO), Indian Tribes, Representatives of Local Governments, the Applicant, the Advisory Council on Historic Preservation (ACHP), and Organizations with a demonstrated interest in the project due to their legal relation to the undertaking or their concern with the project's impact on historic properties.
2. Identify Historic Properties
   a. Determine the scope of the identification efforts
   b. Identify historic properties through investigation
   c. Determine eligibility for listing in the National Register of Historic Places
3. Assess Effects
   a. Seek ways to avoid or reduce impacts to historic properties
4. Resolve Adverse Effects
   a. Consult with SHPO and other consulting parties to seek resolution of effects
   b. Development of a Programmatic Agreement and a Cultural Resources Management Plan

Role of Tribes:

- Advise the Corps on the identification and evaluation of historic properties, particularly those historic properties to which a Tribe attaches religious or cultural significance;
- Provide views on the undertaking's effects on the historic properties; and
- Participate in the process to resolve any adverse effects to historic properties that may result from the undertaking.

Next Steps for your Tribe:

- Respond in writing to poaspecialprojects@usace.army.mil or by mail to indicate that your Tribe wishes to participate as a Consulting Party
- Plan on participating in the first meeting, which is planned for October

For more information on:

- Eligibility Criteria for Historic Properties, you can see National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation, at https://www.nps.gov/nr/publications/bulletins/nrb15/
- Advisory Council for Historic Preservation, please see their website at https://www.achp.gov/

City of Homer
www.cityofhomer-ak.gov

Office of the City Manager
491 East Pioneer Avenue
Homer, Alaska 99603
citymanager@cityofhomer-ak.gov
(p) 907-235-8121 x2222
(f) 907-235-3148

September 24, 2018

Alaska District Corps of Engineers
ATTN: CEPOA-PM-C, Mr. Bruce Sexauer
2204 3rd Street (Bldg 2204)
JBER, AK 99506-1518

Re: Homer Port and Harbor: New Large Vessel Moorage Facility

Dear Mr. Sexauer,

Please accept this letter as a formal request from the City of Homer to resume work with the Corps of Engineers on a Navigational Improvement Feasibility Study to dredge and build a new large vessel moorage facility at Homer's Port & Harbor.

Homer's Port & Harbor is a regional port, serving the needs of commercial vessels operating across southcentral and western Alaska in the maritime industrial, marine transportation and commercial fishing industries. Over time, demand has outgrown Homer harbor's ability to safely and efficiently serve this fleet. Certain sizes of commercial vessels can't access the port and harbor due to depth limits and configuration of the harbor entrance. Those that can find harbor moorage at capacity. Homer annually turns large vessels away that are seeking moorage in our small boat harbor due to their overall size, draft, or that fact that our systems are working beyond capacity and we simply lack the space.

The City has identified a new large vessel harbor as its highest priority capital project to (1) meet the current and future need of our large vessel fleet, (2) address overcrowding and associated navigational safety concerns and high maintenance costs in Homer's small boat harbor, and (3) support emerging regional and national economic opportunities such as Cook Inlet the Cook Inlet Oil & Gas industry, a possible LNG export plant in Nikiski, and the opening of the Arctic for transportation and resource development.

High demand combined with favorable changes in cost drivers (new local sources of more competitively priced building materials and an in-water option for disposal of dredge material) prompted the City and Corps to continue the general investigation from 2009 utilizing a Section 22 Planning Assistance to States Program grant.

We understand that after a positive Section 905(b) Analysis and the development of a Project Management Plan, the City will be asked to enter into a Feasibility Cost Sharing Agreement (FCSA) with the Corps to share the costs of a feasibility-level study. The City is aware that the FCSA is cost-shared (50 percent Federal and 50 percent local funds), and that all of the local share can be in-kind services. This letter is a statement of intent, not a binding contract.

We further understand that preconstruction, engineering design and construction of any recommended plan carries a potential 80/20 cost share based on water depth.

I look forward to working with the Corps of Engineers on this important project. Thank you for your consideration of this request.

Sincerely,

CITY OF HOMER

Katie Koester, City Manager

Customer Feedback Quarterly Report

3rd Q 2018

DATE	TYPE	CUST COMMENT	Response
Jun-30	Compliment	Played in Pickleball Tournament. It was GREAT. Hope it happens again next year.	Communications Coordinator shared compliment with Mike Illg and called customer to thank her and tell her how to check for future information about a possible tournament next year.
Jun-30	Compliment	Two participants in the End of the Road Pickle Ball Tournament wrote to say they enjoyed their stay in Homer. Thanks to Parks & Rec for a fun tournament and they also enjoyed the local restaurants and stores.	Communications Coordinator forwarded to Mike Illg for follow-up.
Jul-2	Compliment	Loved the pickleball tournament	Communications Coordinator forwarded to Mike Illg for follow-up.
Jul-6	Concern	Street name sign at Soundview & Tajen blew off and is missing. Can it be replaced?	Concern reported to Public Works. Dan Gardener took care of it.
Jul-6	Compliment	What a beautiful, friendly little Library	
Jul-9	Compliment	Two participants in the End of the Road Pickle Ball Tournament wrote to say they loved our beautiful city and to personally commend Mike Illg for his hard work and positive, forward vision.	Communications Coordinator forwarded to Mike Illg for follow-up.
Jul-26	Suggestion	To City Council: Too many cities/boroughs are cutting library budgets. This is the worst possibility as the most sharing of knowledge is from libraries. Protect your library	Communications Coordinator forwarded message to City Clerk to distribute to Council
Aug-6	Concern	Payment amount on my Visa statement is more than the $$ on my bill.	Communications Coordinator forwarded concern to Finance who verified that the amount billed matched the amount paid.
Aug-8	Compliment	Thank you for cutting back weeds/brush in ditch on Mission Road	Card forwarded to Public Works
Aug-8	Suggestion	Visitor suggested the City create public parking and beach access to the beaches and Fox River Flats out East End Road.	Communications Coordinator contacted visitor and described City limits and beach access areas within the City limits.
Sep-8	Compliment	What a terrific library - from visitor from N.Y. State	
Sep-17	Suggestion	Open Library on Sundays from 12-5 pm. Reduce evening hours to compensate.	

The MSB 2018 Virus Situation

As of July 30

By Eric Wyatt, IT Director, Matanuska-Susitna Borough

The Attack

Information about the attack has been widely shared with other agencies to help them prepare and hopefully avoid a similar attack. These efforts have been greatly appreciated by these agencies.

This was a multi-pronged, multi-vectored attack. Not a single virus but more generally, ***Malware***. Aspects include: Trojan Horse (Emotet), Worm, Crypto Locker (Ransomware (BitPaymer)), Time Bomb, Dead Man's Switch, External hacker logged in to our network, maybe more . This is an ***Advanced Persistent Threat.***

This is also a ***'Zero-day'*** attack. Meaning, the anti-virus software does not yet have the virus definitions in their software to catch and remove this threat.

Most probable method of initial delivery is email with a hyperlink to an infected website and prompt to install an add-on or with an attachment with a macro. Users with local admin permissions are most at risk.

The FBI reports: Once the Trojan component is inside, it opens the door for the hacker and brings in the other viruses. Then it uses the user's Outlook contact list to send itself to other government looking addresses. The *From* address is most likely from someone you know and trust.

Once inside the virus/hackers work to gain Active Directory administrator access. They then '*own'* the Domain controller, drop all internal security settings, logging, and auditing, which is then spread to all servers and workstations through normal Active Directory mechanisms. They then can easily crack all passwords and spread to all machines.

These viruses appear to be written in Microsoft Visual Studio (common developer's tool) and attack only Windows based machines.

This attacks appears to have been lying dormant and/or undiscovered within our network since as early as May 3rd.

During this time, data from any of our systems may have been compromised and sent outside of our network. We do not have evidence of this, but **we must work from the assumption that this was done.**

Everything we have seen matches the patterns the FBI has seen at multiple sites throughout the country. It also matches the situation in Valdez.

The FBI reports that the Trojan and Worm will lay dormant for 4 to 6 weeks and then the Crypto Locker component is frequently launched on a Friday. This happened in Valdez and there are reports that on Friday multiple other locations in Alaska and around the US were hit.

We started to pick up Trojan component of the attack on July 17th after an update of our anti-virus software (McAfee). This was only seen on Windows 7 machines. McAfee was then doing its job of detecting and deleting the Trojan, but continued to miss all other components. By the time the number of workstations affected rose to alarming levels, we had discovered the same issues on multiple servers. We developed a script to remove the discovered components that McAfee was leaving behind from all machines and planned to launch this on Monday evening, July 23rd. We also expired all user passwords to force password changes and changed passwords for all admin and service accounts.

This action, of attacking back, seemed to trigger the virus to launch the Crypto Locker component. This trigger may have been automated, a *Dead Man's Switch*, or there may have been a person manually monitoring activity and executed their Command and Control (C2) to launch the attack.

The Crypto Locker then began encrypting files on workstation and servers. Nearly all of the 500 workstations (both Windows 7 and Windows 10) and 120 of the 150 servers have been infected.

This encryption is portrayed as a *Ransomware* attack, however, its real purpose may be to cover the tracks of the other components. Files, logs, scheduled tasks, executables, and other evidence, if found, can point investigators to the people responsible for writing the viruses. Even the language the virus is written in can point to the country of origin. This scenario is supported by the fact that even when the ransom is paid, the decryption codes are never given. This would indicate that the attack's purpose is not based primarily on money from a particular victim, but to disrupt operations and potentially steal information that may lead to greater financial reward and more disruption from down stream victims.

At this point we notified the FBI and began to communicate with other affected and interested agencies. We also formed teams to deal with the containment, analysis, and recovery.

To date, many agencies, companies, and organizations have participated in or offered help for this effort at the Mat-Su Borough: MSBSD, FBI, GCSIT, MOA, Resource Data, Inc, Wostmann and Associates, 5 Star Team, ACS Communications, Structured, Threat Informants, City of Valdez, State of Alaska, Alaska USA, Denali FCU, Mat Valley Credit Union, State Farm Insurance, ATS, Cisco, FBNSB, Dell, Commvault, Deeptree.

The external connection to the Internet was completely disconnected. Servers were first disconnected from one another and then completely shutdown. All work stations have been disconnected, shutdown and collected.

Current Condition

The External web site was not affected and remains active.

Almost all Windows based production servers have been encrypted, this includes our domain, email (Exchange), Govern, Logos, TRIM, SharePoint (intranet and eCommerce), GIS, SQL databases, S:\ drive files shares (L:\, M:\, P:\ ) and even our backup and Disaster Recovery (DR) servers.

The backup and DR servers had been engineered in a way that no known threats would affect. This new threat has always been considered a ***Theoretical Exploit***. To date, neither our local

network engineering consultant nor the international vendors: Cisco, Dell, Commvault, that they represent have seen this exploit developed and used. Further, our backup and DR model uses a multi-tiered approach to data protection, which appears to have saved some portion of our data, even under this sophisticated attack.

The phone system (Mitel) was encrypted, we lost some functionality but most direct lines continued to work as long as the phone was powered on.

The door lock card swipe system (Lenel) has also been encrypted but will continue to function in the last known good condition.

Though it initially appeared that our data was a complete loss, we have recently recovered data from the shared drives, Logos, Govern, TRIM, GIS and more.

eMail (Exchange) does appear to be completely unrecoverable.

Email as of last Tuesday has been spooling on our external email filter device. We have stood up an external web based mail spooler with all of our matsugov.us mail addresses. We can send and receive emails with this. It is a bit of a clunky interface. See attached instructions for use. This mail will flow to the new Exchange server when ready.

The Mitel phone system server has been rebuilt, we have recovered the data (configuration) and should have working phones on desktops Monday in DSJ and some remote sites. We have teams to continue to work phones at the remote sites.

We have about 110 workstations that have been cleaned and reimaged and are ready for placement. They are being processed according to the priority list. A copy of the infected data on the hard drive is being kept for potential data recovery and FBI investigation. These machines will be placed on a 'Green' network, meaning it is clean with no infected computers. They will be part of a workgroup, not a domain. This will come later this week or next. They have MS Office application and internet access. Clean data requests will be filled on these machines as soon as possible. They are being placed in DSJ and remote sites along with the phones as described above.

My Property on the external website has been restored with static data.

Logos has been restored on an external web service with 1 year old data. Current Logos data looks to be recoverable on the DR server.

Govern data has been restored to an external web service that is 1 month old. Current Govern data looks to be recoverable on the DR server.

The MSB domain was rebuilt Sunday.

Portions of the network have been redesigned and augmented to deal with this new and emerging threat by adding technique and software that is newly available.

Virus files have been set to McAfee so they can add functionality to our AV software to prevent further attack. We are awaiting the reply.

Computers and images have been given to the FBI for analysis. Also, all encrypted and other server and workstation files and images are being saved for the FBI.

Critical GIS data has been saved offline and can be restored to rebuilt systems. Maps, MXDs, parcel fabric, etc.

Going Forward

Additional desktop workstations will be reimaged and placed on desks at a rate of 38 per day or more (10 more days)

Workstations will be added to the MSB domain starting this week.

The Exchange email server will be built early this week. Workstations added to the domain can then use Outlook for e-mail and calendaring. Old email will probably not be available but functionality will be restored.

Work on damaged DR servers continues, functionality is coming back, and there is optimism for the recovery of additional data.

New, more secure servers will be created and enterprise systems will be rebuilt and hopefully will have data restored. Govern, Logos, GIS, SharePoint, TRIM, MPulse, iSupport, etc. This can easily take 2 or 3 more weeks.

Policies and procedures will be implemented in the Borough to reduce the risk of further infection and reduce the spread of infection should any other systems be hit.

User education training will be conducted on a periodic basis to help users avoid threats.

Encrypted data will be stored for months or years in hopes that the FBI will recover the decryption keys.

We will continue to participate in information sharing meetings to help educate the community against further attack.

-end-

CERT Training Class

Learn how to take care of yourself and others in a disaster!

CERT training is coming to Homer in October 2018! Join your neighbors and gain valuable skills to take care of yourselves and assist your community when disaster strikes.

The **Community Emergency Response Team (CERT)** program educates volunteers about disaster preparedness for the hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT offers a consistent approach to volunteer training and organization that professional responders can rely on during disaster situations, which allows them to focus on more complex tasks. Through CERT, the capabilities of the Kenai Peninsula Borough to prepare for, respond to and recover from disasters are enhanced. This program is even more important in the Kenai Peninsula Borough with our remote location and logistical challenges.

Homer October Training Class:

Mon 1;	6p-9p	Disaster Preparedness
Tues 2;	6p-9p	Fire/Utility Control
Thur 4;	6p-9p	Disaster Medical Part 1
Sat 6	9a-5p	Disaster Medical Part 2
Mon 8;	6p-9p	Disaster Psychology
Tues 9;	6p-9p	Terrorism and CERT
Thur 11;	6p-9p	Practice and Review
Sat 13:	9a-2p	Disaster Simulation

For more information:
Contact Jade Gamble,
262-2097 or JGamble@kpb.us

Sign up online at www.kpb.us/emergency

Course Overview

The CERT Basic Course is delivered in the community by a team of qualified emergency management professionals and volunteers.

- Disaster Preparedness: Addresses hazards specific to the community. Materials cover actions that participants and their families take before, during and after a disaster as well as an overview of CERT and local laws governing volunteers.

- Fire Suppression: Covers fire chemistry, hazardous materials, fire hazards and fire suppression strategies. However, the thrust of this session is the safe use of fire extinguishers, controlling utilities and extinguishing a small fire.

- Medical Operations Part I: Participants practice diagnosing and treating airway obstruction, bleeding and shock by using simple triage and rapid treatment techniques.

- Medical Operations Part II: Covers evaluating patients by doing a head to toe assessment, establishing a medical treatment area and performing basic first aid.

- Light Search and Rescue Operations: Participants learn about search and rescue planning, size-up, search techniques, rescue techniques and rescuer safety.

- Psychology and Team Organization: Covers signs and symptoms that might be experienced by the disaster victim and workers, and addresses CERT organization and management.

- Course Review and Disaster Simulation: Participants review and practice the skills that they have learned during the previous sessions in a disaster activity.

Safety equipment (gloves, goggles, mask) and disaster supplies (bandages, flashlight, dressings) which will be provided during the training.

KACHEMAK HERITAGE LAND TRUST

ACCREDITED LAND TRUST ACCREDITATION COMMISSION

September 14, 2018

Mayor Bryan Zak
Homer City Council
491 E Pioneer Ave
Homer, AK 99603-7624

Dear Bryan Zak & City Council Members,

Thank you for your recent contribution toward the Poopdeck Trail Design Project. Your check in the amount of $4,000.00 (ck.# 092425) was received on August 27, 2018. This is such a wonderful project - we are pleased to be working together to increase accessibility in Homer.

Your support of our important conservation efforts is very much appreciated! Together, we make a difference.

Sincerely,

Marie McCarty
Executive Director

thank you so much!

Kachemak Heritage Land Trust is a 501(C)3 non-profit organization. Your contribution is tax-deductible to the extent allowed by law. No goods or services were provided in exchange for your generous gift.

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

August 20, 2018

Mayor Brian Zak
City of Homer
2525 Sterling Hwy
HOmer, Alaska 99603

Subject: National Historic Preservation Act Compliance for the Pebble Project

Dear Mayor Zak,

The U.S. Army Corps of Engineers (USACE), Alaska District, has initiated the environmental permitting process for the proposed Pebble copper-gold-molybdenum mining project (Pebble Project). As the lead Federal Agency for the Pebble Project under the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other federal laws, the USACE is also evaluating Pebble Limited Partnership's (PLP) permit application under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The proposed project includes in part an open-pit mine located in southwest Alaska near Iliamna Lake, an 85-mile transportation corridor from the mine site to a year-round port site located on Cook Inlet near the mouth of Amakdedori Creek, and a 178-mile gas pipeline from the Kenai Peninsula across Cook Inlet to the Project site.

The intent of this letter is to initiate the USACE's role as the lead Federal Agency pursuant to Section 106 of the NHPA, §36 CFR Part 800.3(f)(2), §33 CFR Part 325 (Appendix C), and subsequent revised interim guidance for implementing Appendix C (2005, 2007, and 2009). Under these laws, the USACE invites your participation as a consulting party to the Section 106 process. As a component of compliance with these regulations, the USACE is responsible for consulting with the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, and local governments, the public, the applicant, federally recognized tribes, Alaska Native Corporations (ANCs) as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) that may attach religious and cultural significance to historic properties, and additional parties or organizations that have a demonstrated interest in the undertaking (36 CFR Part 800.2(c)(5)). Historic properties include historic sites, pre-contact archaeological sites, and traditional cultural properties which are listed or eligible for listing in the National Register of Historic Places. The USACE is also

planning to develop a Programmatic Agreement in accordance with §36 CFR Part 800.14(b) for the proposed project.

A list of organizations receiving this letter is attached for your reference. If you know of any other organizations that may have knowledge of cultural resources potentially affected by the proposed Pebble Project, please let us know.

The USACE is planning to host informational meetings or teleconferences to begin the dialogue with the SHPO and consulting parties regarding the Section 106 process and the development of a Programmatic Agreement as it relates to the proposed Pebble Project. These meetings and teleconferences have not yet been scheduled, but we anticipate that they will be held in Fall 2018. Additional information will be sent as soon as dates and times have been established.

If your organization is interested in participating in the Section 106 process for the proposed Pebble Project, please reply within 30 days of the date of this letter to the address at the top of this letter, or via email to poaspecialprojects@usace.army.mil. If you have any questions, you can contact Shane McCoy, Program Manager, via telephone at (907) 753-2715, or by email at poaspecialprojects@usace.army.mil. You may also contact Katie McCafferty, Assistant Project Manager at (907) 753-2692, or by email at poaspecialprojects@usace.army.mil.

Thank you for providing a response to this invitation, and we look forward to your participation in the Section 106 process.

Sincerely,

Shane McCoy
Program Manager

CC:

Judith E. Bittner
State Historic Preservation Officer
State of Alaska, Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, Alaska 99501-3565
judy.bittner@alaska.gov

From:	Booth, Ruth A (DNR)
To:	Alvarez, Monica M (DNR)
Cc:	Earl, Rob E (DNR); Keough, Ray J (DNR)
Subject:	Public Review Draft of Kachemak Bay State Park and Kachemak Bay State Wilderness Park Management Plan
Date:	Wednesday, September 19, 2018 2:43:44 PM

The Department of Natural Resources has released the Public Review Draft (PRD) of the Kachemak Bay State Park and Kachemak Bay State Wilderness Park Management Plan for public review and comment. The PRD provides management guidance and facility recommendations for the park areas and includes guidance for Diamond Creek State Recreation Site, Eveline State Recreation Site and Overlook Park State Recreation Site as well. Much has happened since the last management plan was adopted in 1995. Changes in community infrastructure, economic trends, and ecotourism have resulted in increased use of the park and raised land use concerns. The goal of this plan revision is to address changing patterns in recreational use, address management issues and update recommendations for facility development. Additionally, a trail management plan that provides trail sustainability recommendations, trail design and management criteria for the park areas is also included for review.

Your written comments are encouraged during the public comment period. To facilitate your review of the PRD, reference copies in print format are available at the Homer public library and the Islands and Oceans Visitor Center. The PRD is also available on DVD by request and online at: http://dnr.alaska.gov/parks/plans/kbay/kbayplan.htm **To receive full consideration, comments must be received no later than October 19, 2018.** Comments can be submitted by mail, fax or email to:

Kachemak Bay State Planning

550 West 7th Ave., Suite 1050

Anchorage, AK 99501

Fax: (907)269-8915

Email: monica.alvarez@alaska.gov