

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



WORKSESSION
4:00 P.M. MONDAY
JUNE 29, 2015
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER BEAUREGARD BURGESS
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. BEACH POLICY RECOMMENDATIONS - PARKS AND RECREATION ADVISORY COMMISSION**

Memorandum 15-102 from Parks and Recreation Advisory Commission as backup.

Page 3

- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, July 27, 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



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

Memorandum 15-102

TO: Mayor Wythe and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Julie Engebretsen, Deputy City Planner
DATE: June 22, 2015
SUBJECT: Recommendation from the Parks and Recreation Advisory Commission on changes to the Beach Policy

Introduction and public process

In the fall of 2014, the Commission began hearing from property owners and residents in Old Town that there were increased problems between vehicles and pedestrians on the beach, and more 'bad behavior.' (drinking, drugs, partying on private property, trespass, etc). The Commission began holding meetings to explore these issues, and also became more aware of inappropriate activity in the bird habitat along the grassy berm near Beluga Slough. Speakers were invited to present information to the Commission on topics from dogs, birds, from user groups of all ages. An often repeated theme was the need for enforcement, signage, and education.

The Commission met eleven times in 2015 to discuss the beach policy. Numerous letters were submitted, and many people commented at the meetings. There were several front page articles in local newspapers, a Coffee Table radio show on KBBI, and the City website was updated throughout the process. Beach front property owners were notified by mail of the public hearing in May.

What happens next?

Council will evaluate the proposals, and may adopt them as a whole, in part, or not at all. A resolution will be brought forward at the next Council meeting, to support all the recommendations. Council may choose to hold a public hearing, or amend the resolution. Staff will then work on the various ordinances and other changes to actually enact the changes, and also update the Beach Policy document accordingly.

Proposed changes: The proposed changes are listed two ways: in a list below, and in a table by type of action (budget ordinance, resolution, etc).

- Install fire pits at Bishop's Beach Park, and at the City parcel near the end of Main Street/Ohlson Lane, and make trash cans available.
- Hire two seasonal beach patrol employees
- Draft an ordinance to define and ban reckless driving as it would be applied to all of City of Homer beaches
- Improve signage at Bishop's Beach.

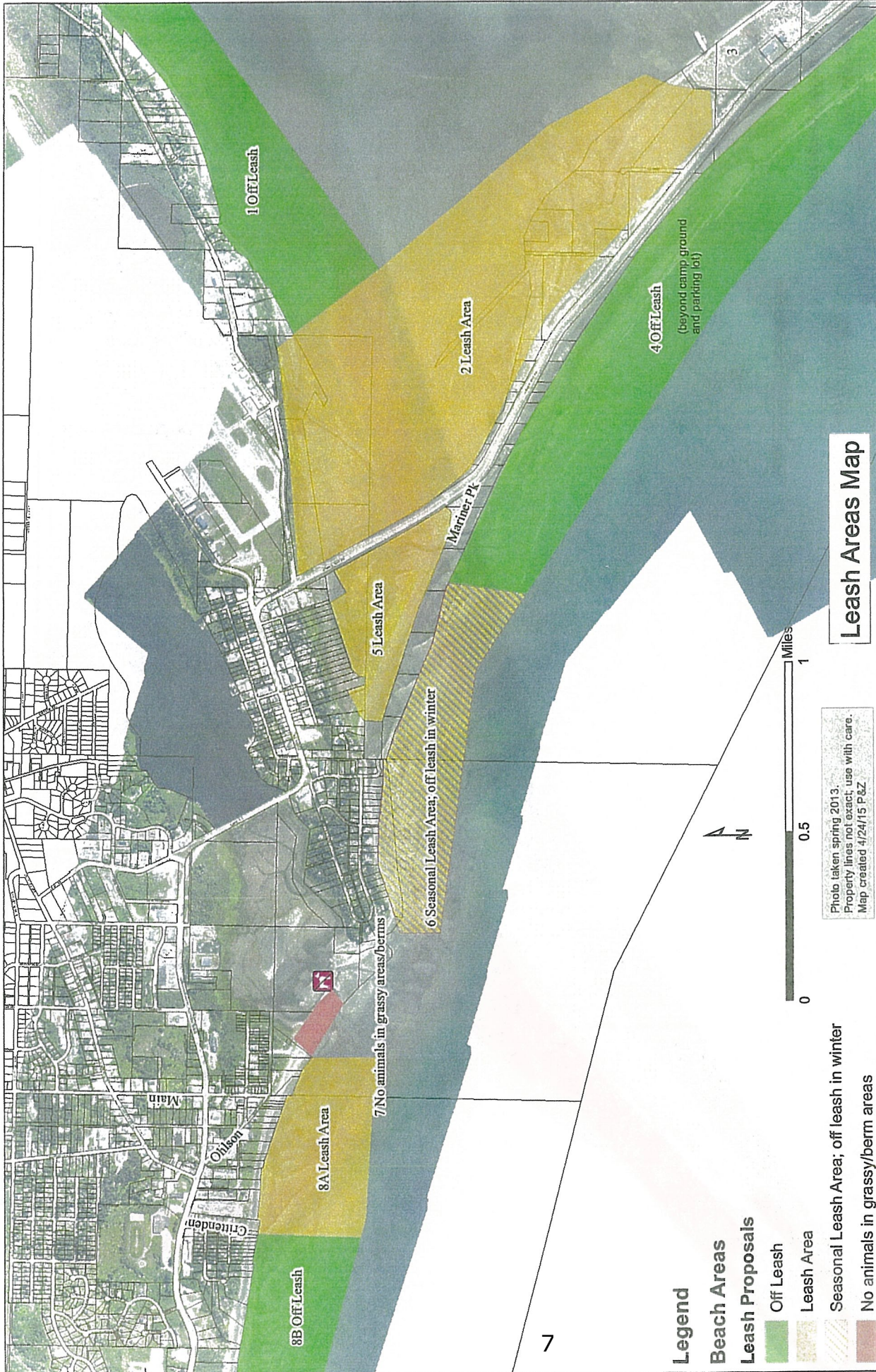
- Close all beaches to vehicles in summer, and allow winter use along a portion of the west part of the Spit. (Land owners of beach front property and their guests are exempt for the purpose of accessing their property. One way to administer this would be a gate and permit system).
- Install security cameras at Bishop's beach Park
- Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)
- Create areas where dogs must be on leashes. See Attachments.
- Increase dog waste education
- Install dog waste bag dispenses at public buildings, trails and parks and encourage other agencies and businesses to do the same.
- Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.
- Educate locals on beach rules. Community outreach: land owners, primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach
- Consider a park host. (Would need to be willing to testify in Court)
- Ban the burning of pallets on the beach
- Ban glass bottles (containers) on the beach

Attachments:

1. Implementation Table
2. Leash Areas Map
3. Beach Areas Map: Where Vehicles are allowed on the Beach
4. Memo from Attorney Klinkner
5. 2007 Beach Policy
6. Backup Materials

Beach Policy Changes and Implementation	Budget Ordinance	Code	Resolution	Administrative Policy Decision	Notes	Timeframe
Close all beaches to vehicles in summer, and allow winter use along a portion of the west part of the Spit from the Sea Wall south east past Mariner Park and down the Spit. (Land owners of beach front property and their guests are exempt for the purpose of accessing their property, possibly using a gate and permit system).	X	X			May require placement of physical barriers to vehicles If beaches are closed to vehicles, only one may be needed.	Pass ordinance and advertise closure in 2015, implement in spring of 2016
Hire two seasonal beach patrol employees	X				If beaches are closed to vehicles, only one may be needed.	2016 budget
Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.	X				May have existing funding	2015 P&R budget? 2016 budget
Delineate private property at Bishop's Beach Access	X				If beaches are closed to vehicles, this may not be needed.	2016 budget
Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach	X				If beaches are closed to vehicles, this may not be needed.	2016 budget
Install security cameras at Bishop's Beach Park	X				If beaches are closed to vehicles, this may not be needed.	2015/2016
Draft an ordinance to define and ban reckless driving as it would be applied to all of City of Homer beaches	X				If beaches are closed to vehicles, this may not be needed.	2015/2016
Create areas where dogs must be on leashes.	X					Begin by working with Homer Animal Friends and other on education. Install appropriate signage.
Ban the burning of pallets on the beach	X					Implement in 2016 beginning with signage at City Parks
Ban glass bottles (containers) on the beach	X					Implement in 2016 beginning with signage at City Parks
Install dog waste bag dispensers at public buildings, trails and parks and encourage other agencies and businesses to do the same.	X		X		Funding from existing P&R Commission budget	2015/2016
Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)	X		X			2015/16
Increase dog waste education	X		X		Staff time or volunteers needed. Install signage	2016
Educate locals on beach rules. Community outreach: land owners, primary user groups, schools	X		X		Partner with or support groups that already do this work. Construct signage/educational displays at Mariner and Bishop's Beach Parks	2016
Education on beach resources (why we have the rules and how they protect what we have)	X		X		Partner with or support groups that already do this work	2016
Consider a park host. (Would need to be willing to testify in Court)	X		X		May need funding	2016

Beach Policy Changes and Implementation	Budget Ordinance	Code Ordinance	Resolution	Administrative Policy Decision	Notes	Timeframe
Increase ticketing efforts				X	Schedule officers to have more presence on the beach for a short period of time. A few tickets may have a big impact on behavior.	Immediate
Install fire pits at Bishop's Beach Park, and at the City parcel near the end of Main Street/Ohlson Lane, and make trash cans available.				X		Immediate
Improve signage at Bishop's Beach.				X	Funding required	2016
Investigate firewood consignments in campgrounds and Bishop's Beach				X		2016 summer season



Leash Areas Map

Legend

Beach Areas

Leash Proposals

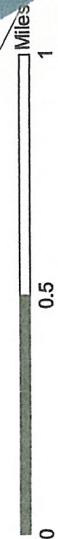
Off Leash

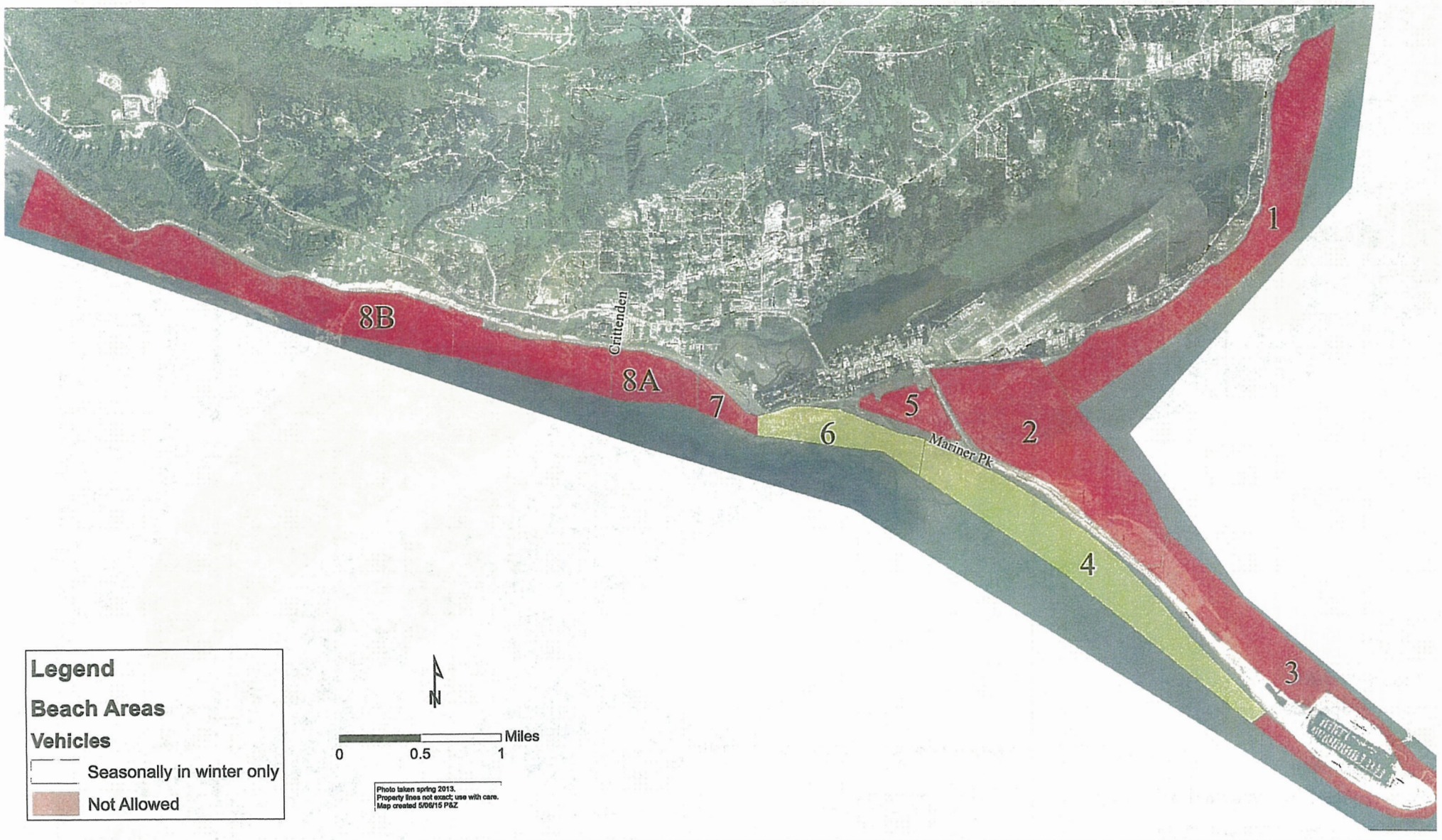
Leash Area

Seasonal Leash Area; off leash in winter

No animals in grassy/berm areas

Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 4/24/15 P&Z





City of Homer Beach Areas Where vehicles are allowed on the beach

MEMORANDUM

**TO: JULIE ENGBRETSSEN
DEPUTY CITY PLANNER
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: BEACH POLICY REVISIONS

FILE NO.: 506,742.1003

DATE: JUNE 1, 2015

You have asked that I review and comment on proposed changes to the City's Beach Policy. I had intended a more formal treatment of the subject, but time has not been my friend lately. Instead, I will give you the substance of my comments from a legal perspective in a more summary form.

Enforceability. Because the proposed changes focus on regulating conduct by the public, they raise issues regarding their enforceability that I will discuss below. These issues fall into two categories: (i) clear identification of the proscribed conduct; and (ii) the effect of overriding state or federal law principles.

Delineation of Affected Areas. Neither the original Beach Policy nor the proposed changes clearly delineates the areas in which the policies apply. While the policy documents incorporate maps, they are ambiguous, because the area commonly regarded as the "beach" may not be bounded by the property lines that are shown on those maps.

The Beach Policy and the proposed changes do not describe what constitutes the beach area with which they are concerned. In contrast, HCC 19.12.020 and 19.16.020 define the term "beach area" as "the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form." In addition, the definitions of the terms "berm" and "storm berm" in these sections imply that those features are included in the beach area. For the purposes of this discussion, I assume that the Beach Policy and the proposed changes are concerned with the area that these Code sections describe.

The beach area described in HCC 19.12.020 and 19.16.020 consists of three distinct regions: (i) an area below the elevation of mean low water ("submerged lands"); (ii) the area between the elevations of mean low water and mean high water ("tidelands"); and (iii) an area above the elevation of mean high water ("uplands"). The

City owns the submerged lands and tidelands areas. Much, if not most, of the uplands are privately owned. I assume that the City-owned upland parcels are only those identified as such in the City's Land Allocation Policy.

Typically, the boundary between tideland and upland property (regardless of City or private ownership of either) is the current mean high water line. In most cases, this boundary is "ambulatory," moving seaward or landward with the erosion or accretion of material on the beach. There is an exception to this general rule for changes in the mean high water line that are caused by a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary between tidelands and uplands continues to be located at the mean high water line that existed before the event. This is important for beach areas in Homer that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current elevation of mean high water. Thus, if such an upland parcel is privately owned, that private ownership may extend into the beach area. Determining whether a particular upland parcel extends into the beach area would require research of records regarding the effects of the 1964 earthquake at that location, of aerial photographs and other historic records. I am not aware that any such research has been conducted comprehensively for the beach area within the City of Homer.

Application to City-Owned and Privately Owned Beach Areas. The discussion in the preceding paragraphs indicates that any regulation of conduct in the beach area must be drafted to apply on both publicly owned and privately owned property. The City's leash law provides an example of how this may present an issue. HCC 20.08.010(a) provides that it is unlawful to allow any dog to run at large in the City. For this purpose, HCC 20.04.020 provides:

"At large" means an animal is at large when it is ***off the premises of the owner or keeper*** and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained. (Emphasis added.)

Thus, whether a dog on the beach is "at large" may depend on whether the beach area in question is part of an upland parcel owned by the dog's owner.

Generally, the City may regulate conduct on private property to the same extent that it regulates conduct on City-owned property. However, as the discussion above illustrates, care must be taken to draft regulations of conduct in beach areas, so that they apply uniformly to activity on both City-owned and private property.

Public Trust Doctrine. Tide and submerged lands (including those later transferred to the City) that the state received from the federal government at statehood,

are subject to a trust for the people of the state for the purposes of navigation, commerce, and fishing. The City acquired tidelands and submerged lands from the state subject to this trust. At a minimum, this public trust doctrine requires the City to provide the public access across beach areas to the water for navigation, commerce, and fishing purposes.

The entire scope of the public trust doctrine has not been established in Alaska. Courts in other states, though not yet in Alaska, have held that the public trust doctrine extends to use of tidelands for recreation and wildlife habitat protection, as well as the traditional uses of navigation, commerce, and fishing. However, in Alaska it clearly does not permit private persons to conduct purely private activities, such as developing a mining claim, on City-owned tidelands. Moreover, use under the public trust doctrine remains subject to reasonable government regulation. There is no Alaska case addressing whether a particular mode of transportation, such as motor vehicles, may be excluded from a beach area consistently with the public trust doctrine. However, I believe that such an exclusion could be imposed, provided that it preserved reasonable access by vehicle at locations where required for the public to engage in navigation, commerce, and fishing.

Rights-of-Way under Federal Public Land Law. Cortney Kitchen previously provided you with a detailed memorandum on the potential for beach areas to be subject to public rights-of-way under a former federal public land law, RS 2477. I refer you to her discussion of that topic, with the following revisions.

RS 2477 provided for the creation of rights-of-way on federal public land until its repeal in 1976. However, it also would have ceased to apply to particular federal public lands when they were withdrawn from the federal public domain. In the case of tidelands and submerged lands in Homer, that withdrawal would have occurred when those lands were transferred to the state upon Alaska's admission to the Union in January 1959. A right-of-way could be established under RS 2477 only through usage before that date.

While no formal procedure is required to establish an RS 2477 right-of-way, a person who claims that a regulation of conduct in a beach area conflicts with such a right-of-way may challenge the regulation only after proving the existence of the right-of-way either in a court or in a state administrative proceeding.

A recognized RS 2477 right-of-way may be vacated in a state administrative proceeding, if an alternative road access is available. Road access is well developed along all of the City's shoreline, making it likely that the City could obtain a vacation of any RS 2477 right-of-way located in a beach area.

In conclusion, I do not believe that the potential existence of an RS 2477 right-of-way in a beach area should deter the City from adopting regulations that it considers reasonable for the control of vehicle use in beach areas.

TFK:lcj

City of Homer

Beach Policy

2007



Table of contents

1. Purpose and Intent
2. Definitions
3. General Policy Recommendations
4. Specific Area Recommendations
5. Beach Policy History

Beach Area Map

Section Line Easement Diagram

State Attorney General Opinion

Appendix A: Beach Access Notes

Appendix B: Mainland public access points to Kachemak Bay

1. Purpose and Intent

This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25th 2001. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

Goals

Education

Educate beach users by providing signage and beach information at convenient locations.

Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches – i.e. keep motorized vehicles out of lagoon areas.

Enforcement

Ensure adequate staffing on holiday weekends.

2. Definitions

a. Berm means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water, at or landward of, the line of ordinary high tide.

b. Storm berm means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach may have more than one storm berm.

Example: Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses grow there most of the time, and only at the highest tides and largest storms are logs thrown up on the beach.



3. General Recommendations for all Homer Beaches

1. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we will diffuse the impacts and provide a more enjoyable experience to all.

A. Improve Access via: Crittenden Dr., Ocean Dr., Spit, Kachemak Dr.

B. Provide signage at all public access points.

1. Specifically, signage shall be maintained at Bishop's beach park, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Road, and Kachemak Drive.

C. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

2. Signage should be positive and informative.

A. Sign examples for the Mud Flats, Berms & Driftwood

1) Help build our beach berms and protect our critical habitat areas.

2) Please do not drive on or remove any material from the storm berms. The grasses growing here provide habitat and are an important part of berm stabilization. Driftwood plays an important role in building and protecting our berms.

3) The Mud Flats are fragile and important habitat for wildlife. They are hazardous and off-limits to vehicles and foot traffic.

4) Encouraging courtesy to other users.

B. Examples for private property:

1) Please be aware that private property extends 100' or more toward the water from the high tide line.

3. Ask for City Attorney opinion on location of seaward property lines. Although many people believe property lines stop at a water boundary, it has become apparent this is not the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. (See attached opinion by State Attorney General)

4. Encourage better enforcement of applicable existing state and local laws. Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 19.16 Vehicles on Homer Spit Beach, HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

A) More evening enforcement in City campgrounds, and encourage/post quiet hours.

B) More enforcement of city driving laws on city beaches.

5. Develop and distribute brochures with a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. We need everyone's help.

A. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public service announcement on local radio stations. Budget at least \$500 annually for this advertising.

B. Budget at least \$500 a year for sign replacement.

C. Provide beach maps and brochures on beach etiquette at city campground facilities.

6. Perform an annual assessment of beach health and developing impacts.

A. City staff & Parks and Recreation Commission representatives prepare an assessment with reports to City Manager, City Council, & City Commissions. The report should be prepared in a timely manner so that items requiring maintenance or ongoing funding may be considered

during the budget process. Include an assessment of the condition of the storm berm at Mariner Park, specifically including pedestrian impacts.

B. Add each annual assessment to the original BPTF report with updated photos to create a continuous record.

7. Driftwood from berm areas should not be removed. Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

A. Direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds.

8. Find ways of supporting beach cleanup.

A. Support the efforts of spring clean up day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.

B. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach clean up activities.

9. Increase Parking on the Spit

A. We need more parking and areas for people to access the beach. These parking areas distribute the impact of beach users, provide safe off-highway parking for vehicles.

B. Situate the parking close to Spit Road for aesthetic purposes.

C. Better parking further down the spit will allow pedestrians to enjoy to the beach where vehicles are not present.

4. Recommendations by Area (Following the beach line, East to West)

1. Area 1 - Miller's Landing to Airport Access Road.

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road Signage (with diagram of berm-slope-flats).

- No camping
- Please keep vehicles between the storm berm and the mud flats.
- All of the areas above high tide (and much below) are private property and there are no designated camping areas. Voluntary limits to the areas used by vehicles will help protect sensitive areas.

2. Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.

A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.

B. Signage - identifying access and informing the public as to where vehicles are prohibited.

C. Vehicles should be prohibited in this entire area - outside of access driveways and parking.

D. Conservation zoning is suggested for all public lands in this area. Much of Area 2 already has a conservation easement.

E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.

F. Long term goal: Reconfigure the section line easement. The current section line easement goes across the mud flat in the bird sanctuary. A reconfiguration would provide better access to the beach, and protection for the sanctuary. As designated on attached map.

G. Preserve subsistence fishing access for vehicles, and public access to that part of the Spit. This has traditionally included an access across the northern portion of the English Bay property

I. Budget for rock placement at the Airport Beach Access to discourage travel to the west into Mud Bay. Contract the work out.

3. Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to City Campground across from Fishing Hole

A. Long range goal: Removal of beached barge on English Bay Corporation property.

B. Encourage the elimination of unsightly waste on properties near the beach by working with owners. Several highly visible properties have allowed the accumulation of waste and

industrial junk. The City has also allowed this to occur on City land, and should lead the way in the cleanup effort.

4. Area 4 - From City Fishing Hole Campground to the Outlet of Mariner Park Lagoon

A. At campground building across from the Fishing Hole, make beach use maps available, as well as information and signage that is interpretive about the berm building process, encourages courtesy to pedestrians, and states where vehicles are permitted.

B. Install signage at a controlled exit from the City Fishing Hole campground to the beach to direct vehicles to the base of the spit, and away from the no recreational vehicle area.

C. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon. Similar to Parks & Recreation Advisory Commission Draft Master Plan for Mariner park campground, which extends a revetment to protect berms, grasses and tidal mud, with no additional incursion into the lagoon.

D. Create a cost estimate for placing boulders at Mariner Park to better define the park and places where motorized vehicles are prohibited. Include the project in the annual budget in the near future, and contract the work out.

E. Budget for a new kiosk at Mariner Park. Include a large interpretive map with beach access and user information. Include the project in the annual budget and contract the work out.

5. Area 5 - Mariner Park Lagoon including the storm berm

A. Install and maintain signage stating vehicles are prohibited in the Lagoon and above the high-tide line near the berm. This is a fragile berm.

B. Signage should also indicate the high potential of vehicles getting stuck in this area.

C. Finish transfer of ownership of parcels to City of Homer. Two large parcels in Mariner Park Lagoon were obtained by the City from DNR, but the transfer paperwork was not completed.

D. Enact Conservation Zoning and continue work on the conservation easement. Zoning changes may begin at any time. The land ownership transfer must be complete prior to the conservation easement completion.

6. Area 6 - Mariner Park Lagoon outlet (below the berm) to Beluga Slough outlet.

A. Provide signage discouraging motor vehicle usage and encouraging courtesy to pedestrians. Vehicle prohibition is not necessary, but use of vehicles in this area often leads to driving or parking on the storm berm.

B. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough access.

7. Area 7 - Beluga Slough Outlet to Bishops Beach Park access. This is a heavily used area, and has the greatest potential for conflicts between user groups. We do not wish to prohibit vehicle use, but would rather encourage a separation to enhance user experiences.

A. Support Fish & Wildlife efforts to protect berm and promote rye grass and driftwood buildup.

B. Support Fish & Wildlife work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.

C. Increase parking at Bishop's Beach Park.

D. Signage at Bishop's Beach access:

1. "Pedestrian Zone, please limit vehicle use East to outlet of Beluga Slough."

2. "Unauthorized vehicles are prohibited on the storm berm and in the Beluga Slough area."

8. Area 8 - West from Bishops Beach Park Access to City Limits

A. Construct a kiosk with interpretive signage (Visitor information, berms, driftwood, private property, compass rose), encourages courtesy to pedestrians, and that vehicles are permitted to the west towards Anchor Point.

B. Provide and maintain signage requesting;

- Please do not remove driftwood from storm berms and private property

C. Develop Charles Way as a footpath for better pedestrian flow. Do not develop for vehicle access as the bluff is eroding and it is not worth the expense to the public to build a road that will have near future erosion problems. Improve erosion control and access at Crittenden Drive and at Main Street.

D. Improve access at Main Street. Construct a stairwell to the beach. Use the right of way at the end of Main Street for an erosion control project, using seeding, native grasses and other low impact techniques. Develop a stairway so people may access the beach without treading on the eroding bluff face.

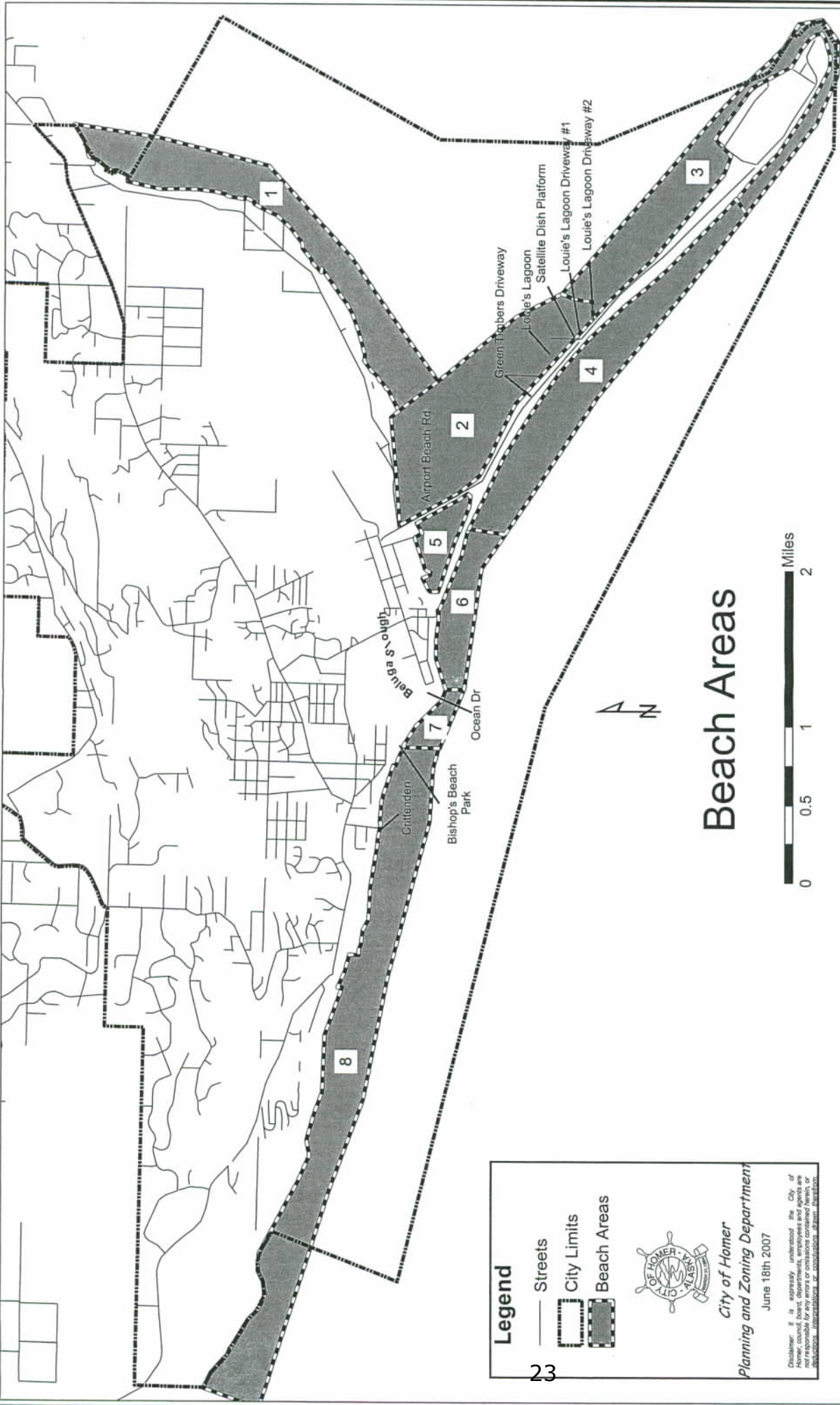
E. Correct the drainage ditch from Crittenden Drive so that the water is not eroding neighboring private property. Extending the culvert system down to the beach may be a solution. Work with adjacent landowners to secure public access easements to the beach, using a route that is sustainable.

F. Work with property owners and interested volunteers to remove the junk cars from the beach near the bottom of West Hill.

5. History

The original Beach Policy Task Force was established in 2000 and completed the beach policy in 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded their work. In 2007, the City Council added advising on public beaches to the duties of Parks and Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.



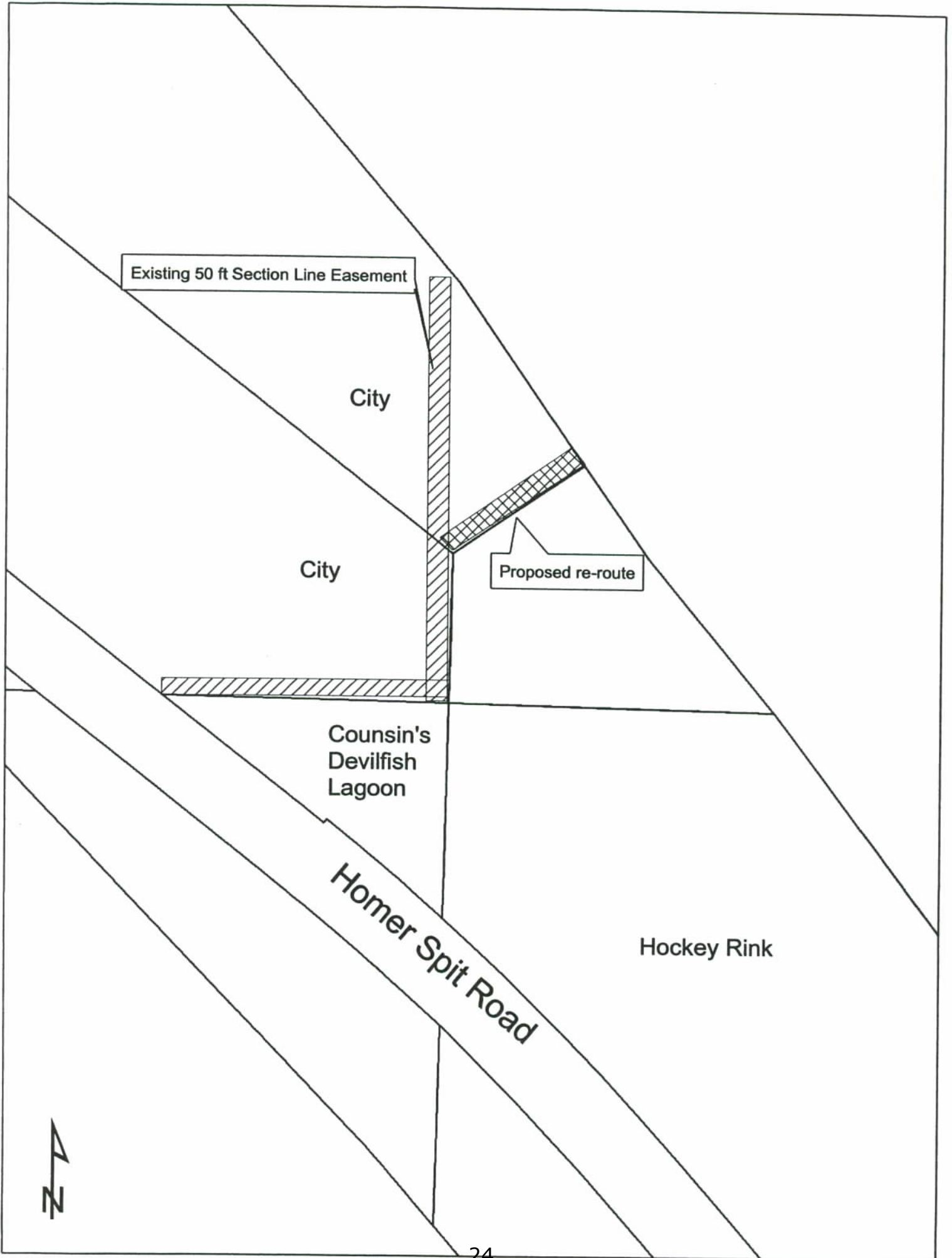
Legend

- Streets
- ▭ City Limits
- ▭ Beach Areas



City of Homer
Planning and Zoning Department
 June 18th 2007

Disclaimer: It is expressly understood the City of Homer, council, board, departments, employees and agents are not liable for any errors or omissions in this document. UNCORRECTED FOR PRINTING.



TOWNSHIP RANGE
MERIDIAN
SEC SECTION

BIRD
SANCTUARY

612 Meander Line

EASEMENT
PROPOSED

Lot 6-B
Louie's Lagoon

ABANDON THIS
SECTION OF
EASEMENT

Section Line Easement

Lot 1-
Louie's

Lot 6-A
Louie's Lagoon

STAR
OFFER

Note: Section line controls
location of R/W Jcg.

N 88°50'20" W
5.023

Section Line Easement

S 88°50'20" E

STAR
OFFER

Entry Date 4/2/23
Govt. Lot

S 51°28'54" E 132.797

00 996.405 2+900

3+000

3+100

3+200

15.240

Govt. Lot 1

STAR
OFFL

P.C. STA. 3+206

ine

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL / BOX 2170 - JUNEAU

1964 Opinions of the
Attorney General No. 6
September 14, 1964

F. L. L.

RECEIVED

SEP 22 1964

The Honorable Phil R. Holdsworth
Commissioner
Department of Natural Resources
Juneau, Alaska

Re: Effect of Earthquake on Tideland Boundaries

Dear Commissioner Holdsworth:

You have requested our opinion on the ownership of shoreline property enlarged or reduced, gradually or suddenly, the earthquake of March 27, 1964, and its after-effects.

Accretion is the increase of riparian land through the gradual deposit of various materials which create dry land out of that formerly covered by water.^{1/} Erosion is the gradual washing away of land bordering on a body of water by the action of that water.^{2/} Reliction is the uncovering, whether gradual or sudden, of land by the withdrawal of waters previously covering it.^{3/} Avulsion is a sudden and perceptible addition or loss to land by the action of water or otherwise.^{4/}

/ St. Louis, I. M. and S. R. Co. v. Ramsey, 53 Ark. 314, 13 S.W. 931, 933 (1890)

/ Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

/ Jefferis v. East Omaha Land Co., 134 U.S. 178, 10 S.Ct. 518, 33 L.ed. 872, 875-6 (1890)

/ Nebraska v. Iowa, 143 U.S. 359, 12 S.Ct. 396, 36 L.ed. 186, 187 (1892); Barakis v. American Cyanamid Co., 161 F.Supp. 25, 29 (1958)

The Honorable Phil R. Holdsworth
Juneau, Alaska

September 14, 1964

-2-

The means by which the change in shoreline occurs has significant legal consequences. If the location of the boundary of a tract of land at the mean high tide line is gradually and imperceptibly changed by accretion, erosion, or prolonged reliction, the margin of a tract at mean high tide, as so changed, remains the boundary. "Where . . . a boundary bank is changed by these processes, [accretion and erosion] the boundary, whether public or private, follows the change."^{5/} Lands eroded from a tract which, as a result, are below mean high tide are thereby re-vested in the State.^{6/}

On the contrary, if a tract undergoes sudden or violent change by reliction or avulsion, its boundaries remain the same and no change in ownership occurs.

"When land bordering a body of water is increased by accretion, . . . the new land thus formed belongs to the owner of the upland to which it attaches. . . . [Where] land [is] . . . lost by erosion, [it] returns to the ownership of the State. This is not the rule where the loss of the land occurs by avulsion, . . . the effect or extent of which is perceptible while it is in progress. In such cases, the boundaries do not change."^{7/}

In land precipitously lowered by the earthquake, the upland owner would have title out to the old high-water mark, regardless of the fact that the tract may now be partially submerged; if the owner previously owned the tidelands, he would still own the land out to his old low-water mark boundary. The character of the body of water as tidal, non-tidal, navigable or non-navigable is immaterial as respects the application of

5/ Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

6/ AS 44.03.020

7/ Arkansas v. Tennessee, 246 U.S. 158, 38 S.Ct. 301, 62 L.ed. 638, 647 (1918); In re City of Buffalo, 206 N.Y. 319, 99 N.E. 850, 852 (1912)

September 14, 1964

-3-

The Honorable Phil R. Holdsworth
Juneau, Alaska

the rules relating to sudden reliction and avulsion. The rules governing changes of boundaries of tidelands and uplands are equally applicable to the State and to private persons.^{8/}

When land shifts occur by earthquake-generated avulsion, then, the element of suddenness creates a situation where no change occurs in the limits of State boundaries or private tracts; the old State and private boundaries, submerged or otherwise, survive.^{9/}

Briefly, then, these are the answers to your specific questions:

(a) Boundaries follow accretion and erosion because the change is gradual; boundaries do not change where land displacement occurs suddenly, as through avulsion or some kinds of reliction.

(b) State ownership of tidelands is measured by the old boundaries where sudden earthquake displacement has occurred.^{10/}

(c) Yes, the boundaries of tidelands set by pre-earthquake survey are fixed. See (a) and (b).

(d) Where old tideland boundaries were surveyed and known, they must be followed. Presumably, unsurveyed tideland

8/ Waynor v. Dibciff, 9 Alaska 230, 232 (1937). See also footnote 5, supra.

9/ Louisiana v. Mississippi, 282 U.S. 458, 465, 51 S.Ct. 197 (1931)

10/ However, boundaries may be changed by State action and Congressional assent. Then, of course, the new mean high tide mark could be used to ascertain the extent of tidelands ownership. U. S. v. Louisiana, 363 U.S. 1, 8-9 (1960). c.f.: 43 U.S.C.A. 1311. Ownership of submerged lands.

Opinion No. 6

The Honorable Phil R. Holdsworth
neau, Alaska

September 14, 1964

-4-

boundaries may now be surveyed and specified according to presently existing land contours, as there are no previously established boundaries to recognize.

We trust this information will be of help to you.

Yours very truly,


WARREN C. COLVER
ATTORNEY GENERAL

WCC/grg

cc: William A. Egan
Governor

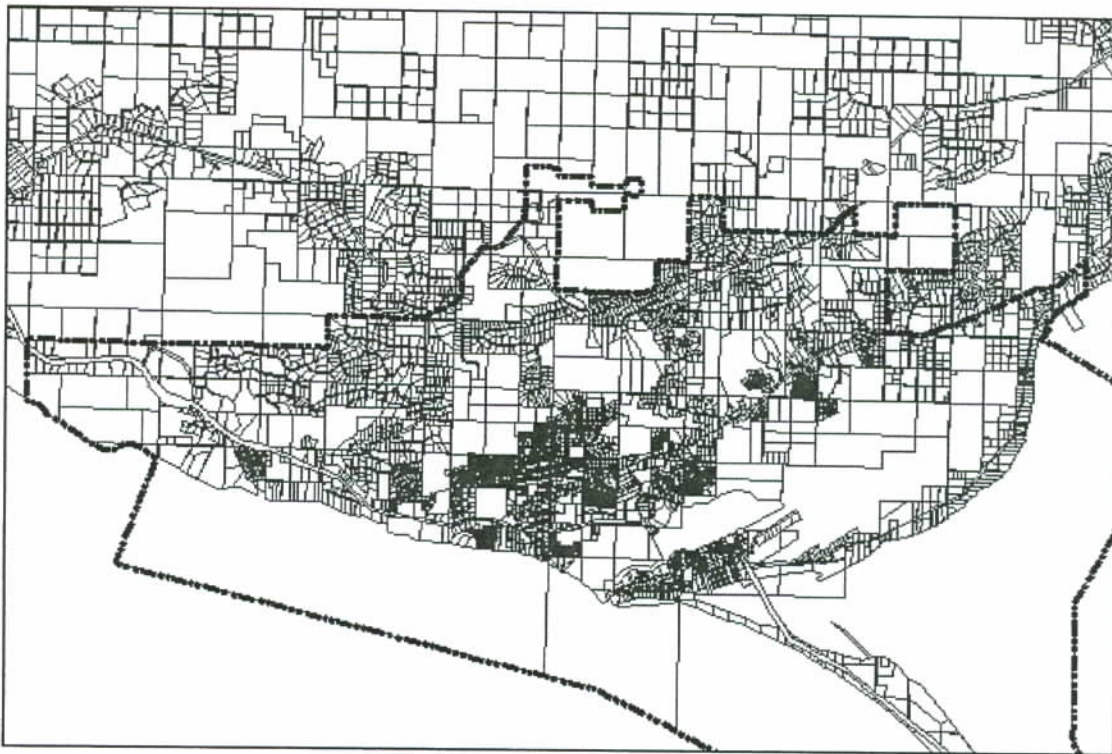
Floyd L. Guertin, Commissioner
Department of Administration

Appendix A: Beach Access Notes

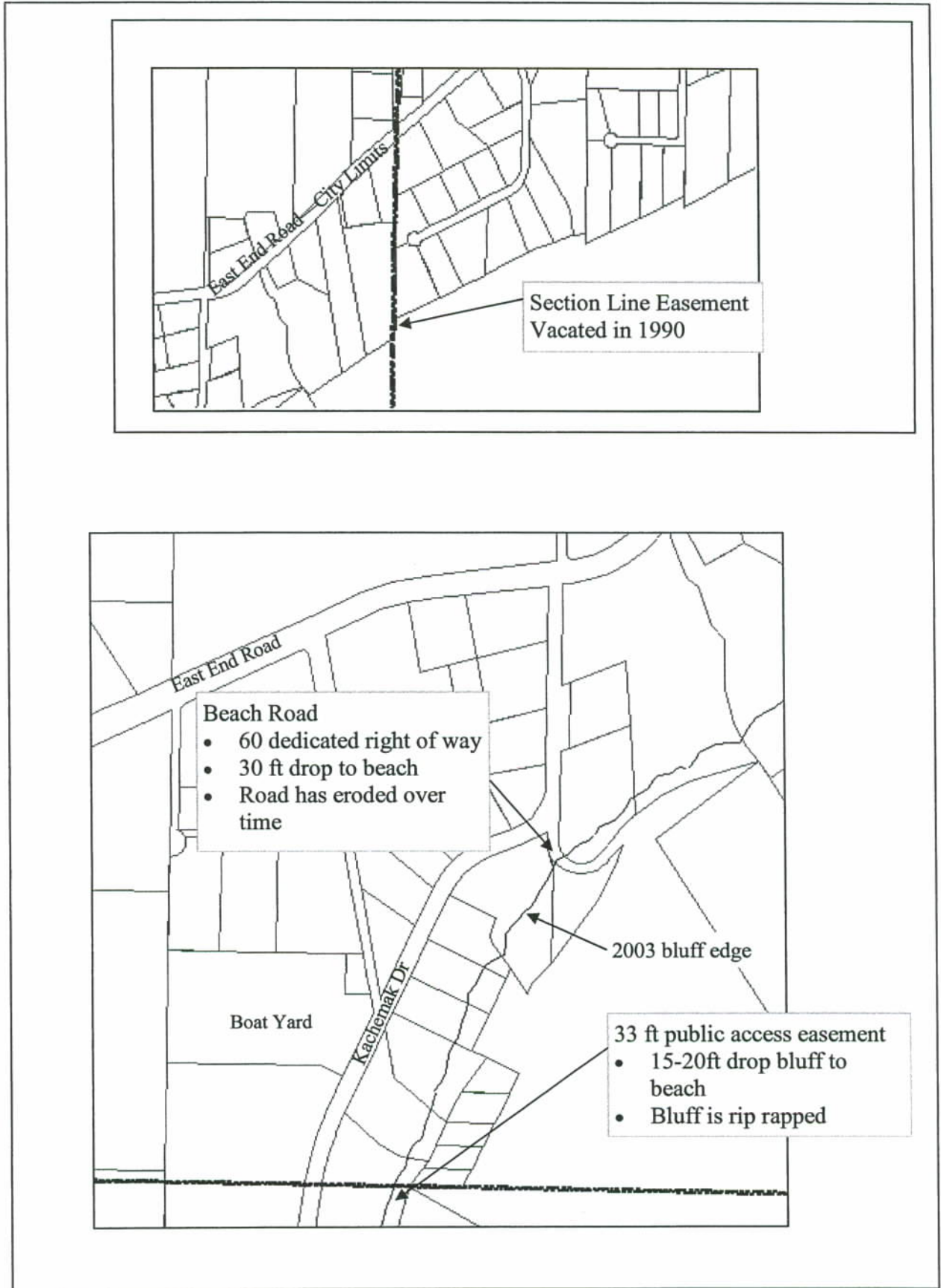
Public access points

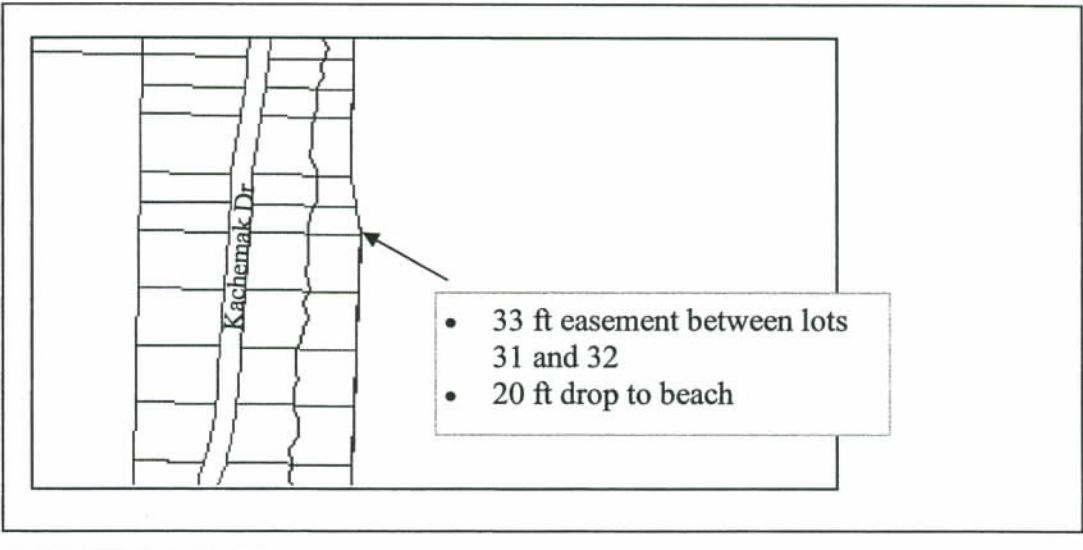
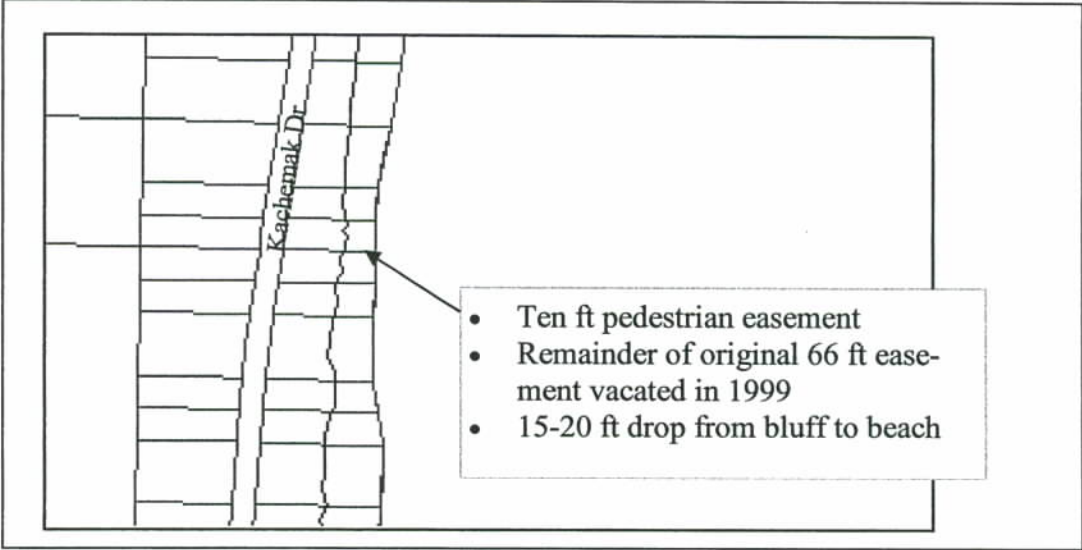
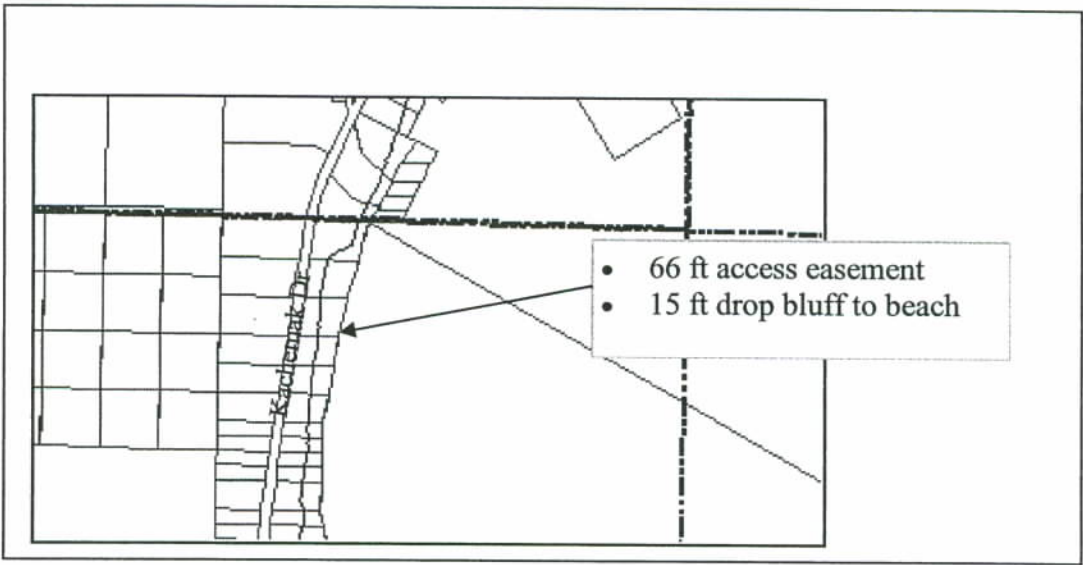
	Pros	Cons	Comments
Miller's Landing beach Road	Nice picnic spot Difficult trek down to the beach	No defined parking area	
Airport Access Road			
Spit			
Mariner Park	Large parking area for campers and day users	Occasionally motor vehicles drive around in the lagoon. There are user conflicts between pedestrians, vehicles and horses	Need more enforcement here Need more education here/kiosk
Lake Street			
Oscar Munson/Bell			Neighborhood Access Point
Bishop's beach	Flat beach access, public parking	High user conflicts	
Main Street	Section line easement access	Highly erosive, very steep trail	
Crittenden	Right of way access	Actual trail is on private property	Landowner allows neighborhood use of his trail to the beach.

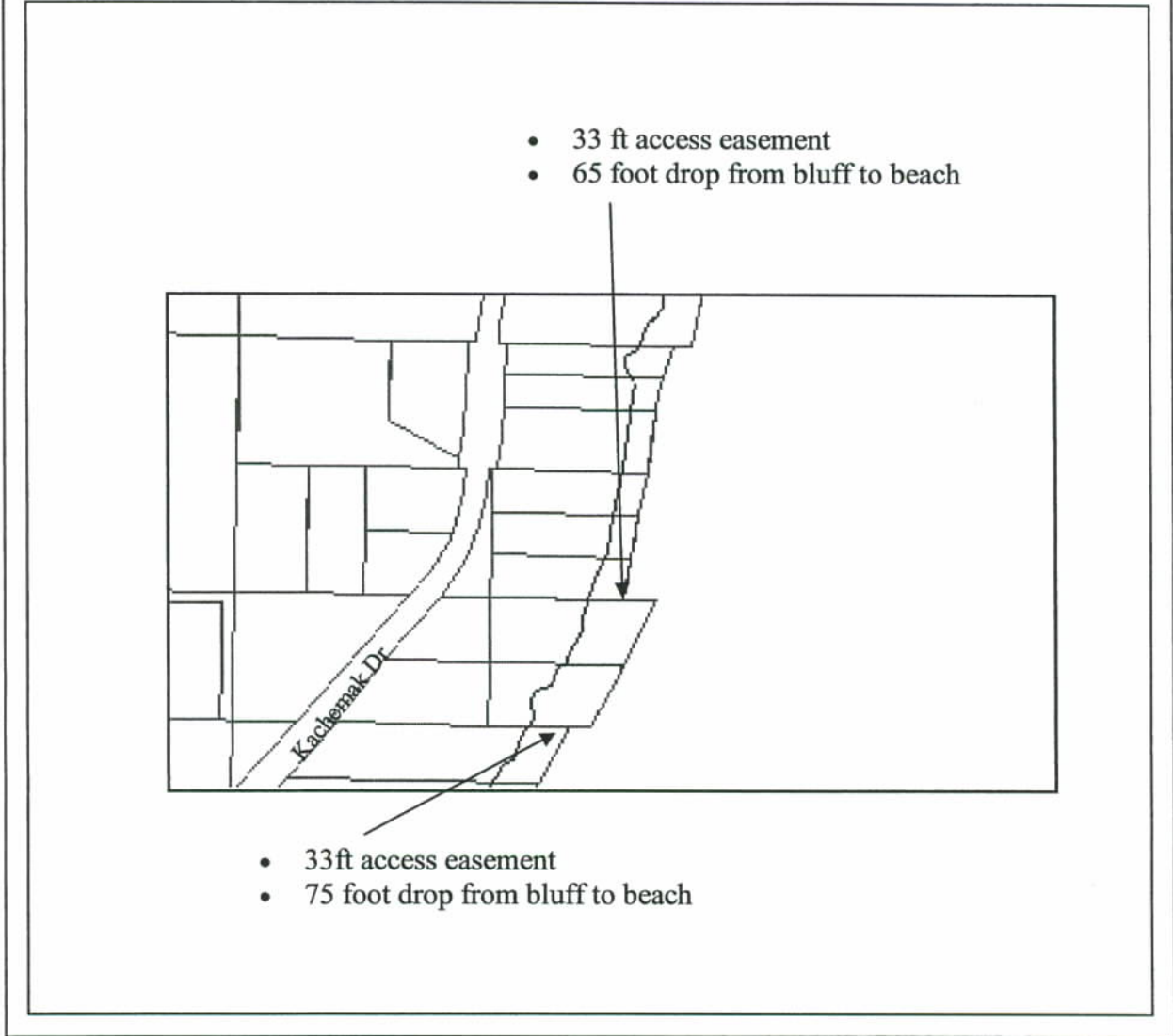
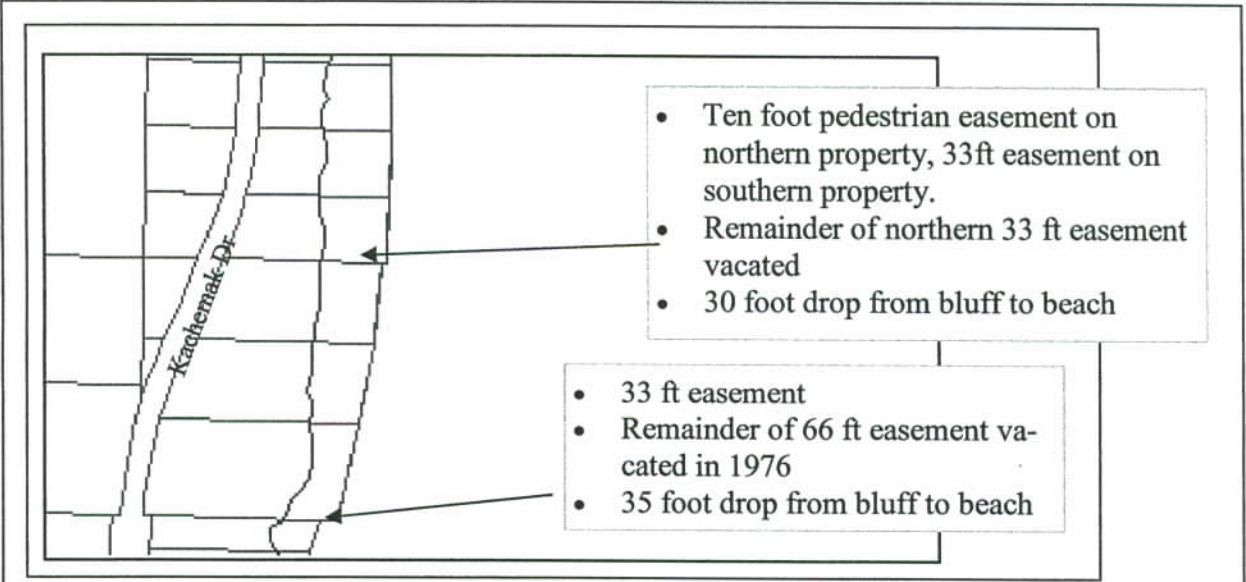
Beach Policy Appendix: B
Mainland Public Access Points to Kachemak Bay
Spring 2007

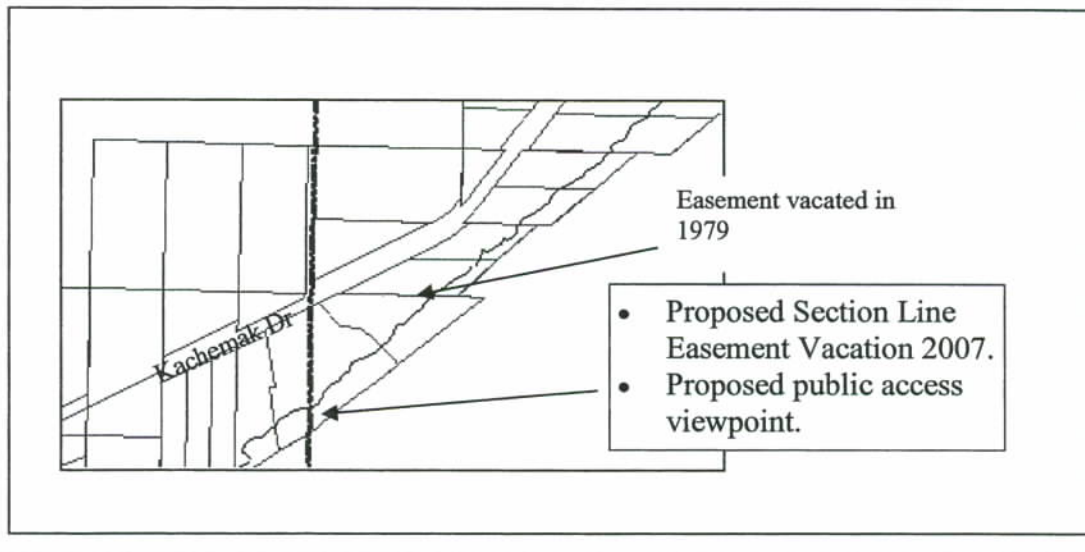
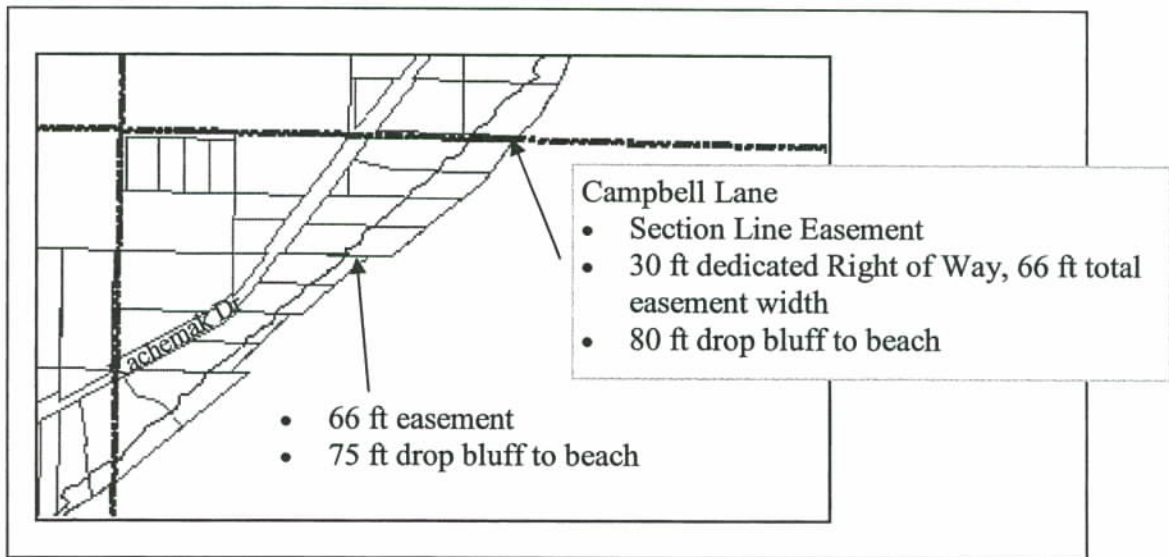
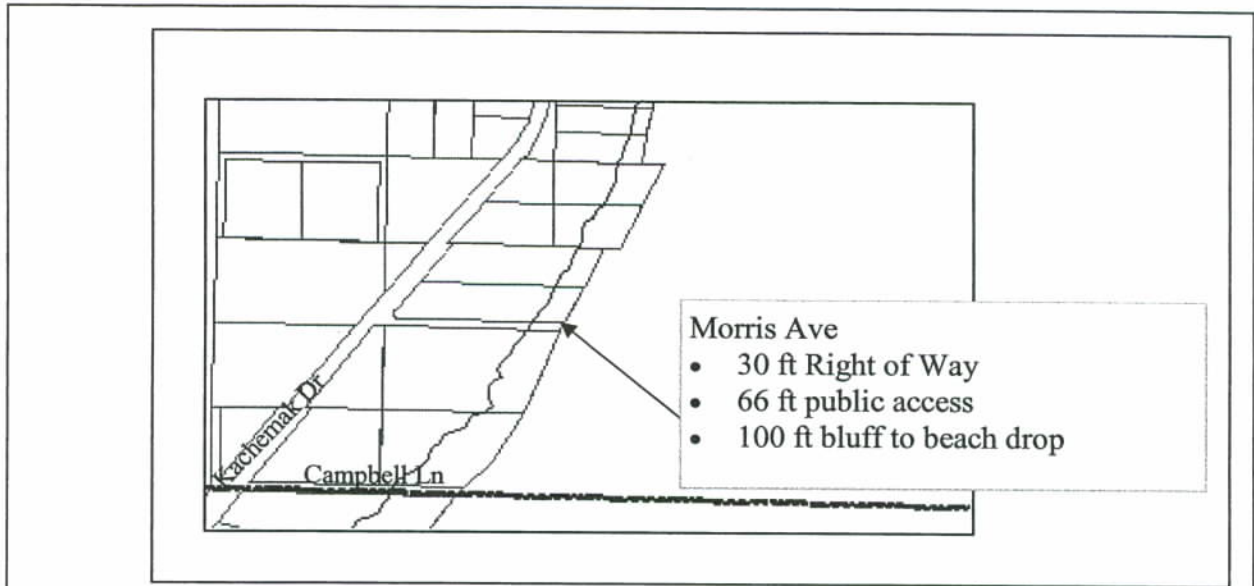


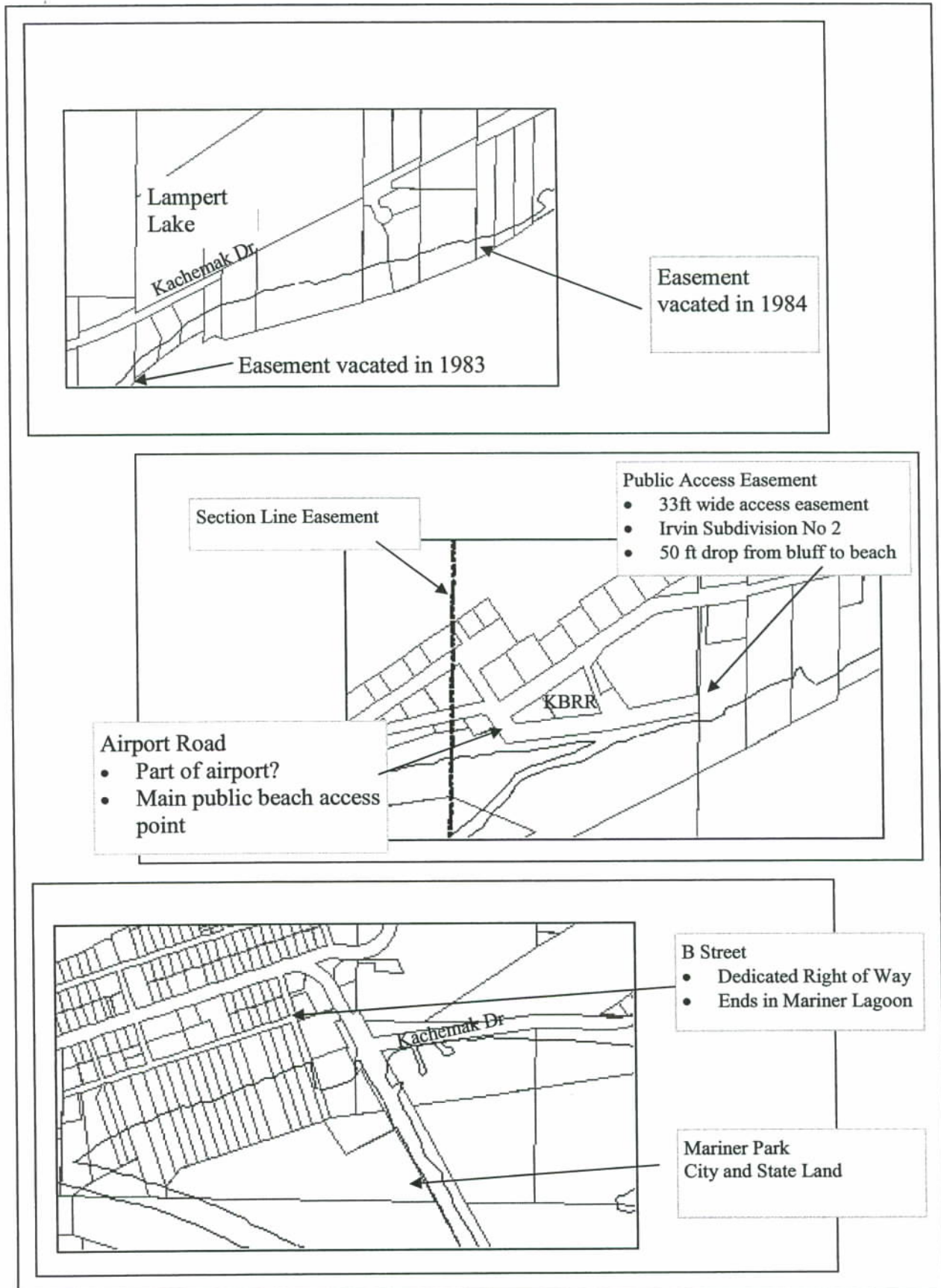
Prepared by the City of Homer Planning and Zoning Office.
Erosion data from KBRR 2004 coastal erosion study. Easement
data from plat research, and from 1982 Homer and Vicinity
orthotopographic map by Walker and Associates.













Lake Street

- Dedicated 60 ft Right of Way
- Sea wall cross the Right of Way

Section Line Easement

- 66 ft wide
- 30 ft drop from bluff to beach

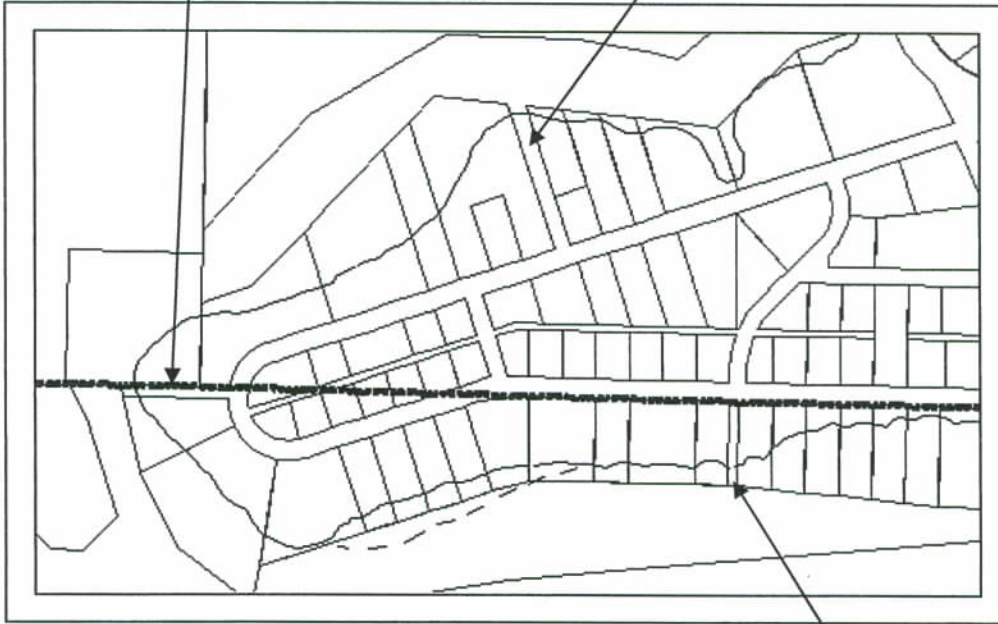
Oscar Munson Subdivision

Victoria Place

- 50 foot Right of Way
- Not constructed

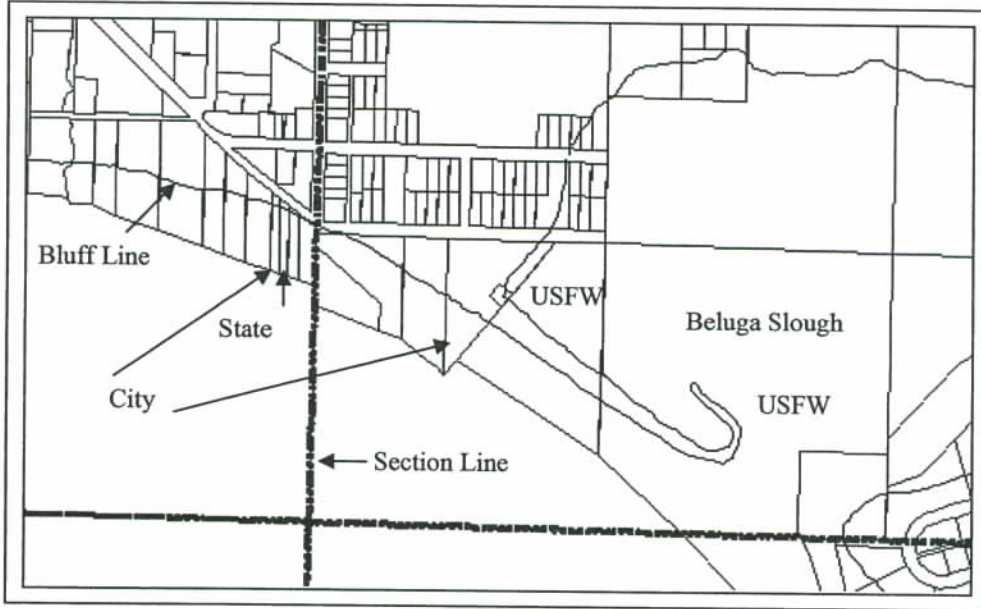
Section Line Easement/Right of Way

- 30 ft Right of Way, 33 ft section line
- Exact width of possible public access not know, but probably about 60 ft



Parson Lane

- 30 ft Right of Way
- About a 30 ft drop from street level to the beach
- Seawall runs along the bluff



- Ohlson Lane Property**
- 15-20 ft drop from street level to the beach
 - City of Homer owns one lot; the state owns another

- Section Line Easement**
- Main Street is on a section line easement
 - 15-20 ft drop from street level to the beach

- Bishops Beach**
- One of the few easy access point to the beach

This is an area of moderate long term erosion, averaging about 2 and a half feet per year.

Crittenden Dr



- 60 ft Right of Way
- Existing trail is mostly on private property
- Drainage ditch from the street has an outfall in the ROW and is eroding the bluff
- 60 ft drop from Hidden Way to the beach



- Section Line Easement
- 120 ft drop from bluff to beach

- Section Line Easement
- 230 ft+ drop from bluff to beach



Leber Street

- 30 Right of Way Leber St
- Section Line Easement
- 25 foot drop from upland to beach.



- Section Line Easement, north-south along city limit boundary
- 60 foot bluff from beach to upland plateau
- EVOS and other public lands shown



2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Regular Meeting, June 18, 2015 Please Print & Check one of the following:

<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1. BETH WYTHE	491 E. PIONEER AVENUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Robertay Highland		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Louise Ashman		<input type="checkbox"/>	<input type="checkbox"/>
4. Tom Zitzman		<input type="checkbox"/>	<input type="checkbox"/>
5. Rick Vann		<input type="checkbox"/>	<input type="checkbox"/>
6. Mel Wente		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Tom Zitzman		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Anna Freeman		<input type="checkbox"/>	<input type="checkbox"/>
9. Tom Zitzman		<input type="checkbox"/>	<input type="checkbox"/>
10. Bill Ostwald		<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.		<input type="checkbox"/>	<input type="checkbox"/>
12.		<input type="checkbox"/>	<input type="checkbox"/>
13.		<input type="checkbox"/>	<input type="checkbox"/>
14.		<input type="checkbox"/>	<input type="checkbox"/>
15.		<input type="checkbox"/>	<input type="checkbox"/>

**Beach Policy Background Materials
Parks and Recreation Advisory Commission
January-June 2015**

EXCERPT

Session 15-10 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on June 18, 2015 at 5:35 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ARCHIBALD, BRANN, LOWNEY, MACCAMPBELL, ROEDL, STEFFY

ABSENT: COMMISSIONER LILLIBRIDGE

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
MELISSA JACOBSEN, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy called for a motion to approve the agenda.

BRANN/LOWNEY SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Roberta Highland, city resident, commented to reiterate that public safety is the number one concern and if it's simple, hopefully there will be buy in. She expressed concern about the drug use and is thinking of an ad hoc committee regarding that. She supports all the policies they have come up with and is empathetic to those who will have changes in their life. She understands it as a trail user and the development and building that it can be hard, but its part of life. She will personally struggle with no dogs on the berm because she likes to walk in that area, but it's a compromise so she's looking at it that way.

Louise Ashman, city resident, said she has learned a lot in coming to these meetings. She noted a new issue regarding a motorized parasail that has been launching from the berm in front of the slough and doing low passes in the area. She acknowledged float planes take off from Beluga Lake, expressed the importance of protecting the nesting birds in the area, and that this lower flying vehicle raises concern. She asked that this be added to the list of concerns. Other than that, she thinks the list in the packet looks great and thanked the Commission for considering the public input.

Tom Zitzman, city resident on Hidden Way, thanked the Commission for their work. From where they live, they see the beach every day. He supports the recommendations that have been developed so far. His concern is overwhelming backlash and resentment that will build if they are recommended to Council in their present state. He encouraged them to consider the most important aspects of their recommendation and prioritize what we really need. One being the area from the pavilion to the east shouldn't have vehicles, and despite the signage, they are there every night. He thinks the addition of

two additional police officers isn't likely to pass but Council could support periodic ticketing sessions in the area, and after a few of those sessions, parking on the berm will happen less often. His personal feeling is cars shouldn't be allowed at all with the exception of gathering coal. Education and signage are important aspects.

Rick Vann, city resident on Charles Way, hasn't seen too much of a problem in the area and less traffic than in the past. He thinks we just need to enforce the rules we have, which include no one driving to the left and on the berm. He agrees with better signage to define where people can and can't drive would be helpful. He has talked to people who have been driving fast and a lot of times they will slow down. A garbage area for people to put their trash would be helpful, there used to be one there. As far as drug use, all cities have problems with it, but most of all we have pretty good people around here. With some signage and education, we can all get along.

Mike Warburton, city resident, agrees that limiting vehicles on the beach would make life easier for him and his guests. The police help when there are parties on the beach and the trash isn't as bad as it used to be. If they do something regarding no vehicles on the beach, he will still need to get down there with his truck a few times a year to do maintenance on his trail and property and a permit for property owners could be a workable solution.

Lori Zitzman, city resident on Hidden Way, encouraged compromise so people don't feel like their rights are being taken away. She suggested only banning vehicles in the summer season when the birds are nesting and more people are on the beach, and let them ride in the off season. She also agrees that intermittent ticketing would help reduce the traffic to the east and on the berm.

Bill Ostwald, property owner on east Bunnell, said he is most concerned about reckless driving and drug use on the beach. He likes the Commission's recommendation and said we have to stop traffic on the beach if we're going to get a handle on the problems down there. It happens at all hours of the night. He agrees the biggest concern is safety and that enforcement is a key issue. He asked about the status of traffic control measures that were discussed. Deputy City Planner Engebretsen said it's her understanding it's been designed, but she know when it will be constructed. She will ask the City Manager for follow up.

COMMENTS OF THE AUDIENCE

Asia Freeman, city resident in Old Town and member of the PARC committee, thanked the Commission for their hard work and progress on the beach policy. She is excited about the potential civilizing activity that could be taking place as a result of their work. Regarding the Park, Arts, Recreation and Culture needs assessment she commented that they are about a year into it and she is hopeful about what can come of that. She thanked Julie for her incredible service and acknowledged that due to staff cutting, Julie won't be able to continue to provide backbone support for PARC. On behalf of the old town residents and of the bigger arts and culture community Ms. Freeman thanked Julie and gave her a small bird carving in appreciation.

Tom Zitzman, city resident, commented he attended a few council meetings last summer and complained about Bishops Beach. He has learned here that he wasn't really aware of the 2007 Beach Policy and not knowledgeable of what tools were available to the city. In having listened to this

group's discussion he understands community members need to be responsible for what is happening down there.

Louise Ashman, city resident, said after tonight's discussion she wanted to emphasize that from the perspective of Homer beaches being critical habitat, it is currently illegal to drive on all city beaches and that the current practice is against the policy law that's been in place. That needs to be really clear because there will be a lot of community outpouring about the fact that we've always done it. Secondly with the issue of budget cuts and implementation and enforcement issues, they have to be careful not to back off any policy recommendations based on whether they can be enforced. Lastly, in terms of education efforts, they all involve citizenry but we also need to educate the influx of tourists. Having the policy available to guests, and also signage will be very important.

Bill Ostwald, city resident, doesn't think it will be as bad as others think regarding the Commission's proposal. He thinks a lot of people will see it as a welcome change. He has talked about it to people in the community who have said it's about time. He knows quite a few people who won't go to Bishops Beach because of the activity there and they think it will be a welcomed change. He said the word "no" is one of the hardest in the English language, but by saying it and sticking to it there is really no misunderstanding it.

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Regular Meeting on May 21, 2015 **Page 3**
- 7. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Staff Report - Julie Engebretsen
 - B. Parks & Recreation Annual Conference Status Update - Matt Steffy
 - C. Community Recreation Report - Mike Illg
 - D. Parks Manager Report - Angie Otteson
 - E. Critical Habitat - Matt Steffy **Page 11**
- 8. PUBLIC HEARING**
- 9. PENDING BUSINESS**
 - A. Review of Draft Council Presentation **Page 21**
- 10. NEW BUSINESS**
 - A. Budget Review for 2016 **Page 31**
 - B. Review of the Capital Improvement Plan **Page 33**
- 11. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar 2015 **Page 41**
 - B. Commissioner Attendance at City Council Meetings 2015 **Page 43**
- 12. COMMENTS OF THE AUDIENCE**
- 13. COMMENTS OF THE COUNCILMEMBER** *(If one has been assigned)*
- 14. COMMENTS OF STAFF MEMBERS**
- 15. COMMENTS OF THE COMMISSION**
- 16. COMMENTS OF THE CHAIR**
- 17. ADJOURNMENT THERE WILL BE A WORKSESSION WITH COUNCIL ON THE BEACH POLICY JUNE 29, 2015 at 4:00 P.M. AND THE NEXT REGULAR MEETING WILL BE ON THURSDAY, AUGUST 20, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

Session 15-09 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on May 21, 2015 at 5:35 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LOWNEY, STEFFY, BRANN, MACCAMPBELL, LILLIBRIDGE AND ROEDL

TELEPHONIC: COMMISSIONER ARCHIBALD

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda.

MACCAMPBELL/LILLIBRIDGE - MOVED TO APPROVE THE AGENDA.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes. Deputy Clerk Krause explained that only items that are not under Public Hearing may be commented on at this time.

There were no comments from the audience.

Chair Steffy noted that they received several comments from the public that were provided in a supplemental packet for tonight's meeting.

VISITORS

There were no visitors scheduled for tonight.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the Special meeting of May 4, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

LOWNEY/MACCAMPBELL - MOVED TO APPROVE THE MINUTES OF SPECIAL MEETING OF MAY 4, 2015.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report - Julie Engebretsen, Deputy City Planner

Deputy City Planner Engebretsen reviewed her staff report touching on the following items:

- Park Host Position at Karen Hornaday Park
- Council has a worksession scheduled on the draft recommendations for June 8th however 3 council members will not be in attendance so a worksession was also scheduled for the meeting of June 22, 2015 at 4:00 p.m.
- Council has introduced an ordinance to have a ballot measure on the October election to have a Bed Tax that will partially fund parks and recreation.

B. Parks & Recreation Annual Conference Update - Matt Steffy

Chair Steffy provided a status update on the planning for the conference that will be held in October for the Parks and Recreation Association. Mike Illg has put in a lot of time into the event since he can work on it throughout the work day. They expect to have the entire event sponsored by vendors so are receiving lots on funding through the vendors and exhibitors. They will be multiple days and most of the sessions are full. Kristin Beal will be the Guest Speaker for the conference and author of Dirt Work.

Chair Steffy called a recess at 5:35 pm IT was called in to fix a technical issue with the mics. The problem was the mic cords were pulled from the main (chair) mic. IT repaired the sound on speakers with the phone. The meeting was called back to order at 5:49 p.m.

C. Community Recreation Report - Mike Illg

There was no report submitted for this meeting. Staff was unable to attend.

D. Parks Report - Angie Otteson

There was no report submitted for this meeting. Staff was unable to attend.

PUBLIC HEARING

A. Proposed Changes to the City of Homer Beach Policy

Chair Steffy read the title into the record and opened the public hearing for testimony.

Mike Warburton, city resident and owner of the Ocean Shores Motel, expressed concerned about the proposed fire pit to be installed at the end of Crittenden Road noting that there is a parking issue there and that the switchback path is on his property. He commented on the uniqueness of the city owning the beach property. He supported most of the recommendations the commission proposed. He expressed concerns with accessing the beach from that area.

Tom Zitzmann, city resident, stated he has reviewed the 2007 Beach Policy, he supported all of the recommendations made by the commission including placement of more public restrooms. He acknowledged the concerns expressed by Mr. Warburton and agreed that the fire pit placement may not be the best location after his testimony. He supported establishing ordinances to ban burning of driftwood, supported signage, and more public information efforts regarding the rules and property ownership.

Rick Vann, resident, was not in favor of the recommendations and believed that they needed enforcement of the existing regulations. He believed that better signage was needed. He advocated for better police response to calls. Mr. Vann related his efforts to prevent burning in the berm, trash pickup and enforcement of existing rules.

Andrew Tyler Bullock, resident, questioned property owners requiring access to their beach front property. Chair Steffy clarified that they are not prohibiting land owners from accessing their property.

Mr. Bullock commented that it is not a problem with having no rules, but enforcing the rules we do have, there is no signage stating what the rules actually are; enforcement is huge; he supported the beach patrol, did not fully support the fire pits, he supported public information and signage.

Nancy Hillstrand, resident and property owner, supported the ban on vehicles in area 1, she supports the recommendations and believes that there is a “disconnect” when it comes to wildlife and habitat and recreation. She felt it was important that they bring the science together and that people have to make a choice between fish or recreation. She appreciates what the Commissioners have done and supports the more information for the Public.

Mike Kennedy, resident, commented on the bed tax for recreation, wanted to speak on the western beach being beaten by the storms might be something in the tide pools did not think there was much life except in the mean low water, in regards to placing a fire pit at Crittenden there is no parking off Crittenden and to encourage that wouldn't be a good idea. He appreciates the attempt and it is hard to educate people and most are property owners. He questioned whether it was fair allowing property owners special privileges. He did not believe it would fly past the public gating off the beach to vehicle access.

John Bushell, city resident, commented in support of access to the beach for all people, doesn't like the idea of the fire pit on Crittenden believes that it will cause more problems. He doesn't like the idea he will not be able to drive down on the beach.

Sally Oberstein, resident, lives off Crittenden and commented on the lack of parking down there and the personal inconvenience not being able to get to her own residence. She commented on a fire ring being a good idea but not sure about the access there. She advocated for a curfew since they are kept awake frequently by loud noise and profanity quite often down there.

Lori Zitzmann supports all the work the commission has done, reported that on May 20, 2015 a man pulled up with his truck and chainsaw and proceeded to cut up the driftwood right under a nesting eagle and when confronted about being on private property scoffed and told her it wasn't private property and no one owned the beach. She supported a public information program.

Sam Young, resident and property owners on the spit, grew up here, and maintaining the rights to collect coal on the beach with his 4 wheelers, he commented that the majority of the complaints are against existing laws, commented on the rights of property owners versus non-owners. He supported ATV access to the beach and wants to continue that right. He supported the Public Information programs.

Derrick Sylvester, representing the Roehl's, family has lived here since 1943 and is native Alaskan, questioned if firewood would be provided, large logs are collected on the harbor rock wall, his family has always burned the driftwood and has traditionally held a bon fire on Memorial Day, this community was originally a fishing community and burned the driftwood logs as a safety preventative education on the driftwood and berms.

Rika Mouw, resident, commented on the diverse comments received during the process and supports the recommendations that the commission has done using the information and science regarding these issues.

Chair Steffy thanked the public and noted that there will be more discussions when it goes to Council.

PENDING BUSINESS

A. Review of Recommendations made in Areas 8A and 8B

Commissioner Roedl requested a review of the recommendations made for Areas 8A and 8B. He missed the meeting that the commission approved these recommendations and he just wanted to express his concerns that these recommendations will cause parking issues in an area already beset with parking issues.

Commissioner Roedl expressed the following issues if they are closing the beaches to vehicles:

- establishing additional parking
- Constructing a Stairway to offer protection of the bluff
- Did not support allowing the property owners access to the beach
- Addition of more trash receptacles

Suggestions offered by the commission to alleviate the worry of additional parking needs were shared parking with existing businesses that are typically not used on a daily basis the Elks Club, the catholic church, creation of a parking lot along Charles Way, purchasing land, use of the Islands and Ocean Visitor Center parking and accessing the new trail

Commissioner Lillibridge commented on the process, parking, access, and did not support changing their recommendations on the beach based on the testimony received and the information provided. They started this at the request of the community. She supported removing the fire pit at Crittenden.

Commissioner Lillibridge requested that they remove the Crittenden location from the fire pits location.

Commissioner Roedl asked if the commission will be addressing access improvements. Chair Steffy offered that it would be a HART eligible project and is budget related and could be put on the June meeting agenda since they have the budget on the agenda for that meeting.

Commissioner Lowney agreed with Commissioner Roedl on access but was unclear how they would provide that access and they do need to encourage the City to purchase land for the public to access the beach.

Further commission comments on the number of vehicles parked on the beach and the number of people that visit Bishop's Beach including school groups, the access and parking availability at Mariner Park, further support of parking at existing facilities who do not use their parking facilities, purchasing land that would offer access to the beach and parking, possible funding mechanisms to develop accesses and access by property owners to their beach front property.

Discussion ensued regarding allowing private property owner's access to the beach and their property and if the city and the private property owners could work out an agreement, allowing maintenance vehicles, in essence private property owners have their own public beach, the lack of response to calls from property owners.

Chair Steffy asked for additional comments on this item.

Staff stated a motion is required to make any changes at this point it is still just a discussion.

Commissioner Archibald tried to offer comment or question but it was inaudible due to extreme audio feedback.

Commissioner Roedl again tried to advocate the issue regarding vehicles on the beach and access. Chair Steffy responded that the city is providing the access to private land and critical habitat and this issue was brought to them regarding the issues of people on their private property. Commissioner Roedl argued that it was not the city's or Parks and Recreation responsibility to mark private property and keep the public from private property he agreed that the city was providing access but the property owners should call the police to deal with issues on private property.

Commissioner MacCampbell believed that they have come full circle, it has been agreed that they don't have enough education, the signs are poor, and there is not good enough enforcement and if the Police Chief is saying he doesn't have enough officers and the commission is saying they do not have the proper enforcement then City Council may have to hire additional officers and increase taxes to pay for them or Chief Robl is going to have to find a way to deal with the problems. It is just the few that spoil it for the rest. Further they need to work with the property owners until they have better

access and he was agreeing more with Commissioner Roedl that they should work toward closing the beach before they actually close it off.

Commissioner Lillibridge restated her reasons and that she disagreed with Commissioner Roedl.

Commissioner Lowney commented that it was not the issue of punishing someone and those they are growing and dealing with the issues. Vehicles are not benign they do damage to the beach and it is an issue of doing the right thing and are they up to that challenge to do the right thing to protect that resource.

Staff recommended that they decide if they are ready to make a presentation to the City Council or want to postpone the presentation to discuss a phasing plan.

BRANN/ROEDL - MOVED TO PRESENT THE RECOMMENDATIONS TO COUNCIL ON JUNE 22ND

There was a brief discussion regarding the issues.

Chair Steffy at the request of Commissioner Brann called for a recess at 7:30 p.m. The meeting was called back to order at 7:35 p.m.

VOTE. YES. ROEDL, BRANN, ARCHIBALD, STEFFY, MACCAMPBELL, LOWNEY
NO. LILLIBRIDGE

Motion carried.

ROEDL/MACCAMPBELL - MOVED TO TABLE THE DISCUSSION UNTIL THE NEXT MEETING.

There was a brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Recommendation to Renew the City of Homer Membership in the Alaska Recreation and Parks Association

Chair Steffy read the title into the record and provided a brief explanation on the membership and cost.

BRANN/MACCAMPBELL - MOVED TO RENEW THE CITY OF HOMER MEMBERSHIP TO THE ALASKA RECREATION AND PARKS ASSOCIATION.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy inquired if they should have an accounting of the expenditures from the commission funds. Staff responded that they should be okay.

B. Karen Hornaday Park Playground

Chair Steffy read the title into the record and asked if Commissioner Lowney wanted to lead the discussion. Commissioner Lowney requested this item on the agenda as she received an email from Deb Cox regarding the maintenance on the playground equipment.

Deputy City Planner Engebretsen stated that this item was requested to be added to the agenda on a Sunday before staff had the appropriate time to respond to the concerns expressed by Ms. Cox. She

further assured the commissioners that Ms. Otteson has contacted her and addressed any and all concerns regarding maintenance of the park equipment. The bigger issue is that the city parks maintenance and coordinating volunteer efforts to keep that stuff up and the funding to do so.

There was a brief discussion on the use of wood chips in the playground.

INFORMATIONAL MATERIALS

A. Commission Annual Calendar 2015

Chair Steffy requested the commission to think about the different things that they wanted to budget for in 2016 for the June meeting.

B. Commissioner Attendance at City Council Meetings 2015

Chair Steffy confirmed that Commissioner Archibald would be attending the May 26th, Commissioner Lillibridge for June 8th, Chair Steffy for June 22nd and Commissioner Roedl for July 20th City Council meetings.

C. Signage for Jack Gist Park, End of the Road Park and WKFL Park

There was a brief notation on the funding expended and a Thank you to the Public Arts Committee for making the effort of getting signage for their parks.

D. Upcoming Recreation Events - Homer

Chair Steffy announced the premier event for the summer was the 2 day Kachemak Bay CeltFest June 19-20, 2015 at Karen Hornaday Park. Deputy City Clerk provided a brief description of the various highlights of the planned event.

Commissioner MacCampbell announced the Trails Day scheduled for Saturday, June 6, 2015

COMMENTS OF THE AUDIENCE

Tom Zitzman, commented on the process and the efforts of staff and do not believe they get the recognition they deserve. He agrees with the comments that they are the problem of the property owners however they have a joint relationship that is not a good one. The city has not fulfilled their requirements by following their policy. It is not entirely his problem. He also does not have the moxie that other property owners have in asking someone to leave that is on his property like the other gentleman here does. Unfortunately he has to press charges and go to court and do something that frankly he does not want to do. He really wanted to express the appreciation for the city staff and that they deserve a round of applause.

Andrew Tyler Bullock stated isn't the point of buying property the ability to use the property. He questioned the ability of having a bon fire on his property limited by his neighbor controlling his access such as the city shutting down the access. Mr. Bullock questioned how this is the city's problem? He stated that they are having some problems in 8A and 8B may be related to no one knowing the rules. He stated he moved here in 1998 and hadn't heard of problems before this and he only received noticed couple of weeks ago. Mr. Bullock stated he definitely supports more enforcement and closing down Areas 1 and 2 since there is not much use. He thanked the commission for their work.

Mike Kennedy commented that it is a very complex issue on the west side and how the material appears and disappears in one or two tides. If it was static he could understand. He also stated that once camping was banned at Bishop's Beach, which is when the problems started, people head west because they cannot be seen because they are doing things that they want to do get away. Police and the District Attorney do not have the time and resources to go after minor crimes, people burning driftwood, reality check if they think the police will enforce this. He questioned the Critical Habitat Area does have private property owners, City has control of the tides, Fish and Games does carry the ability to write citations Stairs going to the beach doesn't work get destroyed after a short time,

cutting off peoples access is not going to work, sometimes you just got to let the beach will take care of itself.

Nancy Hillstrand, commented on parking laws to either side of the road, lower the speed limit, build more parking around the green space she could not support, she supports the ban on vehicles her mother is 90 and walks 4 miles each day; she recounted how people used to do things. She then commented on Playgrounds - looking a different playgrounds clear cut and area and put in gravel, commented on kids used to play in and the effects of vehicles on the beach. If there is no parking there is no parking go to Islands and Ocean and access the beach by their new boardwalk.

Sam Young commented that it was a slippery slope because you are talking about property owners rights. A select group of people are talking about or commented on overstating the effects of erosion, he offered his own opinions on the effects of nature and human activities on the beach. A large number of people who use the beach are not represented here. He agreed that property owners have rights. People in this state have always shared the resources available.

Derek Sylvester requested a reading of the definition of berm. He stated that his family has historically removed driftwood from the beach in the area of the rock wall. The Roehl's have been here since 1940's and have lit a symbolic fire on the Memorial Day weekend. They have received worldwide recognition for their traditions. He also commented on the recommendations in area 4 and 6. He

COMMENTS OF THE CITY STAFF

Deputy City Planner Engebretsen asked if the commission wanted to have her flesh out the ideas, possible solutions and budget items in preparation for the meeting with Council.

Chair Steffy responded positively.

Deputy City Clerk Krause had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge requested clarification on meeting dates. She will miss the June 18th meeting and will try to attend telephonically.

Commissioner Roedl stated it was an interesting meeting and looks forward the next one.

Commissioner Brann agreed it was a good meeting that pointed out one thing: Education, Education, Education.

Commissioner Archibald commented on the comments received.

Commissioner Lowney commented on the upcoming meeting with Council having the students, trash pickup all around town, needing more garbage cans and discussion on other options for the town.

COMMENTS OF THE CHAIR

Chair Steffy thanked the staff that there is a lot more than just these meetings that they are involved with he again thanked the audience for participating and reminded them to talk to their neighbors and submit their comments in writing to the Clerk's Office if they were unable to attend a meeting He thanked the audience for the different viewpoints.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:32 p.m. The next **REGULAR MEETING IS SCHEDULED FOR THURSDAY, JUNE 18, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____

From: Matthew Steffy <parallaxicity@gmail.com>
Sent: Wednesday, June 03, 2015 2:52 PM
To: Renee Krause; Julie Engebretsen
Subject: Critical Habitat Area

Following the last meeting, I made contact with Joe Meehan (ADFG Refuges) and Ginny Litchfield (ADFG Habitat) and they have expressed interest in weighing in on the use of vehicles in the Kachemak Bay Critical Habitat Area below the MHWL. I know we have a lot to talk about on the next meeting, but if we could have a quick line item for me to give an update on those conversations, I think it would be prudent.

Essentially, vehicles are prohibited below the MHWL. If the city so wished, there could be a blanket permit for areas like Zone 8 (should we go that route) but those details would have to be hammered out. There are fines associated with the activity, and as it stands, both Wildlife Troopers and City of Homer Police have enforcement authority for sure, but some other ADFG agents may have the authority as well (locally that could be Jason Herreman). It would be a Class A Misdemeanor (5 AAC 95.420(a)(7)).

Here is a link that describes the current general use permit areas within the KBCHA. It does not include any of Bishops Beach, but the language gives the city an idea on what the stipulations and restrictions might be. This may be good supplemental info for the commission packet.
http://www.adfg.alaska.gov/static/license/uselicense/pdfs/5_gp0005sa.pdf

Thanks you both for all you do!
Matt



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

DIVISION OF HABITAT
Kenai Peninsula Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

SPECIAL AREA PERMIT 15-V-0005-GP-SA

ISSUED: December 16, 2014
EXPIRES: December 31, 2015

General Public:

Re: Kachemak Bay Critical Habitat Area – Limited Off-road Use of Motorized Vehicles

In response to public need for access within and through the Kachemak Bay Critical Habitat Area (KBCHA), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has determined that both the public interest and the proper protection of fish and wildlife and their habitat would be served through issuance of a General Permit (5 AAC 95.770) authorizing certain off-road motorized vehicle use in the KBCHA. This general permit authorizes the use of any off-road wheeled and tracked vehicles, 10,000 pounds or less gross vehicle weight, on all unvegetated KBCHA tidelands below mean high tide within four corridors: (1) between Anchor Point and Bidarki Creek; (2) between Miller's Landing and the Fox River Trail; (3) between Martin River and Bear Cove; and, (4) between Seldovia and the portion of Kasitsna Bay, west of the entrance to Jakalof Bay (see enclosed map). Motorized vehicle use in these corridors is for the purpose of providing normal personal and recreational transit within and through the KBCHA.

The KBCHA was created pursuant to AS 16.20.590 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. This activity is not expected to adversely impact important habitat values.

In accordance with 5 AAC 95.770, the department hereby issues a Special Area Permit to the general public for off-road use of motorized vehicles in the KBCHA subject to the following stipulations:

1. The off-road use of vehicles greater than 10,000 pounds gross vehicle weight, and the use of construction equipment, including tracked or excavating equipment are **not** included in this authorization.
2. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal and permitted hunting, fishing, and gathering of fish and game.

3. No vehicle shall be operated below the ordinary high water line (vegetation line) of any river, lake, or stream specified to contain anadromous fishes.
4. No fuel shall be stored, nor vehicles leaking fuels, oils, hydraulic, or cooling fluids shall be operated on the tidelands of the KBCHA.

The vehicle owner and the operator are responsible for the actions of persons who participate in the approved activity. For any activity that requires an individual Special Area Permit, as identified in 5 AAC 95.20, the individual shall notify the Division of Habitat, at the above letterhead address or telephone number, and obtain written approval in the form of an individual Special Area Permit prior to commencement of the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of 5 AAC 95. Please be advised that this determination applies only to activities regulated by the Division of Habitat. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

General Public
15-V-0005-GP-SA

3

Issued: December 16, 2014
Expires: December 31, 2015

Sincerely,

Sam Cotten, Acting Commissioner



By: Ginny Litchfield
Kenai Peninsula Area Manager
ADF&G, Habitat Division

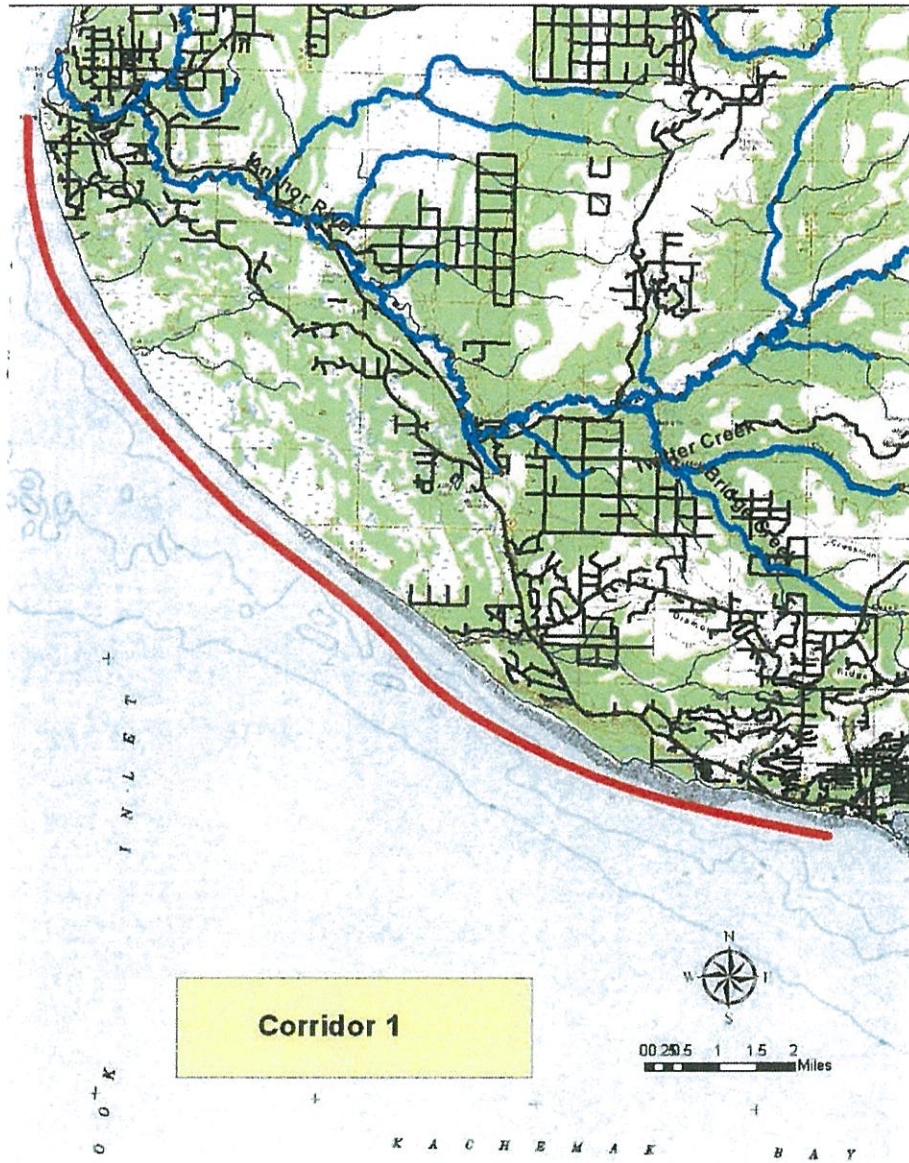
Enclosures: Maps

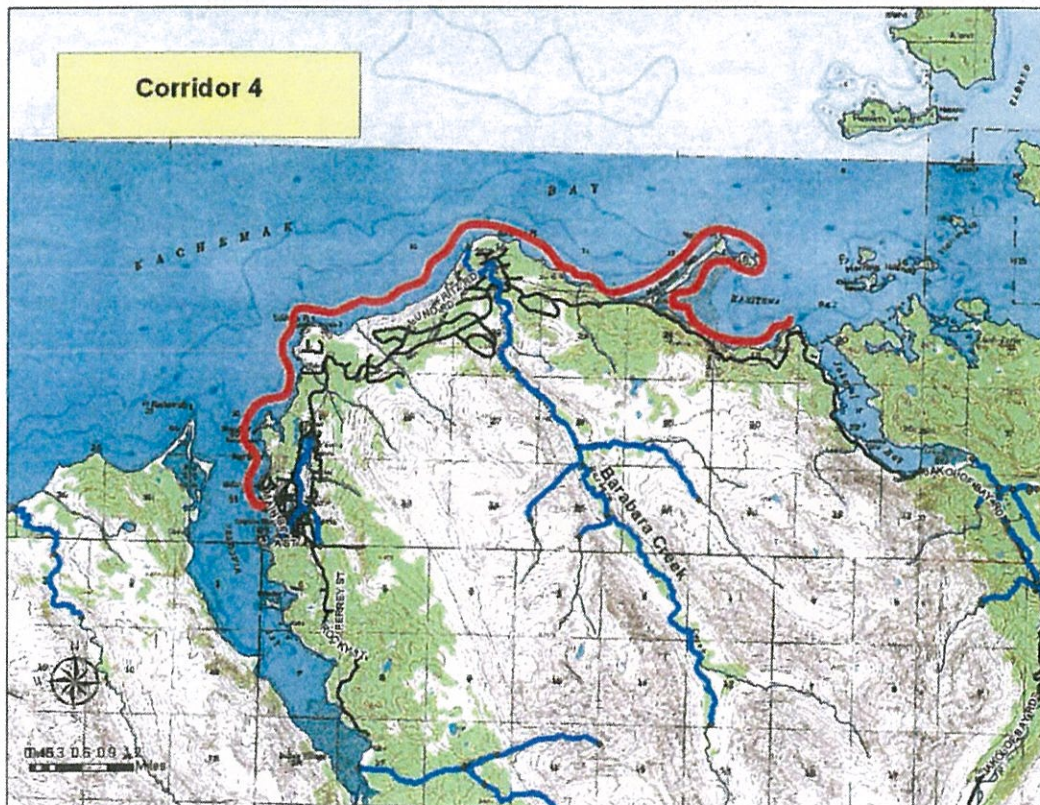
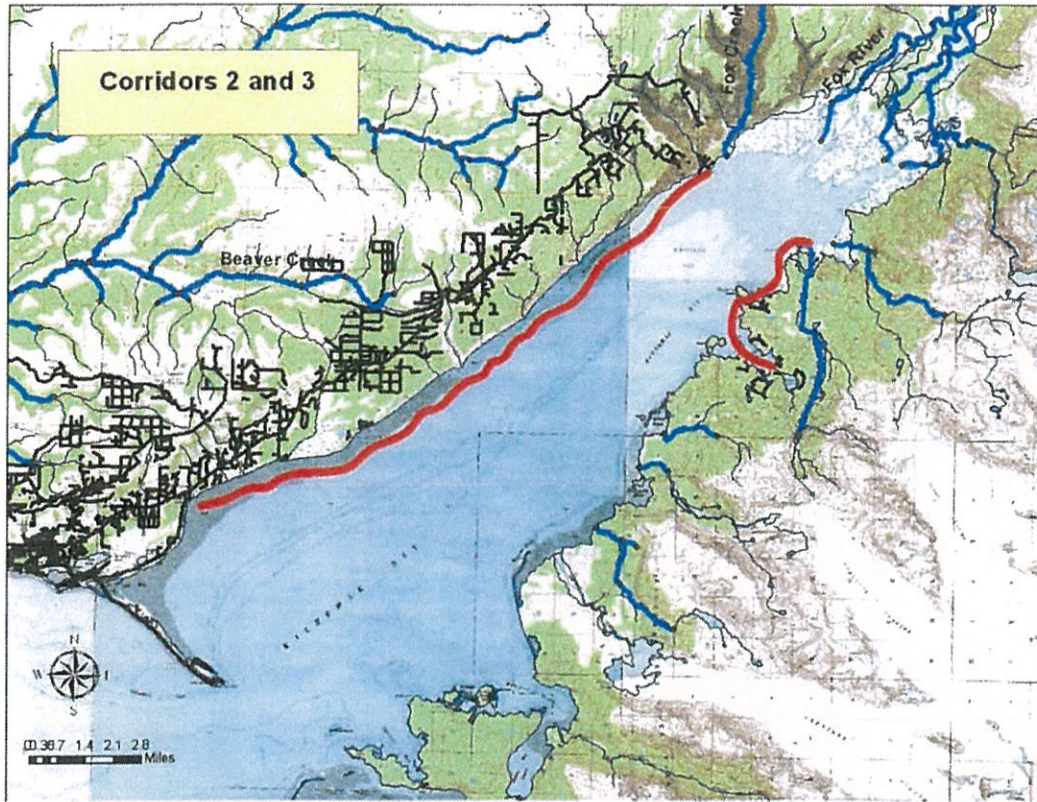
cc: KRC File

By email only:

AWT Homer
ADF&G Homer, Anch.

COE – KFO





Title 5 . Fish and Game

Chapter 95 . Fish and Game Habitat

Section 420. Activities requiring a special area permit

5 AAC 95.420. Activities requiring a special area permit

(a) No person or governmental agency may engage in the following uses or activities within a special area without first obtaining a special area permit following the procedures of 5 AAC 95.700 - 5 AAC 95.760:

- (1) construction, placement, or continuing use of any improvement, structure, or real property within a special area;**
- (2) destruction of vegetation;**
- (3) detonation of an explosive other than a firearm;**
- (4) excavation, surface or shoreline altering activity, dredging, filling, draining, or flooding;**
- (5) natural resource or energy exploration, development, production, or associated activities;**
- (6) water diversion or withdrawal;**
- (7) off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770;**
- (8) waste disposal, placement, or use of a toxic substance;**
- (9) grazing or animal husbandry; and**
- (10) any other activity that is likely to have a significant effect on vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitat, or which disturbs fish or wildlife other than lawful hunting, trapping, fishing, viewing, and photography.**

(b) The commissioner makes the final determination as to whether a specific activity is subject to the provisions of this chapter.

History: Eff. 6/5/86, Register 98

Authority: AS 16.05.020

AS 16.05.050

AS 16.05.251

AS 16.05.255

AS 16.20.060

AS 16.20.094

AS 16.20.096

AS 16.20.162

AS 16.20.530



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: June 9, 2015
Subject: Review of Draft Council Presentation

Details:

- I am expecting more review from the attorney prior to the meeting. We will go over those recommendations.
- Did the Commission want to recommend security cameras at Bishop's Beach?
- Is the Commission satisfied with this language: Land owners of beach front property and their guests are exempt for the purpose of accessing their property

Staff recommendations: Review the memo below, and attachments. This is the memo that will be forwarded to the City Council for the work session on June 29th.

Introduction and public process

In the fall of 2014, the Commission began hearing from property owners and residents in Old Town that there are more problems between vehicles and pedestrians on the beach, and more 'bad behavior.' (drinking, drugs, partying on private property, trespass, etc). The Commission began holding meetings to explore these issues, and also became more aware of the bird habitat along the grassy berm area of the beach at Beluga Slough. Speakers were invited to present information to the Commission on topics from dogs, birds, to teenage beach users.

The Commission met eleven times in 2015 to discuss the beach policy. Numerous letters were submitted, and many people commented at the meetings. There were several front page articles in local newspapers, a Coffee Table radio show on KBBI, and the City website was updated throughout the process. Beach front property owners were notified by mail of the public hearing in May.

What happens next?

Changes to the Beach Policy will depend on which recommendations Council agrees with. A resolution will be brought forward at the next Council meeting, to support all the recommendations. Council may choose to hold a public hearing, or amend the resolution. Staff will then work on the various ordinances and other changes to actually enact the changes, and also update the Beach Policy document accordingly.

Proposed changes: The proposed changes are listed two ways: in a list below, and in a table by type of action (budget ordinance, resolution, etc).

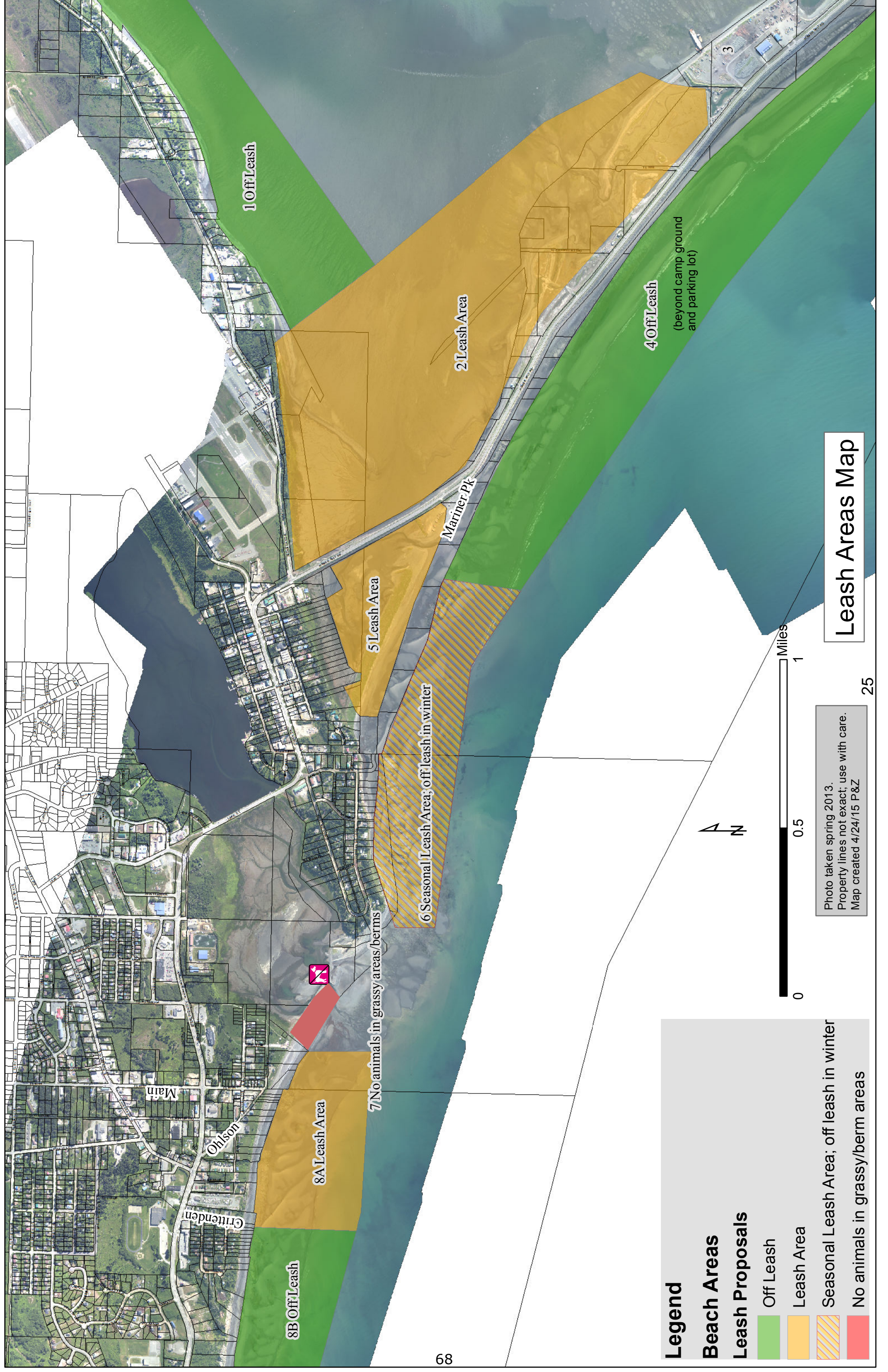
- Install fire pits at Bishop’s Beach Park, and at the City parcel near the end of Main Street/Ohlson Lane, and make trash cans available.
- Hire two seasonal beach patrol employees
- Draft an ordinance to define and ban reckless driving as it would be applied to all of City of Homer beaches
- Improve signage at Bishop’s Beach.
- Close all beaches to vehicles in summer, and allow winter use along a portion of the west part of the Spit. (Land owners of beach front property and their guests are exempt for the purpose of accessing their property).
- Add Bishop’s Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)
- Create areas where dogs must be on leashes. See Attachments.
- Increase dog waste education
- Install dog waste bag dispensers at public buildings, trails and parks and encourage other agencies and businesses to do the same.
- Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.
- Educate locals on beach rules. Community outreach: land owners, primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop’s Beach Access
- Place rocks to prevent or mark where vehicles shouldn’t go, east at Bishop’s Beach
- Consider a park host. (Would need to be willing to testify in Court)
- Ban the burning of pallets on the beach
- Ban glass bottles (containers) on the beach

Attachments:

1. Implementation Table
2. Leash Areas Map
3. Beach Areas Map: Where Vehicles are allowed on the Beach
4. Memo from Attorney Klinkner

Beach Policy Changes and Implementation	Budget Ordinance	Code Ordinance	Administrative Resolution	Administrative Policy Decision	Notes	Timeframe
Close all beaches to vehicles in summer, and allow winter use along a portion of the west part of the Spit from the Sea Wall south east past Mariner Park and down the Spit. (Land owners of beach front property and their guests are exempt for the purpose of accessing their property).	X	X			May require placement of physical barriers to vehicles	Pass ordinance and advertise closure in 2015, implement in spring of 2016
Hire two seasonal beach patrol employees	X				If beaches are closed to vehicles, only one may be needed.	2016 budget
Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.	X				May have existing funding	2015 P&R budget?
Delineate private property at Bishop's Beach Access	X					2016 budget
Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach	X				If beaches are closed to vehicles, this may not be needed.	2016 budget
Draft an ordinance to define and ban reckless driving as it would be applied to all of City of Homer beaches		X			If beaches are closed to vehicles, this may not be needed.	2015/2016
Create areas where dogs must be on leashes.		X				Begin by working with Homer Animal Friends and other on education. Install appropriate signage. Implement in 2016
Ban the burning of pallets on the beach		X				beginning with signage at City Parks
Ban glass bottles (containers) on the beach		X				Implement in 2016 beginning with signage at City Parks
Install dog waste bag dispenses at public buildings, trails and parks and encourage other agencies and businesses to do the same.					Funding from existing P&R Commission budget	2015/2016
Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)						2015/16
Increase dog waste education					Staff time or volunteers needed. Install signage	2016
Educate locals on beach rules. Community outreach: land owners, primary user groups, schools					Partner with or support groups that already do this work. Construct signage/educational displays at Mariner and Bishop's Beach Parks	2016
Education on beach resources (why we have the rules and how they protect what we have)					Partner with or support groups that already do this work	
Consider a park host. (Would need to be willing to testify in Court)					May need funding	2016

Install fire pits at Bishop's Beach Park, and at the City parcel near the end of Main Street/Ohlson Lane, and make trash cans available.	X	Immediate
Improve signage at Bishop's Beach.	X Funding required	2016
Investigate firewood concessions in campgrounds and Bishop's Beach	X	2016 summer season



Leash Areas Map

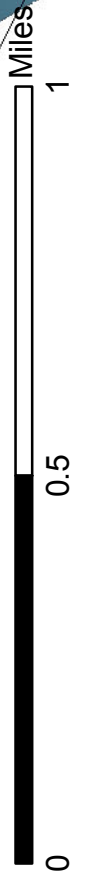
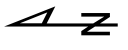
Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 4/24/15 P&Z

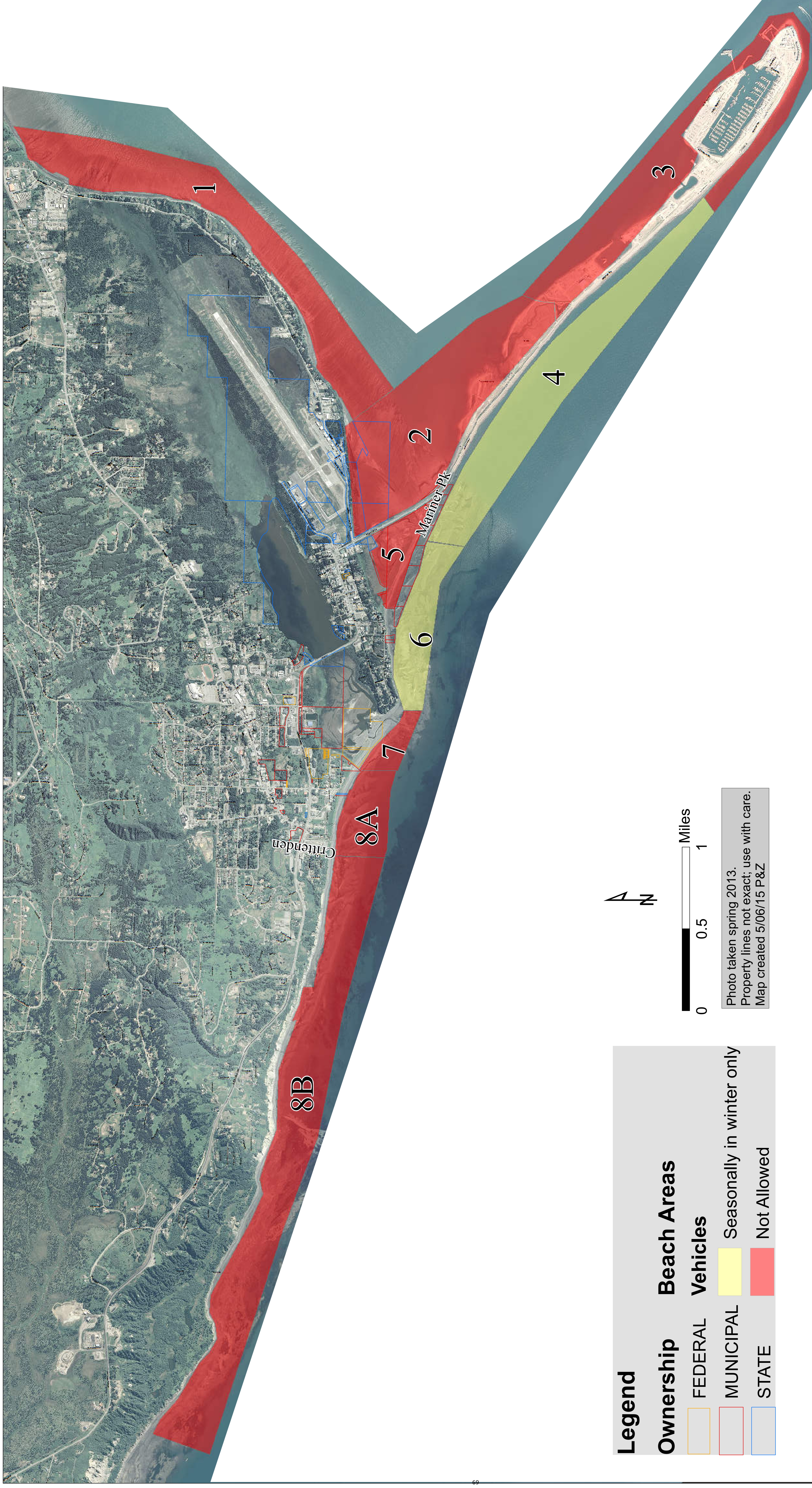
Legend

Beach Areas

Leash Proposals

- Off Leash
- Leash Area
- Seasonal Leash Area; off leash in winter
- No animals in grassy/berm areas





Legend

Ownership	Beach Areas	Vehicles
 FEDERAL		 Seasonally in winter only
 MUNICIPAL		 Not Allowed
 STATE		

Beach Areas Map: Where Vehicles are allowed on the beach.

MEMORANDUM

**TO: JULIE ENGBRETSSEN
DEPUTY CITY PLANNER
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: BEACH POLICY REVISIONS

FILE NO.: 506,742.1003

DATE: JUNE 1, 2015

You have asked that I review and comment on proposed changes to the City's Beach Policy. I had intended a more formal treatment of the subject, but time has not been my friend lately. Instead, I will give you the substance of my comments from a legal perspective in a more summary form.

Enforceability. Because the proposed changes focus on regulating conduct by the public, they raise issues regarding their enforceability that I will discuss below. These issues fall into two categories: (i) clear identification of the proscribed conduct; and (ii) the effect of overriding state or federal law principles.

Delineation of Affected Areas. Neither the original Beach Policy nor the proposed changes clearly delineates the areas in which the policies apply. While the policy documents incorporate maps, they are ambiguous, because the area commonly regarded as the "beach" may not be bounded by the property lines that are shown on those maps.

The Beach Policy and the proposed changes do not describe what constitutes the beach area with which they are concerned. In contrast, HCC 19.12.020 and 19.16.020 define the term "beach area" as "the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form." In addition, the definitions of the terms "berm" and "storm berm" in these sections imply that those features are included in the beach area. For the purposes of this discussion, I assume that the Beach Policy and the proposed changes are concerned with the area that these Code sections describe.

The beach area described in HCC 19.12.020 and 19.16.020 consists of three distinct regions: (i) an area below the elevation of mean low water ("submerged lands"); (ii) the area between the elevations of mean low water and mean high water ("tidelands"); and (iii) an area above the elevation of mean high water ("uplands"). The

City owns the submerged lands and tidelands areas. Much, if not most, of the uplands are privately owned. I assume that the City-owned upland parcels are only those identified as such in the City's Land Allocation Policy.

Typically, the boundary between tideland and upland property (regardless of City or private ownership of either) is the current mean high water line. In most cases, this boundary is "ambulatory," moving seaward or landward with the erosion or accretion of material on the beach. There is an exception to this general rule for changes in the mean high water line that are caused by a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary between tidelands and uplands continues to be located at the mean high water line that existed before the event. This is important for beach areas in Homer that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current elevation of mean high water. Thus, if such an upland parcel is privately owned, that private ownership may extend into the beach area. Determining whether a particular upland parcel extends into the beach area would require research of records regarding the effects of the 1964 earthquake at that location, of aerial photographs and other historic records. I am not aware that any such research has been conducted comprehensively for the beach area within the City of Homer.

Application to City-Owned and Privately Owned Beach Areas. The discussion in the preceding paragraphs indicates that any regulation of conduct in the beach area must be drafted to apply on both publicly owned and privately owned property. The City's leash law provides an example of how this may present an issue. HCC 20.08.010(a) provides that it is unlawful to allow any dog to run at large in the City. For this purpose, HCC 20.04.020 provides:

"At large" means an animal is at large when it is ***off the premises of the owner or keeper*** and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained. (Emphasis added.)

Thus, whether a dog on the beach is "at large" may depend on whether the beach area in question is part of an upland parcel owned by the dog's owner.

Generally, the City may regulate conduct on private property to the same extent that it regulates conduct on City-owned property. However, as the discussion above illustrates, care must be taken to draft regulations of conduct in beach areas, so that they apply uniformly to activity on both City-owned and private property.

Public Trust Doctrine. Tide and submerged lands (including those later transferred to the City) that the state received from the federal government at statehood,

are subject to a trust for the people of the state for the purposes of navigation, commerce, and fishing. The City acquired tidelands and submerged lands from the state subject to this trust. At a minimum, this public trust doctrine requires the City to provide the public access across beach areas to the water for navigation, commerce, and fishing purposes.

The entire scope of the public trust doctrine has not been established in Alaska. Courts in other states, though not yet in Alaska, have held that the public trust doctrine extends to use of tidelands for recreation and wildlife habitat protection, as well as the traditional uses of navigation, commerce, and fishing. However, in Alaska it clearly does not permit private persons to conduct purely private activities, such as developing a mining claim, on City-owned tidelands. Moreover, use under the public trust doctrine remains subject to reasonable government regulation. There is no Alaska case addressing whether a particular mode of transportation, such as motor vehicles, may be excluded from a beach area consistently with the public trust doctrine. However, I believe that such an exclusion could be imposed, provided that it preserved reasonable access by vehicle at locations where required for the public to engage in navigation, commerce, and fishing.

Rights-of-Way under Federal Public Land Law. Cortney Kitchen previously provided you with a detailed memorandum on the potential for beach areas to be subject to public rights-of-way under a former federal public land law, RS 2477. I refer you to her discussion of that topic, with the following revisions.

RS 2477 provided for the creation of rights-of-way on federal public land until its repeal in 1976. However, it also would have ceased to apply to particular federal public lands when they were withdrawn from the federal public domain. In the case of tidelands and submerged lands in Homer, that withdrawal would have occurred when those lands were transferred to the state upon Alaska's admission to the Union in January 1959. A right-of-way could be established under RS 2477 only through usage before that date.

While no formal procedure is required to establish an RS 2477 right-of-way, a person who claims that a regulation of conduct in a beach area conflicts with such a right-of-way may challenge the regulation only after proving the existence of the right-of-way either in a court or in a state administrative proceeding.

A recognized RS 2477 right-of-way may be vacated in a state administrative proceeding, if an alternative road access is available. Road access is well developed along all of the City's shoreline, making it likely that the City could obtain a vacation of any RS 2477 right-of-way located in a beach area.

In conclusion, I do not believe that the potential existence of an RS 2477 right-of-way in a beach area should deter the City from adopting regulations that it considers reasonable for the control of vehicle use in beach areas.

TFK:lcj

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Regular Meeting May 21, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	√	
2.	Miko Warburton		<input type="checkbox"/>	<input type="checkbox"/>
3.	Tom Zitzmann		<input type="checkbox"/>	<input type="checkbox"/>
4.	Rich Jamin		<input type="checkbox"/>	<input type="checkbox"/>
5.	Andrew Tyler Bullock		<input type="checkbox"/> √	<input type="checkbox"/>
6.	Glancy Gibson		<input type="checkbox"/>	<input type="checkbox"/>
7.	Mike Jones		<input type="checkbox"/>	<input type="checkbox"/>
8.	John Bushell		<input type="checkbox"/>	<input type="checkbox"/>
9.	Sally Oberstein		<input type="checkbox"/>	<input type="checkbox"/>
10.	Jan Zitzmann		<input type="checkbox"/> √	<input type="checkbox"/>
11.	Sam Young		<input type="checkbox"/> √	<input type="checkbox"/>
12.	Derrick Sylvester		<input type="checkbox"/>	<input type="checkbox"/>
13.	Dick Howard		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14.	Tom Zitz		<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MAY 15, 2015
SUBJECT: SUPPLEMENTAL PUBLIC COMMENT RECEIVED

RECOMMENDATION:

Informational in Nature. No Action Required.

May 20, 2015

City of Homer
Parks and Recreation Advisory Commission
2015 Review of Beach Policy

email rkrause@ci.homer.ak.us or fax 907-235-3143, by 4 pm the day of the meeting.

Dear Advisory Commission Members;

I would like to comment on the 2015 review of the City of Homer's Beach Policy. I am a land owner in the Old Town/ Bishop's Beach area, a beach front land owner, and my family and I use the beach in this and other areas within city limits extensively. I appreciate the time and effort the Advisory Commission has put into this review. I do not, however, agree with most of your recommendations. I believe the existing 2007 Policy is adequate, and if its recommendations were actually implemented we would not need to change much else.

- **Install fire pits** at these three locations: Bishop's Beach Park, City parcel near the end of Main Street/Ohlson Lane, and at the end of Crittenden, and make trash cans available.

This is a hastily concluded and poorly conceived proposal. This city lot is approximately 50 feet wide at the bottom of Main Street. The only legal access is from Ohlson Ln. and the bank there is easily eroded. How does the city plan on providing access to fire pits? How does the city plan on keeping people who are making fires on city property and not on adjacent private property? The only way to get to this lot from the beach on anything other than a lower low tide is across private property. Is the city going to provide signage and enforcement to keep people from either using private property to get down the berm or unknowingly crossing private property? If the city wishes to develop park lands it needs to do so with much more careful planning and involvement than placing fire pits in a small area where neighboring property will be adversely affected.

- **Hire** two seasonal beach patrol employees

The city has many recreation needs. Hiring two seasonal patrol employees is not a priority use of recreation funds. Most of the complaints on Bishop's Beach are about criminal or reckless activities. Enforcement is a role for police officers, not a seasonal beach patrol. I can think of a dozen better uses for new or existing city employees who are not police officers than patrolling a beach.

- Draft an ordinance to **define and ban reckless driving** as it would be applied to all of City of Homer beaches

This I support.

- **Improve signage** at Bishop's Beach.

This is a 2007 Beach Policy recommendation, and I support it.

- Create areas where **dogs must be on leashes**. See map [here](#)

I will limit my comments on leashes to area 7 and 8A by Bishop's Beach parking lot. Again, most of what users consider the city beach in 8A is actually private property. Dogs like grass, and most of the vegetation along that strip of beach is private property. Is the city going to enforce leash rules on private property? I would support a leash rule in the city parking lot and on city land if there are issues that need to be addressed. I would support leashes for area 7. I would support efforts to inform dog owners about where their dogs are roaming and encourage them to clean up after their dogs.

- **Close all beaches to vehicles in summer**, and **allow winter use** along a portion of the west part of the Spit. (Land owners of beach front property and their guests are exempt). See map [here](#)

I do not support this. I support citing reckless and dangerous activities on the beaches as we should on frozen lakes and elsewhere where pedestrians are recreating. I support enforcing speed limits on Main St and Bunnell Ave leading to the parking lot at Bishop's Beach.

The beach provides access to private property. The beach provides access to coal for residents. The beach provides access to recreational opportunities to responsible drivers.

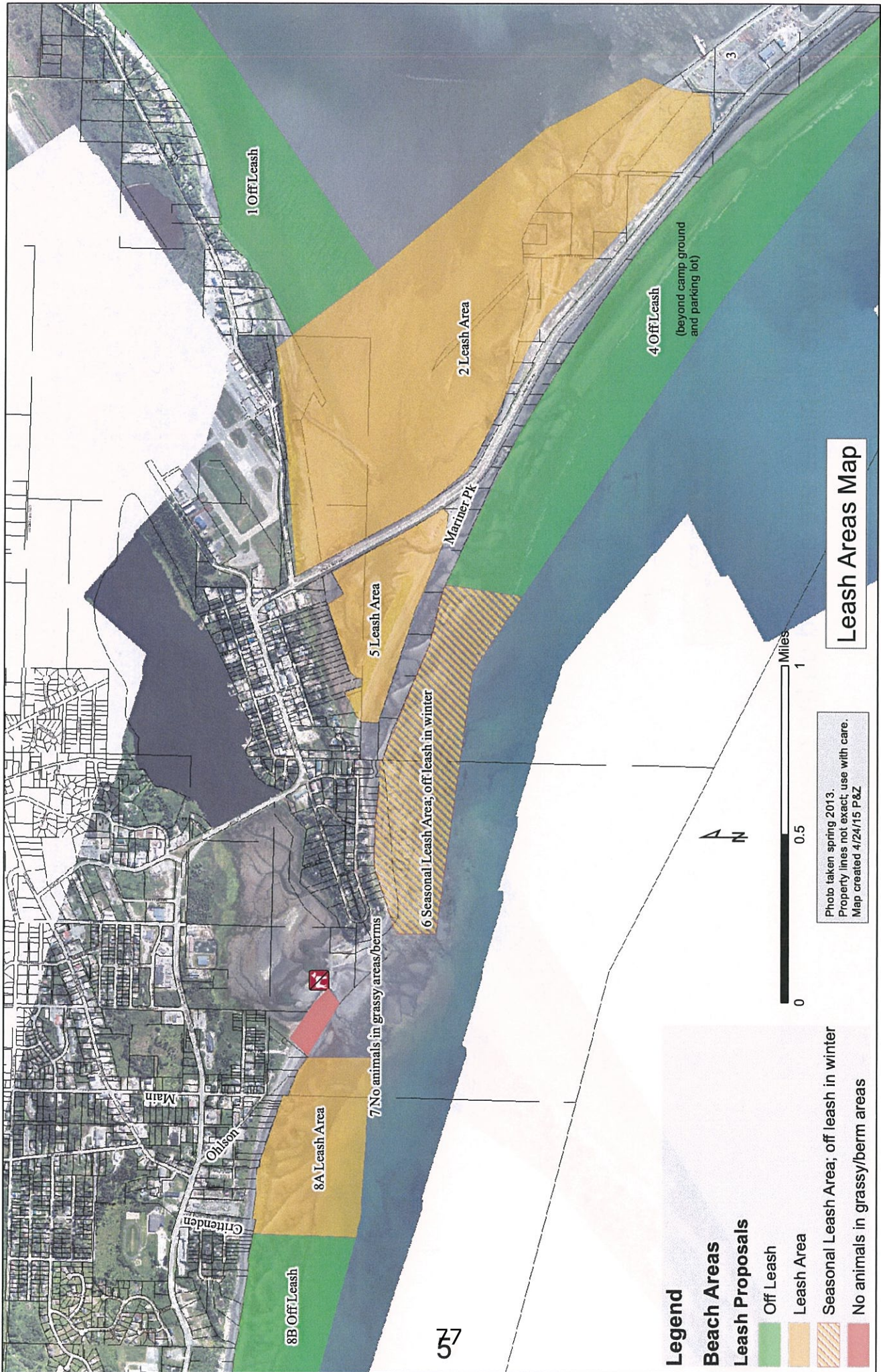
I support keeping vehicles off of private property and vehicles that damage vegetation and eroding shoreline berms.

- Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)

I don't support adding Bishop's Beach to WHSRN where most of adjacent land is private property.

Sincerely,

Buck Laukitis



Leash Areas Map

Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 4/24/15 P&Z

Legend

Beach Areas

Leash Proposals

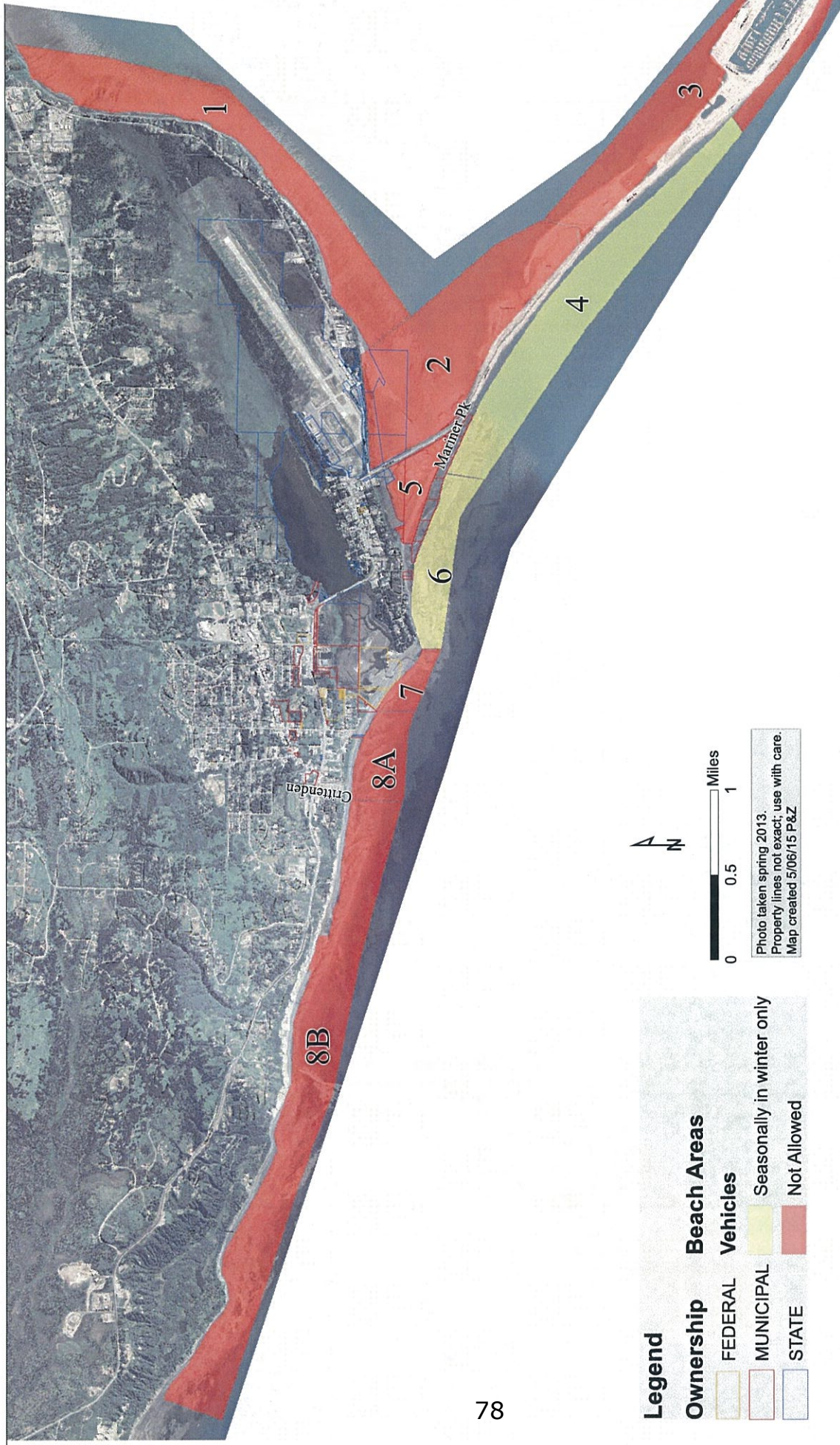
Off Leash

Leash Area

Seasonal Leash Area; off leash in winter

No animals in grassy/berm areas





Beach Areas Map: Where Vehicles are allowed on the beach.

From: George Long <glong4155@gmail.com>
Sent: Wednesday, May 20, 2015 4:57 PM
To: Renee Krause
Subject: Beach Policy Review 2015

My name is George Long and I own the beach front lot at the corner of Crittenden and Hidden Way. I am in the process of building a retirement home on the property and I did spend considerable time observing what was happening on the beach last summer. I have read all of the proposed changes and other solutions. As a landowner at one of the primary access lanes to the beach there are two important issues that do not appear to have been addressed at all. The first issue is **CAMPING ON THE BEACH**. I was amazed at the number of transient people living on the beach. I don't personally know what the rules are about camping on the beach but there are no rules posted at the Crittenden access. With no bathroom facilities anywhere near the Crittenden access or on the beach it seems obvious to me that common sense sanitation is not possible. Personally, I avoid any use of the beach at night because of the drug and alcohol parties. With no beach patrol, it appears to be the perfect place to party..

The second problem not addressed is specific to the Crittenden access "Parking". All of the water front lot owners along Hidden Way rely heavily upon being able to park on the street because the slope of the land prevents off street parking. Crittenden is also not a good place to park because it has a ditch down one side which means you cannot get out of the traffic lane and the other side has grass up to the pavement.

My Recommendation is:

1. **PROHIBIT** Overnight camping on the beach unless the city is willing to provide sanitation facilities.
2. **PROHIBIT** Use of alcohol or drugs on the beach.
3. **PROHIBIT** Excessive noise
4. **PROHIBIT** Littering
5. **PROHIBIT** Glass Containers

6. **LIMIT** Parking on Crittenden to specific designated areas that will not interfere with normal traffic or access to adjoining property
7. **LIMIT** Parking on Hidden Way to adjoining property owners on a lot by lot basis. This is the only way to insure that the people living on Hidden Way will have a place to park when they go home at night and **MUST** park on the street.
8. **LIMIT** Speed on Beach to 15 MPH

9. **PROVIDE** Night time beach patrol to enforce Ordinance
10. **PROVIDE** On site trash receptacles and pickup at all beach entrances during peak usage.
11. **PROVIDE** Signs at all beach entrance to explain Rules
12. **PROVIDE** Safe Fire Pits away from vegetation (or prohibit open fires)

Thanks

George Long

From: John & Janet Szajkowski <jszajkowski@gmail.com>
Sent: Thursday, May 21, 2015 9:59 AM
To: Renee Krause
Subject: Beach Policy Review 2015 Comments

HPRAC:

I am unable to attend tonight's meeting, but I would like to express the following concerns to the Commission.

I am a resident of beach area 6, which appears to be relatively unaffected by the proposed changes to the beach policy regulations of the City of Homer, but I do understand and sympathize with the concerns of those who live in the other areas and those who recreate in the Bishop's Beach area.

More importantly, and my concern is, the cost to the City of Homer if the Proposed changes and Other Solutions are implemented.

It seems the the City is often short in the "revenue" department, at least at budget preparation time anyway, and there are many projects, departments, and organizations vying for City dollars in the budget. The only way to decrease the shortage is eliminate other costs or increase revenue, likely to be in the form of taxes.

It also seems that many of the proposals will cost the City money, if adopted.

So then it seems that each of the proposals should be accompanied buy a cost to the City figure before they are up for consideration. Then, the process of selection can happen, looking at both the ramifications of the changes as well as the cost to the City.

Perhaps I haven't been paying close enough attention to the topic or perhaps the Parks and Rec. budget can handle the additional costs. In either case, it is still a good rule of thumb to ask the questions " How much money do we have? and How much will it cost?" before entertaining any changes.

Thank you for your work.

Respectfully,

John Szajkowski

From: john juliussen <jcjuliussen@hotmail.com>
Sent: Thursday, May 21, 2015 8:06 AM
To: Renee Krause
Subject: Homeowner opposed to changes

My name is John JULIUSSEN and I own a home 4692 kachemak drive. I use the beach in front of my house occasionally to launch or pull a small skiff with a small 4-wheeler. I am on my own land when I do this as I own the property to the mean high tide and access the beach from my own property. This policy is not needed in area 1. I have only seen a handful of 4 wheelers on the beach bellow my home and they don't bother anyone. The beach is very rocky with coal seams and impossible for a truck to get around anyway. Nobody except a few home owners use the beach in this area. In other words the policy is trying to correct a policy that does not exist.

My phone number is 907-306-0294

Sent from my iPad

From: Lani Raymond <lanir67@alaska.net>
Sent: Thursday, May 21, 2015 10:16 AM
To: Renee Krause
Subject: Bishop's Beach Policy Review

TO: Parks and Rec Commission Members
FROM: Lani Raymond
DATE: 5-21-15

Commission Members,

At a time when brevity might be appreciated, I would like to first thank you for all the work that you all have done on this Policy Review.

I am in complete agreement with the Proposed Changes (as of 5-6-15) as stated on the City Website. I am especially happy that the berm area below the Slough will be well protected and allowed to revegetate.

Thank you all.

Lani Raymond
41640 Gladys Ct.
Homer, AK 99603

Roberta Highland
P.O. Box 2460
Homer AK 99603
907-235-8214

MAY 20 2015



RE: Beach Policy

Dear Parks and Rec Commissioners,

Thank you for all your time and effort in rewriting the beach policies.

I want to go on record in support of all the beach policy changes recommended by the Parks and Rec Commission except for the seasonal motorized vehicle use west of Mariner Park. I do suggest motorized permits to the west of Mariner Park for handicapped users, coal gathering, and land owners. I also suggest motorized permits to the west of Bishop's Beach for handicapped users, coal gathering, and land owners.

I think we have reached the point where **public safety** and the **environment** need to take precedence. Sad to say, in my opinion, the motorized vehicles on the beaches are out of control; not all of them, but enough to be a real danger. What a sad state of affairs! It is sad when people are forced to face off with a truck, car, ATV, or dirt bike; and it's also sad for the people who love driving on the beach.

It is only a matter of time before there is another death—then there will be an immediate policy change. Let's be proactive and face the difficult decisions now and make these changes. It will take courage and perseverance.

This situation happens everywhere. The population has increased to where people can no longer behave like they're the only ones here. A group of young people studying the beach situation picked up enough needles and syringes to fill a bucket. Now that is really a sad state of affairs! The drug dealers and users are using the public beaches for this heinous behavior--and the police have not been able to put a stop to it because the "perps" can see them coming. I have heard many users also go to the east of Bishop's Beach because there aren't any houses there. This area is also the most accessible for people to play with their children and pets.

So, I want us to think about **public safety**, in **every** sense of these words. Motorized vehicles and pedestrians have never been a good combination. Drugs and young people are an even worse combination!

I realize this is asking a lot from many people; but that's why these kind of decisions are so difficult.

I also support the written comment titled "HOMER BEACHES—A COMMUNITY PARTNERSHIP". I also support the comments of Jack Wiles and his group except for the fourth bullet point on page 15 which allows the compromise to continue allowing motorized vehicle usage in Zone 8. As I stated before, this should be permit use only.

I again thank you for your incredible work on beach policy; and I want to reiterate that making **public safety** the number one concern can alleviate much of the distress in making these difficult decisions.

Sincerely,

Roberta Highland

From: Jo Johnson
Sent: Thursday, May 21, 2015 2:43 PM
To: Renee Krause
Subject: FW: Beaches

For tonight

Jo Johnson

From: William J. Marley [<mailto:wmarley@mac.com>]
Sent: Thursday, May 21, 2015 2:19 PM
To: Jo Johnson
Subject: Beaches

WILLIAM J. MARLEY, DDS
Judy A. Marley
183 WEST BAYVIEW AVE.
HOMER, AK 9960
907-235-8987
wmarley@mac.com

May 21, 2015

Homer Parks and Recreation Advisory Commission, Homer, Ak

Dear Commission members;

Consideration of behaviors of animals and beings on Homer ocean front beaches:

While consideration has to be given to a growing population and beach utilization one certainly has to recognize that those of us who have made our lives here have not come to Homer, Ak to live in the midst of a plethora of rules and regulations. When, however, the activities, of one or some has a profound effect upon others it has to be recognized and dealt with but albeit with **minimal** laws and **minimal** administration.

As for vehicular traffic, unruly parties, etc. I am willing to accept the deliberations of the Commission. However, if living in Homer, Ak means that I must have my dog on a leash to have it on the beach, I must say that I would find myself most defiant of such regulation. Is it even humane that a domesticated animal should be confined to live an entire life on the end of a leash or chain? Certainly, each

1

dog owner must be responsible for the behavior of his/her animals.

When it comes to dog feces on the beach, may I please point out that all the sea animals, sea lions, seals, otters, etc. defecate in the ocean. It can only be assumed that dog feces gets washed

away with an average mean high tide. It has be worth pointing out that moose and bears defecate throughout the Homer area with no public concern. Does the City of Homer have jurisdiction over ocean beaches beyond the 18 foot mean high tide line?

As for the dog feces that may be above mean high tides may I propose that the City hire an entry level employee to walk to beach at periodic times and scoop up any fences above the mean high tide of heavily used beach areas. Further, it may be worthy of leadership to provide dog feces bags and disposal containers for those who are voluntarily willing to pick up their dog waste and dispose of it. In fact a voluntary effort may well garner more compliance than any given mandate.

Not only do I care about this issue as a Homer citizen but I also care as being a land owner of considerable bluff/beach area.

Sincerely,

William J. & Judy A. Marley

Kathy Smith
4139 Kachemak Way
Homer, AK 99603

May 20, 2015

To the members of the Homer parks and Recreation Advisory Commission:

I have been a permanent Homer city resident since 1985. I first lived in the Homer area from 1974-1979. I have watched our community grow.

I wish to offer my thoughts about proposed changes to the Beach Policy. The popularity of Homer's beaches has grown immensely since the last policy update in 2007. With the increase of visitors to our beaches, it is obvious that many of those policies no longer work.

I have been dismayed for a long time by the large numbers of vehicles on the berms and beaches. I am fully prepared to accept the ban on motorized vehicles as proposed.

Surely there are other beaches outside the Homer area that can be used by cars, trucks, and recreational vehicles which no longer belong on local beaches so extensively populated by shorebirds and people on foot.

Last Saturday, I walked down to Bishops Beach with my 5 month-old puppy, along the boardwalk and toward the berms on the east side of the beach. It was her first trip. As we walked along a footpath toward the slough, I saw one or two small shorebirds walking up from the slough toward the path. Then I noticed several more. We sat quietly on a log to watch them, then made our way over the berm and onto the beach. I realized I had been in a grassy area where dogs will no longer be permitted when the new Beach Policy takes effect. It's okay, I can agree that it's better that way, although I'm not convinced that in the wintertime this prohibition is necessary.

I agree with the on-leash and poop clean-up policies as proposed. And the no-glass policy. I really hope that the end result of all these changes will be less trash on our beaches.

My only regrets are for those folks who still gather coal, as I used to do when I first lived in Homer. I do hope that any coal-gathering beaches outside the non-motorized-vehicle-area will be identified and used. Much has changed since I first moved here. I believe we must look forward and put policies in place that best benefit Homer. Please support the recommendations of the Beach Policy task force.

Thank you,

Kathy Smith

Roberta Highland
P.O. Box 2460
Homer AK 99603
907-235-8214

MAY 20 2015



RE: Beach Policy

Dear Parks and Rec Commissioners,

Thank you for all your time and effort in rewriting the beach policies.

I want to go on record in support of all the beach policy changes recommended by the Parks and Rec Commission except for the seasonal motorized vehicle use west of Mariner Park. I do suggest motorized permits to the west of Mariner Park for handicapped users, coal gathering, and land owners. I also suggest motorized permits to the west of Bishop's Beach for handicapped users, coal gathering, and land owners.

I think we have reached the point where **public safety** and the **environment** need to take precedence. Sad to say, in my opinion, the motorized vehicles on the beaches are out of control; not all of them, but enough to be a real danger. What a sad state of affairs! It is sad when people are forced to face off with a truck, car, ATV, or dirt bike; and it's also sad for the people who love driving on the beach.

It is only a matter of time before there is another death—then there will be an immediate policy change. Let's be proactive and face the difficult decisions now and make these changes. It will take courage and perseverance.

This situation happens everywhere. The population has increased to where people can no longer behave like they're the only ones here. A group of young people studying the beach situation picked up enough needles and syringes to fill a bucket. Now that is really a sad state of affairs! The drug dealers and users are using the public beaches for this heinous behavior--and the police have not been able to put a stop to it because the "perps" can see them coming. I have heard many users also go to the east of Bishop's Beach because there aren't any houses there. This area is also the most accessible for people to play with their children and pets.

So, I want us to think about **public safety**, in **every** sense of these words. Motorized vehicles and pedestrians have never been a good combination. Drugs and young people are an even worse combination!

I realize this is asking a lot from many people; but that's why these kind of decisions are so difficult.

I also support the written comment titled "HOMER BEACHES—A COMMUNITY PARTNERSHIP". I also support the comments of Jack Wiles and his group except for the fourth bullet point on page 15 which allows the compromise to continue allowing motorized vehicle usage in Zone 8. As I stated before, this should be permit use only.

I again thank you for your incredible work on beach policy; and I want to reiterate that making **public safety** the number one concern can alleviate much of the distress in making these difficult decisions.

Sincerely,

Roberta Highland

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer **Page 3**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Special Meeting on May 4, 2015 **Page 11**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Staff Report - Julie Engebretsen **Page 23**
 - B. Parks & Recreation Annual Conference Status Update - Matt Steffy
 - C. Community Recreation Report - Mike Illg
 - D. Parks Manager Report - Angie Otteson
- 6. PUBLIC HEARING***(there are no items scheduled)*
 - A. Proposed Changes to the City of Homer Beach Policy **Page 31**
- 7. PENDING BUSINESS**
 - A. Review of Recommendations made in Areas 8A & 8B **Page 35**
- 8. NEW BUSINESS**
 - A. Recommendation to Renew the City of Homer Membership in the Alaska Recreation and Parks Association **Page 37**
 - B. Karen Hornaday Park Playground **Page 39**
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar 2015 **Page 43**
 - B. Commissioner Attendance at City Council Meetings 2015 **Page 45**
 - C. Signage for Jack Gist Park, End of the Road Park and WKFL Park **Page 47**
 - D. Upcoming Recreation Events - Homer **Page 61**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A WORKSESSION WITH COUNCIL ON THE BEACH POLICY JUNE 8 OR 22ND (TO BE DETERMINED) AND THE NEXT REGULAR MEETING ON THURSDAY, JUNE 18, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

From: howsekat@aol.com
Sent: Thursday, May 14, 2015 1:42 PM
To: Renee Krause
Subject: Beach Policy Review 2015

As a beach user land owner of beach front property, I support the proposed changes (as of 5/6/15) to the beach policy affecting Bishop's Beach. I have been endangered while walking on the beach by reckless driving of cars, trucks, ATVs and motorcycles. My property has been damaged by trespassers climbing the bluff, having bonfires with the driftwood at the base of my bluff and using the brush and trees as a restroom. My pets have been attacked while in my yard by loose dogs from the beach.

I am very hopeful all of these proposed changes will be enacted by the Homer City Council.

Kathy Howse
289 Jenny Way
Homer, AK

From: Deb Lowney <dlowney@accsalaska.net>
Sent: Friday, May 08, 2015 4:17 PM
To: Renee Krause
Subject: Fw: article from today's NYTimes

Renee,

Can we forward this article to all commissioners? It is from Rika Mouw.

Thanks, Deb

-----Original Message-----

From: Rika Mouw
Sent: Saturday, May 02, 2015 9:41 AM
To: Debra Lowney ; Archibald Robert
Subject: article from today's NYTimes

Good morning dear wonderful and awesome community builders, I just happened to read this article in today's NYTimes and instantly thought It should be read by the entire committee and eventually the City Council. The very closing thoughts are ones I wish everyone would think about. Ten or twenty years from now, what will want for our beaches..... Thank you again and again for the incredible time and effort you have given this and for ALL that you do. I am utterly grateful and appreciative.

warmly,
Rika

http://www.nytimes.com/2015/05/02/opinion/silent-seashores.html?ref=opinion&_r=0



The New York Times | <http://nyti.ms/1GDxNBo>

The Opinion Pages | OP-ED CONTRIBUTOR

Silent Seashores

By DEBORAH CRAMER MAY 1, 2015

GLOUCESTER, Mass. — AS the spring days lengthen, shorebirds have begun their hemispheric migrations from South America to nesting grounds in Canada's northern spruce and pine forests and the icy Arctic.

They are among Earth's longest long-distance fliers, traveling thousands of miles back and forth every year. I have watched them at various stops along their routes: calico-patterned ruddy turnstones flipping tiny rocks and seaweed to find periwinkles or mussels; a solitary whimbrel standing in the marsh grass, its long, curved beak poised to snatch a crab; a golden plover pausing on a mud flat, its plumage glowing in the afternoon sun.

I used to think that sandpipers flocking at the sea edge, scurrying before the waves, were an immutable part of the beach. No longer. This year, as the birds come north, one of them, the red knot — *Calidris canutus rufa* — will have acquired a new status. It is now listed as threatened under the federal Endangered Species Act. It joins four other shorebirds on the government's list of threatened and endangered species.

Sadly, it is unlikely to be the last.

As these birds make their long journeys, they face a host of threats. Whimbrels navigating through tropical storms finally make landfall in the Caribbean, only to be shot by hunters. Wilson's plovers lose their beach nesting sites to development, and their eggs and chicks to raccoons, dogs and cats, whose numbers swell as more people build along the shore. The tidal flats and inlets where knots, turnstones and other shorebirds feed are disappearing as storm surges and a rising sea eat away at the coastline.

Already the loss of shorebirds has been staggering. In the continental United States, more than half were listed on the 2014 State of the Birds Watch List, compiled by the North American Bird Conservation Initiative. Their inclusion means that their small or declining numbers put them in urgent need of additional protection. The number of North American long-distance migrating shorebirds that scientists have tracked has dropped by more than half since 1974, an alarming loss of 12 million birds.

Sightings of ruddy turnstones, for instance, are down by 75 percent. Semipalmated sandpipers are down by 80 percent in their winter home in northern South America. And in Churchill, Manitoba, the nesting season for Hudsonian godwits has been abysmal.

These sturdy birds travel thousands of miles from the Strait of Magellan to reach the west shore of the Hudson Bay in Canada. But they are now threatened by the changing climate, which, according to 2014 research led by Tufts University, presents an increased risk of extinction to nearly 90 percent of North American shorebirds. As the planet is warming, insect populations are peaking up to two weeks before the godwits' eggs hatch. As a result, many chicks end up starving.

Over the last three years, I have logged over 40,000 miles following shorebirds. Day after day I trudged across the snowy Arctic tundra, looking for ruddy turnstones that hadn't shown up to nest, and through miles of meadow where semipalmated sandpipers used to lay their eggs. On a quiet island off the coast of Georgia, I followed the delicate tracks of Wilson's plovers, whose range is contracting and whose numbers are down 78 percent. In South Carolina in 1831, John James Audubon, watching long-billed curlews flying in to roost at sunset, saw several thousand birds. I saw one, in a wildlife refuge starved of sand and disappearing into a rising sea.

About 10,000 species of birds are living today. Scientists estimate that before humans accelerated the rate of extinctions, a bird extinction might happen every 1,000 years. In my own life, at least 19 bird species have become extinct. One shorebird — the Eskimo curlew — may shortly disappear, if it hasn't already. Hundreds of thousands once flew from the South American pampas up through the Great Plains, and then back through Labrador, gorging on blueberries. The last sighting, confirmed by physical evidence, was in 1963, when I was a young girl.

We have also seen aggressive, dedicated conservation return birds from the

brink. The bald eagle, peregrine falcon and brown pelican were all rescued from the ravages of DDT after the pesticide was banned, though their recoveries took 30 to 40 years. Scarcely 20 California condors were alive in the wild before a captive breeding program began in the early 1980s; it now has pushed the bird's numbers in the wild to more than 200.

It is not easy to address the complex and myriad threats that these migrating shorebirds face along a flyway that spans two continents, but many people are trying. This work involves curbing development along a congested coast; minimizing human disturbance; curtailing hunting in South America and the Caribbean; protecting habitat that is being lost to dredging, redesigning inlets and stabilizing the sea edge; conserving additional land; and finally, carrying out research to understand how a rapidly changing Arctic affects nesting.

I hope I never walk beaches empty of sandpipers and plovers. But it is possible that may happen. In the case of some shorebirds, it is increasingly likely. This is why we must commit the money and muscle needed to give these birds safe harbor. If we do, we just might keep our shores teeming with shorebirds.

Deborah Cramer, a visiting scholar at M.I.T., is the author of “The Narrow Edge: A Tiny Bird, an Ancient Crab, and an Epic Journey.”

A version of this op-ed appears in print on May 2, 2015, on page A21 of the New York edition with the headline: Silent Seashores.

Session 15-08 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on May 4, 2015 at 5:35 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LOWNEY, STEFFY, ARCHIBALD, MACCAMPBELL, LILLIBRIDGE AND ROEDL

TELEPHONIC: COMMISSIONERS BRANN

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda.

LOWNEY/ARCHIBALD - SO MOVED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Roberta Highland, city resident, requested the commissioners to reconsider the seasonal motorized vehicles on the beach in Area 7. Ms. Highland complimented the recommendations of the Jack Wiles' group on code amendments. She commented on the commission being proactive, and exhibiting the courage and perseverance to make these hard changes due the likelihood of someone getting killed. She wants the commission to think of safety over all. Ms. Highland commented on the eradication of the drug use, establishing a permitting system for land owners, the handicapped and coal collectors. She requested the commission to do their best when it comes to the safety of the public.

George Matz, commented on speaking to the Commission approximately 6 weeks ago, responded that the commission misunderstood him regarding the seasonal disturbance to the migratory birds and permanent damage to their habitat by vehicles whether allowed only seasonal or not.

Don Lane, resident, thanked the commissioners for putting in all the time on the subject for the community, commented on the issues of dogs on and off leash and establishing rules with no enforcement of existing rules, how they can differentiate between property owners and the general public, not easy to understand and making sure they have verifiable/substantiated claims of drug dealing.

Chair Steffy clarified the term landowner as they were referenced in the proposed changes to the policy.

Barb Brodowski, resident, commented on the garbage she removes while walking each and every day on the beaches and the Spit Trail. She provided comment on incidents on the Spit where she collects trash with a 3 foot grabber and was approached two different times by large, unleashed dogs and that pet owners do not pick up after their pets. Ms. Brodowski stated that dog owners are migrating to other areas where there are no regulations regarding dogs. This area is the most visited by tourists and is disgusting with the amount of dog poop along those paved paths around the harbor. She believes that there should be no unleashed dogs in public areas anywhere in the city.

Kathryn Carssow, resident, reinforced her previous comments to the commission on protecting the ecology, expressed her concern about the Beluga Slough and really enjoyed walking with her dog but willing to give that up to protect that habitat. She advocated for a barrier to keep vehicles from that

berm area. It is not supposed to be a road, she has proof of vehicles traveling into areas that they are not supposed to plus taking and burning the wood.

Rika Mouw, city resident, lives along the coastline in Area 1, wanted to thank the staff for their efforts in providing the materials for the public, she supports the reconsideration of Area 7, she commented on the ecological value of the beaches and noted that the commissioners have not addressed Area 1 which is a very fragile habitat area and currently allows vehicles and dogs off leash. To access the beach you must travel over a berm area and you must travel on private property and they have birds in this area year round due to the nutrient rich feeding ground and will nest in this area. Currently there is no viable access except through the wetlands or private property. This is a relatively quiet area that people can walk safely and quietly. The worst area is at the bottom of the Airport Access. You can see where people have driven through this area. She advocated for a barrier similar to Louie's lagoon.

James Spearin, resident and property owner in Area 1, commented that they have put up signage, posts and rocks, but people have pulled them down and moved the rocks, a new berm that has formed has timber collected on top of it, they have had numerous problems with young people having parties and fires down there which is more of a concern with fires burning near that timber. He has no problem with people walking their dogs but those that are doing damage he is not sure how to control them without putting a fence that allows pedestrians only not vehicles. Property owners can have access. He has discussed the issue with the Airport Manager but they have no control over that access.

Chair Steffy requested Mr. Spearin to locate his property on the map. It is located at the corner of Area 5 and Area 1 on the map.

Marianne Aplin, USFW, thanked the Commissioners and noted that a letter has been submitted but wanted to reiterate that they support a year round ban on vehicles, leash law and clean up rules in Area 7. In response to Commissioner Lowney Ms. Aplin clarified that they don't support driving on the beach in general, as well as driving through the tidal areas, but the berms are very important for protecting the habitat.

Paul Eneboe, resident, lives on the point, to the east of Bishops Beach, they along with the Lance and Barbara Petersen own approximately 34 acres, he commented in support what the commissioners are trying to do. They purchased the land in order to prohibit future building they heard about. They do have a big issue that they face every few years with the mouth wanting to drift towards the end of the spit and have been doing it since the 1940's. He purchased land in 1969 and they had to perform that cut every two years. He noted that they are in the process of speaking with the Corps of Engineers to perform the cut again. This will be a twice each decade more or less activity that needs to be done with that channel. He wanted to provide a heads up that this is an ongoing issue that is taken care of in the fall. He does not believe it is particularly damaging. He asked if the commission had any questions of him as a property owner.

Commissioner Lillibridge asked for Dr. Eneboe to point out his property on the map.

Commissioner Lowney asked for clarification on the collection of coal in that area from Mariner Park or accessed the coal from the road that comes down from that area. Dr. Eneboe responded that they have always welcomed the coal collectors and spoke about the pocket where coal collects. He stated in his opinion that driving below the tide line does little if no damage but doesn't believe anyone should drive on the berm or lower on the beach.

Barb Petersen, city resident, requested the location of the "road" that Commissioner Lowney inquired about and explained that that road was on Tillion property and was very well maintained. She noted there were three parcels that are private property that is in the slough and gets covered with high water.

Nancy Hillstrand, city resident, advocated for no vehicles in Area 7, they cannot have utilities unless above ground due to the wetlands in that area, she also recommended the use of "Doggie Dooley's" to compost the dog poop. Ms. Hillstrand owns property in Area 1 also and advocated for the commission to listen to the property owners. She commented on the compaction caused by vehicles as being

implicated in the razor clams issue. She further advocated for protection of the wildlife and pedestrian use of the beaches.

Chair Steffy requested Ms. Hillstrand to provide clarification on ownership of property and private property owners feelings on the public using that land. He would like to get their input on those issues.

Kate Finn, Anchor Point resident, driving in area 7 is unconscionable and unreasonable, and has gotten progressively worse. She is not aware of the quality of the coal, maybe it is really high quality, but there is a ton of coal at Diamond Creek towards Anchor Point. There is coal in other places.

Chair Steffy thanked everyone for coming out and commenting. He encouraged people to submit comments in writing and the more input the commission receives the better recommendations they will be able to make. He encouraged those present to talk to their neighbors too.

VISITORS

There were no visitors scheduled for tonight.

RECONSIDERATION

A. Memorandum from Deputy City Clerk re: Request to Reconsider A Motion on the Subject of Vehicles in Area 7

Chair Steffy read the title into the record and noted that this is not where the commission will discuss the motion but are required to vote to reconsider the motion if it is favorable then it will be moved to the first item under Pending Business.

ARCHIBALD/LOWNEY - MOVED TO RECONSIDER THE MOTION TO MAKE AREA 7 AS SEASONAL ACCESS OCTOBER TO MARCH 31 WITH PLACEMENT OF ROCKS TO BLOCK ACCESS TO THE BERM AREA.

There was no discussion.

VOTE. YES. LILLIBRIDGE, BRANN, ROEDL, MACCAMPBELL, ARCHIBALD, LOWNEY, STEFFY

Motion carried.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the regular meeting of April 16, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

LILLIBRIDGE/LOWNEY - MOVED TO APPROVE THE MINUTES OF APRIL 16, 2015 AS PRESENTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Recommendations Recap - Julie Engebretsen, Deputy City Planner

Ms. Engebretsen recognized page 55 in the packet, this was the notice sent to property owners and that a similar notice will be sent out for the Public Hearing scheduled for the May 21st meeting. She inquired if the commission wanted to include Area 1 property owners. Ms. Engebretsen further indicated that the website has been updated and will be updated again with any recommendations the commission makes tonight.

Staff provided clarification on a recommendation for Area 7 regarding animals in relation to the map provided.

B. Parks & Recreation Trails Symposium Report - Deb Lowney

Commissioner Lowney provided a brief report on the positive response and attendance at the first symposium. MAPP put together a survey which the results are included in the packet. Not tonight but a follow-up was requested during maybe the annual conference this year. Maybe if the commission could discuss at a future meeting would be good. Chair Steffy thanked Commissioner Lowney for organizing.

C. Spring Beach/Park Walk Through Report - Julie Engebretsen

Staff reported they visited Bishop's Beach, Mariner Park and the area of Airport Access and they discussed some items that maybe Park Maintenance can address. Ms. Engebretsen stated that they need to start taking pictures so that they have a photo history of the areas when that can be viewed to see what is working and what more could be done. She was amazed at the changes in the area of the Airport access.

Chair Steffy commented on the Kachemak Heritage Land trust uses GPS to take photos at the same position each year. He advocated for the F.B. I. (Fledgling Bird Investigators) to take on that project and it could then be passed on to the next classes.

Staff explained that if the Commission would like to suspend the rules to entertain a casual conversation with the audience present on the recommendations made to date. However they do not have to suspend the rules either.

STEFFY/MACCAMPBELL - MOVED TO SUSPEND THE RULES TO ENTERTAIN DISCUSSION WITH THE AUDIENCE ON RECOMMENDATIONS TO THE BEACH POLICY.

There was no discussion.

VOTE. YES. NON-OBJECTIONS. UNANIMOUS CONSENT.

Motion carried.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Map Depicting the Existing Areas and Proposed Areas

Page 27

1. Recommendations to Define a Pedestrian Only Area
2. Recommendations Regarding Motorized and Non-Motorized Traffic Areas
3. Recommendation to Establish a Limited Permitting System
4. Recommendation to Designate a New Area
 - a. Boundaries
 - b. Allowable Activities

Ms. Carssow commented on the vehicles parking down below the berm right up on the slough outfall and there is no reason to park there, other than to be out of sight. There is no view there. She admitted to taking their pictures and getting funny looks but she does not observe them doing anything or getting out of their vehicles. She also reported vehicles speeding towards the water driving across the berm really fast and spinning out near the water. This does damage to the berm and the toe of the berm and should stop.

Roberta Highland further commented on the signage indicating a pedestrian zone and the amount of vehicles that park and travel on the beach. The days are gone that require people to travel on the beach and she further advocated for closing Area 7 to vehicles period.

Chair Steffy asked if there were any additional public comments. There were none.

A. Request to Reconsider a Motion on the Subject of Vehicles in Area 7 Page 53

Chair Steffy read the title into the record and turned the floor over to Commissioner Archibald.

Commissioner Archibald stated that he initially proposed a motion that would close the area to vehicles but it was apparent that it would not pass that meeting so he amended it. He would like to propose the following motion:

BRANN/LOWNEY - MOVED TO MAKE THE AREA DESCRIBED AS BISHOP'S BEACH ACCESS TO BELUGA SLOUGH MOUTH IN AREA AS SEASONAL ACCESS OCTOBER 1 TO MARCH 31 WITH PLACEMENT OF ROCKS TO BLOCK ACCESS TO THE BERM AREA.

There was no discussion.

VOTE. NO. LOWNEY, MACCAMPBELL, STEFFY, ARCHIBALD, BRANN, LILLIBRIDGE
VOTE. ABSTAINED. ROEDL

Motion carried.

ARCHIBALD/LILLIBRIDGE - MOVED TO CLOSE AREA 7 TO VEHICLES ANNUALLY.

The Commissioners offered comment on strong enforcement, working with US Fish & Wildlife, vehicles are not benign and they need to take a stand, this area needs the protection and should have delineations to protect this area, and the economic impact to the city from visitors to the beaches. It was noted that closing the area would in effect close the Bishop's Beach access since no vehicles would be allowed. Concern was expressed on dealing with the lack of parking already in Old Town and adding to the issues by closing the ability to park in the beach.

VOTE. YES. LILLIBRIDGE, ARCHIBALD, STEFFY, MACCAMPBELL, LOWNEY, BRANN
VOTE. ABSTAINED. ROEDL

Motion carried.

B. Recommendations to the Beach Policy

1. Beach Policy Review 2015 - City Website
2. Map Related to Recommendations for Dogs On and Off Leash Areas
3. Map Related to Recommendations for Motorized Vehicles

Chair Steffy approves that vehicles banned on area 8a, 8B and Area 7. He has concerns that Council will not approve this overall ban. Commissioner Lowney suggested providing Council two options which she doesn't like to do that. Commissioner Lillibridge recommended keeping the ban in place she stated that if they provide options that backpedalling before they get out of this room and are showing non-confidence to Council in their recommendations. Council submitted the issue to the commission so the commission should stand their ground. They have received plenty of testimony regarding these issues and they should listen to the community.

Commissioner Roedl commented on the increase in population of the area and the eventuality of closing the beach in all areas but strongly recommended that they consider parking options for pedestrians that are convenient because they are going to need to provide that service since they will be closing the beaches.

Further discussion on parking issues that closing the beach to vehicles will create in area 8A & 8B ensued.

Staff recommended that over \$700,000 was spent to improve Beluga Slough Trail and there is plenty of parking at Islands and Ocean that could be used.

Further comments on the city purchasing land, filling land in to make additional parking, turning the recreational grassy area in Bishop's Beach Park, which is a heavily used area, into parking, make walking on the beach safer by banning all vehicular traffic, providing trolley transportation from the Islands and Ocean parking lot to the beach.

Chair Steffy thanked Commissioner Roedl for bringing the issue of parking to the attention of the commission.

Commissioner Archibald commented on one last point that delineation of the park boundaries would maybe allow a few additional cars to park without allowing travel to the right or left onto the beach.

Chair Steffy approached the map to point out the area that Commissioner Archibald was speaking about and would then require the commission to revisit the recommendation made on vehicles in Area 8A towards the west but could be discussed at a later date.

Chair Steffy inserted that they are not going to be able to solve the parking problem until the resolve the Beach use problems. He next introduced the subject of vehicles and Area 1 and asked if the commission would like to address that area at this time.

Commissioner Lowney next commented that she had previously made a motion and would be willing to bring that back to the floor; staff recommended that she should just make the motion.

LOWNEY/MACCAMPBELL - MOVED TO PLACE A BARRIER AT THE BOTTOM OF AIRPORT ACCESS ROAD THE PREVENTS VEHICLES FROM LEAVING THAT PARKING LOT.

Discussion ensued regarding vehicular traffic being prohibited from Area 1.

MACCAMPBELL/LOWNEY - MOVED TO AMEND THE MOTION TO INSTALL A GATE AT THE TOP OF THE BEACH ACCESS ROAD.

There was a brief discussion on ownership of the right of way. Staff suggested just making the recommendations that the commission wanted.

VOTE. (Amendment) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LOWNEY/LILLIBRIDGE - MOVED TO CLOSE AREA 1 TO MOTORIZED TRAFFIC.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy asked if the commission had any additional recommendations or questions.

Commissioner Lillibridge requested clarifications on the recommendations shown on page 57 of the packet regarding approval. Staff explained that all the bullet points have been approved by the commission. Chair Steffy provided further clarifications on the monetary requirements for the beach patrol. Commissioner Lillibridge expressed concerned with enforcement of the new recommendations. Staff noted that if these new recommendations are approved then there will be no vehicles allowed on the beaches.

Commissioner Lowney would like to entertain discussion on the kiosk suggestion from the students and implement this at each beach location. Discussion on having this done and whether they contract the

opportunity out and offer it for free or for a minimum price they should recommend this for all the city beach accesses. Chair Steffy commented in favor of this idea also. Further comments regarding the provision of information, firewood, and signage along with a display of maps would be a great opportunity to also offer explanation of the closure of beaches for the benefits of the community. Recommendations to install a park host can be done at a later date depending on how the current recommendations are accepted citing the difficulties in obtaining a Camp/Park Host for Karen Hornaday it was preferred to have one there before Bishop's Beach. Further comments were noted on the requirement that all camp/park hosts must be willing to testify in court.

BRANN/LOWNEY - MOVED TO BAN ALL GLASS CONTAINERS FROM THE CITY OF HOMER BEACHES.

Discussion followed that this makes sense as a safety issue and the difficulties in dealing with the hazards of broken glass even within the fire pits.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LOWNEY/LILLIBRIDGE - MOVED TO ALLOW THE BURNING OF PALLETS BY PERMIT ON THE BEACH.

Discussion ensued on the safety hazards with the nails remaining, offering exceptions by permit to special events such as the burning basket. This can be allowing at the discretion of Park Staff. Further discussion on installation of a large enough fire pits ensued. Commissioner MacCampbell could not support the burning of pallets for a number of reasons including theft and safety.

MACCAMPBELL/ARCHIBALD - MOVED TO AMEND THE MOTION TO BAN THE USE OF PALLETS IN FIRES ON THE BEACH.

There was further discussion on the dangers burning pallets, inefficient clean-up methods and the fact that most pallets are stolen.

VOTE. (Amendment) YES. LOWNEY, MACCAMPBELL, STEFFY, ARCHIBALD, BRANN, LILLIBRIDGE
VOTE. NO. ROEDL

Motion carried.

VOTE. (Main) YES. NON-OBJECTION. UNANIMOUS CONSENT

Commissioner Lillibridge commented on submitting their recommendations to Council on changes to the Beach Policy and she is afraid that Council will not consider the vetting that the Commission has done listening to all the months of public comments. Chair Steffy related that he envisions providing council with a presentation on the background, how and what took place to reach the recommendations that will be presented to them. He will present it in a way that is responsive to the people. Commissioner MacCampbell questioned if someone has been keeping track of the number of public that has been attending each meeting which is quite a bit than those who have commented. Commissioner Archibald inquired if they would be able to have a worksession with Council on the draft recommendation.

Staff indicated that June 8th and June 22nd are the next Council meetings and depending on the next meeting of May 21st the meeting on the 8th would be a short turnaround time since the City Clerk needs the packet materials no later than June 3rd. Staff expressed it is doable but tight depending on the possible changes or additions to the recommendations.

Chair Steffy did not want to rush since they have spent a lot of time on this issue. He would advocate for waiting to see how the May 21st meeting went. Staff explained that they could lose the opportunity to speak with Council so she suggested having a worksession, this could be 4:00 p.m. on June 8th which would be approximately 45 minutes of Council's time or if that is not available approximately 25 minutes at 5:00 p.m. Chair Steffy advocated for the more time the better. They could then have a presentation to Council on June 22nd.

Ms. Krause requested clarification on the content of the meeting for June 22nd, such as approving the Beach Policy. Staff explained that she is planning to have the actionable items ready for Council by that time such as Resolutions or introduction of ordinances. She noted that she will begin working with the City Attorney on these items.

C. Comments or Recommendations to City Council on the P.A.R.C. Needs Assessment

Chair Steffy introduced the item and commented on the value of comments or recommendations to Council and extended his thanks Ms. Engebretsen for her guidance and assistance during the whole process.

Commissioner Archibald inquired how this will work with the possible establishment of a service area.

Ms. Engebretsen responded that if ReCreate Rec wanted to start a service area that City staff would be able to assist to best of the limits established by being employed by the City. She further explained that the information is still being digested by the groups so nothing will be done right away. Chair Steffy added that with the offer of the Pratt with the space potential in the old building plus other unused spaces around town will also be looked at. Commissioner Archibald also commented on the volunteer aspect from those who want that particular sport or activity.

Ms. Engebretsen also commented in response to the Pratts offer of usable space because if they could have a building that would accommodate all the uses the building would be huge. So the more other existing space that can be accessed the smaller the community recreation center requirement needs are for the community.

Commissioner Lowney commented on the responses from the older and families without small or young children and if the non-responses were tracked would have offered some information. Ms. Engebretsen explained that the survey was statistically valid because realistically they do not have that many families with young children living within the city limits.

Chair Steffy commented on the Council's comments regarding the use of zip codes was misunderstood. He noted the commissioners who attended the presentation that was given to Council by Agnew::Beck. He noted some Council members had digested some of the information and some had not. He did note that the presentation was a bit dry while the material was good.

Ms. Engebretsen will inquire about the additional "web clicks" information at the next meeting with Agnew::Beck.

NEW BUSINESS

There was no new business on the agenda.

INFORMATIONAL MATERIALS

A. Commission Annual Calendar 2015

Chair Steffy reviewed the calendar and mentioned the review of Budget items for next year.

B. Commissioner Attendance at City Council Meetings 2015

Chair Steffy confirmed attendance at Council meeting on May 26 by Commissioner Lillibridge and the May 11th meeting will be attended by Commissioner Archibald.

C. Memorandum from Public Works Director re: Condition of Spit Camp Fee Building

Ms. Engebretsen will provide a confirmation of what was decided.

D. New ATV Rules in Wasilla - ADN News Article dated April 28, 2015

Chair Steffy commented that it was interesting aspect that they are making changes in the valley, not quite beaches but a similar long time use of ATV's.

E. Informational Research Conducted by Commissioner Lowney (Various organizations research on vehicular impact to the habitats on and around beaches.)

Chair Steffy commented that this was very informative and appreciated the time and effort expended by Commissioner Lowney for providing this information to the commission.

COMMENTS OF THE AUDIENCE

Mike Illg, city resident and employee, He complimented the work that Ms. Engebretsen and commented on the recreation program and the importance of the needs assessment. He encouraged the commission to focus on the nucleus of the driving force of why this Needs Assessment was conducted in the first place. Summertime is gorgeous and people are getting outside, there is still a need for indoor recreation space in the winter. The HERC building is temporary solution but they still do not know how long they will be able to be there. They still do not have general maintenance or custodial service for that facility. They are on a shoestring budget that uses a lot of volunteer help which is great. (At this time the Mission Impossible theme started to play over the speakers.) Mr. Illg continued by stating that there are many people who access the indoor recreation programs which provides for the young families that do not have the time, money or voice; so please do not lose sight of the indoor space needs for a lot of things. He further stated that City Council is interested in the funding options and a service district is one of those options. He offered that maybe another statically viable survey could be done for city residents.

Bill Ostwald, resident, thanked the commissioners for their efforts and encouraged them to stay focused on what they are trying to accomplish here. He appreciated Commissioner Lillibridge's comment on concerns regarding presenting the recommendations to Council as the commission sees them, not as they think Council may want it. He felt strongly that if they do not close the beach to vehicles they will not see the drugs and other behaviors stop. It may go someplace else but he did not care if it did. The city wants to attract families and visitors not speeding trucks and remnants of drug use to that area. Mr. Ostwald commented on the rationalization by the general public but guess it will be dealt with in its own way.

Roberta Highland, commented on public safety issues regarding the recommendations the commission is making and recognizing that it is difficult to accept change but that it can be done.

Jack Wiles, commented on signage that stats you cannot burn materials on the berm or remove from the berm and he tried to find it in the code. He questioned whether the existing signage is backed up in the Homer City Code or by Ordinance. Will the Beach Policy be adopted by ordinance? If they have recommendations adopted by ordinance how is that enforceable? How will that be easily located on the Homer website? They submitted one recommendation to change in code was to make signage in general enforceable so if you have signage it is enforceable. He commented on submitting it to the city attorney and then the cost that is incurred to the city for his work.

Nancy Hillstrand, she stated that she submitted information regarding the amount of money that is spent in the United States by people who viewed wildlife and visited parks, etc. She felt that it should be used in the commission presentation to Council. Ms. Hillstrand also commented on the usage of the school facilities since they pay the taxes we should be able to access the facilities. She further noted that they may need to be reminded who pays for the facility since there are taxpayers who don't have kids who pay for their facility.

Chair Steffy explained the great working relationship that Mr. Illg has managed to facilitate between the School District and the City recreation program but the School District requirements for come first and foremost.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen commented on how the Beach Policy will be adopted and how the ordinances work along with enforcement. She also clarified that city laws may not be enforceable on private property. She will be submitting the recommendations to the City attorney and working with them

Ms. Krause commented on some information that was shared by the Chair of the Public Safety Building Committee relative to tax payers and service areas and the aging population in regards to comments on funding recreation.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge thanked the audience for speaking and commented on the impressive garbage collection by Ms. Brodowski and applauded her personal efforts. Commissioner Lillibridge recalled the phrase, "Change is inevitable, Growth is optional" she would like to see that as the headline on the presentation. So many people that have attended these meetings understand that the growth of Homer is part of an equation and that they are trying to do the things that will protect the city and beaches now and in the future. Homer is a changing city just as it is a changing planet. If they do not step forward and make a plan now it will be very easy to lose that voice, and having those that would rather keeping the ability to keep doing the activities that will eventually destroy our beaches and she is all for making that growth a fact, not optional.

Commissioner Roedl commented on the meeting and liked the idea of limiting the vehicles on the beach but expressed concerns about limiting the access to the beach, he believed they needed to improve pedestrian accesses to the beach so that they will be able to park their cars and walk to the beach.

Commissioner Archibald is happy about what they accomplished tonight and hopes they are too. He hopes the public keeps coming out and thanked the staff and public. It was a great meeting.

Commissioner MacCampbell commented on the difference today compared to 30 years ago with the use of 4 wheelers and UTV's. He commented on experience in Santa Cruz Mountains in California that even driving to the beach is bumper to bumper and you cannot drive on the beach since there are too many people. He appreciated the efforts of Ms. Brodowski and agreed that owners need to be more responsible. He agreed that it is unreal with the amount of dog poop on the docks. He was under the assumption, the wrong assumption, that if they make a recommendation or resolution that it will be developed into an ordinance and an ordinance needs someone behind it that can say we have tried this number of things it did not work so here is your citation.

Commissioner Lowney thanked the public for sticking to end with them and thanked the staff and their efforts for walking them through this process because without them she does not know where they will be; Commissioner Lowney further advocated that they look into beach front purchases to increase parking areas for beaches and to also view the beach. She also wanted to make sure that better enforcement was conducted in the Day Use areas to make sure it is utilized appropriately, another area to look at is curfews on the beaches may help, she would also like to collect some data specific to the beaches and how it feeds the economy which allows residents to exist here with an income. She would like to add the Trails Symposium to a fall agenda preferably to coincide with the Fall Conference. She would really appreciate the information on the Land and Water Conservation grant for Karen Hornaday Park.

Commissioner Brann thanked everyone for attending and staff.

COMMENTS OF THE CHAIR

Chair Steffy commented on his visits to Bishops Beach and the number of people who pull out and park on the berm, he was curious if they would park in the parking lot or would they go somewhere else. He understands the draw of parking on the beach besides the better view of the water you are not looking at the butt end of a truck. Chair Steffy likewise advocated having the meeting outside if it is nice and sunny!

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:32 p.m. The next **REGULAR MEETING IS SCHEDULED FOR THURSDAY, MAY 21, 2015** at 5:30 p.m. A **PUBLIC HEARING IS ALSO SCHEDULED DURING THAT MEETING ON ALL THE RECOMMENDATIONS FOR CHANGES TO THE BEACH POLICY** at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Public notice is hereby given that the City of Homer will hold a public hearing by the Parks and Recreation Advisory Commission on Thursday, May 21st at 5:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Proposed Changes to the Beach Policy

Anyone wishing to present testimony concerning these matters may do so at the meeting, or by submitting a written statement to the Homer Parks and Recreation Advisory Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

To comment to the Commission, email rkrause@ci.homer.ak.us or fax 907-235-3143, by 4 pm the day of the meeting.

Questions? Contact Julie Engebretsen in the Planning Department at 435-3119.

**Visit the City Website to see the public hearing proposals,
or on the back of this page**

<http://www.cityofhomer-ak.gov/recreation> look for “Beach Policy Review 2015”

Why make changes now?

In the fall of 2014, the Commission began hearing from property owners and residents in Old Town that there are more problems between vehicles and pedestrians on the beach, and more 'bad behavior.' (Drinking, drugs, partying on private property, trespass, etc). The Commission began holding meetings to explore these issues. The Commission has spent the last few months learning about the existing rules and policies, listening to public comment, and thinking about the future of Homer's beaches.

What happens next? The Commission will hold a hearing on May 21st. They can either keep working on the policy, based on public comments, or send their recommendations to the City Council. The Council will make the final decision on any changes to the existing rules.

See reverse for proposed changes

Proposed changes to date: (as of 5/6/15, for public hearing on 5/21)

- **Install fire pits** at these three locations: Bishop's Beach Park, City parcel near the end of Main Street/Ohlson Lane, and at the end of Crittenden, and make trash cans available.
- **Hire** two seasonal beach patrol employees
- Draft an ordinance to **define and ban reckless driving** as it would be applied to all of City of Homer beaches
- **Improve signage** at Bishop's Beach.
- Create areas where **dogs must be on leashes**. See map on website, or attached
- **Close all beaches to vehicles in summer**, and **allow winter use** along a portion of the western part of the Spit. (Land owners of beach front property and their guests are exempt). See map on website, or attached
- Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)

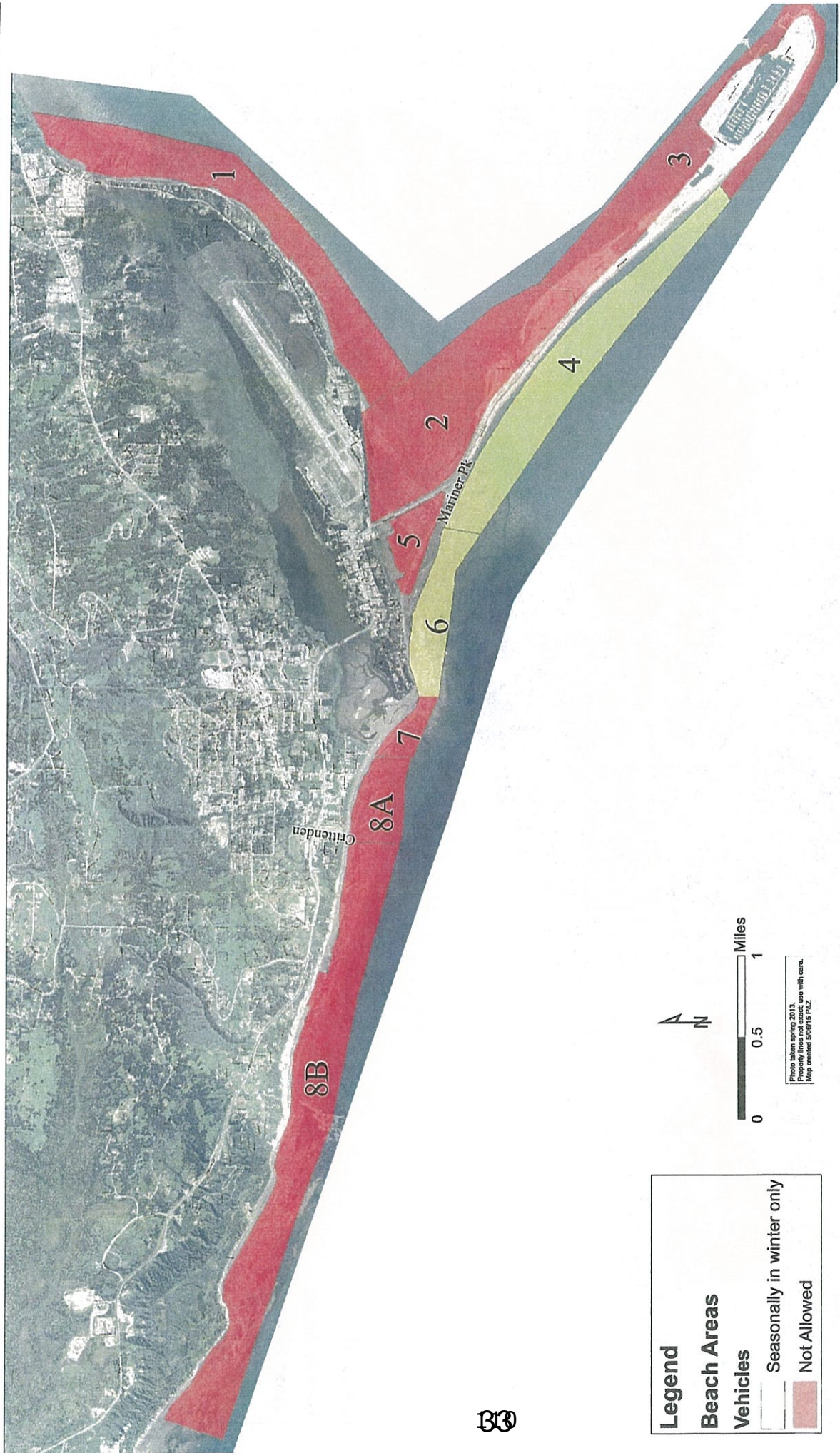
Other Solutions:

- Increase dog waste education
- Install dog waste bag dispensers at public buildings, trails and parks and encourage other agencies and businesses to do the same.
- Purchase 500 dog waste bag dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.
- Educate locals on beach rules. Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach
- Consider a park host. (Would need to be willing to testify in Court)
- Ban the burning of pallets on the beach
- Ban glass bottles (**containers**) on the beach

<http://www.cityofhomer-ak.gov/recreation> look for "Beach Policy Review 2015"

To comment to the Commission, email rkrause@ci.homer.ak.us or fax 907-235-3143, by 4 pm the day of the meeting.

Questions? Contact Julie Engebretsen in the Planning Department at 435-3119.

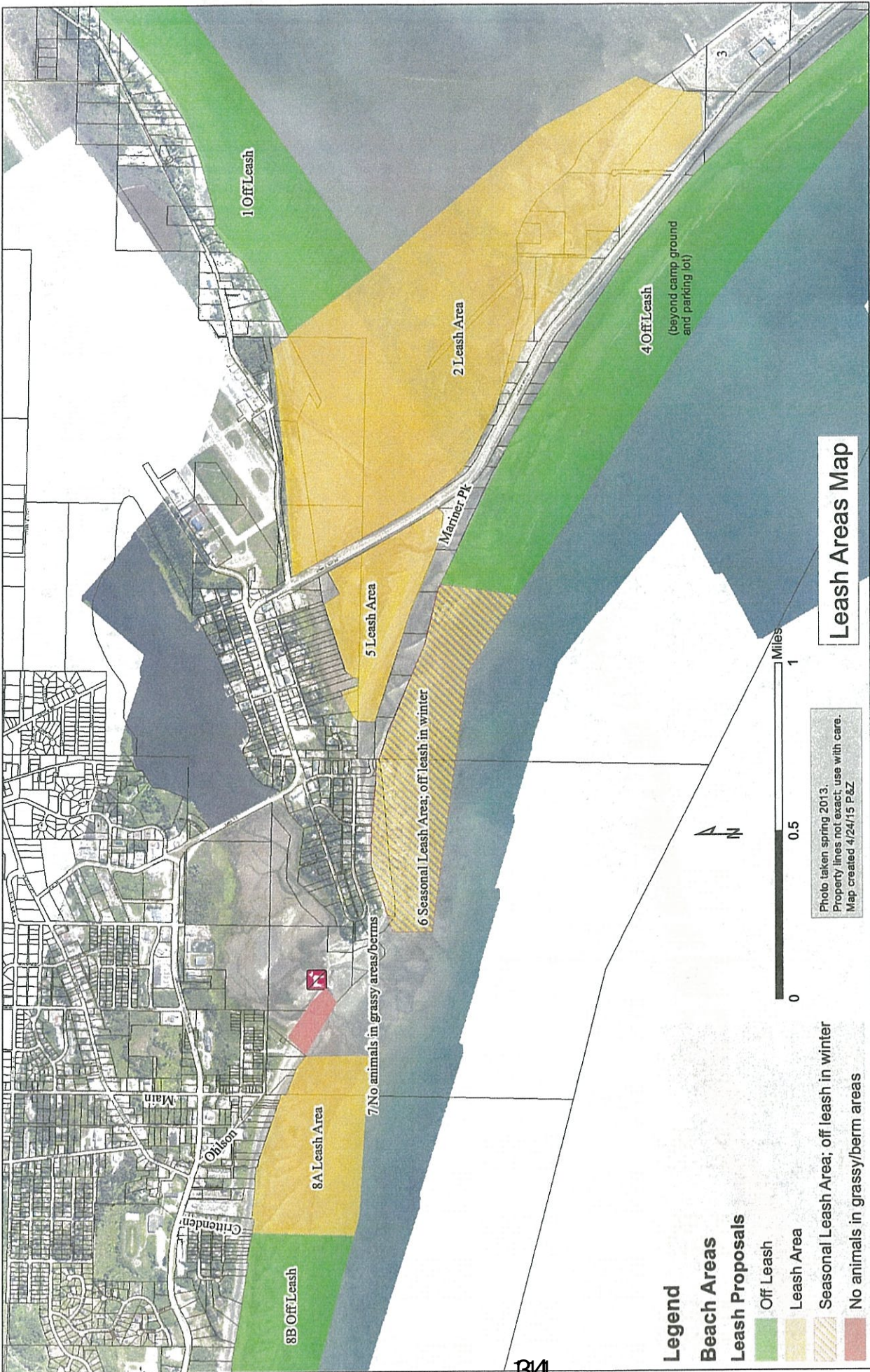


Legend
Beach Areas
Vehicles
 [Light Green Box] Seasonally in winter only
 [Red Box] Not Allowed

0 0.5 1 Miles
 Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 5/20/16 PAZ

City of Homer Beach Areas

Where vehicles are allowed on the beach



Leash Areas Map

Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 4/24/15 P&Z

- Legend**
- Beach Areas**
- Leash Proposals**
- Off Leash
 - Leash Area
 - Seasonal Leash Area; off leash in winter
 - No animals in grassy/berm areas



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MAY 15, 2015
SUBJECT: REQUEST FOR REVIEW OF RECOMMENDATIONS MADE FOR AREA 8 A AND 8 B IN
THE BEACH POLICY

Commissioner Roedl has requested the commission review the recommendations made on Area 8 A and Area 8 B during the meeting of April 16, 2015.

Following are those recommendations:

Commissioner Lillibridge advocated for prohibiting vehicles on the beach in the immediate area in front of the parking lot. There was a brief discussion on bringing a line of boulders down on the right to the end of private property and they already moved to place a line of boulders to the left which would take care of vehicles parking to the left.

LOWNEY/LILLIBRIDGE – MOVED THAT VEHICLES ARE ALLOWED BY PERMIT USE ONLY IN AREA 8A AND AREA 8B

Commissioner Lowney stated that she is making this motion based on the complaints from the residents and users of the beach. The commission stated all the reasons why they need to restrict and create controls now regarding the uses of the beach. Chair Steffy supported creating the separate recommendations on the different areas for Council to make the final decisions.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Archibald inquired about creating a parking area on the beach within the confines of Bishop's Beach Park. Staff recommended having a separate discussion on this idea because if Council does not approve closing the beach then there might be some issues created.

STEFFY/BRANN - MOVED TO ESTABLISH A LIMITED PERMITTING SYSTEM AND LET COUNCIL DETERMINE THE PERMITTED USES.

The commission entertained a lengthy discussion and the pros and cons of establishing a permitting system, how to implement it effectively, and what activities should be permitted. They also debated what would be supported by Chief Robl and City Council and how detailed it should be or leave that to the Council. There were several comments regarding withdrawing the reference to permits on all recommendations since the intent of the commission is to curb the vehicles on the beach for purely recreational purposes. After a lengthy discussion the motion was pulled from the floor. Chair Steffy remarked that it is understood that all restrictions do not apply to landowners and their guests. If there are vehicles on the beach it will be up to the Police Department how it will be enforced. This will also put a burden on the property owners to report to the Police when they see offenders down there.

A reminder that what caused problems last year and a suggestion that the private property owners need to get together and agree on how they want to manage these problems was suggested by Commissioner Brann.

There was a brief conversation on inviting the property owners to a discussion and needing definitive motions for the property owners to respond to at the next meeting, May 4th. Staff will mail invites to property owners to comment on the recommendations made and a Public Hearing will be conducted at the May 21st meeting.

Comment was made on having a permit required in any areas. It was noted that private property owners have access no matter what, historical access, they can close it and it will present the potential for litigation for the city.

Reiteration for clarification was made for Mariner Park regarding dogs on leash or off leash.

Staff requested a clear motion prohibiting vehicles from the Areas 8A and 8B since they rescinded the permit system in any area. A previous motion included the vehicles allowed by permit only.

LOWNEY/LILLIBRIDGE - MOVED TO PROHIBIT VEHICLES IN AREAS AREA 8A AND 8B WITH THE EXCEPTION OF LANDOWNERS.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RECOMMENDATION:

Informational in Nature. No Action Required.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Alaska Maritime National Wildlife Refuge
95 Sterling Highway, Suite 1
Homer, Alaska 99603

April 20, 2015

City of Homer Parks and Recreation Commission
491 E. Pioneer Avenue
Homer, Alaska 99603

Dear Commissioners:

Thank you for facilitating a public process for city residents to voice their vision for the future of Bishop's Beach. The USFWS, Alaska Maritime National Wildlife Refuge, hopes to work in partnership with the city to implement any future changes, especially those that would impact USFWS-administered public lands. Our fundamental desire is to provide people safe access to their public lands for outdoor recreation in the coastal environment in a way which protects wildlife and natural beach processes. A collaborative process with the USFWS, City, and the community is both better and more likely to be successful than having the USFWS striving for a singular approach of strict protection of the federal lands around Bishop's Beach, with minimal or no public access.

The USFWS fully endorses year-round restrictions on vehicle traffic in both the Beluga Slough area and on Area 7 of Bishop's Beach (the upper and lower berm as well as the space between them in accordance with current city ordinances). Vehicles in the berm area cause damage to vegetation, wildlife, and reduce opportunities for both family-friendly and tranquil outdoor recreation. It is not the place of the USFWS to dictate what happens on the entire beach zone of Homer, but at least on the land we administer, we want to see natural vegetation, abundant wildlife, and safe, family-friendly outdoor recreation. It seems as if our community's memory of the existing beach policy has faded, and what was a vehicle-free zone has transformed back into a heavily impacted area. While no beach policy will meet everybody's wishes, a no-vehicle policy which welcomes people while protecting vegetation and wildlife is laudable and achievable; indeed, it seems to be largely included in existing ordinances which prohibit driving on beach berms. Enforcing, and, where necessary, strengthening or clarifying such ordinances would meet U.S. Fish and Wildlife Service objectives for the property we manage in the area.

The USFWS is also sensitive to complaints from parents who have stopped bringing their kids to play in the berm area because of the abundant dog feces and encounters with aggressive dogs off-leash. We've also previously testified that off-leash dogs are a hazard to wildlife. This winter alone we have four confirmed reports of dogs attacking and killing sea otters on Homer's beaches. A leash requirement would help protect pet owners from the strict liability they face under the Marine Mammal Protection Act for any disturbance or harm done to sea otters or other marine mammals caused by their pets. We've observed numerous instances of other wildlife including waterfowl and shorebirds being disturbed by dogs on the beach and in the slough, and there has been at least one human injury due to a dog bite this year on the property we administer.

In summary, we support

- a driving ban in Area 7 of Bishop's Beach on the storm berm and emerging secondary berm
- a leash law & clean-up rule for the Bishop's Beach and Beluga Slough area (not merely voice control)

We thank the Parks and Recreation Commission for the tremendous effort that has gone into crafting a more harmonious future for our backyard and Homer's backyard slice of the wild – Bishop's Beach. We look forward to working with the City on education and outreach efforts as any plans are implemented.

Sincerely,

Steve Delehanty
Refuge Manager
Alaska Maritime National Wildlife Refuge

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Special Meeting May 4, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	<i>Antonia King</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	<i>Yez King</i>		<input type="checkbox"/>	<input type="checkbox"/>
4.	<i>Dan Lane</i>		<input type="checkbox"/>	<input type="checkbox"/>
5.	<i>PAUL BRODOWSK</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	<i>Kathryn Caussow</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	<i>Rika Mow</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	<i>James Spearin</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	<i>Mary Ann</i>		<input type="checkbox"/>	<input type="checkbox"/>
10.	<i>W. W. BOZ</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.	<i>Debb Peterson</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
12.	<i>Wendy Pittman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.	<i>JAN FINN</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
14.	<i>Mike Jilly</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
15.	<i>Bill Ostward</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>

From: Chris Logan <chrisloganrn@hotmail.com>
Sent: Sunday, May 03, 2015 9:59 AM
To: Renee Krause
Subject: Bishops beach public comment

Hello Homer City Council-

Thank you for taking up the Bishops Beach issue. I am an Old Towne homeowner. I own 254 and 262 Charles Way, which is directly behind the Bishops Beach grass area next to the parking lot and picnic shelter. I also own 3 three dogs who love their runs on the beach.

I have been observing the beach traffic and bird migration this past week. Several sandhill cranes are spending time in the slough along the boardwalk area. I have seen several off leash dogs run into the slough and chase off the birds. Most dog owners have their dogs under control but the few that are chasing the birds is enough to disrupt their nesting pattern. This would have a direct economic impact on Homer due to the popularity of the bird watching along the slough boardwalk. I have seen two vehicles driving in the slough, the rest have stayed on the beach area.

Suggestions:

Permanent or seasonal signage along the boardwalk alerting dog owners to the presence of sandhill cranes and other migratory birds. It could be placed below waist height to avoid getting in the way of camera angles. Requiring a leash in this area would not be a bad idea, as it is usually populated by tourists with cameras and other people who don't enjoy getting jumped on by a muddy dog. The sign could say "Please keep your dog on a leash in this area. Migratory bird nesting area."

No vehicles between Bishops Beach and the Beluga Slough mouth. You will have to put some natural big barriers as well as signs. Make it so people can't just drive around the barriers, especially onto a more sensitive grass area. People ignore the signs and are used to parking there. Driving on the beach on that side is much more accessible for most vehicles. It sure is nice to sit on the beach in your car, but people could do that in the parking lot, or even get out of their car and sit on all the lovely driftwood logs instead.

Vehicles to the north of bishops beach parking lot and dogs off leash is better for the birds and sensitive habitat and still allows citizen beach access.

Trucks (primarily) zooming up off the beach, (in order to get through the sand I assume) and then continue to zoom through the parking lot all the way to the stop sign by two sisters bakery. This is a huge hazard due to pedestrians, small children, off leash dogs, as well as a congested parking area. How about seasonal speed bumps? Or some sort of obstacle in the road that you would have to slow down in order to drive around. This might involve widening the road at the entrance to the parking lot. If you outlawed white and brown GMC pickup trucks driven by young men you would eliminate 90% of the problem.

Thank you very much for allowing public comment on this topic.

Sincerely

Chris Logan

Home owner

Old Towne, Homer, Alaska

From: Connie Vann <sundanzdawg@gmail.com>
Sent: Monday, May 04, 2015 11:32 AM
To: Renee Krause
Cc: sundanz@ptialaska.net
Subject: Re: Bishop beach special meeting

Thank you for your reply! I was able to contact Rick and give him Julie's number.

I would like the following points submitted:

Let's follow up with enforcing the regulation and rules already on the books, by posting more user friendly signage for educational as well as what is allowed where and what. It seems some, but not all folks will build a fire only below the berm line, if they understand why this is important, will not drive in the sensitive areas if they understand why they should not, and the harm they are inflicting on a place they love and enjoy!

If there is a speed limit, let's post it! If not lets consider one!

Make trash disposal in bird proof containers available!

Littering is a crime and should have consequences for offenders!

My husband and I have cleaned up the garage left behind on the beach many times, but hope there are improvements, but not a lot of new rules, just let's do a better job enforcing the ones we already have. Protect the berms, don't drive on the fragile vegetation or in the birding grounds, fires are only allowed below the berms, don't remove driftwood from the berms, and take your trash with you!

Thanks for listening, thanks for sharing this with the commission.

Respectfully, Connie Vann (the place with the star on Bishop Beach)

Also a better sign at the corner of Bunnell and Main street directing folks to the access parking!

<<< ~~~ BISHOP BEACH

Sent from my iPad

On May 4, 2015, at 10:21 AM, Renee Krause <RKrause@ci.homer.ak.us> wrote:

> yes you have contacted the right person. I am the Clerk for the Parks and Rec.

> If he would like to submit his comments he can email them to me no later than 4 pm today and I will provide them to the Commission.

>

> If he has specific questions he can contact staff for the Commission at Julie Engebretsen 907-235-8121 ext 2237

>

> -----Original Message-----

> From: Connie Vann [<mailto:sundanzdawg@gmail.com>]

> Sent: Monday, May 04, 2015 10:17 AM

> To: Renee Krause

> Subject: Bishop beach special meeting

>

>

> Hello, could you please reply to let me know I have contacted the correct person!

>

> My husband is out of town, and would like very much to discuss the beach with someone involved with the meeting tonite, could you possible send me a contact phone number, so that he may call you.

Thank you. Connie Vann 252-4209

>

>

> Sent from my iPad

40585 Dorothy Dr
Homer, AK 99603
4 May 2015

Parks and Recreation Advisory Commission
Homer, AK

Dear Parks and Recreation Advisory Commission:

I was surprised to see recently the proposed map for beach vehicle use on the Commission's web page, dated 24 April 2015. Previous information led me to think that the Commission was leaning toward prohibiting vehicles year 'round to the east of the parking lot. However, the 24 April map shows allowed winter use of vehicles proposed for this area.

I think that vehicles should be prohibited year 'round in front of and to the east of the Bishop's beach parking lot. This area is mainly composed of a new berm. I consider the swale between the old and new berms to also be part of the same berm system; this lower area is now only very rarely covered by seawater, so vegetation would grow here and driftwood would collect, just as on the higher berm areas, if vehicles did not continue to drive here and maintain it as a hard-packed gravel road. If vegetation were allowed to grow, sand would collect and build the area higher. The entire area between and including the old berm and the new one would become similar to the protected Vann property to the west of the parking lot, and to the older berm: they would be vegetated sandy areas great for pedestrian trails and for kids.

Some of the best times for pedestrians and kids to enjoy this area occur in the winter. In the winter there is no day breeze, and often the sun streams onto the beach as it reflects from low off the water. The beach is a great place to get winter sun in peace.

Pedestrians should be able to walk, and kids should be able to play along this area free of vehicle transit. There are lots of places in Homer for cars already.

I realize that the surfers would like to be able to drive their boards right to their surfing spot at the mouth of the slough, and to have a warm truck waiting for them there on those 10 degree days. But my opinion is that providing vehicle access to this area will take benefit away from many more pedestrians than it will provide benefit to: those who want to drive to a parking spot on the beach. Perhaps without vehicle use there will be less interest in surfing at 10 degrees, but on the other days I'd think that a cart or some other means could be used to get the boards and other gear to that spot from the paved parking lot.

My understanding from reading the City Code is that driving is prohibited on beach berms. I think there is good reason behind this rule. The berms and their logs and vegetation help hold the beach together. They also shelter the area from wind and seas. They also make great places for pedestrians to enjoy. By allowing vehicles in front of and to the east of the parking lot, the city would be countering its own rule that prohibits driving on the berms. The entire area, from where cars first drive onto the beach from the parking lot, all the way to the mouth of the slough, is new berm area. Beach rye is trying to establish itself in the whole area—all the way to

the slough mouth. Vehicles driving east are destroying the new grass. They will destroy it in the winter as well as in the summer.

Rare and lucky is the town that has a natural, peaceful place to walk and play next to the sea, within easy walking distance from the town center. For a town that has long winters of short days and low-angle sun, having a winter place for people to walk and play where there is often no snow, no wind, and lots of wide-open space and sun, is valuable. That place should be protected from becoming just another street and parking lot.

I hope you will reconsider the recent decision. Thank you for your service for the beaches and for the opportunity to weigh-in!

--Arthur Kettle

**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer **Page 3**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
- 5. RECONSIDERATION**
 - A. Memorandum from Deputy City Clerk re: Request to Reconsider A Motion on the Subject of Vehicles in Area 7 **Page 25**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Regular Meeting on April 16, 2015 **Page 27**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Recommendation Recap - Julie Engebretsen
 - B. Parks & Recreation Trails Symposium Report **Page 37**
 - C. Spring Beach/Park Walk Through Report

(Request a Motion to Suspend the Rules to Address Pending Business Item B.)
- 6. PUBLIC HEARING** *(there are no items scheduled)*
- 7. PENDING BUSINESS**
 - A. Request to Reconsider a Motion on the Subject of Vehciles in Area 7 **Page 53**
 - B. Recommendations to the Beach Policy **Page 55**
 1. Beach Policy Review 2015 - City Website
 2. Map Related to Recommendations for Dogs On and Off Leash Areas
 3. Map Related to Recommendations for Motorized Vehicles
 - C. Comments or Recommendations to City Council on the P.A.R.C. Needs Assessment **Page 63**
- 8. NEW BUSINESS**
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar 2015 **Page 65**
 - B. Commissioner Attendance at City Council Meetings 2015 **Page 67**
 - C. Memorandum form Public Works Director Re Condition of Spit Camp Fee Building **Page 69**
 - D. New ATV Rules in Wasilla - ADN Article April 28, 2015 **Page 71**
 - E. Informational Research Conducted by Commissioner Lowney **Page 71**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A PUBLIC HEARING AND REGULAR MEETING ON THURSDAY, MAY 21, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

From: Louise Ashmun <leashmun@gmail.com>
Sent: Saturday, April 18, 2015 6:29 PM
To: Renee Krause
Subject: Please forward to Park & Recreation Advisory Commissioners

Renee, Please forward this email to the Park & Recreation Advisory Commission members.

Thank you,
Louise Ashmun

April 17th

I am not a quick thinker--If I were, I would have said the following things at the end of last night's meeting:

Area 8 is an important access to coal gathers as the bluff erosion continues to expose a coal seam and the bluff erosion brings that coal to the beach. Many of the coal gathers have testified that they collect west of area 8 using 4-wheel drive vehicles. Coal gathers will be really upset if they cannot have vehicle access through area 8 to get to the coal on the beach. They **also** collect "inter-tidal coal" at the east end of area 7, but only if they do not have a 4-wheel drive vehicle. If

the P&R Com. is accommodating coal gathers, it has to reconsider the year-round vehicle restriction in area 8.

The chief of police, when he testified a month or so back, did say that he thought a "permit system" for coal gathers would be workable through the police dispatch system (list of vehicles and owners permitted to be on the beach would be "on file" with dispatch). Last night, the P&R Com. intimated that the police were not in favor of any permit system.

If area 8 is totally closed to vehicles, and area 7 is open in the winter--the berm will be driven even if the drivers have to go "out and around" some boulders to get to it. Driving in wet gravel or soft sand is not as easy as driving on the "berm road."

The P&R Com. and others who spoke all praised the great presentation made by the Homer HS students. They especially liked the idea that we need to think 30 years into the future. Yet, their voting reflected a lack of protection for the very area the students asked them to protect! How is that showing them that their input was valued?

Area 7 is ~1500 ft. of beach--1500 ft that abuts the I & O boardwalk trails in the slough--1500 ft that has been identified as pedestrian preferred--1500 ft that is most accessed from the parking area--1500 ft that protects a highly valued piece of habitat within our city limits. Is it really too much to ask that this important stretch of beach be restricted to vehicle traffic?

I am extremely disappointed. I feel that our efforts to find appropriate well-reasoned compromise positions and our time to articulate (both in writing and in person) those rationales and positions have been a waste.

Louise Ashmun

Louise Ashmun
457 Mountain View Dr.
Homer, AK 99603
[907 299 6360](tel:9072996360)
leashmun@gmail.com

From: Robert Archibald <robert.e.archibald@gmail.com>
Sent: Thursday, April 23, 2015 9:24 PM
To: Renee Krause
Subject: Fwd: beach safety issues

Begin forwarded message:

Hi Renee,
Could you please add this to P & R Packet.
Cheers,
Robert

From: sharon whytal <swhytal@alaska.net>
Date: April 23, 2015 9:17:11 PM AKDT
To: Robert Archibald <robert.e.archibald@gmail.com>
Cc: Asia Freeman <asia@bunnellarts.org>
Subject: beach safety issues

Robert,
Will you please share this?
Dear Parks and Rec Commission,
Thank you for tackling this difficult community issue that seems to have become so contentious. I know this is a big responsibility to make recommendations now to the Council. Clearly all residents feel an affinity to this central location in town with its remarkable beauty and multi-purpose usefulness. Balancing the needs of all is a large task and as Jack Wiles pointed out at last week's Commission meeting, it will be hard to please all.
As a long time user and enjoyer of the beaches up and down the north side of the bay, I am sad to say that over this past winter I have stopped approaching my walks, runs and after-work walks at Bishop's Beach. It no longer feels safe to me walking there with all the vehicle traffic, and I agree that there needs to be enforcement if and when vehicles are continued access. I can give this up and I have found other places to walk, but it does sadden me as the end of a heart-center of Homer that I have dearly loved. I agree that coal gatherers should be permitted vehicle access, and I understand that disabled residents need a place to drive for close enjoyment; I hope you will also recommend having a portion of the beach pedestrian-only, year-round. I agree that a policy was well thought out before and is best left in place, with clear signage and enforcement; I don't think seasonal changes will work.
I understand and support multiple uses, but I don't think all uses are compatible at the same location and frankly, what I truly wish is that the City could buy another parcel of the many for sale between town and West Hill Road, for an access point further west; this would allow a beach with safe, quiet walking access only, or with permitted coal-gathering vehicle access which really would be a rare interruption for those who enjoy beach access for quiet, safe walking and children's play. If Homer really values its beautiful beach as a center point, this is the time to consider more public land on the shoreline. California has had moratoriums on

building on its shoreline; it seems like Homer should be looking at a more longterm vision for the role of our beach as a public resource.

Respectfully,
Sharon Whytal

P.O. Box 2994
Homer AK 9960e

Homer Parks and Recreation Advisory Commission
Homer Alaska 99603

Dear Commissioners:

I am asking for the Commission to reconsider its vote regarding a seasonal vehicular opening for Zone 7, the eastern part of Bishop's Beach. I would urge you to instead pass a year-round closure to vehicles on this part of Bishop's Beach, thereby following on the work of the first Beach Policy recommendation to provide for a pedestrian zone year round in the popular area.

Zone 8 can remain open year-round to accommodate people who want to drive west for coal, a picnic, or a ride to Anchor Point. Partnering with private land owners in Zone 8 to address the trespass issue is the best way to resolve this problem. Barriers can be designed to stop traffic from driving on private land.

A beach patrol as we once had can address many of the other problems in Zone 8, such as trespass, littering, illegal fires, driving in tide pools, habitat destruction, drug deals, and reckless driving, if reasonable and enforceable ordinances are passed. We cannot go back to voluntary compliance as the more than 10 year experiment was a complete failure.

There are many reasons why reconsideration of the seasonal closure needs to be looked at again.

1. A seasonal opening misses the whole purpose of protecting the resources in Zone 7. Bird habitat has been destroyed on the berms that are part of USFWS lands. This is also an

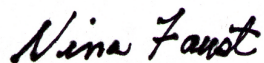
important part of a walkable system that begins at the Islands and Ocean Visitor Center, a system used for nature walks, school outings, and quiet recreation. A seasonal opening, particularly with Zone 8 being proposed to be closed, would become a beach sacrifice zone and would void the purpose of making an area for pedestrians. Walkers don't just use the area between the berms--they use all of Zone 7! But the bottom line is protecting the resources and letting them restore to a natural vegetated state that will host more of a variety of birds and marine mammals.

2. Seasonal use will not protect the berm. If there is not a constant vigilance by a beach patrol, the berm will likely be over run by vehicles during an open season, thus defeating complete restoration. The outer berm has been completely trashed by cars and litter with the unrestricted use that is occurring. I have submitted numerous photos to document the damage that vehicles are doing to the berms.
3. If all the cars use this area, there will be an even greater public safety issue with vehicles mixing with walkers, kids, families and those who are looking for a quiet beach experience.
4. Zone 7 is not just an ordinary area. It includes a complex estuary, wetlands system that has been nominated to be added to the other areas around our beaches that are already part of the Western Hemisphere Shorebird Reserve Network (WHSRN). This is a big draw for visitors and as such we need to demonstrate our commitment to protecting these areas and working with the USFWS, non-profit environmental educational, groups, schools, tour groups, and others who will be telling visitors about this accessible natural resource.

5. When all the ideas are sorted out, recommendations passed, the followup for success has to include good barriers, new and easy-to-understand signage, and enforcement ordinances. These three things are critical so the public will understand where and what uses can occur.

I hope that the Commission will realize the importance of the habitat and the need for complete restoration and long-term protection. The phase for figuring out signage, barriers, and developing innovative uses for Zone 7 to become a Restoration Laboratory for citizen science would be a great community project for the many groups that will likely lead beach walks, guided nature tours, and restoration study labs. Please help restore this area by closing it year-round to vehicles.

Sincerely,

A handwritten signature in black ink that reads "Nina Faust". The signature is written in a cursive, flowing style.

Nina Faust

From: Jack Wiles <wilesmichaud@msn.com>
Sent: Monday, April 27, 2015 8:14 AM
To: Julie Engebretsen; Renee Krause
Cc: Jack Wiles; Louise Ashmun; Lani Raymond; Rika Mouw; Nina Faust; Carol G. Harding; George Matz; Michelle Michaud
Subject: Reconsideration of Beach Policy
Attachments: Beach.Rules.docx

April 27, 2015

Julie & Renee,
Good Monday morning - please place this email and the attachment in the Park Commission packet.

Thanks.

Signed

Jack Wiles
Louise Ashmun
Lani Raymond
Rika Mouw
Nina Faust
Carol Harding
George Matz
Michelle Michaud

April 27, 2015

Dear Honorable Parks and Recreation Advisory Commission,

A. We petition you to reconsider your option of a seasonal opening for motorized vehicles on the east side of Bishop's Beach and request that you adopt the option of a year-round closure for motorized vehicles on the east side of Bishop's Beach.

B. We request that you review the existing habitat destruction and trespass that is occurring in Beach Zone 1 and the biological significance of that zone and determine the need for a year-round closure of motorized vehicles in beach zone 1.

C. We understand the need to establish policy before adopting implementing ordinances but believe the Parks Commission would be remiss to not address changes needed in city code for more effective enforcement. Attached is a revised document of some code changes we have proposed earlier. The provisions for penalties are not addressed. Certainly obtaining

voluntary compliance is desirable but penalties are needed for endangering behaviors that occur.

Factors to Reconsider:

- The Park Commission in establishing the process of updating the 2007 Beach Policy was responding to overwhelming public concern about increased traffic, illegal activity, uncontrolled fires, and destruction and disturbance of habitat and wildlife.

The priority has always been to protect the resource first and maintain a safe and enjoyable beach experience while attempting to accommodate many traditional uses. We believe a reasonable consensus is to provide a balance by allowing vehicles on city owned tidelands to the west of Bishop's Beach and establish a vehicle-free area on the east side to allow for re-establishment of the tideland berms, protect wildlife, and provide a pedestrian friendly beach experience.

- Return to the original findings of the Beach Policy Task Force - the area east of Bishops Beach is closed to motorize vehicles and the area west of Bishops Beach is open to motorize vehicles. It's simple, easy to remember, enforceable, balanced, equitable, and consistent. It is also a decent compromise for both the pedestrians and those desiring motorized access to the beach. Safety and the quality of the visitor experience should be stressed. Closing the east side of the beach would provide a SAFE area for families, birders, and beach walkers to enjoy the natural environment free of exhaust fumes, engine noise, traffic, congestion, trash, blaring radios, reckless driving, and destruction of the berms.
- Vehicle use during the period from October to April will result in continued compaction and alteration of the beach berm and encroach upon US Fish & Wildlife Service lands defeating any efforts to restore the berm habitat and fails to recognize their mandate to protect habitat and wildlife. We have provided a good deal of documentary and photographic evidence of indiscriminate vehicle use and existing beach berm destruction during this winter season alone.
- The Parks Commission should not confuse seasonal closures with seasonal use by birds. While that may have some merit with birds, since their presence is mostly seasonal, although Homer enjoys many wintering birds and their numbers are increasing with environmental changes, a seasonal opening to vehicles should not apply to habitat. Habitat is there all the time. In fact, exposing the berms to vehicle traffic in the

winter may be more destructive than summer since winter is a time of more severe storms and potential for blowouts from berms that have been disturbed.

- The recommendation to recognize the importance of the Beluga Slough and tideland area as a Western Hemisphere Shorebird Reserve Network (WHSRN) site recognizes the City's commitment to manage the tidelands/berms/slough/wetlands/estuary for their habitat values and restore and maintain that habitat. Opening the area to motorized vehicles defeats the habitat protection goals.
- It is highly unlikely that the City will have a Beach Host, Beach Patrol, or Beach Monitors during the winter months and City Police do not want to be placed in the position of enforcing vehicle traffic or permits on the east side and may not desire, due to the enforcement difficulty, to enter into a cooperative agreement with the USFWS to protect the berm habitat on USFWS land.
- The City owns tidelands to the west of Bishop's Beach and can allow vehicle use to continue on those tidelands. Private landowners have voiced their concern over illegal beach activity more so than persons driving or parking on the beach, the City should explore options to work with landowners on a Community Policing program, and consider purchasing additional tideland easements or property from willing sellers.
- Closing beach zone 8 to motorized vehicles while opening zone 7 to vehicles will further exasperate the pressures, conflicts, habitat destruction, and quality of the beach experience in zone 7. Ideally both zone 7 and 8 should be closed to vehicles but a reasonable compromise is to continue to allow motorized vehicle usage in zone 8 where persons desiring to drive on the beach can wander for miles. Closing the east side affects only 1,500 lineal feet of beach - a modest compromise.
- Better signage and placement of signage is certainly needed but reliance on voluntary compliance to just signs has not been effective and there is no reason to believe that destruction of the beach berms on the east side will not continue and that behavioral influences of reckless driving will not endanger beach users using the east side as a refuge from vehicles.

- Any beach use policy adopted by the City must be backed by effective ordinances. Currently no ordinances are in place to implement many of the beach policy options. An ordinance to be effective in changing behavior must have effective, consistent, and assertive enforcement with penalties. Any measures to protect the berms, tide pools, mud flats, estuary, wetlands, and other highly productive habitats must be backed up by ordinances for enforcement with penalties.
- Spatial barriers, such as boulders or a gate, will provide a low-cost enforcement alternative to the long-term cost, difficulty, and unreliability of police enforcement.
- The primary coal seams are along the west-side bluffs. Any coal washing up on the east side of Bishop's Beach can easily be gathered by walking the beach with a five gallon bucket.
- Windsurfers and paddle boarders can easily access the Bay from the west side.
- The east side of Bishop's Beach comprises about 1,500 lineal feet of a small but important refuge for people to not encounter vehicles and recognizes the importance of that area for its habitat and wildlife. The west side of Bishop's Beach offers miles of beach for vehicles to roam.
- Closing the east side of Bishop's Beach allows the City to monitor the long-term benefits of habitat restoration, engage with beach users on their beach experience, work with the shorebird monitoring project, and develop a partnership with the US Fish & Wildlife Service on visitor signage, develop an interpretive loop trail, establish a 'learning laboratory' to develop techniques and evaluate beach berm restoration, and establish Homer as a wildlife appreciation community.

- A beach area that has not received a good deal of attention is Beach Area 1. The beach berms, beach and mud flats within Area 1 are significant; to the spring, summer and fall migrant shorebirds, wintering rock sandpipers and waterfowl, and as an important feeding area for the iconic image of Homer - the Lesser Sandhill Crane. A 2008 Kachemak Crane Watch sandhill crane tracking and habitat study showed satellite banded cranes using Beach Area 1, and a follow-up three year monitoring study with local reports from cooperating observers identify this beach zone as an intertidal feeding area used by large numbers of cranes -- an important local high protein food resource for cranes.
- Beach Area 1 is an important gathering area for cranes and a much needed crane refuge and feeding area - a limited habitat, that if disturbed or lost will effect the population. Limiting summer and fall disturbance to the mud flats that cranes rely on should be considered when protecting the beach resources of Area 1.
- To respect private property and protect the fragile beach berms and mudflat, vehicle access to Beach Area 1 should be closed year-round. The Parks and Recreation Advisory Commission investigate the desirability and need for access to Beach Area 1; eliminating the impact of recreational vehicles to shorebirds, waterfowl, and cranes utilizing Beach Area 1 should be part of your habitat protection goals.
- Private property owners along Beach Area 1 should be notified and allowed to testify about the impacts to their property and observed impacts to the mud flats.

Managing City of Homer Beach Areas

Proposed Amendments to City Code: underlined words are additions.

19.16.010 General.

It is the intent of this chapter to preserve and protect certain beach areas of the Homer Spit, Beluga Slough and Bishop's Beach from the uncontrolled and ever increasing use of such areas by persons driving wheeled, motorized vehicles thereon. [Code 1967 § 12-600.1].

19.16.020 Definitions.

For the purposes of this chapter, "beach area" shall include the tidal influenced zone and the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

"Berm" means a natural, linear mound or series of mounds of sand or gravel, or both, and may include vegetation, driftwood and accumulated woody debris, generally paralleling the water at or landward of the line of ordinary high tide. An emerging or secondary berm shall be considered a 'berm' when it is a beach feature comprising an emerging habitat with the development of vegetative material and/or the collection of stabilizing material which if left undisturbed a berm would become established creating a viable habitat.

"Storm berm" means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach may have more than one storm berm. [Ord. 02-14(A) § 2, 2002. Code 1967 § 12-600.2].

19.16.030 Use of vehicles prohibited.

- a. No person shall operate a recreational vehicle, motorcycle, motor bike, or motor scooter within or upon that beach area as defined in HCC 19.16.020 located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishing' Hole to the tip of the Spit.
- b. For the purpose of this section, recreational vehicle is defined as a self-propelled vehicle having wheels, tracks or rollers that may be operated on land areas located off the public roads. Use of vehicles engaged in an authorized or permitted use or authorized commercial activity, as opposed to recreational, is exempted from this prohibition. Authorization may be by City of Homer permit or lease or as designated by signage or other means of communication and enforcement established by the City of Homer.
- c. No person shall operate any motorized vehicle upon a storm berm or berm. No motorized vehicle may operate or park on any beach within the City limits of Homer except in designated areas as may be signed.

d. No person shall operate any motorized vehicle year-round upon the following beach or tidal areas, or mudflats, estuary, wetland, tide pool, berm, storm berm, or as depicted and described on the City of Homer aerial photo and made part of the official 'City of Homer Beach Policy Map' and as may be signed and/or delineated by physical barriers on the beach by the City of Homer:

Beach Area 1 : From airport access road to Miller's Landing.

Beach Area 2 : Mud Bay; area east of the Spit Road and Kachemak Drive and south to Louie's Lagoon; the east boundary ending at the Airport Beach Access as defined by signage and/or physical barriers.

Beach Area 3 : Louie's Lagoon; area north to Mud Bay and south to the City of Homer Campground at the Nick Dudiak Fishing Hole.

Beach Area 5 : Mariner Park Lagoon; area including the berm and storm berm and tidal pools and that area including all of Mariner Lagoon south of Mariner Park and west of the Homer Spit Road.

Beach Area 7 : Bishop's Beach and Beluga Slough; area east of Bishop's Beach entrance to the west end of the seawall. Area includes Beluga Slough outlet, tidal ponds, and wetlands.

Beach Areas 4, 6, and 8 : May be opened seasonally for motorized vehicles under conditions established by the City and as signed.

e. The official "Beach Policy Map of the City of Homer" is enacted by reference and declared to be part of this chapter in its exact form as it exists on the date that the ordinance codified in this chapter is adopted or as amended by the City Council. [Ord. 02-14(A) § 2, 2002; Ord. 01-39, 2001; Ord. 78-16 § 1, 1978. Code 1967 § 12-600.4].

19.16.040 Violation – Penalty.

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].

Establish a Recreational Use Code of City of Homer Beaches

19.30.00 Recreational Use of City of Homer Beaches.

A. The City of Homer may exercise its authority to manage recreational use of city-owned beach and tidal lands or other beach areas under permit, lease, easement, or other agreements or contracts.

(a) Authority to protect and maintain beach areas, easements, and rights of access in a manner that will contribute to the general welfare of the public and protect the natural and cultural resources; and

(b) Authority to adopt regulations and management provisions as it deems necessary for the use and administration of beach areas.

(c) Authority to enter into a written agreement with a federal or state entity or borough, or private landowner to cooperatively exercise jurisdiction and authority over the beach and tidal areas for the purposes of enforcing applicable city code or borough code or state or federal laws and regulations.

B. General Beach Rules shall be incorporated within this section to apply to beaches within the City of Homer or otherwise as signed and posted at the beach or specified as follows:

(a) Overnight camping is prohibited on any City of Homer beach, berm or tidal area unless designated by sign. Camping includes occupying a shelter or an open-air use for any duration, to include, but not limited to, overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers or automobiles.

(b) An enforcement officer may require a person to vacate the beach for trespass, excessive noise, minors in possession, activity beyond a curfew, camping, or a violation of a city sign, ordinance or state law. An enforcement officer may exclude a person under city ordinance.

(c) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and comply with notices from authorized City of Homer employees or representatives of the City of Homer.

C. Fires on the Beach

(a) Fire on the beach shall be in a designated located or receptacle, attended at all times, and subject to the following provisions:

i. A fire on the beach in a designated location/receptacle or a fire on the beach that may be allowed by permit must follow the posted signage and permit conditions and must adhere to any additional measures required by the City of Homer by signage or permit;

ii. A fire site shall not be located within a berm and must be on the sand or rocky beach, and downwind of any shoreline vegetation.

iii. any person(s) establishing a fire are responsible for any fire suppression costs and damages and assume personal liability;

iv. Fires may not be covered with sand and left to smolder but must be extinguished completely with water and broken apart before its users leave the area.

v. No person may use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire. No person shall cause, build, maintain, or accelerate a fire on the beach with gasoline, diesel, fuel oil, motor oil, propane, or other petroleum based product, other than charcoal lighting fluid.

vi. Fire material shall not contain driftwood, or dune accumulated wood debris or beach log accumulations; and shall not contain hazardous materials, toxic materials, plastics, rubber tires or other rubber products, coal, glass, aerosols, gun powder or explosives, treated wood or any other materials as designated by the City of Homer. Pallets or wood containing nails may only be used if the wood is untreated and all nails are raked and removed from the beach for proper disposal.

vii. The City of Homer may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, or public safety, and all persons shall observe such restrictions.

D. Domestic Animals on the Beach

(a) Dogs and other domestic animals on the beach shall be subject to the following provisions;

i. Unless otherwise designated, all dogs must be on-leash when occupying a beach, tidal area, berm, or other allowed beach use area within the City of Homer. The City of Homer may establish and sign a fenced or unfenced dog off-leash area for selected City-owned beaches or other city property in order to provide options for persons to socialize, play, exercise, train, and interact with their dog while the dog is off-leash but under voice control.

ii. A handler is responsible for the behavior of their domestic animal and shall either confine their domestic animal or keep it under physical control or on a leash not more than six feet long at all times except in a designated dog off leash area.

iii. In a designated dog off leash area, a handler shall carry a leash, keep their domestic animal under control at all times such that it is within the unobstructed sight of the handler, remains responsive to voice commands, or other methods of control. A handler must promptly leash or contain animals prior to entering or exiting an off leash area and at the request or order of an enforcement officer.

iv. A handler shall prevent their dog from harassing or intimidating people, wildlife, and other domestic animals.

v. In order to protect sensitive habitats and wildlife, the following Beach Areas as designated in the City of Homer Official Beach Policy Map, shall be closed at all hours, year-round, to the use, passage, training, or occupancy of a dog or other domestic animal at large or with its handler:

Area 2 : Mud Bay and its land spit – area east of the Spit Road to the Airport Road Beach Access, as signed.

Area 3 : Louie’s Lagoon – area south from the Lagoon tidal inlet to Mud Bay.

Area 5 : Mariner’s Park Lagoon – lagoon/wetland area west of the Spit Road.

Area 7 : Beluga Slough - wetlands, tidal slough and estuary.

E. Enforcement of Domestic Animals on the Beach.

a) An enforcement officer may take any measure deemed necessary (including the removal of the animal from City property) to protect resources or to prevent interference by the animal with the safety, comfort, or well-being of any person.

b) An enforcement officer may seize any domestic animal running at large on the beach in the City of Homer and release it to an animal pound or animal control officer or shelter.

F. Duties Of Domestic Animal Owners.

a) The owner of a dog is responsible for the behavior of their dog regardless of whether the owner or another member of the owner’s household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

b) An owner with knowledge of a dog with a transmittable disease or a dog in heat is required to quarantine or remove the dog from a public beach area.

G. Animal Waste.

a) It is the duty of any person in physical possession or control of a dog or domestic animal on the beach to immediately and properly remove excrement or other solid waste deposited by the dog or domestic animal.

Definitions:

Dangerous Dog:

A dog that menaces, chases, or displays threatening or aggressive behavior to another dog or which threatens or endangers the safety of any person or injures a person;

A dog with evidence of a transmittable disease.

Dog Owner/Handler:

The person a dog is registered to or cared for and includes any member of the owner’s household or a person that is handling the owner’s dog with or without permission.

Enforcement Officer:

A person, agency, entity, or representative of the City of Homer authorized and trained by the City of Homer to enforce provisions of ordinances regulating animals.

Animal “At Large”:

ANIMAL AT LARGE. Any domestic animal, that is not physically or electronically restrained on the owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, not to exceed eight feet in length, or other physical control device and under the physical control of a capable person. A dog may be permitted to be off leash in a designated off leash area established by the City of Homer if the dog is under effective voice control and is not a dangerous animal or has been excluded.

H. Vehicles on the Beach

(a) A person operating a motorized recreational vehicle on the beach or tidal area where allowed shall;

i. Observe all posted signs, including signs that prohibit the operation of motorized vehicles or devices;

ii. Have a valid driver's license and operate a motor vehicle that is registered to operate on public highways and roads. All provisions of motor vehicle laws of the State of Alaska are applicable and enforceable. A person may use an ATV or OHV provided that a person under 16 years of age is equipped with a helmet.

iii. Restrict speed and manner of operation to reasonable and prudent practice, considering the terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety and protection of all other beach area users, natural resources, and wildlife.

iv. Not disturb or harass wildlife or other natural resources, or block access, use, or the safe and uninterrupted passage of others on the beach.

v. The City of Homer may have a motorized vehicle or device towed at the owner's expense if left unattended for more than eight hours or one tidal change or towed immediately when it poses harm to the beach environment or creates a hazard to humans or wildlife, or is a nuisance or may become a navigational hazard if washed out to sea. An enforcement officer may authorize the removal of a vehicle upon refusal of an operator to obey an enforcement officer, or due to impairment of the operator or operating with a revoked driver's license.

vi. The use of a power-driven mobility device by an individual with mobility disabilities is not considered a motorized recreational vehicle and does not include an ATV, OHV, golf cart, or type of automobile. Use of such a device shall meet the criteria under the Americans with Disabilities Act.



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 28, 2015
SUBJECT: REQUEST FOR RECONSIDERATION OF A MOTION ON THE SUBJECT OF
VEHICLES IN AREA 7

Commissioner Archibald submitted a timely request for reconsideration on the following motion:

MOVED TO MAKE THE AREA DESCRIBED AS BISHOP'S BEACH ACCESS TO BELUGA SLOUGH MOUTH IN AREA 7 AS SEASONAL ACCESS OCTOBER 1 TO MARCH 31 WITH PLACEMENT OF ROCKS TO BLOCK ACCESS TO THE BERM AREA.

Commissioner Archibald was a party of the prevailing side.

A motion to reconsider must be made and seconded.

It is not debatable.

A roll call vote will be entered.

A two thirds majority vote in favor is needed for reconsideration of this item.

It will then be addressed under Pending Business and is fully debatable.

RECOMMENDATION:

Move to Reconsider the Motion as Requested

Session 15-07 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on April 16, 2015 at 5:32 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LOWNEY, STEFFY, ARCHIBALD, BRANN, AND LILLIBRIDGE

ABSENT: COMMISSIONERS MACCAMPBELL AND ROEDL (EXCUSED)

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
MIKE ILLG, COMMUNITY RECREATION COORDINATOR
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Chair Steffy noted that Commissioner MacCampbell may be calling in; the Clerk confirmed that the phone was open and ready if there were able to do so.

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda.

BRANN/LILLIBRIDGE - MOVED TO APPROVE THE AGENDA.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

There were no comments from the audience present.

VISITORS

A. Bishop's Beach by Homer Area Students

Taylor Davis, Alicia Steiner, Paloma Ramires, Nolan Bunting, Landon Bunting, Jay Davis, Homer High School and Parker Lowney, West Homer Elementary, 6th Grade

Students provided a PowerPoint presentation to the commission regarding the issues at Bishop's Beach and provided some insightful solutions to remedy the problems.

Nolan Bunting, speaking on behalf of the Youth Birders provided a report on the number of vehicles they observed parked on the berm today and the birds and animals that are seen in the slough and beach area. Remarks from the F.B.I regarding:

- Preservation of the Area
 - the uniqueness of Bishop's Beach and Beluga Slough
 - being able to bring their families to the beach to enjoy it as they did
 - How special it is to be known to provide habitat for rare species known the world over

The commissioners inquired or requested clarification about the following:

- Name of the group

Mr. Bunting responded that they are still fleshing out names but there are two that stand out: Fledgling Bird Investigators or Youth Birding Group

- What did the group envision as solutions to the problems regarding vehicles?

Ms. Ramires responded that they provided some options but are not really driving yet and are not sure what would be best for the beach.

Mr. Bunting speaking for the Birding group supported the proposed gate with a permit to allow coal collecting or scientific purposes but no recreational use.

Ms. Davis also stated larger signage for easier visibility would be beneficial.

- What they thought about allowing seasonal or no vehicles?

Mr. Bunting stated that it depends on the students you asked, but explained that young people are very adaptable to rules since they live their life with many restrictions currently, referring to school, etc. He supported the idea of a Beach patrol.

- What was the young person's opinion regarding placement of a gate and/or restricting the area to the left or right to vehicles?

Mr. Bunting believes that overall would be preferred, stating that the overall area was important to the migration patterns and as a habitat.

Taylor Davis responded that students on average did not favor restrictions for vehicles but may be willing to a compromise when an explanation is provided for the reason for the restrictions.

Commissioner Brann advised the students to research the Critical Habitat requirements to develop and use in their approach to protect the habitat.

Commissioner Lowney commented and questioned on the drug problems and the use of motion activated cameras and commented that this is the one issue that the commission has not addressed. She asked if they have thoughts on this subject.

- Ms. Davis responded that there are students that would be interested in seeing some youth programs developed about addressing the issues surrounding drug use and talk about healthy behaviors and making sure it doesn't happen in town or on the beaches.

- Ms. Ramires noted that the problem of drugs in the community is a hard one to solve due to the adaptability and believes that they best solution was the motion activated cameras due to the difficulties surrounding the issue of illegal drugs.

Commissioner Lillibridge thanked the kids for the presentation and speaking out on the issues regarding the birds and beach she also suggested that they try to create an assembly for the student body regarding the issues and those affecting the beaches and wildlife.

The students commented on the difficulties that the students have in getting clearance from the School District to garner interest in having an assembly regarding this leading to shorebird. There was a brief discussion regarding the policy against advertising any event or group that is not school related and approved by the school district over the loudspeaker and FOL can be arranged with individual teachers on a single subject.

Chair Steffy thanked the group.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the regular meeting of March 19, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

ARCHIBALD/LOWNEY - MOVED TO APPROVE THE MINUTES.

Chair Steffy thanked the Clerk for the very well written minutes of the meeting and keeping track of the actions and discussions of the commission.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report Julie Engebretsen, Deputy City Planner

Ms. Engebretsen reported or pointed out the following:

- Katie Koester would like to come to a meeting in May
- Recommended a joint worksession with Council in June on how to move forward and this will allow a Councilmember to support forwarding an ordinance regarding Beach patrol or any of the other budget related items before budget.
- The new map depicting leash and off leash areas

She inquired if there were any questions on the process for the beach policy. There were none offered.

B. Parks & Recreation Trails Symposium Status Update - Deb Lowney/Mike Illg

Commissioner Lowney reported the following:

- Advertised in both local papers, and the radio stations were free, KBBI announcements every day,
- 15 groups signed up and several individuals expressed interest also
Everybody is excited to come to the table to speak about their group's pet project.
- 11:00 a.m. is the scheduled time to meet and set up on Saturday
- purchased office supplies for each table from funds provided

Chair Steffy will start the event, be the mediator or commentator. Chair Steffy provided a brief description of the structure of the event for the commission.

Commissioner Lowney provided a description of the set up for the meeting regarding the tables and audience seating. She confirmed that there will be a microphone for the speaker.

Chair Steffy fielded a question from the audience regarding the time to come and set up.

C. Community Recreation Report - Mike Illg

Mr. Illg reported on the Safe Kids Fair and the collaborative efforts of multiple city departments, complemented Commissioner Lowney's efforts in organizing the Homer on Move Symposium and provided an update on the planning and organization of the Parks and Recreation Conference scheduled for October. Mr. Illg noted that they will be visiting the Neverland Conference Facility on Kachemak Drive.

There were no comments or questions from the commission.

D. Parks Report - Angie Otteson

Ms. Otteson was not present at this meeting.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Map Depicting the Existing Areas and Proposed Areas

Page 27

1. Recommendations to Define a Pedestrian Only Area
2. Recommendations Regarding Motorized and Non-Motorized Traffic Areas
3. Recommendation to Establish a Limited Permitting System
4. Recommendation to Designate a New Area
 - a. Boundaries
 - b. Allowable Activities

Chair Steffy introduced the item and opened the floor for discussion.

Commissioner Brann supported seasonal closure with or without permit system for coaling or surfing in Area 7; he would also support expansion of the parking area down on the beach to allow an area for those with mobility issues. Staff recommended putting that into a motion. Chair Steffy inquired if he wanted to make that motion.

BRANN/LOWNEY - MOVED TO MAKE THE AREA AS DESCRIBED AS BISHOPS BEACH ACCESS TO BELUGA SLOUGH MOUTH IN AREA 7 AS SEASONAL ACCESS OCTOBER 1 TO MARCH 31 WITH PLACEMENT OF ROCKS TO BLOCK ACCESS TO THE BERM AREA.

There was concern regarding the area between the berms in front of the slough, recognition of the designated critical habitat area as defined and the delineation of private property, USFW and the city and that there was a very fine line to allow vehicles; Chair Steffy commented on the very limited resources of the USFW and felt that it may be best to leave to state. There was question regarding response from the state regarding the critical habitat. Points in discussion included protecting the berms and fully removing vehicles from the beach. The commission requested staff input on establishing policy in areas that are technically not under jurisdiction of the city, staff recommended keeping it simple. Discussion included the point that this motion removes this area as pedestrian only recommendation but there are other areas that are pedestrian only but this will provides consideration to two other groups that use that beach area on a seasonal basis. Further support was expressed on support for a permit system rather than just seasonal access by permit.

Chair Steffy asked if there was an amendment allowing seasonal use via permit system. He further commented on setting the parameters of a permit system. He supported seasonal closure and the boulders as a first step and that there are permitted uses for the area. He further noted that the commission can revisit the policy if there are still problems out there. No commissioner offered that amendment.

VOTE. YES. LILLIBRIDGE, BRANN, ARCHIBALD, STEFFY
VOTE. NO. LOWNEY

Motion carried.

Commissioner Lillibridge advocated for prohibiting vehicles on the beach in the immediate area in front of the parking lot. There was a brief discussion on bringing a line of boulders down on the right to the end of private property and they already moved to place a line of boulders to the left which would take care of vehicles parking to the left.

LOWNEY/LILLIBRIDGE - MOVED THAT VEHICLES ARE ALLOWED BY PERMIT USE ONLY IN AREA 8A AND AREA 8B

Commissioner Lowney stated that she is making this motion based on the complaints from the residents and users of the beach. The commission stated all the reasons why they need to restrict and create controls now regarding the uses of the beach. Chair Steffy supported creating the separate recommendations on the different areas for Council to make the final decisions.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy asked if there were any additional concerns regarding motorized vehicles on the beach.

Commissioner Lowney requested clarification on vehicles accesses in the areas of 1 and 2 and if that has been previously addressed. Staff confirmed that vehicles are prohibited in Area 2 and Area 1 vehicles are allowed. Commissioner Lowney wanted to investigate and make sure that vehicles are not accessing those areas and recommendations to make a parking area from airport access rd. There were recommendations on defining the parking area in Area 2.

Commissioner Archibald requested clarification on vehicles in Area 7. Chair Steffy responded that vehicles will be allowed in Area 7 in the winter only.

Staff requested clarification on Area 6 and Area 4 regarding vehicles. Chair Steffy stated that he only remembers motions regarding dogs in Area 6 and 4. Staff repeated the original recommendations to
Closure in Area 7
Closure in Area 7 & 6
Closure in Areas 7, 6 & 4

ARCHIBALD/LOWNEY - MOVED TO CLOSE AREAS 6 TO MOTORIZED VEHICLES SEASONALLY DURING THE PERIOD MARCH 31 TO OCTOBER 1.

There was a brief discussion on the need for signage, creating differing restrictions in areas creates misunderstanding for the public. Commissioner Archibald wanted to make it simple for Council and believed that the public does not need to have vehicles on the beach.

ARCHIBALD/LOWNEY - MOVED TO CLOSE AREA 6 TO MOTORIZED VEHICLES ANNUALLY ACCESS BY PERMIT ONLY.

Chair Steffy noted that if they have too much variation then they may be causing confusion to the general public and that they should revisit the other areas to make it more cohesive when traversing from area to area. Commissioner Archibald responded that he wanted to make things simple and that they have allowed vehicles in Area 7 and it is not needed in any other area. He intends to make the same motion for Area 4. Commissioner Archibald believed that they should make a strong statement and hopes that the City Council will support their recommendations. The commissioners voiced their concern with the confusion that may be caused having separate rules for different areas. Commissioner Archibald agreed to amend his motion as follows:

ARCHIBALD/LOWNEY - MOVED TO CLOSE AREA 6 SEASONALLY, APRIL 1-OCTOBER 31, TO MOTORIZED VEHICLES - ALLOWED BY PERMIT ONLY.

There was a brief discussion on the dates of summer season.

VOTE. YES. STEFFY, BRANN, LILLIBRIDGE
VOTE. NO. LOWNEY, ARCHIBALD

Motion failed.

Commissioner Lillibridge asked for immediate reconsideration.

Commissioner Archibald wanted to make it the same as every other area. Commissioner Lowney wanted consistency throughout the areas and would support a closure and vehicles by permit only seasonally. Chair Steffy clarified that they recommended a seasonal closure only in Area 7 and they were on the track now to close other areas seasonally.

ARCHIBALD/STEFFY - MOVED TO CLOSE AREA 6 SEASONALLY, VEHICLES ALLOWED BY PERMIT ONLY DURING THE APRIL 1-OCTOBER 31 TIME PERIOD.

There was brief discussion on clarification.

VOTE. YES. ARCHIBALD, BRANN, STEFFY, LILLIBRIDGE
VOTE. NO. LOWNEY.

Motion carried.

Commissioner Lillibridge requested a quick review of areas and vehicles that has been passed. Chair Steffy responded with all the previous recommendations.

Chair Steffy asked if there were additional motions on motorized vehicles on the beach

ARCHIBALD/BRANN - MOVED TO CLOSE AREA 4 TO MOTORIZED VEHICLES SEASONALLY NO PERMITTED ACCESS DURING CLOSURES.

Brief discussion on the area being closed during the summer season to vehicles no permits allowed and open during the winter to motorized vehicles. The boundary ends opposite of the fishing lagoon and this recommendation is directed at ATV and UTV type motorized vehicles.

VOTE. YES. LILLIBRIDGE, BRANN, ARCHIBALD, STEFFY
VOTE. NO. LOWNEY.

Motion carried.

Chair Steffy once again asked for motions on motorized non-motorized traffic areas.

Commissioner Archibald inquired about creating a parking area on the beach within the confines of Bishop's Beach Park. Staff recommended having a separate discussion on this idea because if Council does not approve closing the beach then there might be some issues created.

STEFFY/BRANN - MOVED TO ESTABLISH A LIMITED PERMITTING SYSTEM AND LET COUNCIL DETERMINE THE PERMITTED USES.

The commission entertained a lengthy discussion and the pros and cons of establishing a permitting system, how to implement it effectively, and what activities should be permitted. They also debated what would be supported by Chief Robl and City Council and how detailed it should be or leave that to the Council. There were several comments regarding withdrawing the reference to permits on all recommendations since the intent of the commission is to curb the vehicles on the beach for purely recreational purposes. After a lengthy discussion the motion was pulled from the floor. Chair Steffy remarked that it is understood that all restrictions do not apply to landowners and their guests. If there are vehicles on the beach it will be up to the Police Department how it will be enforced. This will also put a burden on the property owners to report to the Police when they see offenders down there. A reminder that what caused problems last year and a suggestion that the private property owners need to get together and agree on how they want to manage these problems was suggested by Commissioner Brann.

There was a brief conversation on inviting the property owners to a discussion and needing definitive motions for the property owners to respond to at the next meeting, May 4th. Staff will mail invites to property owners to comment on the recommendations made and a Public Hearing will be conducted at the May 21st meeting.

Comment was made on having a permit required in any areas. It was noted that private property owners have access no matter what, historical access, they can close it and it will present the potential for litigation for the city.

Reiteration for clarification was made for Mariner Park regarding dogs on leash or off leash.

Staff requested a clear motion prohibiting vehicles from the Areas 8A and 8B since they rescinded the permit system in any area. A previous motion included the vehicles allowed by permit only.

LOWNEY/LILLIBRIDGE - MOVED TO PROHIBIT VEHICLES IN AREAS AREA 8A AND 8B WITH THE EXCEPTION OF LANDOWNERS.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Archibald expressed concerns on the issue regarding the area of Mariner Park regarding the berm and dogs on leash. Staff explained that there is actually fire rings in that berm area and if there are issues, Angie Otteson, Parks Maintenance has the authority to address those issues.

There was no further discussion.

B. Placement of a Barrier at Bishop's Beach Access

A motion postponed from the February 19, 2015 regular meeting to place a barrier to prohibit vehicles from turning immediately right upon the beach to deter crossing private property and extend said barrier to the medium high tide line.

Chair Steffy read the title into the record. He noted that there was no definitive action he believed should be recommended by the commission without input from the landowners since in essence the city is giving access to the public onto private property. It was noted that if the no vehicles are allowed in Areas 8A and 8B this would be a moot point. It was further noted that the process and discussion with the property owners will be conducted in the public forum in response to a suggestion to hold a discussion with the property owners in executive session. Staff commented that they could have the landowners at the May 4th meeting and then with proper advertising they can also discuss it at the Public Hearing during the May 21st meeting. It was also recommended for the commission to be prepared for public comment from parties outside of city limits.

Commissioner Brann requested that they review the updated policy in 3 years instead of 5 so that they can make any additional changes needed then. He stated that in a 3 year time period they should realize whether the recommendations and or changes were working or not.

BRANN/LOWNEY - MOVED TO REVIEW THE BEACH POLICY AS UPDATED IN THREE YEARS.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

NEW BUSINESS

A. Trespass - A discussion.

Chair Steffy read the title into the record.

Commissioner Brann felt that this topic was relevant due to comments at a previous meeting and thought that they should at least have the current regulations for review on the topic. He read the requirements for Alaska into the record.

There was no discussion.

B. Scheduling the Spring Park Walk Through

The Commission briefly discussed and determined that since the focus has been on the beaches that they visit the following:

- Bishops Beach
- Mariner Park
- Mud Bay
- Airport Access

It was agreed by consensus to meet on Saturday, May 2, 2015 at Bishop's Beach at noon, and then go to Mariner Park then Mud Bay/Airport Access.

C. Draft Parks, Art, Recreation and Culture Needs Assessment

1. Telephone Survey Results

Staff provided a highlight of the process and reported that this will be on the April 27th Council agenda during the Committee of the Whole at 5:00 p.m. There will be a 10 minute presentation during the regular meeting of Council under Visitors.

Staff stated that the committee will be meeting a few more times regarding this document and asked if the Commission would like to submit a recommendation they could but it is not necessary; they can submit their comments to her via email but staff did not feel that it was necessary for the Commission as a body to submit a recommendation. There were groups that were prepared to use this information now.

Staff further explained that this is not a plan that would be adopted by Council but more of a report on what the City currently has and what they need to do or steps to take to get where the residents wanted to be.

Chair Steffy felt that the commission could review this after the Beach Policy maybe at the June regular meeting and in the mean-time could familiarize themselves with the document.

Commissioner Lillibridge felt that the commission should review and consider the top 5 recommendations from the consultant.

Staff additionally recommended that the commissioners attend the meeting on the April 27, 2015 at 5:00 p.m.

INFORMATIONAL MATERIALS

A. Commission Annual Calendar 2015

B. Commissioner Attendance at City Council Meetings 2015

Chair Steffy reviewed the attendance at Council meetings and volunteered for the May 11th, Commissioner Archibald volunteered for May 26th meeting.

COMMENTS OF THE AUDIENCE

Tom Zitzman, city resident, stated he has been gone for a while, this was a thoughtful and productive meeting, great participation from the Clerk's Office and the Planner; he stated that they have done a phenomenal job. He knows that they are putting a lot on themselves, appreciated the wonderful presentation from the students, they were articulate and insightful and that they keyed in on the issues right away. Mr. Zitzman related an incident that happened to his dog cutting its paw on broken glass on the beach. He understands process being a financial planner and CPA, but he was concerned with the process, the commissioners do the heavy lifting and then it goes to Council with no guarantee on what happens in that venue. He knows that there may be budget constraints and it takes time to order signs but it is frustrating. He wanted to share some of his emotions with the commissioners in that when he arrived home he found in the large spruce growing at the toe of the bluff a pair of eagles have built their nest, he was overcome with joy, and the eagles sitting in tree and then overcome with dread that in two weeks those eagles are going to become inundated with behavior that may very well thwart their efforts. He thanked them for their work and commended the hard work that they have done and are doing here.

Ginny Espenshade thanked the commissioners for their welcome to the students and by staff and the interactive dialogue with the different student groups; when she first shared the initial closures, she encouraged the commission to educate why they recommend the closures, she supported the continued discussion and education on the issues. Ms. Espenshade commented when she first heard about placement of cameras she cringed but the students that is part of their everyday life. She also updated the commissioners on some of the photos used in the slideshow. She also noted that there would be a public presentation on the issue of substance abuse at the college on Tuesday.

Bill Ostwald, thanked the commission and a lot of people will be understanding but if they remain consistent in everything that will be huge and the trespassing on private property and he believes that there is a difference when the property is improved or not, he believed there is a difference, but he is not sure you would have to dig into that issue more.

Louise Ashmun thanked Commissioner Lowney for not voting on several motions; she is disappointed that vehicles may be allowed on the berm. She will not belabor that point, but acknowledged that their role was very difficult. She was here when the gentlemen spoke about the drug issues and that is what the commissioners should focus on, if everyone knows about the issues regarding drugs the law enforcement should be there to enforce the laws, she believes that this not the responsibility of the commissioners when developing the Beach Policy.

Ms. Ashmun felt that was asking too much from the Commission. They should definitely work with the different entities and she wanted them to be very open and let them know that they cannot cope with those issues within this beach policy. Ms. Ashmun related an incident during an outing to collect marine debris on the beach past Crittenden, someone was target shooting against the wall and she had a difficult time getting her dog from the area since they are afraid of guns. There were tons of broken bottles in one location and so she believes that there are significant issues with what is brought onto the beach and the activities going on down there.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen commented on the community now having the availability of treatment for substance abuse from Ninilchik south to Homer. She thanked the commissioners for the motions and clarifications on the recommendations they have made. She will be mailing notices to the property owners and try to plan to have the website updated with all the information by the end of next week.

Ms. Krause commented had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lowney appreciated the comments and compliments of the audience and bearing through the process with them; in reference to the drug issues she can understand the comments regarding this but considers the issues with drugs the same as previous issues the commission faced up at Karen Hornaday park, she felt strongly that if the commission can help address those problems then they need to do so to assist other agencies in dealing with the problems down on the beach. Commissioner Lowney related her experience with the glass on the beach and finding cans with little holes in them which is very scary and very close to town. She expressed the concern with the amount of trash that is hauled in by vehicles. Commissioner Lowney hoped that they were making it easier for staff because she was very confused when she read the paper herself. She would like to have the status update on the LWCF grant

Commissioner Archibald thanked everyone for hanging in there and apologized for his part in confusing everybody. He further thanked Julie and Renee for their efforts and hard work.

Commissioner Brann also thanked the audience and staff efforts. He really appreciated the young people being here and there comments about 30 years down the line. He has been thinking 50 years down the line the last month or so but 30 years is good; one of the things in the thought process the last couple of weeks, he just started listing all the user groups he could think of and he came up with 100 groups that use that beach and area, all thinking about their use, their space, their time...he felt it was pretty amazing and a lot of those people are not thinking 50 years down the road, they are thinking about their use right now. If you think about it there are 100 of your neighbors down there on that beach using it how they want and they are thinking they want their issue dealt with, but there are a whole lot of people who may or may not agree with you and we have to take everybody's comments and work with them and look 30-50 years down the road.

Commissioner Lillibridge commented that her high point of the meeting was the kid's presentation. She was impressed with their presentation, their thoughts and that they all participated. She hopes that they are able to get something together at school to bring a young voice to their efforts at what they are trying to do here. Commissioner Lillibridge stated she was appalled at the tone that was expressed

at the previous meetings and through letters that it was “my right”, “my beach”, and “my needs” and the last time she checked this was a community.

COMMENTS OF THE CHAIR

Chair Steffy echoed the amazing appreciation to everybody and the thoughtfulness. He hopes to continue to see the public participation. He put in a plug for the Invasive Species training at Islands and Ocean with free lunch provided next Friday, April 24th

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:27 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR MODNAY, MAY 4, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 28, 2015
SUBJECT: RECONSIDERATION OF A MOTION ON THE SUBJECT OF VEHICLES IN AREA 7

Commissioner Archibald submitted a timely request for reconsideration on the following motion:

MOVED TO MAKE THE AREA DESCRIBED AS BISHOP'S BEACH ACCESS TO BELUGA SLOUGH MOUTH IN AREA 7 AS SEASONAL ACCESS OCTOBER 1 TO MARCH 31 WITH PLACEMENT OF ROCKS TO BLOCK ACCESS TO THE BERM AREA.

Commissioner Archibald was a party of the prevailing side. He can state his reasons for requesting reconsideration. The commission can fully debate the motion again. Each commissioner can speak on the existing motion two times then a vote will be called by the Chair.

This motion can be amended.

RECOMMENDATION:
Informational in Nature. No Action Required.



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

You're invited!

Join the Parks and Recreation Advisory Commission
to talk about the Beach Policy and proposed changes, particularly in Old Town.

The Commission has spent the last few months learning about the existing rules and policies, listening to public comment, and thinking about the future of Homer's beaches.

What: Parks and Recreation Advisory Commission Special Meeting

When: Monday May 4th, 5:30 PM, City Hall Cowles Council Chambers

Why: Talk about the Beach Policy, and hear what the Old Town neighborhood thinks about the proposals

For more information: Visit the City Parks and Recreation website for maps and more details.

<http://www.cityofhomer-ak.gov/recreation> Look for the "Beach Policy Review 2015."

What happens next? The Commission will hold a hearing on May 21st. They can either keep working on the policy, based on public comments, or send their recommendations to the City Council. The Council will make the final decision on any changes to the existing rules.

Questions? Contact Julie Engebretsen in the Planning Department at 435-3119.

Comments? To comment to the Commission, email rkrause@ci.homer.ak.us or fax 907-235-3143, by 4 pm the day of the meeting.

Proposed changes include items such as:

- Closing some areas of the beach to all vehicles year round, except for land owners and their guests
- Seasonal closures for vehicles during the summer (April 1st – September 30th)
- Creating on and off leash areas for dogs
- Installing fire pits in three locations on city lands
- Improved signage
- Increased enforcement
- More education and supplies to pick up dog waste

Visit the City Website to see the latest proposals

Published on *City of Homer Alaska Official Website* (<http://www.cityofhomer-ak.gov>)

[Home](#) > Printer-friendly



Parks and Recreation Advisory Commission, 2015 Review of Beach Policy

The Commission will hold a series of meetings between January and May, 2015 on the beach policy. Each meeting will have specific topics, and the Commission will make recommendations as they work through each topic. See the tentative meeting schedule below for dates and topics. All meetings start at 5:30 pm, in City Hall Council Chambers.

Your comments are welcome at any time in this process! You can submit comments in writing: fax, email or mail, or speak at the meetings. Testimony at the meeting is limited to 3 minute per person.

After the Commission finishes, the Beach Policy will go to the City Council. It is the Council that will approve the final plan.

Why make changes now?

In the fall of 2014, the Commission began hearing from property owners and residents in Old Town that there are more problems between vehicles and pedestrians on the beach, and more 'bad behavior.' (drinking, drugs, partying on private property, trespass, etc). The Commission began holding meetings to explore these issues, and also became more aware of the bird habitat along the grassy berm area of the beach at Beluga Slough.

Proposed changes to date: (4/24/15)

- **Install fire pits** at these three locations: Bishop's Beach Park, City parcel near the end of Main Street/Ohlson Lane, and at the end of Crittenden, and make trash cans available.
- **Hire** two seasonal beach patrol employees
- Draft an ordinance to **define and ban reckless driving** as it would be applies to all of City of Homer beaches
- **Improve signage** at Bishop's Beach.
- Create areas where **dogs must be on leashes**. See map [here](#)
- **Close some portions of the beach to vehicles** at all times, and **allow winter use** in some locations. (Land owners and their guests are exempt). See map [here](#)
- Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)

Other Solutions:

- Increase dog waste education
- Install dog waste dispenses at public buildings, trails and parks and encourage other agencies and businesses to do the same.
- Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies

supplies and dispensers.



- Educate locals on beach rules. Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach
- Consider a park host. (Would need to be willing to testify in Court)

Questions? Contact Julie Engebretsen in the Planning Department at 435-3119.

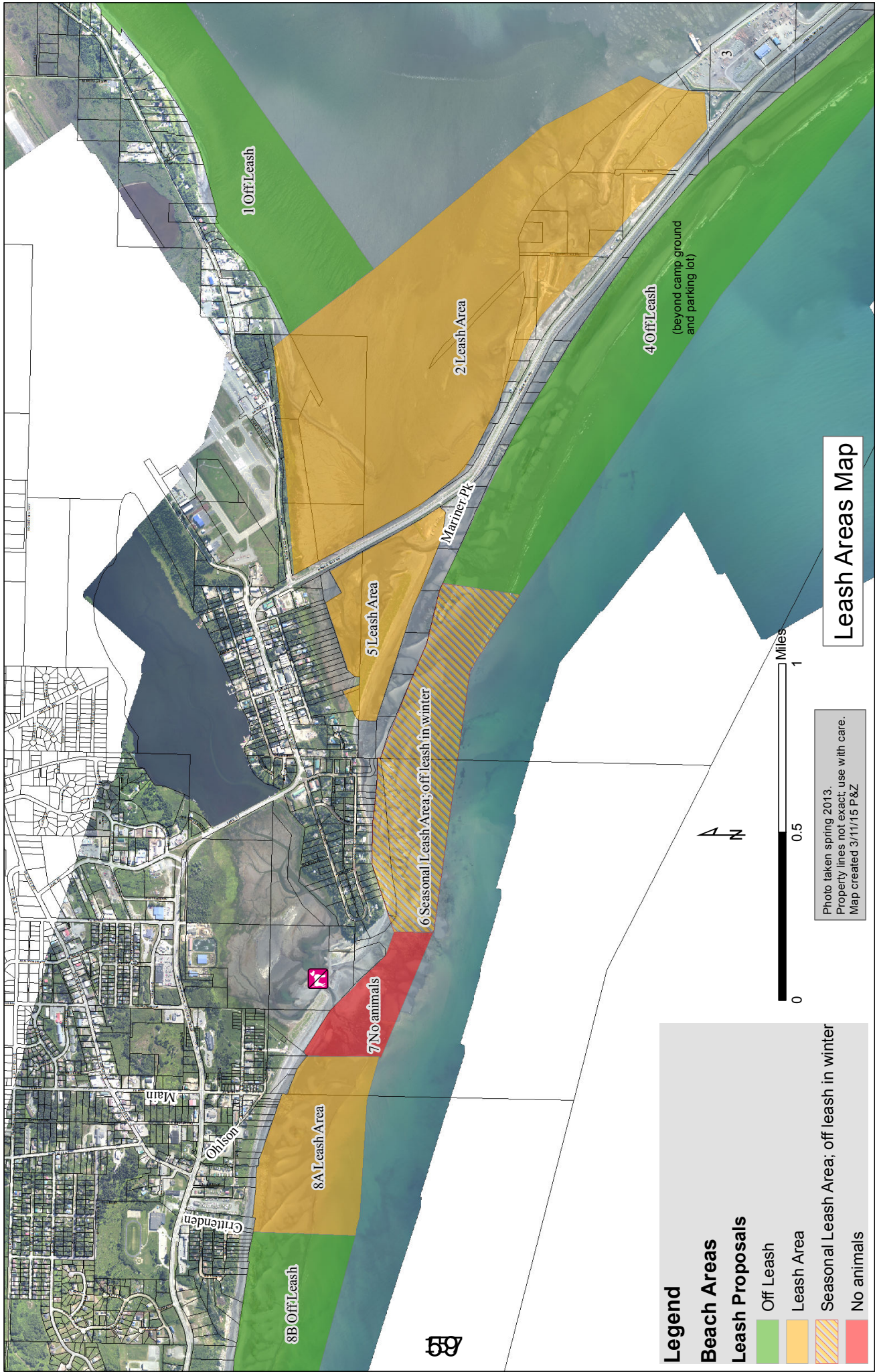
Comments? To comment to the Commission, email rkrause@ci.homer.ak.us or fax 907-235-3143, by 4 pm the day of the meeting.

For more information or general inquires, give Julie a call.

Meeting Table

Meeting Date	Topics	Invited Speakers	Supporting Documents
January 22nd	Review of existing management strategies, current beach policy, Title 19, and Park rules.	Angie Otteson, Parks Maintenance	 Dog On Leash and Off Leash Beach Areas  Beach Closure to Vehicles
February 5th	Legal access on the beach, and land ownership	Julie Engebretsen with input from City of Homer attorneys	Map
February 19th	Birds, habitat and dogs (yes dog poop), Fire Department issues with fires on the beach.	George Matz, possible other TBD	Web Links Beach Policy Homer City Code Title 19, PARKS, CAMPGROUNDS AND PUBLIC PLACES
March 2nd	Enforcement by Homer Police Department	Police Chief Mark Robl	
March 19th	Space holder for other topics or speakers, or any rescheduled meetings (Habitat + other topics)	Marianne Aplin, USFW Dr. Sherwood, Homer Veterinary Clinic	
April 2nd	Continued discussion	High school students	
April 16th		High school students	
May 4th	Meeting with Old Town area residents		
May 21	Public Hearing		

Source URL (retrieved on 2015-04-28 14:19): <http://www.cityofhomer-ak.gov/recreation/beach-policy-review-2015>



Leash Areas Map

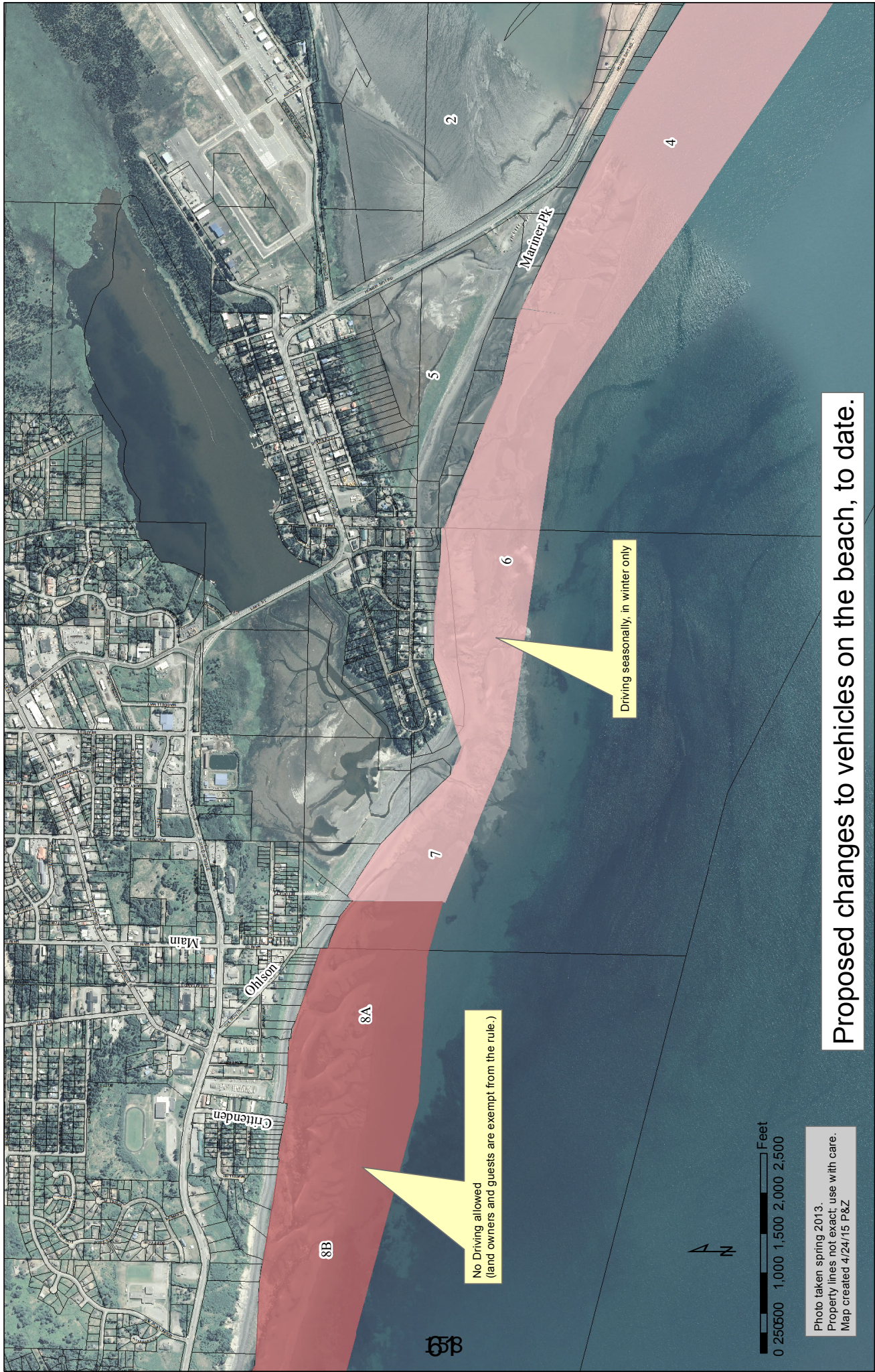
Photo taken spring 2013
 Property lines not exact; use with care.
 Map created 3/11/15 P&Z

Legend

Beach Areas

Leash Proposals

- Off Leash
- Leash Area
- Seasonal Leash Area; off leash in winter
- No animals



Proposed changes to vehicles on the beach, to date.

Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 4/24/15 P&Z

0 250 500 1,000 1,500 2,000 2,500 Feet



No Driving allowed
 (land owners and guests are exempt from the rule.)

Driving seasonally, in winter only

Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Better than a ban? Wasilla OKs new ATV rules

Zaz Hollander [1]

April 28, 2015

WASILLA -- All-terrain vehicles are still welcome within Wasilla city limits -- provided riders park them by 10 p.m., avoid danger or destruction, and carry a valid driver's license.

That's a paradigm shift in this still-growing city of about 9,000 where people on snowmachines and four-wheelers were once accustomed to free rein but now trigger complaints about riders speeding, churning up fresh grass or spitting up bike path gravel.

The new ATV regulations, approved by the Wasilla City Council Monday night in a 5-1 vote, represent the city's way of avoiding a total ban.

Dozens of agitated riders came out for public hearings last year after the council floated the idea of prohibiting ATVs altogether. The owner of an ATV rental business near downtown Wasilla said he gathered thousands of signatures opposing a ban, though it wasn't clear how many came from city residents.

None of those people attended Monday night's meeting, which drew a small crowd only because the city's proposed budget was on the agenda.

The new regulations are based on recommendations of a six-member task force that met four times between January and March after the council put off a decision on a ban. But officials say they still expect to bar ATVs some day, given the city's increasingly crowded streets and shifting demographics.

"I don't think anybody is going to argue that at some point, it probably will be banned," Mayor Bert Cottle said Monday night.

Wasilla's new ATV regulations came in the form of changes to an existing ordinance that already requires things like helmets and a 5 or 10 mph speed limit and restricts riding on sidewalks and streets. Along with requiring adults to show a valid driver's license, the changes include: limiting operating hours to between 8 a.m. and 10 p.m.; requiring riders aged 16 and younger to have a parent, guardian or other custodian within 100 feet, or "at a reasonable safe distance"; requiring registration and insurance; and no driving in a "careless, reckless, or negligent manner" that endangers people or destroys property.

The price for violating the rules if caught -- the task force found that youthful offenders was "more prone to evade the police" -- is impoundment.

Wasilla and its surroundings are growing, particularly in the form of multi-family housing that tends to draw young children or seniors, said council member Stu Graham.

"With that increasing density, I think we need to have a little more emphasis on safety," Graham said during the meeting.

The lone "no" vote was Clark Buswell, who favored the city's existing ordinance over the revisions approved Monday, which he said would give the impression the city supports ATV use throughout the city.

“Anything we do at this point is just going to open it up and the chief’s gonna be busy for two months trying to get people back on this plan,” Buswell said.

Only one member of the public even testified Monday night: Eugene Haberman, a self-styled government watchdog who monitors local meetings for potential parliamentary violations. Haberman faulted the process here, saying the public wasn’t really involved given sparse attendance at the task force meetings and sole hearing Monday night.

Cottle said the process was legitimate but the public wasn’t all that interested in participating despite all the attention when a ban was in the works. He struggled to find six members for the task force, the mayor said. All but one own a four-wheeler or side-by-side.

Cottle said he and Wasilla police chief Gene Belden plan to release statistics on ATV activity in the city after six, nine and 12 months.

Council member Brandon Wall said he’d like to see the ATV ordinance brought back for changes to the fine schedule.

Source URL: <http://www.adn.com/article/20150428/better-ban-wasilla-oks-new-atv-rules>

Links:

[1] <http://www.adn.com/author/zaz-hollander>

Deb Lowney

From: "Debra Lowney" <dlowney@acsalaska.net>
Date: Sunday, April 26, 2015 7:06 PM
To: "Renee Krause" <RKrause@ci.homer.ak.us>
Cc: "Deb Lowney" <dlowney@acsalaska.net>
Subject: Valuing our community beaches

Renee,

Can we have this information included in our P&R packet?

Thanks, deb

Valuing our community beaches

We have received a wide variety of feedback and input regarding our Homer beaches and how best to manage them.

One of the most powerful presentations was provided to us by a group of local student aged 12-18. Their overwhelming recommendation is to manage for sustainability and for future generations.

I have been struggling with anecdotal information verses research based information to help in our decision making process.

The following are extractions that I have pulled from various research articles regarding beach management. All of these extracts are direct quotes from the articles or research journals that I believe lend some value to our discussions.

Deb

National Geographic, Land on the Edge - Loving Our Coasts To Death

- Everyday 1,500 new homes rise along US coastlines.
- More than half the nations population now lives in coastal counties.
- In 2003 coastal watersheds generated over 6 trillion dollars, more than half the national economy. They are among our most valuable assets.
- Pew Oceans Commission & US Commission on Ocean Policy both issued reports that found the coasts are being battered by an array of pollution and population pressures.
- Secretary of Energy, Adm. James D. Watkins - "Our failure to properly manage the human activities that affect the nations oceans, coasts, and Great Lakes is compromising their ecological integrity....threatening human health, and putting our future at risk."
- Jane Lubchenco from Oregon State, stated "If we want safe beaches, abundant wildlife, stable fisheries, healthy seafood, and vibrant coastal communities, we're going to need a new ocean ethic."

Sea friends.com

- We like our beaches but people are not aware that their daily actions destroy the very thing that they like.

WWF.org

- 80% of all tourism takes place in coastal areas with beaches.

Coastalwiki.org

- Beaches are important areas for tourism. However, the increasing population and standard of living push many areas to their sustainable limits, both from tourism and environmental point of view. In beach tourism, there are clear feedback mechanisms, nice beaches attract people, and too many people and tourists on the beach is a decrease to attractiveness. Tourism, is a major source of income for many coastal communities and have major effects on coastal environments unless the scale and types of activities are controlled.
- Setting maximum tourist #'s is a proper managerial measure.
- Shorebird colonies are increasingly popular with tourists.

LakeHuron.CA - the Lake Huron Centre for Coastal Conservation

- is there really a problem with driving a vehicle on a beach?
- At first glance - barren & lifeless but strand lines (lines of debris from tides and waves) contain considerable organic matter. Vehicles compact sand, damage plants, disturb wildlife.
- Vehicles compact sand at depth, but loosen the surface of beach making it more susceptible to wind and wave activity.
- Vehicle passage extends to depth of 20cm.
- Vehicles compress sand and creatures that are important food sources for seabirds which has important ecological implications.
- the benefits of protecting our shoreline extends beyond environmental impact. These beaches are important to our community both economically and socially.
- Restoring the balance between how people use the beaches and what our natural ecosystems need to provide the benefits they provide us.

Vehicle Impacts on the Biota of Sandy Beaches and Coastal Dunes, Science for Conservation, Gary Stephenson

- Adverse effects - destruction of dunes and vegetation, preventing dune formation, disturbance of wildlife, transportation of invasive species, erosion, litter, and increased exploitation of marine animals.
- Conclusions of study:
- Vehicles on coastal dunes - highly destructive - should be banned all together.
- Vehicles on intertidal zone needs further research - should be restricted to low tide.

Effects of 4-Wheel Drive Vehicles on Beach Sediment Transportation

- Physical impacts of ORV to sandy beaches. This study measured the number and the depth of tire ruts, thus the displacement of sand by vehicles.
- Emphasizes the need to develop multifaceted management strategies for ORV use on beaches that balance ecological requirements with sociocultural and economic demands.

NPS.gov

- Studies on the effect of beach traffic on erosion and forefront vegetation have shown that traffic can effectively lower dune elevation, alter profile shape, and impair growth of back-beach vegetation.

School of Geoscience - Effects of 4-Wheel Drive Vehicles on Beaches

- 4wheel drive vehicles directly physically alter beaches by affecting the beach surface with tire tracks. The distribution of these tire tracks is principally in the swash zone and the fore dune. This zone is the source of sand for the creation, replenishment, and growth of coastal dunes. Coastal dune systems play a substantial role in protecting and nourishing the beach and the areas behind it during and after erosion events.

Discussion Paper - Off Road Vehicles on Beaches - 2012

- recognize the need to transition from unplanned, unmanaged and unsustainable ORV use to planned, managed and sustainable use.
- Environmental Impacts
- Inappropriate or incompatible use causing conflict
- Increasing levels of usage brings increased enforcement costs, issues of insurance, liability, and risk management.
- *There is no evidence to suggest that vehicles on beaches are benign. All literature reviewed suggests that vehicles have an impact on natural beach systems. Most articles, journals and websites focus on minimizing the adverse impacts rather than disputing the effects of vehicle use on beaches. (Coastal Consultants - 2007)*

Sent from my iPad

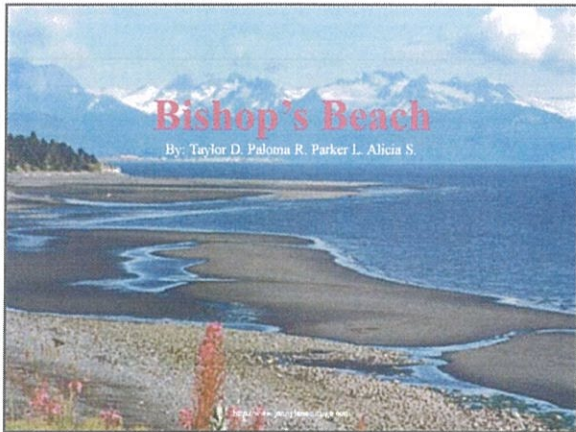
2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Regular Meeting April 16, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	✓	
2.	Paloma Ramirez	825 Goldberry Ct	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Nolan Bluntins	P.O. box 771	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Landon Bunking	P.O. Box 771	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Parker Lowney	P.O. Box 588	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Taylor Davis	P.O. Box 609	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	TOM Zitzman	579 AW Ham	<input type="checkbox"/>	<input type="checkbox"/>
8.	Briny Espenshade		<input type="checkbox"/>	<input type="checkbox"/>
9.	Bill Ostun		<input type="checkbox"/>	<input type="checkbox"/>
10.	Louise Ashman	457 Mountain View Dr	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.			<input type="checkbox"/>	<input type="checkbox"/>
12.			<input type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>



Problems

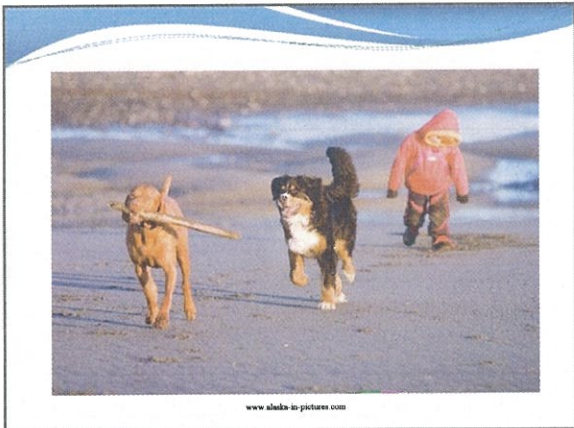
- Loose pets
- Bad behavior
- Reckless driving
- Burning driftwood
- Trespassing

Beach Patrol

Each of our solutions to these problems can include a presence of some form of a volunteer beach patrol, or a paid police patrol. These patrols would include educational services, such as on the spot information regarding proper care of our beach.

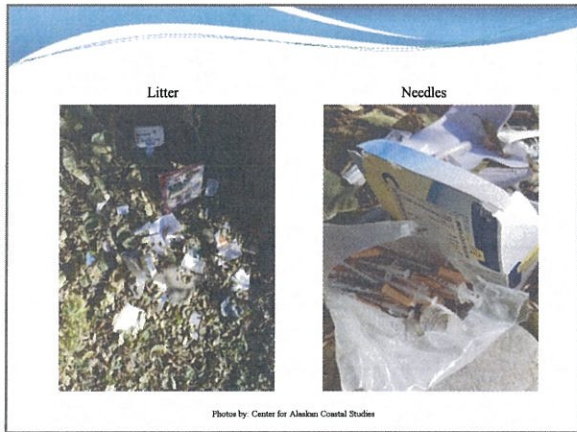
Loose Pets

- What? Pets who are not on a leash, who don't respond to voice control, and whose owners fail to clean up after them.
- Why? Loose pets endanger the nesting patterns of birds, are a danger to young children, other animals, and a nuisance to recreational users (especially those with food). Also, refusal to clean up after one's pet leads to unsanitary conditions.
- Solutions. An enforced leash rule, guidelines for pet owners, more baggie stations, dog section of the beach.



Bad Behavior

- What? Drug use i.e. needles left on the beach, underage drinking, criminal activities (drug deals), disturbing the peace (gunfire, shouting, loud noises), and littering.
- Why? Makes the beach dangerous, uninviting, sketchy, and sends the wrong message about our community.
- Solutions. Installing night activated/motion activated cameras in the parking lot (to prevent/monitor drug use), volunteer based beach patrol, and place trashcans in key points around the beach.



Reckless Driving

- What? Drunk driving, making doughnuts, speeding, and loss of control.
- Why? It destroys the beach topography, bird habitats, and is an endangerment to people on the beach.
- Solutions. Beach patrol, driving restrictions, curfew, permit system, or gate.

Driftwood Disturbances

- What? Taking driftwood from the berms with the intent to burn or remove from beach property.
- Why? Disrupts bird habitat, leads to erosion, smoky fires which causes bad air, and the burnt logs aren't aesthetically pleasing.
- Solution. Beach patrol, donation based firewood pile, fire pits with grills.

Trespassing

- What? Violating peoples private property by driving or walking.
- Why? Leads to conflicts between owners and users.
- Solution. Distinct property boundaries, and signage.



Camping is illegal on any part of Bishops Beach. This site, below the Elks Lodge, could also be on private property, which makes this trespassing.

Photo by Center for Alaskan Coastal Studies

Our Vision

- As an overall solution to the beach problems, we have envisioned this entrance:

Concluding Message



Alicia Steiner, 15, sophomore at HHS.



Paloma Ramirez, 15, sophomore at HHS.



Parker Lowney, 12, sixth grader at WHE.



Taylor Davis, 18, senior at HHS.

HOMER BEACHES - A COMMUNITY PARTNERSHIP

In updating the Homer Beach Policy, the Homer Parks and Recreation Advisory Commission have enjoyed the benefit of active community participation with co-existing and differing perspectives respectfully offered. The Commission listened, learned, and the final beach policy has benefited from the community values represented. Out of this process is a reinforcement of what makes Homer a great community – the willingness of people to seek solutions, be involved, and take an active part in making good things happen.

Adoption of the Beach Policy will take leadership on the part of the City of Homer but implementation will be possibly through the collective partnership of the community. Homer is blessed with community activism, volunteers with a willness to 'step up' and a community that will provide needed resources and innovations. The City of Homer need not ask the question, "*Who Will Make This Happen,*" the answer is found from an involved community.

The Parks and Recreation Advisory Commission will act to foster partnerships within the community to achieve the desired outcomes of the Beach Policy. The following actions may be pursued:

A. An Enduring Legacy for Bishop's Beach / Beluga Slough

A good deal of community interest was focused on management options for the Bishop's Beach / Beluga Slough area. The result of this involvement and innovative ideas offers some of the strongest avenues for partnerships to include;

- Entering into a partnership with the US Fish and Wildlife Service (USFWS) towards adopting City code enforcement on USFWS lands and assists with regulatory signage.
- Capturing the biological expertise of the USFWS to monitor and protect the beach berms, slough, tidelands, wetlands, and exploring options for a community project to stabilize beach berms and enhance berm habitat.
- Enlisting the creative educational outreach of the USFWS and the Alaska Research Reserve and a wide-array of community resources to foster outdoor exploration, learning laboratories, develop student projects, and connect the beach as a living resource to the community.
- Utilizing the design expertise of the USFWS, Research Reserve, and community resources in the construction of a Bishop's Beach accessible beach/slough interpretive loop trail – with creative interpretive signage, landscape art, and learning stations - 'understanding creates appreciation.'
- Cooperating on joint funding of projects with the exploration of funding options to protect the beach resources, foster educational programs, implement interpretive stations, and hold 'Discovery' programs.
- Supporting the Beach Patrol and Establishing a Park Beach Host program.

B. Making the Beach Experience Work for Everyone

Homer beaches support a critical marine, wetland, and estuary habitat that is rich in marine invertebrates and other protein rich foods that allow an enduring population of shorebirds, wetland dependent birds, waterfowl and seabirds. These birds and marine sea life/tide pools, and marine mammals thrive and call upon Homer for their continued life support. Within that mix is the influence of man and the desire to enjoy the beach without harming the unique ecosystem. The Beach Policy attempts to achieve a balance between use and protection. The Park Commission will foster a partnership with the community to achieve this balance:

- City of Homer to develop a 'Good Neighbor' community policing approach in addressing private landowner concerns.
- Develop guidelines for the Beach Patrol and Park Host to provide a 'light touch' on enforcement – with the goal of education leading to a positive influence on behavior of beach users.
- As a continuing implementation process, adopt beach rules and amend city code to ensure enforcement is applicable to beach activities and penalties are a consequence.
- Consider all influences on the beach and planning for park land designation, land use activities, marine industrial and commercial uses, watershed and storm water influences, comprehensive zoning, and coastal zone management as measures of the City's commitment to beach protection.
- Ensure access, whether motorized or non-motorized, to the beach is protected by asserting the City's tideland ownership and easements.
- Support the establishment of a City of Homer volunteer coordinator to work with community interests to develop creative signage and informational materials for responsible driving on the beach, dog usage, use of designated fire areas, and control of abusive substances and alcohol.
- Work with community interests to foster creative ideas and hold beach related events such as beach cleanup, dog health fair and training, arts and culture celebrations, and explore opportunities to raise funds and enlist community resources to implement the beach policy.
- Annually celebrate, through the shorebird festival and other events, the long-term inheritance of a healthy beach offering scientific programs that enhance our understanding and appreciation of Kachemak Bay.
- Work with community interests to set priorities, schedules, implementation actions, and measures of performance as part of a continuing strategic plan for the beach policy implementation.
- Challenge the young adults of Homer, through their involvement, to be the next generation of those entrusted to protect the beaches of Homer.
- Sponsor Adopt-A-Beach activities and develop volunteer beach programs with community interests that continually reinforce the valuable resource of Homer beaches.

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer **Page 3**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. Homer High School Students **Page 9**
 - A Presentation by Students Regarding the Issues and Proposed Recommendations on Bishop's Beach
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Special Meeting on April 2 , 2015 **Page 11**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Recommendation Recap - Julie Engebretsen/Renee Krause **Page 21**
 - B. Parks & Recreation Trails Symposium Status Update - Deb Lowney/Mike Illg **Page 25**
 - C. Community Recreation Report - Mike Illg
 - D. Parks Report - Angie Otteson
- 6. PUBLIC HEARING***(there are no items scheduled)*
- 7. PENDING BUSINESS**
 - A. Map Depicting the Existing Areas and Proposed Areas **Page 27**
 1. Recommendations to Define a Pedestrian Only Area
 2. Recommendations Regarding Motorized and Non-Motorized Traffic Areas
 3. Recommendation to Establish a Limited Permitting System
 4. Recommendation to Designate a New Area
 - a. Boundaries
 - b. Allowable Activities
 - B. Placement of a Barrier at Bishop's Beach Access
A Motion postponed from the February 19, 2015 regular meeting to place a barrier to prohibit vehicles from turning immediately right upon the beach to deter crossing private property and extend said barrier to medium tide line.
- 8. NEW BUSINESS**
 - A. Trespass - A Discussion **Page 33**
 - B. Scheduling the Spring Park Walk Through **Page 43**
 - C. Draft Parks Arts Culture Needs Assessment **Page 45**
 1. Telephone Survey Results **Page 125**
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar 2015 **Page 167**
 - B. Commissioner Attendance at City Council Meetings 2015 **Page 169**

10. COMMENTS OF THE AUDIENCE
11. COMMENTS OF THE COUNCILMEMBER (If one has been assigned)
12. COMMENTS OF STAFF MEMBERS
13. COMMENTS OF THE COMMISSION
14. COMMENTS OF THE CHAIR
15. ADJOURNMENT THERE WILL BE A REGULAR MEETING ON THURSDAY, MAY 21, 2015. THE NEXT SPECIAL MEETING AND TENTATIVE PUBLIC HEARING IS SCHEDULED FOR MONDAY MAY 4, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska

From: Jo Johnson
Sent: Thursday, April 09, 2015 8:01 AM
To: Renee Krause
Subject: FW: Zone 7 Photo with tide for that day--Use this one

Jo Johnson

From: Nina Faust [<mailto:aknina51@gmail.com>]
Sent: Thursday, April 09, 2015 7:25 AM
To: Jo Johnson
Subject: Zone 7 Photo with tide for that day--Use this one

Taken at 2:40 pm April 8. Low tide was at 11:38 a.m. a -0.6 ft tide. High tide was at 6:03 pm/ 16.4 ft.
Here is a photo of Zone 7 that helps see the layout. Please add to the packet of the Parks and Rec Commission.
Nina Faust



Greeting Park and Rec Commissioners,

I fully support creating the area around the slough side of Bishops beach called Zone 7 that is designated for safe pedestrian use only. This area within our city limits warrants closure to vehicles.

Segregating users is a very common approach to accommodate multiple uses that may not be compatible. To create this area for safe pedestrian use only will bring many benefits to the city of Homer

- to prevent erosion in this sensitive area,
- avoid compaction for macro invertebrates used by bird and mammal species for food
- Create a natural beach botanical garden for residents and guests to behold the unique natural vegetation.
- provides habitat along with the driftwood for nesting birds
- accommodate the quiet walking majority of our citizen pedestrians
- accommodate our resident and visitor wildlife and bird viewers as well as the many birds and wildlife .

Protecting natural accessible areas is good for our local and city economy and the relaxation and recreation of our residents and visitors.

We need to allow the natural vegetation and underlying soils and sand to perform their ecosystem services provided for free if given the opportunity. Presently this area is very damaged. We can assist in the rehabilitation of zone 7 by setting up natural barriers to allow the sparse plant material to grow back and by carefully transplanting locally growing starts from intact areas.

Beach Wildrye (Lemus mollis) Planting Guide

[_http://plants.alaska.gov/pdf/ACRECG_2011_sec06-beach-wildrye.pdf](http://plants.alaska.gov/pdf/ACRECG_2011_sec06-beach-wildrye.pdf)

Wildlife Viewing

The May 2014 ADFG report **The Economic Importance of Alaska's Wildlife in 2011** summary:

<http://www.adfg.alaska.gov/static/home/news/ongoingissues/pdfs/the-economic-importance-of-alaskas-wildlife-in-2011-summary-report.pdf>

This report portrays the **huge** economic engine wildlife viewers are to Alaska. This has been a growing constituency to be recognized by cities and states.

- 199,000 resident wildlife watchers
- 669,000 traveling visitor wildlife watchers

- \$2.7 Billion dollars in spending in Alaska **Billion**
- \$231 million dollars in local city and state tax revenue
- creates 18,800 jobs.
- \$976 million dollars in labor income almost 1 **Billion dollars**

And in the U.S. Nearly a third of all Americans 16 years of age and older, or 72 million, participated in wildlife watching in 2011

<http://digitalmedia.fws.gov/cdm/ref/collection/document/id/1906>

Expenditures on Wildlife-watching in the U.S. totaled more than twice that spent on all spectator sports such as all football, baseball in 2011.

<http://digitalmedia.fws.gov/cdm/ref/collection/document/id/1906>

- Wildlife Watchers 71,776,000
- Total Expenditures(1) \$54,890,272,000 **Billion**
- Total Industrial Output(2) \$142,147,057,177 **Billion**
- Jobs 1,379,282
- Salaries and Wages \$53,036,586,430 **Billion**
- State and Local Tax Revenues \$10,277,128,026 **Billion**
- Federal Tax Revenues \$10,818,805,399 **Billion**

Birding

<http://www.fws.gov/southeast/economicImpact/pdf/2011-BirdingReport--FINAL.pdf>

- 512,000 birders in Alaska (31% resident 69% visitors)
- 47 million birders in the US
- 18 million birders who travel away from home
- Total Expenditures \$40,942,680,000 **Billion**
- Total Output \$106,977,730,000 **Billion**
- Jobs 666,000
- Employment Income \$31,391,977,000 **Billion**
- State Tax Revenues \$6,000,203,000 **Billion**
- Federal Tax Revenues \$7,089,387,000 **Billion**

Education

Homer has a living laboratory with a bounty of educational and research facilities to partner with

- Kachemak Bay Estuarine Research Reserve
- Alaska Maritime Wildlife Refuge
- Center for Alaskan Coastal Studies
- Pratt Museum
- Kachemak Bay State Park and Wilderness Park
- Friends of Kachemak Bay State Park
- Bay Excursions
- Western Hemisphere Shorebird Reserve Network
- Kachemak Bay Birders
- National Water Trail Committee
- K-Bay CHA Board
- K-Bay Conservation Society
- Kachemak Crane Watch

What better more appropriate place to accommodate this live classroom than Bishops Beach. With the boardwalk along the slough we could nurture the walking birding pastime by encouraging the habitat in this prime area where vehicles do not tread.

Vehicles on a sensitive beach and slough ecosystem that has the potential of hosting so many birds and macro-invertebrates gives the wrong message to our students, visitors and residents. It does not provide wise education. It promotes a style of recreation that is not compatible and damaging. It is not the place for vehicular wheeled traffic.

The city of Homer has the great opportunity to educate. To present to students, visitors and residents that we are very bird and wildlife friendly and that we understand the importance of safe walking areas and ecological services that are given to us free of charge when cared for properly.

Thank-you for your consideration

With Kind Regards,
Nancy Hillstrand
P.O. Box 7
Homer, Alaska 99603
907-235-9772



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 9, 2015
SUBJECT: PRESENTATION BY STUDENTS OF HOMER HIGH SCHOOL AND WEST HOMER
ELEMENTARY

The students presenting and participating in the collaboration of the presentation tonight are as follows:

Alicia Steiner, 15, Sophomore
Paloma Ramires, 15, Sophomore
Taylor Davis, 18, Senior
Nolan Bunting
Landon Bunting
Jay Davis
and
Parker Lowney, 12, 6th Grade, West Homer Elementary

I will try to have a paper copy of their presentation available for the meeting. It was not received in time for inclusion in the packet.

Session 15-06 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on April 2, 2015 at 5:35 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LOWNEY, MACCAMPBELL, STEFFY, ARCHIBALD, BRANN,
ROEDL AND LILLIBRIDGE

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Commissioner Lillibridge arrived at 7:24 p.m.

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda.

MACCAMPBELL/LOWNEY - MOVED TO APPROVE THE AGENDA

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Nolan Buntins, non-resident, President, Homer Youth Birding Group, another group of Homer High School Students, commented on the importance of the habitat to the birds, advocated for the closure of the beach in front of Beluga Slough to motorized vehicles and that all dogs remain on leash. He further stated that all recommendations should be for and in consideration of Beluga Slough. This will better protect the Slough for the future.

Louise Ashmun, commented on waiting to submit written comment since she was a new resident; personally would advocate for no vehicles on the beaches but in deference to the overall general public she recommended that the commission use strong ordinance language for no vehicles in area 7, seasonal closures, dogs on leash, increased enforcement and improved signage and removal of old signage. Ms. Ashmun recommended the Commission follow the recommendations of Jack Wiles. She did not make any specific recommendations regarding the other issues of great concern.

Lani Raymond, city resident, commented on "ifs" - regarding vehicles in Area 7 on the beach. If the commission is to implement seasonal closures in the winter they should consider the impact of climate change since the berm would not be frozen to any suitable depth to offer protection needed from vehicles driving upon them; and, this may not be a long term solution but if they allow seasonal driving then they must ban all motorized traffic from the berms. The second if, if they are going to close area 7 to vehicular traffic all year long with some access through a permit system and one of the goals is to restore the outer berms to better protect the slough and upper wetlands from storm surges and sea level rising in the future be careful that your final plan does not result in damage and degradation to the berm area and defeat this goal. For example under a permit system allowing vehicle use in the winter on the beach there should be an iron clad restriction to prohibit any type of vehicle use on the berm. There would need to be an ordinance specifically identifying the berm as off limits with a physical barrier and the support for enforcement provided.

Beverly Macy, city resident, commented on developing a volunteer program to enforce rules on the beach relating to similar actions conducted as a resident of Hope, Alaska for Fire Restrictions/Enforcement. She described how the residents were given the authority, vests and hard hats and how the program worked. Ms. Macy commented on the enormity of dog feces on the Beluga Slough beach area.

Andy Haas, city resident, civil defense lawyer, commented on the rampant drug usage destroying the community and should be a number one priority of the commission. He believed that the number one deterrent would be prohibiting vehicles on the beach. He stated that if the only prohibition to result was dogs on leashes that would be a crime.

VISITORS

There were no visitors scheduled.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the regular meeting of March 19, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

BRANN/LOWNEY - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report Julie Engebretsen, Deputy City Planner

Ms. Engebretsen reported on the following:

- The telephone survey has been completed and she hopes to have a full report at the regular meeting April 16th
- the survey results are on the city website and included in the packet under informational materials
- she encouraged the commission to wrap up the discussion about Bishop's Beach area and Area 8A/B in the next two meetings as she would really like to invite the old town neighborhood and land owners affected by recommendations in area 8 before the tourist season is upon us and before any public hearings.

Ms. Engebretsen then reviewed the recommendations made to date:

1. City of Homer to purchase 500 Doggie Bag Dispensers
 2. City to place Stationary dog waste dispensers at public buildings, trails and parks and encourage other agencies and businesses to do the same
 3. City to partner with other organizations to provide education and materials on responsible pet ownership.
 4. Following areas to be designated as Leashed Only Areas: Area 2, Area 5, within Mariner Park, within Bishop's Beach Park, and Area 7
 5. Moved to change Area 8 to Area 8A Beach Access west to Crittenden and Area 8B will be Crittenden West
- Install 3 fire pits on city owned parcels Bishops Beach Park, near the end of Main Street & Ohlson Lane and at the end of Crittenden
 - Consider 3 options for closing the beach to vehicles
 - a. No vehicles Bishop's Beach to the Slough mouth
 - b. No vehicles between Bishop's Beach and Mariner Park April 1st - September 30th
 - c. No vehicles east of Bishop's Beach to the end of the spit April 1st - September 30th
 - Place a Permanent, Natural materials Barrier to keep vehicles out of the area between Bishop's Beach and the mouth of the slough

- Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network (WHSRN)
- Hire two seasonal beach patrol employees
- Draft and Ordinance to define and ban reckless driving as it would apply to all of City of Homer beaches
- Improve Signage

The following has been postponed: Place a natural barrier to the right from beach access to deter vehicles traffic from crossing private property and extend to medium tide line

Other recommendations or solutions:

- Increase dog waste education
- Additional Trash receptacles at Crittenden and Main Street/Ohlson locations
- Community outreach and education on beach rules
- Education on beach resources
- Delineate private property in the Bishop's Beach Access area
- Placement of rocks to prevent or mark where vehicles should drive east of Bishop's Beach
- placement of a Park Host, Chief Robl stated that this person would also be required to testify in court on beach enforcement issues.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Land Allocation Plan 2015 Recommendations

Chair Steffy read the title into the record. He asked Commissioner Lowney to start with her recommendations.

LOWNEY/ BRANN - MOVED TO MAKE LOTS 9A & 10A Page A-2 DEDICATED PARKING FOR BUSINESS AND PUBLIC ON THE SPIT.

There was a brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LOWNEY/BRANN - MOVED TO SUBMIT A REQUEST TO COUNCIL FOR \$5000 TO DEVELOP A PUBLIC ACCESS/PEDESTRIAN TRAIL (PAGE C-6) TO THE BEACH AND PLACEMENT OF A FIRE PIT AND REFUSE CONTAINER.

Commissioner Lowney provided her reasons for requesting funds to develop the parcel. Further discussion on the public using the private access and needing additional time to study this proposal since the location is extremely steep and would need a staircase. Plus there may be grants to use with this type of project and the difficulty in maintaining refuse can on the beach, parking is already limited in the Old Town area. Staff recommended that the Commission submit a recommendation that Council designates this parcel as a park and then they can discuss the recommendation to budget funding at a later meeting.

The commission agreed by consensus to postponed this recommendation until the June 18, 2015.

LOWNEY/ROEDL - MOVED TO RECOMMEND LOT PAGE 75 (C6) AND PAGE 78 (C9) BE DESIGNATED AS PARK LAND.

Discussion on the retention of the property off of Ocean Drive Loop and the previous request to designate as open space view shed or green space, concerns expressed regarding safety. Staff also recommended they address the details at a different meeting. The property is not appraisable and it is difficult sell land that is basically not usable. There are costs related to the property in the form of assessments.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LOWNEY/MACCAMPBELL - MOVED TO SUBMIT A RECOMMENDATION TO THE PORT & HARBOR THAT THEY DESIGNATE THE PARKING AREA (D21) AS SHORT TERM PARKING INSTEAD OF 7 DAY PARKING.

Discussion ensued on submitting this recommendation to the Port & Harbor Commission to make the changes to the parking from long term to short term since the issue of parking is so prevalent on the spit.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LOWNEY/BRANN - MOVED TO DESIGNATE THE MOST SOUTHEASTERLY LOT OF THE DEVELOPMENT BE DESIGNATED AS A PARK AND THAT THE CITY WORK ON ESTABLISHING A TRAIL EASEMENT THROUGH THE UNDEVELOPED ADJOINING LOT OFF OF SITKA ROSE CIRCLE FOR THE PURPOSE OF ESTABLISHING AN ALTERNATIVE ROUTE TO WEST HOMER ELEMENTARY FROM WEST HILL.

There was a brief discussion on an easement and there are plans for the construction of a house there this summer and staff is doubtful that the owner will grant an easement. Staff explained that it is likely that this land will be re-platted as it does not fall within established subdivision guidelines. It is too early in the process since there will likely be several changes to this property. Commissioner MacCampbell wanted to urge that whenever large neighborhoods like this are being considered that greenbelts or greenspace be maintained at an optimum.

Commissioner Lowney withdrew her motion.

LOWNEY/BRANN - MOVED TO DESIGNATE MARINER PARK (E24) AS A PARK.

There was a brief discussion regarding determination of ownership and staff confirmed that the city owns the property however a title search was not done.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on the current clearing underway on the property behind the Cleaners off of Main Street. Staff was unaware of the work being done on FAA property. They explained the efforts to clear out the Poopdeck Trail and surrounding land.

Commissioner Lowney also mentioned the clearing and trails at Mullikin and Along Fairview Ave at Karen Hornaday Park.

MACCAMPBELL/BRANN - MOVED TO DESIGNATE THE CONTIGUOUS LOTS (C10) SOUTHEAST OF MARINER PARK AS PARK LAND.

There was a brief discussion on the recommendation.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

A brief discussion ensued regarding the changes to the land at the corner of Homer Spit Road and Freightdock Road regarding the placement of new restrooms and a sculpture of a large fish hook.

The next discussion was entertained on the area next to the Chip Pad on A4 would be a great place for the Barge Haul out Area. No recommendation was made.

There was a brief discussion on designating the additional land to Woodard Park. No recommendation at this time.

There were no further recommendations from the commission.

B. Parks, Recreation and Trail Symposium - Homer...On the Move!

Commissioner Lowney provided the commission with the progress of the steering committee on the organization and planning of the first symposium. Commissioner Lowney provided the following:

- Currently they have the following organizations confirmed
 - State Parks, City of Homer, ReCreate Rec, Cook Inletkeeper, Coastal Studies, Walkability Group, Homer Area Trails and the Woodard Creek Coalition
 - There was interest from Howl, Bicycle Club, Running Club, and Ski Club but haven't received confirmation
 - It has been advertised on Facebook, Please Share it!
 - They need to discuss advertising on the radio or paper

Commissioner MacCampbell asked about the time to set up on the 18th. Commissioner Lowney stated that there is not much to set up so she figured if people could be there about 10:30, the event starts at noon.

Commissioner Archibald agreed that they needed to advertise and inquired about the cost. Staff advised that it may be approximately \$350 for two business card sized advertisements. Chair Steffy inquired from Mr. Armstrong about advertising the Homer News and he advised them of the alternative means to advertise the event that are free but to contact the Newspaper for Advertising.

Commissioner Lowney will draft the ad and meet with staff next week to finalize. Staff will provide her with the contact information for the radio station.

Commissioner Lowney appreciated the positive reaction from the groups that are participating in this event and it has the potential to be very beneficial.

ARCHIBALD/ROEDL - MOVED TO ALLOCATE UP TO \$600 FROM THE PARKS AND RECREATION FUND TO PROMOTE THE PARKS AND TRAIL SYMPOSIUM.

There was a discussion on advertising venues, distributing flyers, and providing light refreshments.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy called for a 5 minute recess at 6:45 p.m. The meeting was called back to order at 7:53 p.m.

C. Dogs, Birds and Habitat Oh My!

1. Recommendations to Protect Birds and Habitat

Chair Steffy read the title into the record and opened the floor for discussion. It was noted that this was to finish the discussion on Birds and Habitat and for the commissioners to recommend any additional changes. He reviewed the previous recommendations made by the commission.

ARCHIBALD/BRANN - MOVED TO DESIGNATE THE UPPER VEGETATED BERM AREA IN AREA 7 AS DOGS ON LEASH ONLY.

Commissioner MacCampbell offered a friendly amendment to include All Domesticated animals. There was a brief discussion that all animals should be banned from that area used as habitat for wildlife including but not limited to dogs, cats and horses. The amendment was accepted.

ARCHIBALD/BRANN - MOVED TO PROHIBIT DOMESTICATED ANIMALS IN THE VEGETATED BERM AREA IN AREA 7.

There was brief discussion on the reason for no animals in that area.

VOTE.YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Lowney requested clarification for dogs on leash in parking areas. Chair Steffy stated that they have made a motion regarding that and noted the page in the packet for reference.

Chair Steffy asked for additional motions regarding dogs and habitat.

ROBERT/LOWNEY - MOVED TO DESIGNATE AREA 8A, BISHOP'S BEACH ACCESS WEST TO CRITTENDEN ACCESS, AS DOGS ON LEASH ONLY.

Discussion ensued on the issue of most congested and used and that beach actually being private property above the tide line and if dogs are there off leash in the sandy berm then it is more of an issue of trespass. It was noted that this could be part of the education process.

LOWNEY/BRANN - MOVED TO AMEND THE MOTION TO READ DOGS OFF LEASH ONLY WEST OF CRITTENDEN AND BELOW MEAN HIGH TIDE LINE.

Discussion on there being no jurisdiction on private property. The city owns below mean high tide and the commission is giving owner's permission to run their dogs west of Crittenden and below mean high tide. Clarification on the established rule of dogs under voice control was offered.

VOTE. (Amendment) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERT/ROEDL - MOVED TO DESIGNATE AREA 6 AS DOGS ON LEASH ONLY DURING THE SEASONAL MIGRATION AND NESTING PERIOD ANNUALLY, NORMALLY MARCH - OCTOBER.

Discussion centered delineating the area without including all the area from Crittenden West to Mariner Park. Discussion covered splitting Area 4 in two parts. Staff recommended making it Area 4 -Rip Rap South, towards to end of the Spit, an off leash area and Rip Rap West would be on leash.

LOWNEY/ - MOVED TO MAKE AREA 4 FROM THE RIP RAP SOUTH TO THE END OF THE SPIT OFF LEASH AND RIP RAP NORTH AS ON LEASH.

Chair Steffy voiced recommendation that dogs are on leash in Mariner Park. There was a determination that there was confusion on establishing leashed and no leashed areas in Area 6 and 4.

Commissioner Lowney decided to withdraw her motion.

Staff recommended making motions specific to the area. If they present a combined recommendation to Council and they do not approve it then they lose all but if it is by specific area then Council may approve the recommendation for one area but not the other.

The Commission agreed with the staff recommendation.

Chair Steffy read the motion made by Commissioner Archibald currently on the floor.

Commissioner MacCampbell stated that he would support the option if it was seasonal during the migration and nesting seasons as it is the only area that is not used much by pedestrians or dog owners. Further comments noting that the area is not heavily used and could support off leash use. Commissioner Archibald agreed to amend his motion to reflect the seasonal closure. Commissioner Roedel questioned the early March closure since birds usually arrive in April. It was noted that the seasonal closure was established by Mr. Matz. Commissioner Lowney called for the vote. Commissioner Roedel accepted the amendment.

Ms. Krause read the amended motion into the record.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LOWNEY/ROEDL - MOVED TO DESIGNATE AREA 4, MOUTH OF THE MARINER PARK LAGOON TO THE CITY OF HOMER CAMPGROUND AT THE FISHING HOLE, AS DOGS ON LEASH ANNUALLY.

Discussion on the area being recommended as on leash only ensued. They discussed redrawing area section lines and the purpose is to control dogs in the more congested areas. There was a preference to keep or have more control while in parking areas and parks and if they have it different in all areas it will be hard to control or follow.

Staff recommended not changing the lines of areas since there are other items that still need to be addressed. It was also noted that Mariner Park cover this area and is dogs on leash.

Commissioner Lowney withdrew her motion at this time.

Commissioner Lowney explained that it addresses habitat but wanted to discuss access and fire pit installation at Crittenden. It was noted that there was a public access installed at least a year ago. They received permission and agreement with the property owner and everything was a done deal.

Chair Steffy asked for additional recommendations.

LOWNEY/BRANN - MOVED TO RECOMMEND CREATION OF A PUBLIC ACCESS TRAIL TO THE BEACH FROM OHLSON LANE AND ANCILLARY PARKING.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Lillibridge arrived at 7:36 p.m.

Commissioner Archibald requested reading of the motions passed so far this meeting. Staff read the motions made and passed. There were four.

LOWNEY/LILLIBRIDGE - MOVED TO LIMIT MOTORIZED TRAFFIC BY PERMIT ONLY IN AREA 8 and 8A

Discussion on the use of this prohibition to deter drug dealing, private property rights, that this action would be punishing the majority if the good users, but by permit would allow those users that require the access, enacting this recommendation would add to the parking problem at the beach already and where will those additional people park.

Additional comments against total closure from the majority of the commission were offered and that they need more enforcement down there and if they had to take it to a vote of the community it would not pass.

Commissioner Lowney advocated that they consider the science of what they are doing, and the fact that they may be challenged but they need to make that recommendation. They can designate areas for parking and if it is full then there are other areas to park and view the water, she gets that Bishops Beach is convenient. She questioned whether they still need to drive on the beach and that with more and more people coming to the area they need to be aware of the issues driving on the beach causes.

VOTE. YES. LOWNEY, LILLIBRIDGE.

VOTE. NO. MACCAMPBELL, STEFFY, ARCHIBALD, BRANN, ROEDL

Motion failed.

STEFFY/BRANN - MOVED TO POSTPONE ITEMS D AND E AT THE APRIL 16TH MEETING.

Staff explained that as long as the discussion is wrapped up at the April 16th meeting they will have an extra week between that meeting and the May 4th Special meeting that they can invite the Old Town property owners to comment on the recommendations. Staff also noted that the same packet materials will be used for the postponed items.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. Map Depicting the Existing Zones and Proposed Zones

1. Recommendations to Define a Pedestrian Only Zone
2. Recommendations regarding Motorized and Non-Motorized Traffic Zones
3. Recommendation to Establish a Limited Permitting System
4. Recommendation to Designate a New Zone
 - a. Boundaries
 - b. Allowable Activities

E. Placement of a Barrier at Bishop's Beach Access

A Motion postponed from the February 19, 2015 regular meeting to place a barrier to prohibit vehicles from turning immediately right upon the beach to deter crossing private property and extend said barrier to medium tide line.

NEW BUSINESS

There were no new business items on the agenda.

INFORMATIONAL MATERIALS

- A. Commission Annual Calendar 2015
- B. Commissioner Attendance at City Council Meetings 2015
- C. Needs Assessment Survey Results
- D. Safe Kids Fair - Vendor Application

Chair Steffy read through the informational items.

COMMENTS OF THE AUDIENCE

There were no comments from the audience.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen commented that they did a great job on the coffee table yesterday and they will keep plugging along.

Ms. Krause commented had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge apologized for being late, she was working with patients. She really likes the process, and believes that they are meeting enough along with the history; she will make an effort to catch up this week. It was a good meeting.

Commissioner Roedl will be missing the next meeting and agrees that they have gotten a lot done but still have a lot to do, he knows he will be missing out on something so please don't hesitate to talk to him to catch him up.

Commissioner Brann will be here for the next meeting but will be gone after that, he agreed that they got a lot done but wanted to caution the commissioners not to get mired down in the details as they move forward so that they don't lose the general public or get lost themselves in discussion. Specific rules are required for some things but they do not need to micromanage everything. Good radio discussion yesterday. Good work guys.

Commissioner Archibald was not sure that they covered the discussion on the dogs on or off leash from the Rip Rap south. He is sorry to have lead them astray talking about two things at once.

Commissioner MacCampbell thanked everyone he may not be here also on the 16th but if he can call in that is permissible as long as there is a quorum present also.

Commissioner Lowney good meeting they did cover a lot but she was also hoping that they make good decisions based on facts and try to keep emotion out of the equation. She will be working on the flyers for the symposium and would appreciate everyone approaching the other organizations to participate.

COMMENTS OF THE CHAIR

Chair Steffy appreciated the lively back and forth; he confirmed that they did resolve the motion on Area 4 by Commissioner Lowney withdrawing her motion for Commissioner Archibald. He commented on the hiring Jeff Scarsi as the new schoolyard Habitat Coordinator who will start in May. They extended the grant for additional year. He requested status update in the donation of the equipment. He confirmed the date of the symposium for April 18th and he thanked the press for being in attendance and getting the word out to the public.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:15 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR THURSDAY, APRIL 16, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 9, 2015
SUBJECT: RECOMMENDATION RECAP

From the April 2, 2015 Special Meeting the following motions were made:

- MOVED TO PROHIBIT DOMESTICATED ANIMALS IN THE VEGETATED BERM AREA IN AREA 7.

-MOVED TO DESIGNATE AREA 8A, BISHOP'S BEACH ACCESS WEST TO CRITTENDEN ACCESS, AS DOGS ON LEASH ONLY AND DOGS OFF LEASH ONLY WEST OF CRITTENDEN AND BELOW MEAN HIGH TIDE LINE.

- MOVED TO DESIGNATE AREA 6 AS DOGS ON LEASH ONLY DURING THE SEASONAL MIGRATION AND NESTING PERIOD ANNUALLY, NORMALLY MARCH – OCTOBER

- MOVED TO RECOMMEND CREATION OF A PUBLIC ACCESS TRAIL TO THE BEACH FROM OHLSON LANE AND ANCILLARY PARKING



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: March 25, 2015
Subject: April 2nd Staff Report

PARC Needs Assessment Update

The telephone survey went well and has been completed. I hope to have an update at the meeting about the project, and a draft at the April 16th meeting. If you have not seen them, the community survey results are available on the City Website, and included in this packet.

Beach Policy neighborhood invite

I'd like to encourage the Commission to wrap up discussion of the Bishop's beach area/area 8A and 8B, in the next two meetings. I would really like to invite the old town neighborhood and area 8 land owners to come to a commission meeting, before the tourism season is upon us, and well before a public hearing.

RECAP of beach policy motions to date:

- ~CITY OF HOMER PURCHASE 500 DOGGIE BAG DISPENSERS.
- ~THE CITY PLACE STATIONARY DOG WASTE DISPENSERS AT PUBLIC BUILDINGS, TRAILS AND PARKS AND ENCOURAGES OTHER AGENCIES AND BUSINESSES TO DO THE SAME.
- ~THE CITY PARTNER WITH OTHER ORGANIZATIONS TO PROVIDE EDUCATION AND MATERIALS ON RESPONSIBLE PET OWNERSHIP.
- ~THE FOLLOWING AREAS BE DESIGNATED AS LEASHED ONLY: AREA 2, AREA 5, WITHIN MARINER PARK, WITHIN BISHOPS BEACH PARK, AND AREA 7.
- ~MOVED TO CHANGE AREA 8 TO AREA 8A BEACH ACCESS TO CRITTENDEN AND 8B WILL BE CRITTENDEN WEST

- ~ **Install fire pits** at these three locations: Bishop's Beach Park, City parcel near the end of Main Street/Ohlson Lane, and at the End of Crittenden.
- ~ **Consider 3 options for closing the beach to vehicles:**
 1. No vehicles east from Bishop's Beach to the slough
 2. No vehicles between Bishop's Beach and Mariner Park. (Seasonal, closed in summer)
 3. No vehicles east of Bishop's Beach, all the way to the end of the Spit. (Seasonal)
- ~ **Place a permanent natural barrier** to keep vehicles out of area 7 (Bishops beach Park the mouth of the slough) (Feb 19 mtg)
- ~ **Add Bishop's Beach** and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)
- ~Hire two seasonal beach patrol employees

- ~Draft an ordinance to define and ban reckless driving as it would be applies to all of City of Homer beaches
- ~Signage is inadequate and needs to be improved at Bishop's Beach.

Motions on the floor but postponed at Feb 19 meeting: Place a natural barrier to the right from the beach access to deter vehicle traffic from crossing private property and extend to medium tide line.

Other Solutions:

- Increase dog waste education
- Trash cans at Main/Ohlson and Crittenden. (Make it easier to toss trash and doggie baggies)
- Educate locals on beach rules. Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach
- Consider a park host. Chief Robl recommends they be willing to be a witness to testify in court on beach enforcement actions.



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: March 11, 2015

Subject: Beach Zones

Introduction

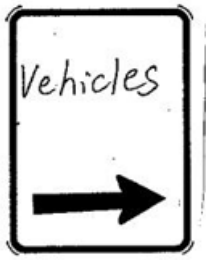
The Commission requested several items on the agenda. They have been categorized here for organization.

Map Depicting the Existing Zones and Proposed Zones

1. Recommendations to Define a Pedestrian Only Zone
2. Recommendations regarding Motorized and Non-Motorized Traffic Zones
3. Recommendation to Establish a Limited Permitting System
4. Recommendation to Designate a New Zone
 - a. Boundaries
 - b. Allowable Activities

1. Request to Define a Pedestrian Only Zone.

Staff recommendation: Drop the term “Pedestrian Priority” from the Beach Policy. If the goal is to close the beach to vehicles, its much more clear to say that.



2. Recommendations regarding Motorized and Non-Motorized Traffic Zones

Currently, the commission has adopted a recommendation to close area 7 to vehicles year round, and to seasonally close the area from Beluga Slough, east through Mariner Park out the Spit. If the Commission wants any other new areas closed to vehicles, please make a motion to do so. Otherwise, this is the proposal that is going to public hearing.

3. Recommendation to Establish a Limited Permitting System

If the Commission wants to have a permit system, please make a motion describing who can get a permit and why. Don't get too bogged down in the details; right now we need to know who gets permission, what area of the beach this applies to, and why permission would be granted.

4. Recommendation to Designate a New Zone

a. Boundaries

b. Allowable Activities

At the last meeting, Chief Robl suggested creating an additional zone directly west of Bishop's Beach Park, that is more restrictive due to the increased usage, but allows kids to go further west. I was not at the last meeting, but I understand there was some conversation on a slower speed limit through this area.

Boundaries:

Suggested Motion: Create a new area from Bishop's Beach Park, west to ____ (Crittenden?) Staff suggests calling this "Bishop's Beach Area" to keep it simple for now.

Allowable activities:

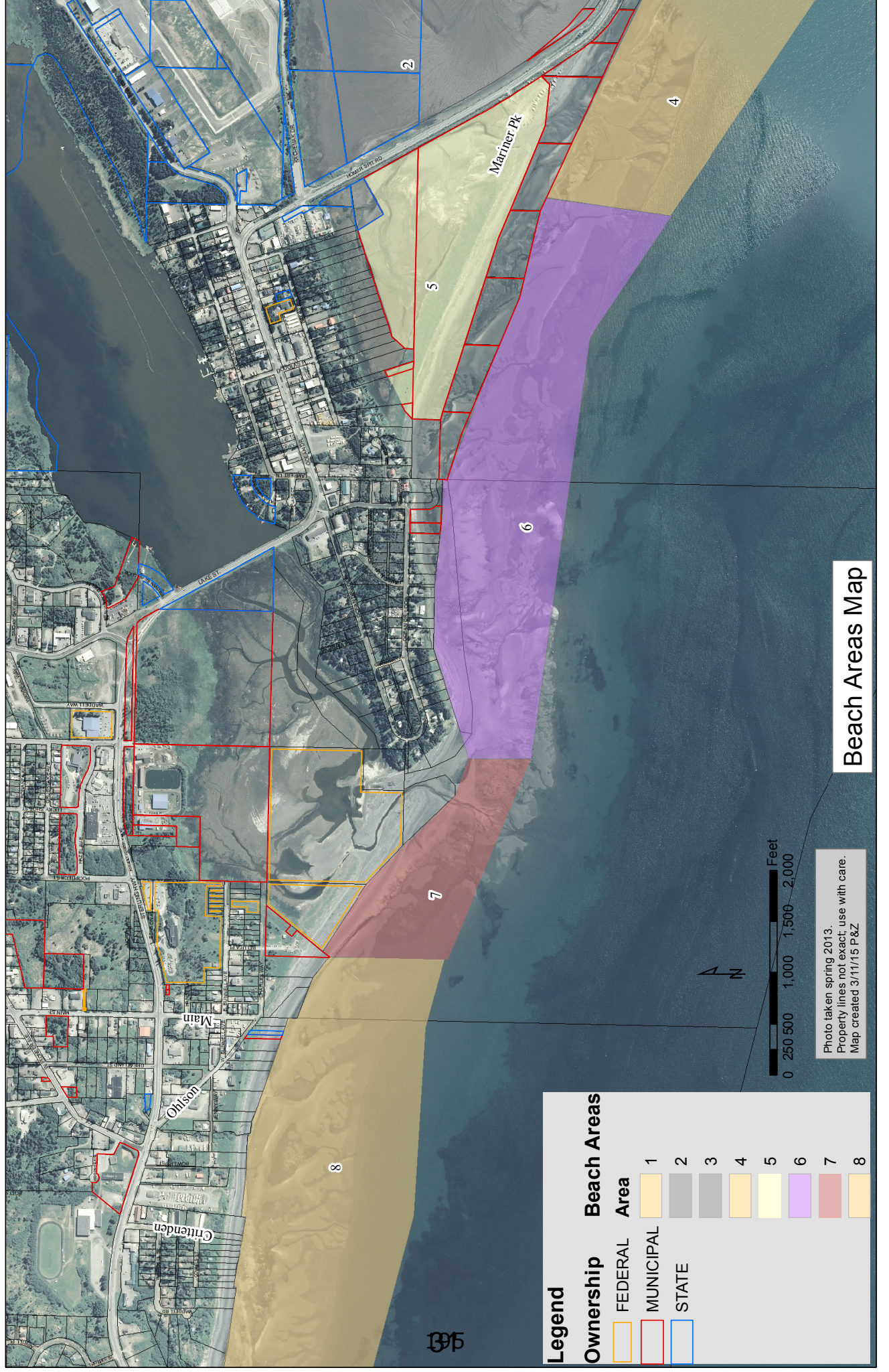
How will beach behavior be different in this area, than other places where people can drive on the beach?

~the Commission has already recommended designated fire pit areas along this portion of the beach

- ~Parks maintenance will try to find ways to increase the number of trash cans in the area, probably along the roads where trash can be picked up.
- ~ Would building stairs at the end of Main Street or working with the landowner who has the private trail in that area help pedestrian access?
- ~Staff recommends a short brainstorming session on what the Commission envisions in this area.

Attachments

1. Small Beach Area Map
2. Larger beach map of Mariner Park to Crittenden



Beach Areas Map

Photo taken spring 2013.
 Property lines not exact; use with care.
 Map created 3/11/15 P&Z



Legend

Ownership	Beach Areas	Area	1	2	3	4	5	6	7	8
FEDERAL										
MUNICIPAL										
STATE										





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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 9, 2015
SUBJECT: TRESPASS

Commissioner Brann requested this item on the agenda for discussion.

Following are Alaska State Statutes as it relates to Trespass, there are currently no City regulations regarding Trespass so the state laws would be applicable barring any other outstanding covenants, easements or permissions.

State By State Guide to No Trespassing Laws & Signage



Two of the biggest fears of both business and landowners is liability and the risk of trespassing that comes with owning private property. While we've written previously on dog signage and liability (<http://www.signs.com/blog/beware-of-dog-signs-protecting-you-your-dogs-and-your-visitors/>), in every state signage plays a slightly different role in legal issues surrounding private property and criminal trespassing.

In addition to preventing trespassing, the reasons for using this type of signage can include a desire for privacy, vandalism and theft prevention, preventing hunting, fishing and trapping, and the obvious liability prevention. After all, private property rights are outlined in the Constitution and, for many, evoke some extremely strong emotions. So from no trespassing to restricted access to private property signs, find your state in the map below to see what types of no trespassing signage will give you legal recourse and help protect your property from ignorant or malicious intruders.

What is Criminal Trespassing?

In most cases criminal trespassing is defined as entering or remaining on a premises or property in which one does not have the authorization, license or privilege to do so. Usually notice against entering or remaining can either be delivered in oral or written fashion by the

property owner or an authorized agent. Laws vary slightly from state to state with some being very basic and others having very detailed requirements for providing proper notice.

Trespassing Consequences – Misdemeanor or Felony?

In most states criminal trespassing is punishable by a misdemeanor though in some it is considered a felony. Almost without fail the distinction is based on the situation and intent of the trespasser. Along with being charged with a misdemeanor or felony, trespassing usually comes with some kind of fine and/or imprisonment. In almost all cases property owners have greater legal recourse when they've met the state's definition for proper verbal or written notice.

No Trespassing Signage & Templates

For each state we've included examples of the types of signage property owners need to have in place to improve their legal recourse. All of the no trespassing sign templates can be clicked on to customize to your state's needs. Once clicked on we'd recommend choosing our .040 Aluminum (<http://www.signs.com/aluminum/>) material as an affordable yet durable exterior option but rigid plastic (<http://www.signs.com/rigid-plastic/>) and dibond (<http://www.signs.com/dibond/>) are other good options. As per the note below it is still the responsibility of the buyer to verify that the signage requirement we've outlined meets state laws.

Legal Disclaimer

We've done our best to find state laws applicable to criminal trespassing on private property. Some states have trespassing laws specific to the type of property. Where possible we've noted these differences. Notwithstanding, we are not lawyers and will not be held responsible for information found on this page. Where possible we've included a link to state laws or resources that to the best of our knowledge is current state law. Nonetheless, readers are responsible for ascertaining both the law and source are correct before acting on this advice in any way, including the customization of templates and purchase of signs.

Click on the any template below to customize it or find them in our no trespassing templates page (<http://www.signs.com/templates/safety/no-trespassing/>).

Alaska

Alaska state laws for no trespassing are laid out in Alaska Statute Title 11 Chapter 46 Section 350, or AS 11.46.350 (<http://www.touchngo.com/IgIcntr/akstats/Statutes/Title11/Chapter46/Section350.htm>).

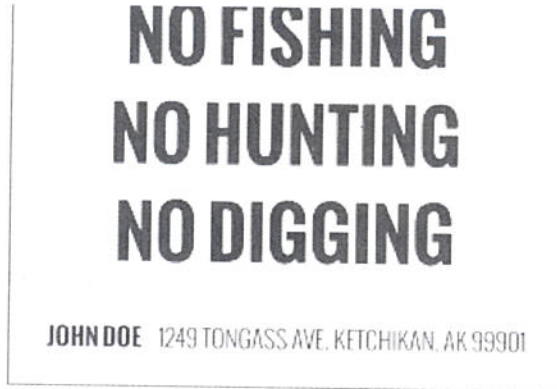
In layman's terms the statute states that assuming the person that has entered and/or remains on land that is neither fenced nor designed to exclude intruders and has no intent to commit a crime can remain on the land unless the following is in place:

- Notice is given to the person by the owner or by an authorized person that there is no trespassing.
- Notice is given to the person in a **reasonably visible way** based on the circumstances.

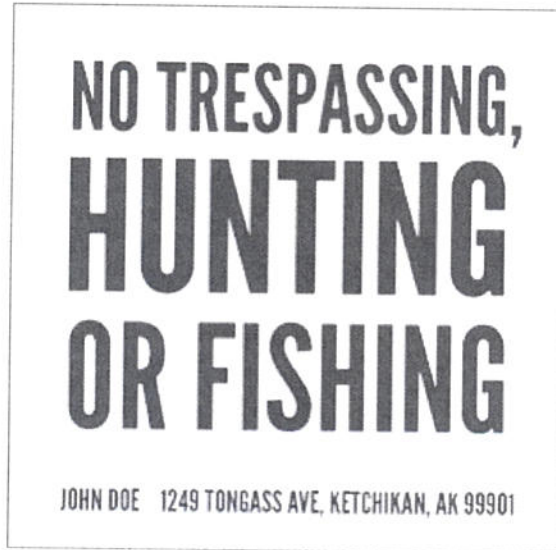
This notice is sufficient if it **meets the following requirements**:

- Legible in English
- It is at least 144 square inches in size
- Contains name and address of both the person whose authority is posting the sign and the one that can grant permission to enter
- Is placed at all known access points to the property
- If an island, posted at each cardinal point of the island
- States specific prohibitions such as no digging, hunting, fishing, trespassing, etc.





(<http://www.signs.com/design/?id=922fb602-340e-4ca8-b75d-c3f94754a921>)



(<http://www.signs.com/design/?id=4a2419fa-bdde-43cb-a9e1-0b39c1b0819d>)

Alaska Statutes.

Title 11. Criminal Law

Chapter 46. Offenses Against Property

Section 320. Criminal Trespass in the First Degree.

previous: [Section 315](#). Possession of Burglary Tools.

next: [Section 330](#). Criminal Trespass in the Second Degree.

AS 11.46.320. Criminal Trespass in the First Degree.

(a) A person commits the crime of criminal trespass in the first degree if the person enters or remains unlawfully

(1) on land with intent to commit a crime on the land; or

(2) in a dwelling.

(b) Criminal trespass in the first degree is a class A misdemeanor.

All content © 2008 by [Touch N' Go/Bright Solutions, Inc.](#)

Note to HTML Version:

This version of the Alaska Statutes is current through December, 2007. The Alaska Statutes were automatically converted to HTML from a plain text format. Every effort has been made to ensure their accuracy, but this can not be guaranteed. *If it is critical that the precise terms of the Alaska Statutes be known, it is recommended that more formal sources be consulted.* For statutes adopted after the effective date of these statutes, see, [Alaska State Legislature](#) If any errors are found, please e-mail Touch N' Go systems at [E-mail](#). We hope you find this information useful.

This page has been updated: 08/26/2011 16:35:19

Alaska Statutes.

Title 11. Criminal Law

Chapter 46. Offenses Against Property

Section 330. Criminal Trespass in the Second Degree.

previous: [Section 320](#). Criminal Trespass in the First Degree.

next: [Section 340](#). Defense: Emergency Use of Premises.

AS 11.46.330. Criminal Trespass in the Second Degree.

(a) A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully

(1) in or upon premises; or

(2) in a propelled vehicle.

(b) Criminal trespass in the second degree is a class B misdemeanor.

All content © 2008 by [Touch N' Go/Bright Solutions, Inc.](#)

Note to HTML Version:

This version of the Alaska Statutes is current through December, 2007. The Alaska Statutes were automatically converted to HTML from a plain text format. Every effort has been made to ensure their accuracy, but this can not be guaranteed. *If it is critical that the precise terms of the Alaska Statutes be known, it is recommended that more formal sources be consulted.* For statutes adopted after the effective date of these statutes, see, [Alaska State Legislature](#) If any errors are found, please e-mail Touch N' Go systems at [E-mail](#). We hope you find this information useful.

This page has been updated: 08/26/2011 16:35:20

Alaska Statutes.

Title 11. Criminal Law

Chapter 46. Offenses Against Property

Section 350. Definition; privilege to enter or remain on unimproved land.

previous: [Section 340](#). Defense: Emergency Use of Premises.

next: [Section 360](#). Vehicle Theft in the First Degree.

AS 11.46.350. Definition; privilege to enter or remain on unimproved land.

(a) As used in AS [11.46.300](#) - [11.46.350](#), unless the context requires otherwise, "enter or remain unlawfully" means to

(1) enter or remain in or upon premises or in a propelled vehicle when the premises or propelled vehicle, at the time of the entry or remaining, is not open to the public and when the defendant is not otherwise privileged to do so;

(2) fail to leave premises or a propelled vehicle that is open to the public after being lawfully directed to do so personally by the person in charge; or

(3) enter or remain upon premises or in a propelled vehicle in violation of a provision in an order issued or filed under AS [18.66.100](#) - [18.66.180](#) or issued under former AS [25.35.010](#) (b) or [25.35.020](#).

(b) For purposes of this section, a person who, without intent to commit a crime on the land, enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, is privileged to do so unless

(1) notice against trespass is personally communicated to that person by the owner of the land or some other authorized person; or

(2) notice against trespass is given by posting in a reasonably conspicuous manner under the circumstances.

(c) *[Repealed, Sec. 1 ch 48 SLA 2014].*

All content © 2008 by [Touch N' Go/Bright Solutions, Inc.](#)

Note to HTML Version:

This version of the Alaska Statutes is current through December, 2007. The Alaska Statutes were automatically converted to HTML from a plain text format. Every effort has been made to ensure their accuracy, but this can not be guaranteed. *If it is critical that the precise terms of the Alaska Statutes be known, it is recommended that more formal sources be consulted.* For statutes adopted after the effective date of these statutes, see, [Alaska State Legislature](#) If any errors are found, please e-mail Touch N' Go systems at [E-mail](#). We hope you find this information useful.

This page has been updated: 03/09/2015 12:33:10

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Special Meeting April 2, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	√	
2.	Nolan Burtins	P.O. box 771	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Louise Ashmun	457 Mountain View Dr	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Beverly Macy	307 E Fairview	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Laura Ray	41640 Glad	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Andy Heas	350 Boranza	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.			<input type="checkbox"/>	<input type="checkbox"/>
8.			<input type="checkbox"/>	<input type="checkbox"/>
9.			<input type="checkbox"/>	<input type="checkbox"/>
10.			<input type="checkbox"/>	<input type="checkbox"/>
11.			<input type="checkbox"/>	<input type="checkbox"/>
12.			<input type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>

Renee Krause

From: Debra Lowney <dlowney@acsalaska.net>
Sent: Saturday, March 28, 2015 1:59 PM
To: Renee Krause
Subject: Land Allocations

Renee,

Here are my recommendations regarding City Land. Could we have this available as a lay down?

City Land Allocation Plan

Pg 53 - motion that Lots 9A and 10A be dedicated provide parking for businesses and public.

Pg 74 - FAA lot being cleared (Park)

Pg 75 - Budget request for \$5000 to develop a public access pedestrian trail to the beach with a fire ring and trash container at the base of trail.

Pg 78 - Budget request for \$3000 to develop a public access pedestrian trail to the top of the bench above the sea wall, and to place a fire ring with a trash can at that location. Explore the feasibility of developing a trail to the east that would access the beach.

Pg 104 - Request that the P&R commission recommend to the Port and Harbor Commission that a parking change be implemented to change this parking designation from 7 day parking to short term parking.

Pg 113 - motion that the most southeasterly lot in this development be developed as a park, and that the city work on establishing a trail right-a-way through an adjoining undeveloped lot(s) on Sitka Rose Cir, allowing trail access to WHE.

Pg 116 - Trail?

Pg 131 - Motion that we designate Mariner Park a park.

Deb

Sent from my iPad

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

333 Raspbeny Road
Anchorage, AK 99518-1599
PHONE: (907) 257-2285
FAX: (907) 267-2464

Habitat and Restoration Division

December 11, 2002

Ms. Anne Wieland
P.O. Box 1395
Homer, AK 99603

Dear Ms. ~~Wieland~~ *Anne*:

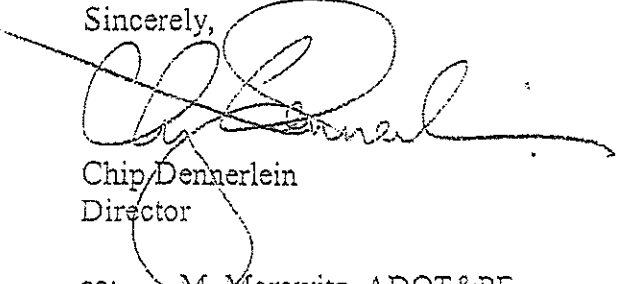
Thank you for your letter describing the damage caused by the operation of motorized vehicles within the Mud Bay portion of the Kachemak Bay Critical Habitat Area (KBCHA) and the petitions supporting your request. You request that the Alaska Department of Fish and Game (ADF&G) prohibit the operation of wheeled and tracked vehicles in the portion of the KBCHA between the Homer Spit and Millers Landing.

The legislatively designated KBCHA includes tidelands located below the mean high tide line of Kachemak Bay. The use of motorized vehicles within this area is prohibited under current regulation. 5 AAC 95.420 prohibits the use of wheeled or tracked equipment within the KBCHA without Special Area Permit unless a General Permit has been issued. ADF&G has issued Special Area Permit FG 02-II-GP13, which allows the use of motorized vehicles along specific corridors within the KBCHA. This permit does not authorize the use of motorized vehicles within the KBCHA from the Homer Spit to Millers Landing. If wheeled or tracked vehicles are being operated below the mean high tide line, they are operating illegally.

I agree that this is a sensitive area and that action needs to be taken to stop this illegal use. Part of the problem is the mix of land ownership in this area. The area below mean high tide is within the KBCHA and portions of the tidelands are owned by the City of Homer. The ownership of the upland areas, above mean high tide, is split between the Alaska Department of Transportation and Public Facilities (ADOT&PF) and private landowners. Landowners have the ability to control the use of vehicles on their private property. For our part, ADF&G will not issue any permits to operate wheeled or tracked vehicles in this area. The department will work with Fish and Wildlife Protection and the City of Homer on enforcement of this regulation. ADF&G will ask ADOT&PF to gate the beach access road on airport property. ADF&G will also work with the City of Homer to place signs notifying the public that this area is closed to vehicle use, and we will place notices in the Homer newspapers with a map showing areas where vehicle use is prohibited.

The long-term stewardship of Alaska's productive fish and wildlife habitats—and especially protection of special areas like the KBCHA—ultimately depends on a cooperative partnership among responsible managing agencies and concerned citizens. Thank you for bringing this to our attention and for the information you have provided. If you have any questions please do not hesitate to contact myself or my staff in Anchorage at 267-2285.

Sincerely,



Chip Dennerlein
Director

cc: M. Morawitz, ADOT&PF
J. Cushing, City of Homer
R. Thompson, ADNRR
T. VanLiere, FWP

Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603
235-7627

June 24, 2003

Walt Wrede
Homer City Manager
Fax: 235-3148

Dear Walt,

The beaches of the Homer Spit are being overrun by four-wheelers and dirt bikes. These beaches lie within the Kachemak Bay Critical Habitat Area which was created pursuant to AS 16.20.590 to “protect and preserve habitat areas especially critical to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.” The use of any motorized vehicle within the KBCHA without an individual Special Area Permit from ADF&G is prohibited. To my knowledge, no such permit has been issued for any portion of the Homer Spit. The Homer Police Department should aggressively enforce the provisions of AS 16.20.590. The City should work with Ellen Simpson of ADF&G to provide signs to inform the general public about motorized vehicle restrictions to protect both the vegetated areas above mean high tide and the tidelands below mean high tide. The pedestrian/bike path should also be posted and/or constricted to prevent motorized vehicle use. I have included some supporting documents from ADF&G, Habitat Division. Thank you for your attention to this matter.

Sincerely,



Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603
235-7627

March 21, 2004

Walt Wrede
Homer City Manager
Fax: 235-3148

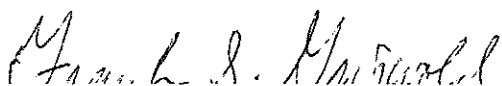
Dear Walt,

In a letter to you dated June 24, 2003 I pointed out that Homer's beaches were being overrun by four-wheelers and dirt bikes. I hoped that steps would be taken to protect the critical habitat and insure the safety of those walking these beaches, but it appears that nothing has changed. Today, even at high tide, Bishop's beach was under siege by approximately ten four-wheelers, some traveling at great speeds in close proximity to pedestrians and their pets.

If the regulations and the signs reflecting them were more clear, there would be less need to dispatch police officers to resolve conflicts or interpret rules. A sign posted at the gateway to Bishop's Beach says "Vehicles Permitted" with an arrow pointing west; it does not indicate whether or not vehicles are permitted to the east. The regulations and signs pertaining to the use of motorized vehicles on the Spit beaches are equally ambiguous; signs prohibiting motor vehicle use within critical habitat areas (below mean low tide) are in direct conflict with neighboring signs. What is the City's current policy regarding motorized vehicle use within the critical habit areas and how does it comport with AS 16.20.590? Why are there no speed limits posted for motorized vehicles on City beaches?

"Less regulation, more consideration" has not proven to be an effective beach policy. Inconsiderate people are generally not swayed by advisory signs. The time to withdraw the carrot and apply the stick is far overdue. If the current Beach Policy Task Force is too timid to lay down the law, bolder members should be appointed. Homer's beaches are too valuable a resource to relinquish to dirt bikers and four wheeler-ers without a fight!

Sincerely,



Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603
(907) 235-7627

April 10, 2004

Mark Robl
Chief of Police
Homer Police Department
FAX: 235-3151

Dear Chief Robl,

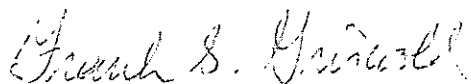
Earlier today I witnessed and reported reckless driving on Bishop's Beach. (Blue Honda, license # DPW 914). Officer Smith responded. I told him I wished to file charges and was willing to appear in court. I also told him the reckless driving had been witnessed by Homer City Councilman John Fenske. Officer Smith later informed me he made no arrest because 1. he didn't personally witness the alleged reckless driving; 2. there were many people at the scene yet I was the only one who filed a complaint; and 3. the charge of reckless driving could not be applied to off-road activities. He informed me that he issued a warning to the driver and instructed him to go farther down the beach away from pedestrians if he wanted to continue this type of activity. I would appreciate answers to the following questions:

1. Does a police officer have to personally witness reckless driving in order to make an arrest?
2. Does a citizen have the right to file or press charges for reckless driving on Homer's beaches or elsewhere?
3. In the present case, can I, or could I, have made a citizen's arrest for reckless driving or endangerment?

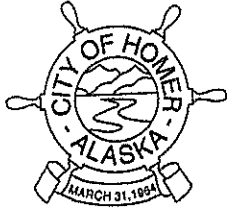
4. Can someone be charged with reckless driving or endangerment on City beaches, on Beluga Lake, or in other off-road situations?
5. In off-road situations, is some other charge more appropriate or applicable?
6. What was the nature of the warning issued in this case and was it appropriate?
7. If it is not a crime to drive in a reckless manner on a public beach, why was a warning issued in this case?
8. Is there currently any speed limit for driving on City beaches; could one be applied?
9. Does operating a motorized vehicle below the mean high tide line on Bishop's Beach (critical habitat area) constitute a violation of AS 16.20.590; if not, why not?

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank B. Grinnell".

cc: City Manager Walt Wrede



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

April 16, 2004

Frank Griswold
519 Klondike Avenue
Homer, AK 99603

Dear Mr. Griswold,

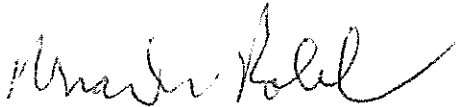
I have spoken with Officer Smith regarding the reckless driving incident you reported. I will attempt to answer the questions put forth in your letter to me dated April 10, 2004.

- 1.) Reckless driving is a misdemeanor offense. Under Alaska law, police officers cannot make arrests for misdemeanors that do not occur in their presence. There are a few, very limited exceptions to this rule but it holds fast for reckless driving.
- 2.) Citizens In Alaska have the right to make a complaint to the police and to file statements in support of those complaints. Charges are filed in court by sworn law enforcement officers or others recognized as officers of the court such as district attorneys or probation and parole officers.
- 3.) In the present case of reckless driving under discussion, I do not believe you or anyone else, could have or should have made an arrest. It does not appear that the elements of the offense were present. I strongly discourage you or any citizen from making citizen arrests. By doing so you subject yourself to the possibility of personal liability and physical danger. Although there is a provision in Alaska State Law allowing citizens' arrests, it would be extremely risky and dangerous endeavor.
- 4.) People can be charged with reckless endangerment or reckless driving on city beaches, Beluga Lake or in other off- road situations.
- 5.) The type of charge filed in any off-road situation depends on the nature of the offense. The particular elements of the offense must be present to substantiate the charge.
- 6.) In this case, the driver was warned for reckless driving. I believe that this was an appropriate course of action for Officer Smith to take.
- 7.) It is a crime to violate the statute of Reckless Driving, AS 28.35.040 on a public beach. After speaking with you, observing the scene and speaking with the suspect, Officer Smith felt that issuing a verbal warning was the proper law enforcement action to take.
- 8.) There currently is not a speed limit that applies to drivers on our beaches. I believe that it is possible for the city to adopt one. Doing so would require the enactment of a new ordinance by council.

- 9.) The enforcement of AS 16.20.590 is difficult. There is no clearly written enforcement section in this statute. We would have to refer any interested parties to the state for enforcement of this section.

It is currently not a violation of law for someone to engage in some fairly "ugly" appearing driving behaviors on our beaches. As long they are where they are permitted to be, driving fast, spinning brodies, and accelerating in such a manner as to spray sand and rocks behind the vehicle is not illegal. In this case, you were not endangered by the driver's actions and Officer Smith was unable to prove that anyone else was either. It would be very difficult for us to prove beyond a reasonable doubt in court that the driver in this case violated the statute of Reckless Driving. Therefore, the verbal warning issued by Officer Smith is the most appropriate law enforcement response to this situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Robl", written in a cursive style.

Mark Robl
Chief of Police

Cc: City Manager

Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603

August 4, 2004

Mark Robl
Chief of Police
Homer Police Department
FAX: 235-3151

Dear Chief Robl,

The Police column in today's Homer Tribune States that on July 31 (at 3:45 p.m.), "A caller reported ATV's on the Spit beach near the cannery row boardwalk. An officer contacted the drivers and advised them where they can ride and gave them a pamphlet." I assume the pamphlet mentioned is the Welcome to Homer pamphlet which states:

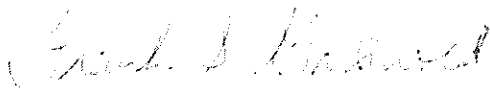
Homer beaches are beautiful works of nature and we welcome your presence on them. Some areas of our beaches are environmentally sensitive. When driving on our beaches, please maintain a safe and respectful distance away from all pedestrians. Watch out for soft sand and fast moving tidal waters. The following activities are prohibited on our beaches: tampering with, removing or burning any driftwood located on a storm berm. driving on: any storm berm or mud flats -Mud Bay- Louie's Lagoon- Mariner Park Lagoon-Beluga Slough (Map provided).

Were the ATV operators who were driving on the Spit beach near the cannery row boardwalk on July 31, 2004 at 3:45 p.m. violating any law(s)? If so, specifically what law(s) were they violating? If not, why were they contacted by police? (Note that the Welcome to Homer pamphlet does not indicate that driving near cannery row is prohibited).

I find the pamphlet extremely ambiguous. From my discussions with various Homer Police Officers I have found that they too are confused about where on Homer's beaches it is legal to operate an ATV or motorized vehicle. What one Officer considers illegal on one occasion, another deems legal on another occasion - particularly on Bishop's Beach. The mixed-message signs contribute to this confusion as well. For instance, what does this mean: Motor Vehicles Prohibited-Please Limit Motor Vehicle Use???

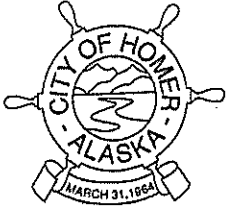
Once and for all, please tell me and other interested parties, straight out and without reference to any half-baked pamphlet, SPECIFICALLY WHERE ON THE CITY OF HOMER BEACHES IS IT LEGAL TO OPERATE AN ATV AND/OR MOTORIZED VEHICLE AND SPECIFICALLY WHERE IS IT ILLEGAL TO DO SO? If any areas of Homer's beaches do not fall within either of these two categories, I would like to know why.

Sincerely,



Frank S. Griswold

cc: City Manager Walt Wrede



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

August 10, 2004

Frank Griswold
519 Klondike Avenue
Homer, Alaska 99603

RE: Your Letter of August 4th

Dear Mr. Griswold:

The ATV Operators driving on the beach on July 31st at 1545 near the cannery row boardwalk were in violation of Homer City Ordinance 19.16.030, Use of Vehicles – Prohibited. Paragraph “a” of this ordinance reads “No person shall operate a recreational vehicle, motorcycle, motor bike or motor scooter within or upon that beach area as defined in the immediately preceding section located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishin’ Hole to the tip of the Spit.”

Enclosed is a map recently developed by the planning department that should help beach users determine where they can and cannot ride. Mud flats and berms are always off limits to motorized vehicles. The beach policy committee has worked hard to try to protect the fragile areas of our beaches while allowing as much public access as possible. The result isn't perfect but I believe it is better than the alternative of banning all vehicle use from our beaches.

Sincerely,

Mark Robl
Chief of Police

Cc: City Manager



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

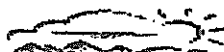
Telephone . (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 06- 146

TO: City of Homer City Council
FROM: Homer Parks and Recreation Advisory Commission
THROUGH: City Manager Wrede *mw*
DATE: August 18, 2006
RE: Motorized beach use

The Parks and Recreation Commission have been reviewing the recent beach use conflicts. The Commission conducted a park walkthrough of Mariner Park on July 8th, and then discussed the beach issues at their July 20th regular meeting. The main points of the discussion they would like to convey to Council are:

1. The adopted Beach Policy specifies where signage, logs and boulders should be placed. The recent beach conflicts may partially be addressed through the current policy. Signage, boulder and log placement outlined in the plan should be completed, or replaced if missing.
2. Mud Bay parking areas have signage. Signs need to be placed at Mariner Park and the Airport Access as stated in the Beach Policy and include ordinance numbers if applicable.
3. The Commission recommends the Administration broadcast public service announcements on the radio before Memorial Day, Fourth of July and Labor Day to remind people of the rules and common courtesy on the beach.
4. Pamphlets or flyers regarding beach etiquette should be available for campers. The pamphlet should designate user areas. They could be stocked at the Chamber of Commerce, the camp fee office on the Spit, Mariner Park Kiosk and the fee takers could also carry them.
5. Maps are available to the public at the camp fee office, showing which beach areas are open to vehicles. This map should be posted at Mariner Park.
6. Enforcement is needed to ensure safety on the beach for all users. Drivers acting recklessly near pedestrians, etc, is not acceptable behavior.



From: Frank Griswold fsgriz@alaska.net
Subject: Re: Bishop's Beach
Date: October 15, 2013 at 12:51 PM
To: Mark Robl mrobl@ci.homer.ak.us
Cc: Walt Wrede wwrede@ci.homer.ak.us, Rick Abboud rabboud@cityofhomer-ak.gov
Bcc: Michael Armstrong michael.armstrong@homernews.com, Mary Griswold mgrt@xyz.net



Mr. Robl,

The City of Homer Beach Policy adopted in 2007 designates the area between the Beluga Slough Outlet and the access to Bishops Beach Park as Area 7. Area 7 is distinct from Beluga Slough and is not included in the areas in which driving is prohibited under HCC 19.16.030. The 2007 Beach Policy states as follows with regard to Area 7: "**We do not wish to prohibit vehicle use**, but would rather encourage a separation to enhance user experiences." (emphasis added). The sign with an arrow pointing east at Bishops Beach does not say "Pedestrian Priority Zone," it says "Pedestrian Zone." If the driver who was warned on September 27, 2013 was truly driving in Beluga Slough, he should have been cited for violating HCC 19.16.030. If he was driving outside of Beluga Slough in Area 7, he should not have been warned for driving in a prohibited area. Ambiguous signs such as "Pedestrian Zone" should not be used to deceive the public into thinking that driving in Area 7 is illegal. The Beach Policy Task Force could easily have recommended speed limits and/or other restrictions on motorized vehicles to "encourage separation to enhance user experiences" but failed to do so.

Frank Griswold

On Oct 15, 2013, at 10:38 AM, Mark Robl wrote:

Mr. Griswold,

1. The driver was warned about driving in Beluga Slough
2. No
3. No
4. The "Pedestrian Priority Zone" designation was given to this area by the Beach Policy Task Force which met from about 2000 to about 2002.
5. I have never seen a definition for "Pedestrian Zone" or any type of directive or policy designating allowable uses within such a zone.
6. The area was designated as a "Pedestrian Zone" by the beach policy task force in 2002. The designation was accepted by council; see HCC 19.16.030 and Ordinance 02-14(A) 2, 2002. The beach policy task force recommended signage and specific language for the signs to city administration. The administration authorized the purchase and posting of the signs as recommended, including the ones at Bishop's Beach.

Chief Robl

-----Original Message-----

From: Frank Griswold [mailto:fsgriz@alaska.net]
Sent: Friday, October 04, 2013 11:36 AM
To: Mark Robl
Cc: Walt Wrede; Rick Abboud
Subject: Re: Bishop's Beach

Chief Robl,

While HCC 19.16.030 prohibits driving on storm berms on all city beaches and prohibits the use of motorized vehicles in Mud Bay, Louie's Lagoon, Mariner Park Lagoon, and Beluga Slough, it does not prohibit the use of motorized vehicles on the sub-storm berm tidal areas adjacent to Bishop's Beach. One ambiguous/deceptive sign at Bishop's Beach arbitrarily designates the area to the east as "Pedestrian Zone" but does not say that the use of motorized vehicles is prohibited within that zone. Another ambiguous/deceptive sign has an arrow indicating that motor vehicle use is permitted to the west but it does not say that pedestrian use to the west is prohibited, not does it say that motor vehicle use is only allowed to the west and not to the east. No sign says motorized vehicle use of city-owned tidal lands to the east of Bishop's Beach is prohibited and no sign cites HCC 19.16.030 or any other city ordinance or state statute. Unless/ until some ordinance or statute is enacted to prohibit the use of motorized vehicles on city-owned tidal areas (below the storm berm) immediately to the east of Bishop's Beach, the Homer Police Department has no right to warn people not to do so.

1. On September 27, 2013, what prohibited driving areas did police inform the driver of?
2. Has any person ever been officially cited, as opposed to simply being warned, for operating a motorized vehicle on city-owned tide lands (not including the storm berms above mean high tide) adjacent to Bishop's Beach and if so, what ordinance or statute were they alleged to have violated?
3. Has any person ever been convicted of or fined for collecting coal or otherwise operating a motorized vehicle within the "Pedestrian Zone" to the east of Bishop's Beach?
4. Who designated the area to the east of Bishop's Beach "Pedestrian Zone"?

5. What uses are allowed and disallowed within a pedestrian zone i.e, where in city code is "Pedestrian Zone" defined?
6. When was the area to the east of Bishop's Beach designated "Pedestrian Zone" and who authorized the purchase and posting of the sign?

Frank Griswold

On Oct 4, 2013, at 9:19 AM, Mark Robl wrote:

Mr. Griswold,

City ordinance 19.16.030 prohibits the use of motor vehicles on various beaches and tidal areas within the city limits of Homer.

Chief Robl

-----Original Message-----

From: Frank Griswold [mailto:fsgriz@alaska.net]

Sent: Thursday, October 03, 2013 10:33 AM

To: Mark Robl

Subject: Bishop's Beach

Chief Robl,

According to the Homer News, on September 27, 2013 "[a] man at 8:33 p.m. reported a car on the west [sic] side of Bishop's Beach. Police told the driver of prohibited driving areas." What prohibited driving areas did police inform the driver of and what specific statute(s) prohibit the use of motorized vehicles on the tidelands adjacent to Bishop's Beach, east or west?

Frank Griswold

Beach policy unclear on vehicle access issues

by Michael Armstrong
Staff Writer

Should the city of Homer have a state permit to allow motorized vehicle use on city beaches? That's the question raised by Frank Griswold, a longtime Homer resident and citizen activist, in a letter to City Manager Walt Wrede questioning the city beach policy's compliance with the Kachemak Bay Critical Habitat Area Management Plan.

The question raises other legal questions, and looks at the relationship between the state and the city. Griswold is right that the city does not have a Special Area permit, said Ellen Simpson, a habitat biologist with the Alaska Department of Fish and Game. The issue is not covered by any existing permits.

But, the city of Homer Beach Policy and other ordinances regulating motorized vehicle use on beaches do not conflict with the Kachemak Bay Critical Habitat Management Plan, said Simpson.

Based on an informal discussion with the Alaska Department of Law this week, Simpson said, "We've pretty much left it up to the city to regulate activities in municipal tidelands. We have not asserted our authority."

Simpson qualified her statement. Because the Beach Policy does not "specifically" allow motorized vehicle use and prohibits motorized vehicle use in sensitive habitat areas like Mud Bay, the state has not asserted its authority as it has outside the city limits in Kachemak Bay.

"If the city specifically allowed motor vehicle use," Simpson said, "it would be in conflict."

Griswold's June letter to Wrede included a copy of a January 2003 state Special Area Permit allowing limited off-road motor vehicle use in areas outside the city. That

permit, written by habitat biologist Stewart Seaberg under Fish and Game commissioner Kevin Duffy's authority, allows use of motorized vehicles on unvegetated tidelands below mean high tide from Anchor Point to Bidarka Creek (about where West Hill Road meets the highway), from Miller's Landing to the Fox River Trail, between Martin River and Bear Cove and between Seldovia and Kasitsna Bay.

The permit, which expires Dec. 31, reads: "The use of any motorized vehicle within the KBCHA outside of the areas specified above is prohibited without an individual Special Area Permit from the ADF&G."

Griswold wrote, "To my knowledge no such permit has been issued for any portion of the Homer Spit." In an interview, Griswold asked, "How come (the city) doesn't know this? How can they establish beach policy without knowing what the critical habitat areas are?"

"I think Frank's right," Wrede said. "This is something people should have known about." If Griswold is right, Wrede added, the city would need to go back and look at the Beach Policy and make sure they can comply with state law. "They'd have to be consistent. We'd be sowing the seeds of confusion."

Bill Smith, who served on the Beach Policy Task Force in 2001 and is now on the new Beach Policy Committee, recalled the issue of critical habitat regulations coming up in the task force's discussion. Seaberg attended its meetings, Smith said, and they discussed the issue.

"This is not a problem," Smith said. Smith said Seaberg was aware of the issue. He said that while motorized vehicle use wasn't addressed in a Special Area Permit, Smith said he thought it was addressed in

some other area, though he couldn't recall exactly where. Seaberg is in the field and did not return messages left by the Homer News on his cell phone.

The management plan, adopted in December 1993, includes as policy a paragraph on off-road use of motorized vehicles. Simpson noted that the plan came about after extensive staff and public review.

"To ensure the protection of important habitat," the paragraph reads, "avoid harmful disturbance of fish and wildlife, and accommodate a variety of critical habitat area users, the department will, as appropriate, establish motorized vehicle use corridors and seasonal and vehicle use restrictions under a general permit for individual personal and recreational transportation."

The critical habitat area covers all of Kachemak Bay from Anchor Point to Point Pogysh. It includes all tide and submerged waters up to the mean high tide. Simpson said that mean high tide is about a 17.4 high tide, or the high tide on Friday afternoon. The Beach Policy prohibits motor vehicle use above the storm berm. In some parts of Bishop's Beach, the beach is narrow between a 17.4 high tide and the storm berm. Along the bluff west of Bishop's Beach, or along the rock wall on the Homer Spit, the beach is underwater.

Simpson said that outside of permitted areas, individual permits could be issued, as well as group permits for up to 20 or more people. For example, someone wishing to access a cabin by motor vehicle outside the permit could apply for an individual permit.

Mayor Jack Cushing said where city vehicles or projects enter the critical habitat area, the city has applied for state permits.



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 2, 2015
SUBJECT: SUPPLEMENTAL PACKET

PUBLIC COMMENTS RECEIVED

From: Jo Johnson
Sent: Friday, March 27, 2015 8:07 AM
To: Renee Krause
Subject: FW: Vehicle Access/Bishop's Beach

-----Original Message-----

From: Deanna Chesser [<mailto:rddcr@acsalaska.net>]
Sent: Thursday, March 26, 2015 7:16 PM
To: Jo Johnson
Subject: Vehicle Access/Bishop's Beach

To Whom it May Concern:

I am one of those who picks up coal from the beach in Homer. I provide (for free) coal to several elderly folks, as well as to my own household. There are many people on fixed incomes, or bordering poverty, who burn coal for heat. This is a resource that has roots in Homer's origin.

I think it would be advisable that the people of Homer could continue to have access to a resource that has been available to them for years. I'm not sure what the issue with driving on the beach is, but erosion isn't one of them. Erosion occurs whether you drive on the beach or not.

I see no reason to discontinue vehicle access to the right of Bishop's Beach public access. I've never gone to the left, so I don't know what the issue is there. But, in all my years living in the Homer area (since 1972) I haven't seen one thing that leads me to believe vehicle traffic is detrimental to the beach sand, wildlife, bluff edges, or anything else. And I spend an inordinate amount of time there.

Please do not close Bishop's Beach to vehicular traffic. If there is a legitimate reason to consider it, then let's fine another solution. There are always other solutions.

Thank you.

Deanna L. Chesser
Property Owner on Mattox Road

From: Mike Illg
Sent: Wednesday, April 01, 2015 2:04 PM
To: Emilie Springer
Cc: Jo Johnson; Renee Krause
Subject: RE: Homer Beaches

Hi Emilie,

Thank you for your email. I will be forwarding your letter to clerk's office which will then be shared with the Parks & Recreation Advisory Commission. This Commission is working on beach policies and your letter will be submitted as public (written) testimony.

Thanks,

Mike Illg

From: Emilie Springer [<mailto:esspringer@alaska.edu>]
Sent: Wednesday, April 01, 2015 10:39 AM
To: Mike Illg; Jo Johnson
Subject: Homer Beaches

Hi Mike,

I'm not sure if you are the right person to address the following comments to but can you please forward this to whoever is on the committee related to regulations of Bishop's Beach (and other beaches in Homer):

- I think vehicle traffic on Bishop's Beach is environmentally inappropriate and should be entirely banned. It is not a sustainable or attractive way to promote the natural habitat of the beach. The beach is a beautiful place and Homer residents and visitors should be able to visit it but not drive on it. I very rarely see people driving with suitable caution. In terms of coal collection, that is a very small group of people and if necessary--perhaps a permit system for the necessary collection of coal could be organized.
- I personally am very opposed to and disgusted by almost all dogs and do not want to see them running loose around my children. I do not want a dog to run up to me and make contact with my body. I know some people enjoy their pets and I think a walk on a leash might acceptable (although I would personally just ban dogs from the beach) but there should be a significant fine to people who do not clean up after their animals. There should be a confined area of the local beaches that accept dog walking.
- Beach fires seem appropriate if we rely on people/ teenagers to clean up after themselves--which unfortunately seems unlikely.

Thank you!
Emilie Springer

--
University of Alaska Fairbanks
Department of Anthropology
Phone: 907-399-1175

3-26-15

APR 01 2015 AM 11:52 PK

To Parks and Recreation Com.
Homer, Ah.

Subject: Proposed auto ban on
Bishops Beach:

I and my family have lived in Homer for over 50 years & have enjoyed visiting Bishops Beach for most of those years especially in these later years. We drive out on the higher part of the beach with great & grandchildren & watch those enjoying the beach with their pets & etc. My wife can't walk & must be taken by car to a place where the view is good. If you ban autos from this beach you are banning us & many others from one of the most enjoyable practices of our lives in Homer.

If you do I must ask why? In the 50 years & that we have been here I have noticed ~~no~~^{no} need for this. What little need there may be the cost of closing the beach is far to high. Please don't do it.

Sincerely

Raymond Arno

TO: Parks & Recreation Advisory Commission

FROM: Louise E Ashmun
457 Mountain View Drive
Homer, AK 99603

DATE: April 2, 2015

RE: Public Testimony on Changes in Beach Policy for the City of Homer

My *personal* preferred beach policy would include a ban on all motorized vehicles on city beaches and a requirement that dogs be on-leash in beach Area 7. However, my personal opinion is not what I choose to recommend. I recognize that the beaches are public use and that there are many user groups engaged in a variety of recreational and subsistence activities. I have attended nearly every public meeting of the P&R Commission to develop a comprehensive understanding of the multiple activities being accommodated on our beaches. With that in mind, I am recommending positions and actions I believe the P&R Commission should include in their recommendation to Homer City Council.

Beach Policy Recommendations for P&R Commission

1. I believe the P&R Commission should *recommend specific policies, with appropriate draft ordinance revisions or new ordinance language to the City Council* (see written public comments made by Jack Wiles for specific suggestions). I strongly suggest that you do not present options to the City Council, but rather debate beach policy options based on the public testimony you have taken and decide as an advisory body as to the best policy to move forward.
2. I believe the following policy/actions should be included in your recommendations to City Council:
 - *No motorized vehicle use or dogs off leash in beach Area 7*

Rational: Pedestrians should have one stretch of beach free from traffic concerns, engine noise and smells, and "overly friendly" or aggressive dogs. This 0.3 mi (1500 ft) beach is a minor amount of the available area beach to set aside for pedestrians use only. It is also the best "pedestrian only" area as a) it is connected to the trails from Ocean & Islands and thus is highly accessed on foot by locals and visitors alike; b) it provides enormous wildlife viewing opportunities and enhances the quality outdoor experience provided by the slough boardwalk (accessibility and art) in the area; and c) elimination of motorized vehicle use and off leash dogs will help protect the critical habitat of the slough and the dunes in the area.

- *Seasonal closures to motorized vehicles and off-leash dogs of other critical beach areas as needed to protect nesting and migratory birds.*

Rational: Many people have testified that other areas within Homer's beaches provide critical habitat during shorebird and crane migration and nesting. The dates of these activities are rapidly changing as climate change continues to make seasonal activities unpredictable; thus, I suggest that the specific dates not be included in any ordinance language but that they be established on a year-by-year basis based on the observations of some authority such as US Fish & Wildlife. Maintaining safe refugia for wildlife within our city provides a wealth of wildlife viewing opportunities that draws many tourists Homer.

- *Increased enforcement of Beach Policy and safe driving rules on the beach especially in the summer months.*

Rational: Illegal activity (e.g., drugs, under-age drinking), trespass, unsafe vehicle operation, uncontrolled dogs, and owners who do not clean up after their pets are all big problems on the beach. These activities interfere with the broader publics' safety and enjoyment of the beach. Multiple approaches, such as reinstatement of the Beach Patrol and increased police monitoring of the beach, will need to be used to accomplish this. Although the cost of increased enforcement will have budgetary impact, it should be given priority and funding should be supported.

- *Installation of clear signage of beach rules and demarcation of beach areas and removal of ambiguous signage currently in place.*

Rational: The current signage is inadequate, confusing, and rarely read. Both local and visiting public must be able to discern the beach rules that apply without confusion, particularly if enforcement of rules is increased.

There are several other issues, such as fires, trash removal, special large beach events (e.g., HS bonfires), etc., that have been discussed during these meetings. (I might suggest that a permit system be considered for monitoring big events or beach fires not in fire rings.) The fact that I did not address these issues specifically is not a lack of concern but rather my attempt to focus on, what I consider, the most important issues to be addressed by the P&R Commission.

Thank you for considering my comments.

Louise Ashmun

April 2, 2015



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 2, 2015
SUBJECT: PUBLIC COMMENT RECEIVED

The following information/pages was submitted by Mr. Frank Griswold.

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2285
FAX: (907) 267-2464*Habitat and Restoration Division*

December 11, 2002

Ms. Anne Wieland
P.O. Box 1395
Homer, AK 99603Dear Ms. ~~Wieland~~: *Anne*

Thank you for your letter describing the damage caused by the operation of motorized vehicles within the Mud Bay portion of the Kachemak Bay Critical Habitat Area (KBCHA) and the petitions supporting your request. You request that the Alaska Department of Fish and Game (ADF&G) prohibit the operation of wheeled and tracked vehicles in the portion of the KBCHA between the Homer Spit and Millers Landing.

The legislatively designated KBCHA includes tidelands located below the mean high tide line of Kachemak Bay. The use of motorized vehicles within this area is prohibited under current regulation. 5 AAC 95.420 prohibits the use of wheeled or tracked equipment within the KBCHA without Special Area Permit unless a General Permit has been issued. ADF&G has issued Special Area Permit FG 02-II-GP 13, which allows the use of motorized vehicles along specific corridors within the KBCHA. This permit does not authorize the use of motorized vehicles within the KBCHA from the Homer Spit to Millers Landing. If wheeled or tracked vehicles are being operated below the mean high tide line, they are operating illegally.

I agree that this is a sensitive area and that action needs to be taken to stop this illegal use. Part of the problem is the mix of land ownership in this area. The area below mean high tide is within the KBCHA and portions of the tidelands are owned by the City of Homer. The ownership of the upland areas, above mean high tide, is split between the Alaska Department of Transportation and Public Facilities (ADOT&PF) and private landowners. Landowners have the ability to control the use of vehicles on their private property. For our part, ADF&G will not issue any permits to operate wheeled or tracked vehicles in this area. The department will work with Fish and Wildlife Protection and the City of Homer on enforcement of this regulation. ADF&G will ask ADOT&PF to gate the beach access road on airport property. ADF&G will also work with the City of Homer to place signs notifying the public that this area is closed to vehicle use, and we will place notices in the Homer newspapers with a map showing areas where vehicle use is prohibited.

The long-term stewardship of Alaska's productive fish and wildlife habitats—and especially protection of special areas like the KBCHA—ultimately depends on a cooperative partnership among responsible managing agencies and concerned citizens. Thank you for bringing this to our attention and for the information you have provided. If you have any questions please do not hesitate to contact myself or my staff in Anchorage at 267-2285.

Sincerely,



Chip Dennerlein
Director

cc: M. Morawitz, ADOT&PF
J. Cushing, City of Homer
R. Thompson, ADNR
T. VanLiere, FWP

Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603
235-7627

June 24, 2003

Walt Wrede
Homer City Manager
Fax: 235-3148

Dear Walt,

The beaches of the Homer Spit are being overrun by four-wheelers and dirt bikes. These beaches lie within the Kachemak Bay Critical Habitat Area which was created pursuant to AS 16.20.590 to “protect and preserve habitat areas especially critical to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.” The use of any motorized vehicle within the KBCHA without an individual Special Area Permit from ADF&G is prohibited. To my knowledge, no such permit has been issued for any portion of the Homer Spit. The Homer Police Department should aggressively enforce the provisions of AS 16.20.590. The City should work with Ellen Simpson of ADF&G to provide signs to inform the general public about motorized vehicle restrictions to protect both the vegetated areas above mean high tide and the tidelands below mean high tide. The pedestrian/bike path should also be posted and/or constricted to prevent motorized vehicle use. I have included some supporting documents from ADF&G, Habitat Division. Thank you for your attention to this matter.

Sincerely,



Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603
235-7627

March 21, 2004

Walt Wrede
Homer City Manager
Fax: 235-3148

Dear Walt,

In a letter to you dated June 24, 2003 I pointed out that Homer's beaches were being overrun by four-wheelers and dirt bikes. I hoped that steps would be taken to protect the critical habitat and insure the safety of those walking these beaches, but it appears that nothing has changed. Today, even at high tide, Bishop's beach was under siege by approximately ten four-wheelers, some traveling at great speeds in close proximity to pedestrians and their pets.

If the regulations and the signs reflecting them were more clear, there would be less need to dispatch police officers to resolve conflicts or interpret rules. A sign posted at the gateway to Bishop's Beach says "Vehicles Permitted" with an arrow pointing west; it does not indicate whether or not vehicles are permitted to the east. The regulations and signs pertaining to the use of motorized vehicles on the Spit beaches are equally ambiguous; signs prohibiting motor vehicle use within critical habitat areas (below mean low tide) are in direct conflict with neighboring signs. What is the City's current policy regarding motorized vehicle use within the critical habit areas and how does it comport with AS 16.20.590? Why are there no speed limits posted for motorized vehicles on City beaches?

"Less regulation, more consideration" has not proven to be an effective beach policy. Inconsiderate people are generally not swayed by advisory signs. The time to withdraw the carrot and apply the stick is far overdue. If the current Beach Policy Task Force is too timid to lay down the law, bolder members should be appointed. Homer's beaches are too valuable a resource to relinquish to dirt bikers and four wheeler-ers without a fight!

Sincerely,

Frank S. Griswold

Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603
(907) 235-7627

April 10, 2004

Mark Robl
Chief of Police
Homer Police Department
FAX: 235-3151

Dear Chief Robl,

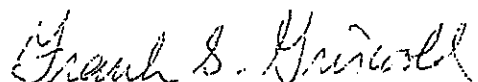
Earlier today I witnessed and reported reckless driving on Bishop's Beach. (Blue Honda, license # DPW 914). Officer Smith responded. I told him I wished to file charges and was willing to appear in court. I also told him the reckless driving had been witnessed by Homer City Councilman John Fenske. Officer Smith later informed me he made no arrest because 1. he didn't personally witness the alleged reckless driving; 2. there were many people at the scene yet I was the only one who filed a complaint; and 3. the charge of reckless driving could not be applied to off-road activities. He informed me that he issued a warning to the driver and instructed him to go farther down the beach away from pedestrians if he wanted to continue this type of activity. I would appreciate answers to the following questions:

1. Does a police officer have to personally witness reckless driving in order to make an arrest?
2. Does a citizen have the right to file or press charges for reckless driving on Homer's beaches or elsewhere?
3. In the present case, can I, or could I, have made a citizen's arrest for reckless driving or endangerment?

4. Can someone be charged with reckless driving or endangerment on City beaches, on Beluga Lake, or in other off-road situations?
5. In off-road situations, is some other charge more appropriate or applicable?
6. What was the nature of the warning issued in this case and was it appropriate?
7. If it is not a crime to drive in a reckless manner on a public beach, why was a warning issued in this case?
8. Is there currently any speed limit for driving on City beaches; could one be applied?
9. Does operating a motorized vehicle below the mean high tide line on Bishop's Beach (critical habitat area) constitute a violation of AS 16.20.590; if not, why not?

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Frank S. Grinnell".

cc: City Manager Walt Wrede



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

April 16, 2004

Frank Griswold
519 Klondike Avenue
Homer, AK 99603

Dear Mr. Griswold,

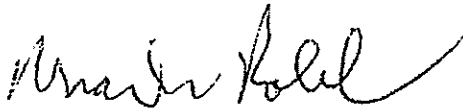
I have spoken with Officer Smith regarding the reckless driving incident you reported. I will attempt to answer the questions put forth in your letter to me dated April 10, 2004.

- 1.) Reckless driving is a misdemeanor offense. Under Alaska law, police officers cannot make arrests for misdemeanors that do not occur in their presence. There are a few, very limited exceptions to this rule but it holds fast for reckless driving.
- 2.) Citizens In Alaska have the right to make a complaint to the police and to file statements in support of those complaints. Charges are filed in court by sworn law enforcement officers or others recognized as officers of the court such as district attorneys or probation and parole officers.
- 3.) In the present case of reckless driving under discussion, I do not believe you or anyone else, could have or should have made an arrest. It does not appear that the elements of the offense were present. I strongly discourage you or any citizen from making citizen arrests. By doing so you subject yourself to the possibility of personal liability and physical danger. Although there is a provision in Alaska State Law allowing citizens' arrests, it would be extremely risky and dangerous endeavor.
- 4.) People can be charged with reckless endangerment or reckless driving on city beaches, Beluga Lake or in other off- road situations.
- 5.) The type of charge filed in any off-road situation depends on the nature of the offense. The particular elements of the offense must be present to substantiate the charge.
- 6.) In this case, the driver was warned for reckless driving. I believe that this was an appropriate course of action for Officer Smith to take.
- 7.) It is a crime to violate the statute of Reckless Driving, AS 28.35.040 on a public beach. After speaking with you, observing the scene and speaking with the suspect, Officer Smith felt that issuing a verbal warning was the proper law enforcement action to take.
- 8.) There currently is not a speed limit that applies to drivers on our beaches. I believe that it is possible for the city to adopt one. Doing so would require the enactment of a new ordinance by council.

9.) The enforcement of AS 16.20.590 is difficult. There is no clearly written enforcement section in this statute. We would have to refer any interested parties to the state for enforcement of this section.

It is currently not a violation of law for someone to engage in some fairly "ugly" appearing driving behaviors on our beaches. As long they are where they are permitted to be, driving fast, spinning brodies, and accelerating in such a manner as to spray sand and rocks behind the vehicle is not illegal. In this case, you were not endangered by the driver's actions and Officer Smith was unable to prove that anyone else was either. It would be very difficult for us to prove beyond a reasonable doubt in court that the driver in this case violated the statute of Reckless Driving. Therefore, the verbal warning issued by Officer Smith is the most appropriate law enforcement response to this situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Robl", written in a cursive style.

Mark Robl
Chief of Police

Cc: City Manager

Frank S. Griswold
519 Klondike Avenue
Homer, Alaska 99603

August 4, 2004

Mark Robl
Chief of Police
Homer Police Department
FAX: 235-3151

Dear Chief Robl,

The Police column in today's Homer Tribune States that on July 31 (at 3:45 p.m.), "A caller reported ATV's on the Spit beach near the cannery row boardwalk. An officer contacted the drivers and advised them where they can ride and gave them a pamphlet." I assume the pamphlet mentioned is the Welcome to Homer pamphlet which states:

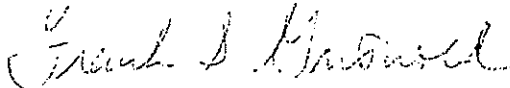
Homer beaches are beautiful works of nature and we welcome your presence on them. Some areas of our beaches are environmentally sensitive. When driving on our beaches, please maintain a safe and respectful distance away from all pedestrians. Watch out for soft sand and fast moving tidal waters. The following activities are prohibited on our beaches: tampering with, removing or burning any driftwood located on a storm berm. driving on: any storm berm or mud flats -Mud Bay- Louie's Lagoon- Mariner Park Lagoon-Beluga Slough (Map provided).

Were the ATV operators who were driving on the Spit beach near the cannery row boardwalk on July 31, 2004 at 3:45 p.m. violating any law(s)? If so, specifically what law(s) were they violating? If not, why were they contacted by police? (Note that the Welcome to Homer pamphlet does not indicate that driving near cannery row is prohibited).

I find the pamphlet extremely ambiguous. From my discussions with various Homer Police Officers I have found that they too are confused about where on Homer's beaches it is legal to operate an ATV or motorized vehicle. What one Officer considers illegal on one occasion, another deems legal on another occasion - particularly on Bishop's Beach. The mixed-message signs contribute to this confusion as well. For instance, what does this mean: Motor Vehicles Prohibited-Please Limit Motor Vehicle Use???

Once and for all, please tell me and other interested parties, straight out and without reference to any half-baked pamphlet, SPECIFICALLY WHERE ON THE CITY OF HOMER BEACHES IS IT LEGAL TO OPERATE AN ATV AND/OR MOTORIZED VEHICLE AND SPECIFICALLY WHERE IS IT ILLEGAL TO DO SO? If any areas of Homer's beaches do not fall within either of these two categories, I would like to know why.

Sincerely,



Frank S. Griswold

cc: City Manager Walt Wrede



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

August 10, 2004

Frank Griswold
519 Klondike Avenue
Homer, Alaska 99603

RE: Your Letter of August 4th

Dear Mr. Griswold:

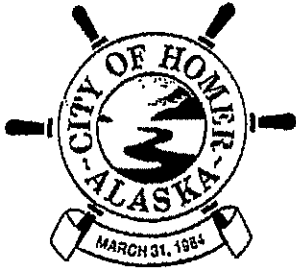
The ATV Operators driving on the beach on July 31st at 1545 near the cannery row boardwalk were in violation of Homer City Ordinance 19.16.030, Use of Vehicles – Prohibited. Paragraph "a" of this ordinance reads "No person shall operate a recreational vehicle, motorcycle, motor bike or motor scooter within or upon that beach area as defined in the immediately preceding section located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishin' Hole to the tip of the Spit."

Enclosed is a map recently developed by the planning department that should help beach users determine where they can and cannot ride. Mud flats and berms are always off limits to motorized vehicles. The beach policy committee has worked hard to try to protect the fragile areas of our beaches while allowing as much public access as possible. The result isn't perfect but I believe it is better than the alternative of banning all vehicle use from our beaches.

Sincerely,

Mark Robl
Chief of Police

Cc: City Manager



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone . (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 06- 146

TO: City of Homer City Council
FROM: Homer Parks and Recreation Advisory Commission
THROUGH: City Manager Wrede *Wrede*
DATE: August 18, 2006
RE: Motorized beach use

The Parks and Recreation Commission have been reviewing the recent beach use conflicts. The Commission conducted a park walkthrough of Mariner Park on July 8th, and then discussed the beach issues at their July 20th regular meeting. The main points of the discussion they would like to convey to Council are:

1. The adopted Beach Policy specifies where signage, logs and boulders should be placed. The recent beach conflicts may partially be addressed through the current policy. Signage, boulder and log placement outlined in the plan should be completed, or replaced if missing.
2. Mud Bay parking areas have signage. Signs need to be placed at Mariner Park and the Airport Access as stated in the Beach Policy and include ordinance numbers if applicable.
3. The Commission recommends the Administration broadcast public service announcements on the radio before Memorial Day, Fourth of July and Labor Day to remind people of the rules and common courtesy on the beach.
4. Pamphlets or flyers regarding beach etiquette should be available for campers. The pamphlet should designate user areas. They could be stocked at the Chamber of Commerce, the camp fee office on the Spit, Mariner Park Kiosk and the fee takers could also carry them.
5. Maps are available to the public at the camp fee office, showing which beach areas are open to vehicles. This map should be posted at Mariner Park.
6. Enforcement is needed to ensure safety on the beach for all users. Drivers acting recklessly near pedestrians, etc, is not acceptable behavior.

From: Frank Griswold fsgriz@alaska.net
Subject: Re: Bishop's Beach
Date: October 15, 2013 at 12:51 PM
To: Mark Robl mrobl@ci.homer.ak.us
Cc: Walt Wrede wwrede@ci.homer.ak.us, Rick Abboud rabboud@cityofhomer-ak.gov
Bcc: Michael Armstrong michael.armstrong@homernews.com, Mary Griswold mgmt@xyz.net



Mr. Robl,

The City of Homer Beach Policy adopted in 2007 designates the area between the Beluga Slough Outlet and the access to Bishops Beach Park as Area 7. Area 7 is distinct from Beluga Slough and is not included in the areas in which driving is prohibited under HCC 19.16.030. The 2007 Beach Policy states as follows with regard to Area 7: "We do not wish to prohibit vehicle use, but would rather encourage a separation to enhance user experiences." (emphasis added). The sign with an arrow pointing east at Bishops Beach does not say "Pedestrian Priority Zone," it says "Pedestrian Zone." If the driver who was warned on September 27, 2013 was truly driving in Beluga Slough, he should have been cited for violating HCC 19.16.030. If he was driving outside of Beluga Slough in Area 7, he should not have been warned for driving in a prohibited area. Ambiguous signs such as "Pedestrian Zone" should not be used to deceive the public into thinking that driving in Area 7 is illegal. The Beach Policy Task Force could easily have recommended speed limits and/or other restrictions on motorized vehicles to "encourage separation to enhance user experiences" but failed to do so.

Frank Griswold

On Oct 15, 2013, at 10:38 AM, Mark Robl wrote:

Mr. Griswold,

1. The driver was warned about driving in Beluga Slough
2. No
3. No
4. The "Pedestrian Priority Zone" designation was given to this area by the Beach Policy Task Force which met from about 2000 to about 2002.
5. I have never seen a definition for "Pedestrian Zone" or any type of directive or policy designating allowable uses within such a zone.
6. The area was designated as a "Pedestrian Zone" by the beach policy task force in 2002. The designation was accepted by council; see HCC 19.16.030 and Ordinance 02-14(A) 2, 2002. The beach policy task force recommended signage and specific language for the signs to city administration. The administration authorized the purchase and posting of the signs as recommended, including the ones at Bishop's Beach.

Chief Robl

-----Original Message-----

From: Frank Griswold [mailto:fsgriz@alaska.net]
Sent: Friday, October 04, 2013 11:36 AM
To: Mark Robl
Cc: Walt Wrede; Rick Abboud
Subject: Re: Bishop's Beach

Chief Robl,

While HCC 19.16.030 prohibits driving on storm berms on all city beaches and prohibits the use of motorized vehicles in Mud Bay, Louie's Lagoon, Mariner Park Lagoon, and Beluga Slough, it does not prohibit the use of motorized vehicles on the sub-storm berm tidal areas adjacent to Bishop's Beach. One ambiguous/deceptive sign at Bishop's Beach arbitrarily designates the area to the east as "Pedestrian Zone" but does not say that the use of motorized vehicles is prohibited within that zone. Another ambiguous/deceptive sign has an arrow indicating that motor vehicle use is permitted to the west but it does not say that pedestrian use to the west is prohibited, not does it say that motor vehicle use is only allowed to the west and not to the east. No sign says motorized vehicle use of city-owned tidal lands to the east of Bishop's Beach is prohibited and no sign cites HCC 19.16.030 or any other city ordinance or state statute. Unless/ until some ordinance or statute is enacted to prohibit the use of motorized vehicles on city-owned tidal areas (below the storm berm) immediately to the east of Bishop's Beach, the Homer Police Department has no right to warn people not to do so.

1. On September 27, 2013, what prohibited driving areas did police inform the driver of?
2. Has any person ever been officially cited, as opposed to simply being warned, for operating a motorized vehicle on city-owned tide lands (not including the storm berms above mean high tide) adjacent to Bishop's Beach and if so, what ordinance or statute were they alleged to have violated?
3. Has any person ever been convicted of or fined for collecting coal or otherwise operating a motorized vehicle within the "Pedestrian Zone" to the east of Bishop's Beach?
4. Who designated the area to the east of Bishop's Beach "Pedestrian Zone"?

5. What uses are allowed and disallowed within a pedestrian zone i.e, where in city code is "Pedestrian Zone" defined?
6. When was the area to the east of Bishop's Beach designated "Pedestrian Zone" and who authorized the purchase and posting of the sign?

Frank Griswold

On Oct 4, 2013, at 9:19 AM, Mark Robl wrote:

Mr. Griswold,

City ordinance 19.16.030 prohibits the use of motor vehicles on various beaches and tidal areas within the city limits of Homer.

Chief Robl

-----Original Message-----

From: Frank Griswold [mailto:fsgriz@alaska.net]

Sent: Thursday, October 03, 2013 10:33 AM

To: Mark Robl

Subject: Bishop's Beach

Chief Robl,

According to the Homer News, on September 27, 2013 "[a] man at 8:33 p.m. reported a car on the west [sic] side of Bishop's Beach. Police told the driver of prohibited driving areas." What prohibited driving areas did police inform the driver of and what specific statute(s) prohibit the use of motorized vehicles on the tidelands adjacent to Bishop's Beach, east or west?

Frank Griswold

From: Julie Engebretsen
Sent: Thursday, April 02, 2015 8:13 AM
To: Renee Krause
Subject: FW: A Quiet Beach

From: Jack Wiles [<mailto:wilesmichaud@msn.com>]
Sent: Wednesday, April 01, 2015 8:30 PM
To: Julie Engebretsen
Cc: Lani Raymond; Nina Faust; Rika Mouw; Louise Ashmun; Carol G. Harding
Subject: A Quiet Beach

April 1, 2015

Dear Honorable Parks & Recreation Advisory Commission,

While not quite a 'Fool' on this day, I may have what could be classified as a stupid question(s). But then, you know the saying, "No question is stupid"Otherwise, I would be qualified to answer it.

So here's my queries leading to my stupidity dilemma:

- If the east side of Bishop's Beach is closed to vehicles year-round does that really limit opportunities or rather does it create an opportunity to enhance the beach experience and habitat?
- Can a surfer gear up on the west side and paddle along, in their wet suit, a few hundred yards to the east side?
- If a person wants to pick up coal on the east side can't they still carry a 5-gallon bucket (no permit needed) and enjoy a walk on the beach?

If a coal gatherer wants to drive then they can motor along the west side to Anchor Point or the west side of the Spit/Mariner's Park.

- If a elderly or disabled person wants to enjoy the beach by parking their vehicle on the beach while staying warm and dry then doesn't that splendid opportunity and view prevail itself to them on the west side?
- If a person wants to enjoy Bishop's Beach without the disruption of vehicles and the destruction of the berm/slough then isn't it a good sensible balance to close the east side to vehicles and open the west side to vehicles?

Thank you for indulging my stupidity.

Jack Wiles

3-26-15

APR 01 2015 AM 11:52 RK

To Parks and Recreation Com,
Homer, Ah.

Subject: Proposed auto ban on
Bishops Beach.

I and my family have lived in Homer for over 50 years & have enjoyed visiting Bishops Beach for most of those years especially in these later years. We drive out on the higher part of the beach with great & grandchildren & watch those enjoying the beach with their pets & etc. My wife can't walk & must be taken by car to a place where the view is good. If you ban autos from this beach you are banning us & many others from one of the most enjoyable practices of our lives in Homer.

If you do I must ask why? In the 50 years & that we have been here I have noticed ~~no~~^{no} need for this. What little need there may be the cost of closing the beach is far to high. Please don't do it.

Sincerely

Raymond Arno

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Special Meeting March 19, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	✓	
2.	Pat Moss	1285 Jeffrey Ave	<input type="checkbox"/> ✓	<input type="checkbox"/>
3.	Woody Almon	38399 Yukon	<input type="checkbox"/>	<input type="checkbox"/>
4.	Dale Jones		<input type="checkbox"/>	<input type="checkbox"/>
5.	Matt James		<input type="checkbox"/>	<input type="checkbox"/>
6.	YAN KANSOR		<input type="checkbox"/>	<input type="checkbox"/>
7.	Nina Faust	Poy 2994	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.	Ted Schmidt		<input type="checkbox"/>	<input type="checkbox"/>
9.	Roy L. Morris		<input type="checkbox"/>	<input type="checkbox"/>
10.	Ty Gates		<input type="checkbox"/>	<input type="checkbox"/>
11.	Mac Webber		<input type="checkbox"/> ✓	<input type="checkbox"/>
12.	Louis Raymond		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.	Louis Ah		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14.	Benny Espenshade		<input checked="" type="checkbox"/>	<input type="checkbox"/>
15.	Bill Ostwald		<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.	Anita Beddingfield		<input checked="" type="checkbox"/>	<input type="checkbox"/>
17.	Clare Uman		<input checked="" type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>

If you go to PetFriendly.com and look at dog friendly beaches in the U.S. You will see Alaska has 3 listed and one is Bishops Beach in Homer. It is listed as dogs on leashes are welcome.

With the number of dogs that frequent Homer's beaches, dog feces become a problem. Other than being smelly and messy to step in there are health issues. Feces can be a major means of spreading diseases. Dog feces need to be picked up and deposited properly. Kachemak bay is seen as a large toilet to flush away waste but there can be implications for local habitat and ecosystem from contamination with animal feces.

Parvo, distemper, and parasites are a few of the dog diseases that could be contacted on the beaches that are frequented by dogs. We recommend pups not go to the beaches until they have completed their vaccination series and that older dogs be current on their vaccinations.

There can also be zoonotic disease issues, which would be passing diseases from animals to humans. Coliform bacteria, salmonella, and giardia are a few of these diseases that can be spread between dogs to dog and also dogs to humans. There is a risk to children playing on beaches from microscopic parasite eggs. Public health education is needed. Some beaches in the lower 48 states have been closed due to high bacteria counts making it not safe to be in the water. With our colder weather and high tides this doesn't seem to be much of a problem. Our problem would be if we could harvest clams or muscles from the beach they may be contaminated.

Another disease issue would be dogs infecting sea mammals that frequent these beaches. Seals, sea otters, and sea lions would be of concern here. Canine distemper is a major disease that has been a problem. In the past there was a large die off of seals in the North Sea caused by canine distemper. Seals that have been rehabilitated must be tested for distemper before being released back into the wild.

Dogs harassing wildlife is certainly a concern on these beaches. In the past week or so a sea otter was mauled by a dog on the beach at Mariner Park. If the wildlife are on the beach they are likely to be stressed or in a weakened

condition and are easy prey to dogs. The Marine mammal stranding network guidelines need to be followed and public education regarding the impact of loose dogs on wildlife in the area is vital.

Dog fights are a common problem on the beaches. It is not uncommon to have dogs brought to the clinic that have been attacked by aggressive dogs. This is usually an emergency situation with not only pain and suffering by animals involved and sometimes inflicting severe life threatening or life ending injuries along with emotional, physical, and financial hardships by owner as a result. This is usually associated with dogs not on a leash or not under voice control.

Several years ago a man walked his dog on the spit beach every day. It was a well trained bird dog. One day his dog was attacked by a larger aggressive dog causing some serious bite wounds. The owner was very upset and said from then on when he would be on the beach with his dog he would be carrying a gun.

Interactions between dogs and humans can be a problem since there no way to know if a dog approaching is truly just enthusiastic or aggressive. It would be nice if in heavy used areas such as a parking area and high tide line that dogs be on leash but at certain distances dogs can be free to run/swim with voice control.

Dog licensing in Homer is currently required within city limits. How effective is this licensing program and could it be used for further identification of local registered dogs on the beach. Since licensed dogs have rabies vaccination this would be one way to increase public health concerns. If we are not licensing every dog and getting them vaccinated with rabies is the city in anyway liable in the event of a rabies situation.

Dogs that are not neutered or spayed maybe more of a problem. Females in heat will attract a non-neutered male even if he has had good training. He will have no common sense at all. Also non-neutered males may be more

aggressive in general.

Concept of having various user hours posted so for example dog free time at certain times of the day.

Concept of good dog behavior assessment and tags to identify those dogs who have received some form of assessment for other beach goers and dog owners.

I would recommend:

Dogs in wildlife sensitive areas be leashed.

Dogs in other areas should be under voice command or on a leash.

Bags be available for owners to pick-up after their dogs.

Trash cans to put dog bags in.

A penalty for not picking up after your dog..

Dogs have a city dog tags.

Recommend dog be vaccinated.

Ultimately we hope our dogs and humans can continue to enjoy the beach and the wonderful opportunity it gives to all.

Julie Engebretsen

From: Jack Wiles <wilesmichaud@msn.com>
Sent: Monday, March 16, 2015 8:35 AM
To: Julie Engebretsen
Subject: 2015 Beach Policy Option Chart
Attachments: Beach.Policy.Impl.chart.docx

Julie & Renee,

Greetings this very blustery March day - a good day to be indoors to think about the beach rather than be on the beach...

Would you please forward this email and attachments to the Parks and Recreation Advisory Commission.

Thanks

March 16, 2015

Re: 2015 Beach Policy Options

The Honorable Parks and Recreation Advisory Commission,

You have, and rightly so, been developing options focusing on the broad policy questions associated with the Beach Areas delineated by map and described in the 2007 Beach Policy. As you begin to deliberate on a preferred set of options we hope you will consider the implementation of those options and give some considered thought to the four position papers we have previously submitted and the ordinance language contained within those position papers that will help clarify the options.

As you review and develop the policy options for the Beach Areas, we offer a summary chart of desired outcomes for each of the Beach Areas as it relates to the main topics you have chosen; *Vehicles, Dogs, Fire, Enforcement, Habitat*. Each Beach Area has special significance for the priority of habitat protection and accommodation of the beach experience. As you have enunciated well, "Homer beaches do not have to become the mecca for off-road vehicles but instead the mecca for a rewarding beach experience."

A priority concern - that you have now heard often - is the option of closing the east side of Bishop's Beach to vehicles and allowing dogs on leash in that area. This option offers a balanced spectrum of recreation uses for the east and west side of Bishop's Beach and carries out the mandate of the 2007 Beach Policy of a pedestrian preference for the east side. The implementation of the pedestrian preference policy is best served by the installation of a passive enforcement mechanism of barriers. This east side option recognizes the habitat significance of Beluga Slough, the need to protect the storm berm associated with the slough, and withdrawing vehicles will allow for the emerging secondary berm to develop - further enhancing this valuable habitat and beach experience. The east side area represents about 1,500 feet of beach frontage compared to over eight miles for vehicles to navigate elsewhere (5-miles on the west side of the Spit and 3-miles west of Bishop's Beach to the City boundary - and then even further beyond).

A beach area that has not received a good deal of attention is Beach Area 1. The beach berms, beach and mud flats within Area 1 are significant; to the spring, summer and fall migrant shorebirds, wintering rock sandpipers and waterfowl, and as an important feeding area for the iconic image of Homer - the Lesser Sandhill Crane. A 2008 Kachemak Crane Watch sandhill crane tracking and habitat study showed satellite banded cranes using Beach Area 1, and a follow-up three year monitoring study with local reports from cooperating observers identify this beach zone as an intertidal feeding area-- an important local high protein food resource for cranes.

This beach zone is an important gathering area for cranes and a much needed crane refuge and feeding area - a limited habitat, that if disturbed or lost will effect the population. Limiting summer and fall disturbance to the mud flats that cranes rely on should be considered when protecting the beach resources of Area 1.

To respect private property and protect the fragile beach berms and mudflat, vehicle access to Beach Area 1 should not be via the Airport Access Road. We suggest that the Parks and Recreation Advisory Commission investigate the desirability and need for access to Beach Area 1; should it be open to vehicles at all or seasonally only, and, if conditions are suitable, should access be directed to Miller's Landing? Eliminating the impact of recreational vehicles to shorebirds, waterfowl, and cranes utilizing Beach Area 1 should be part of your habitat protection goals.

As you further refine the habitat protection goals, we also suggest that you consider a fine-tuning of Beach Area 6 by installing directional barriers and signing the area adjacent to the storm wall to Beluga Slough as closed to recreational vehicles year-round. This management action would help protect the tide pools and slough while providing access for maintenance and service to the storm wall.

We appreciate the opportunity to comment and the consideration given to protecting the beaches of Homer.

Signed,

Jack Wiles
Michelle Michaud
Lani Raymond
Nina Faust
Rika Mouw
Louise Ashmun
Carol Harding
George Matz

Attachments: 2015 Beach Policy Summary Chart
2007 Beach Area Map

2015 Beach Policy Implementation Summary

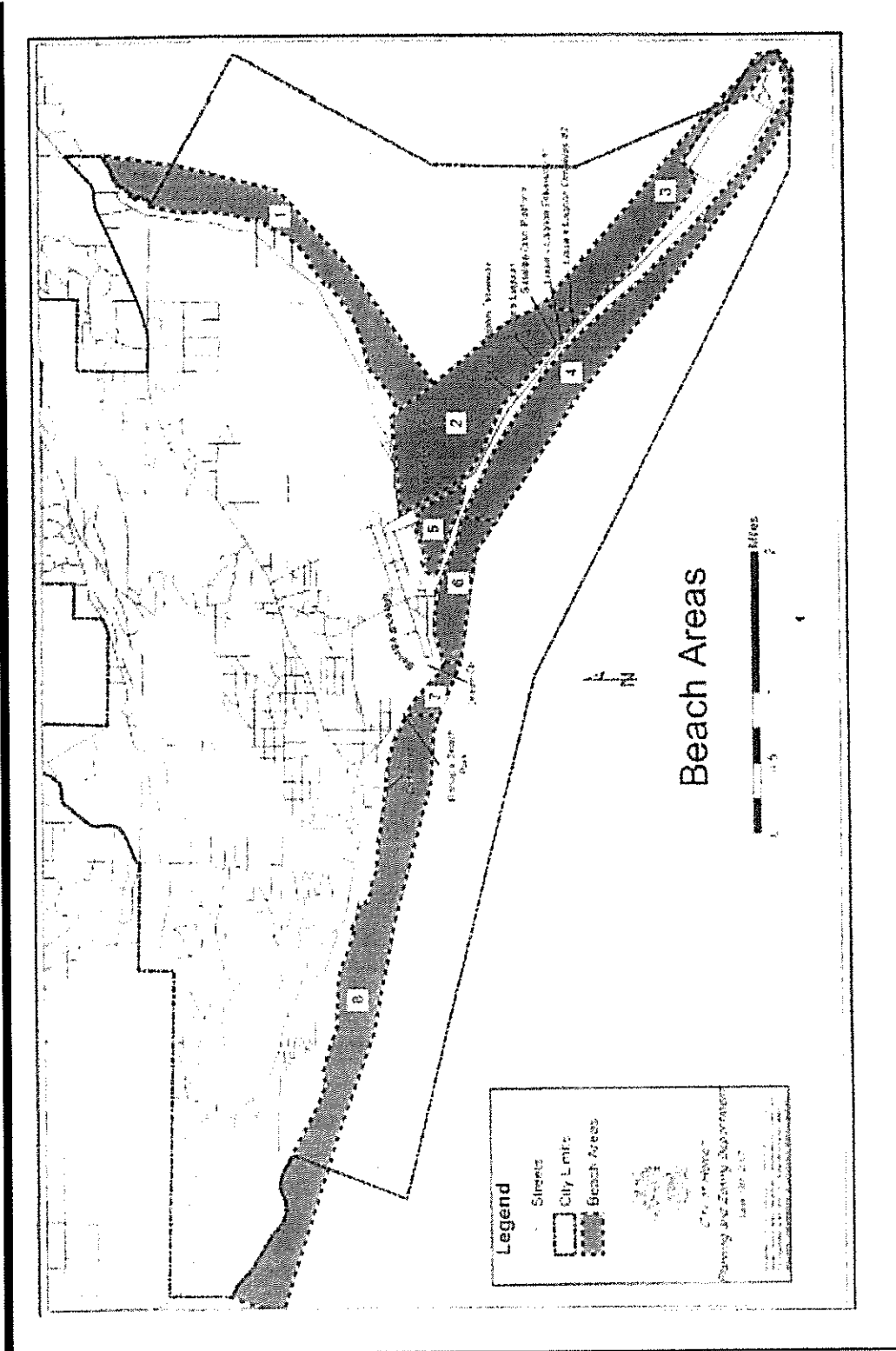
Beach Area	Vehicle Use*	Dog Use**	Fire *** : Recreation / Special Event	Enforcement / Outreach	Habitat Management
1	Allowed as a Seasonal Use Oct 1 – Mar 31 Access only from Miller’s Lnd.	Allowed Off-Leash under voice control No dogs allowed on the mud flats	Not Allowed No suitable locations Private lands	Barrier Rocks Signage/Law Enf. Access only at Miller’s Lnd.	Respect private property, Seasonal vehicle use to protect Sandhill Crane habitat. No veh. or dogs on mud flats
2	Not Allowed Yr-round	Not Allowed Yr.-round in Mud Bay; Allowed on-leash at Louie’s Lagoon and Green Timbers	Not Allowed Critical habitat – mud flats	Barrier Rocks Signage Beach Patrol	Critical shorebird spring and fall migration; summer and winter waterfowl / rock sandpiper habitat Significant tidal mud flat
3	Not Allowed Yr-round	Allowed Off-Leash under voice control	Allowed Designated Area(s)	Barrier Rocks Signage Beach Patrol	Difficult access Industrial Uses and Security concerns
4	Allowed as a Seasonal Use Oct 1 – Mar 31	Allowed Off-Leash under voice control	Allowed in Designated Areas for Recreation Warming Fire or Special Activity Permit for Group or Event Mariner Park Camping	Barrier Rocks Beach Patrol Signage Camp Host	Recreation access for water sports Establish beach rules
5	Not Allowed Yr-round	Not Allowed - Yr.-round Significant estuary habitat	Not Allowed	Signage Beach Patrol	Significant habitat and tidal estuary
6	Allowed as a Seasonal Use Oct 1 – Mar 31	Allowed Off-Leash under voice control	Not Allowed Sensitive Beach Berms Mariner Park available	Barrier Rocks Signage Beach Patrol Park Host	Protect tide pools Security of Storm Wall Consider closing area adjacent to storm wall to recreational vehicles
7	Not Allowed Yr-round	Allowed On-Leash – Pet owner responsibility and ordinances	Allowed in Designated Areas for Recreation Warming Fire or Special Activity Permit for Group or Event	Barrier Rocks Signage Beach Patrol Park Host Law Enf.	Establish beach rules Significant habitat – beach berm and slough, Allow pedestrian movement
8	Allowed Yr-round	Allowed Off-Leash under voice control	Allowed in Designated Areas for Recreation Warming Fire or Special Activity Permit for Group or Event	Beach Patrol Signage Rules of the Road	Respect private property Establish beach rules

* Vehicles, where allowed, shall be operated in a prudent and safe manner and shall not be operated or parked on berms, tide pools, lagoons, estuaries, sloughs, streams, mud flats, or cause disturbance to birds or other wildlife.

** Pet owners with dogs enjoying an off-leash or on-leash beach area shall ensure that their dogs are healthy and vaccinated, responsive and under control, exhibit non-aggressive behavior, and shall have the duty and responsibility as the dog’s companion to properly remove dog excrement.

*** The City, through its Parks and Recreation Advisory Commission, may designate areas and conditions safe for a beach fire; to protect private property, beach vegetation, driftwood, and implement measures necessary to prevent damage to natural resources, facilities, and regulate actions or activities that may endanger the public safety.

2007 Beach Policy : Beach Areas Reference Map



DON'T LET THEFT SPOIL YOUR VISIT!

Please keep your coolers, cameras, and gear out of sight and locked up. Remember to lock your car, motor home or boat.

Be a good neighbor and help us keep Homer safe and secure this summer.

Please report suspicious activity and make a note of license numbers and descriptions.

To report *EMERGENCIES* or *CRIMES IN PROGRESS*, call 911.

Homer Consortium of Care

- ❖ Are you a visitor, transient worker, or a local resident in need of food or temporary shelter?
- ❖ A young person without a job or money?
- ❖ A family stranded?
- ❖ Do you need help with substance abuse or alcoholism?
- ❖ Do you need medical help or medicine?
- ❖ Are you a runaway who needs reconciliation with family?
- ❖ Do you need mental health care?

The Homer Consortium of Care may be able to provide you with short term help, in an emergency.

The Homer Consortium of Care is a coalition of service providers, the City, individuals and business and civic organizations who recognize that the people who visit here may need help and that we may be able to provide that help in some cases.

If you need further information concerning this, brochures are available at the Homer Police Department.

If you are a victim of domestic violence or a sexual assault, help is available 24 hours a day from **Haven House**. Call **235-7712** or the 24 hour help line at **235-8101**.

The Homer Spit and low-lying coastal areas are in a

TSUNAMI ZONE (Seismic Sea Wave)

Tsunamis are generated by disturbances associated with earthquakes and volcanic eruptions!

If the Tsunami warning siren sounds or you feel a strong earthquake, keep calm and quickly leave the Spit and low-lying coastal areas immediately, and proceed to a **SAFE ZONE** (see map below). A strong quake is one that lasts 30 seconds or longer and causes difficulty in standing. The Tsunami warning siren consists of two types of warning signals:

ATTACK - Warning Signal: Signals for 3 minutes repeated as necessary. Sounded only in case of **EVACUATION** for imminent tsunami. Direction provided with signal.

ALERT - Warning Signal: Signal for 3 minutes. Initial warning to alert populace or to be prepared for further information of impending danger. Turn on your radio, TV, marine radio or NOAA Weather radio and listen for official information.

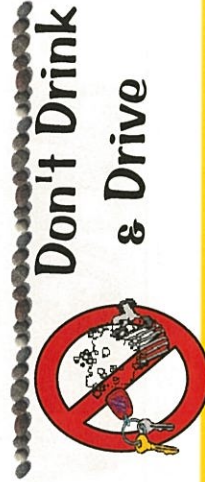
The Kenai Peninsula Borough's Office of Emergency Management conducts weekly siren alert tests on Wednesday at noon.

SAFE ZONES



STAY ALIVE

For all other calls, dial 235-3150.



BEACH PROTECTION

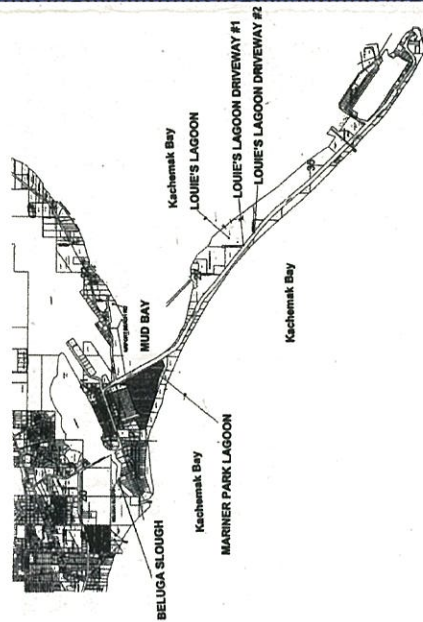
Homer beaches are beautiful works of nature and we welcome your presence on them. Some areas of our beaches are environmentally sensitive. When driving on our beaches, please maintain a safe and respectful distance away from all pedestrians. Watch out for soft sand and fast moving tidal waters. The following activities are prohibited on our beaches:

☞ Tampering with, removing or burning any driftwood located on a storm berm.

☞ Driving on any storm berm or mud flat:

- Mud Bay
- Louie's Lagoon
- Mariner Park Lagoon
- Beluga Slough

255



MISSION STATEMENT:

To protect the public and property from criminal wrong doing, keep the peace and maintain order, assist in the orderly flow of traffic, serve the public in times of emergency and enforce the law of the land.

Mark Robl
Chief of Police



WELCOME to HOMER

The folks at the
**Homer Police
Department**
hope your visit is safe and
pleasurable!



Homer Police Department
4060 Heath Street
Homer, Alaska 99603
(907) 235-3150
police.ci.homer.ak.us

911
in an
EMERGENCY



POLICE • FIRE • MEDICAL

Mental Health and Substance Abuse

So. Pen. Behavioral Health Services

3948 Ben Walters Lane

Homer, AK 99603

(907) 235-7701

Cook Inlet Council on Alcohol
and Drug Abuse (CICADA)

126 W. Pioneer, Suite 11

Homer, AK 99603

(907) 235-8001

(meeting schedules for AA,
Al-Anon & NA available)

Al-Anon

Pioneer Avenue

Hillas Building, Suite 9

Homer, AK 99603

Narcotics Anonymous

Pioneer Avenue

Hillas Building, Suite 9

Homer, AK 99603

Teen, Young Adult And Senior Citizen Services

Homer Senior Center

3935 Svedlund St.

Homer, AK 99603

(907) 235-7655

Women, Infants and
Children Program (WIC)

195 E. Bunnell, Suite C

Homer, AK 99603

(907) 235-5495

Friendship Center (Adult Daycare)

3935 Svedlund Street

Homer, AK 99603

(907) 235-2295

Kenai Peninsula Independent

Living Center

(serving persons with disabilities)

3953 Bartlett #1

Homer, AK 99603

(907) 235-7911 (V/TT)

Domestic or Sexual Abuse of Adults or Children

Homer Police Department

4060 Heath Street

Homer, AK 99603

(907) 235-3150

Alaska State Troopers

4060 Heath Street

Homer, AK 99603

(907) 235-8239

Haven House

3776 Lake Street, Suite 100

Homer, AK 99603

(907) 235-7712

(907) 235-8943 (emergency
after hours)

South Peninsula Hospital Emergency

4300 Bartlett Street

Homer, AK 99603

(907) 235-8101

Office of

Child Services & Juvenile Justice

3670 Lake Street, Suite 100

Homer, AK 99603

907-235-7114

Other Services

Food, Clothing and Emergency Shelter

FOOD and SHELTER

Food is available from the HOMER COMMUNITY FOOD PANTRY every Monday at the United Methodist Church, 770 East Road from 1pm to 3pm. There is a short qualifying interview and an eligibility form. Call Community Food Pantry at 235-1968 for information or for emergency food needs.

Emergency Food and Shelter may also be available from SHARE the SPIRIT. There is a needs assessment to determine eligibility. Call SHARE the SPIRIT at 235-7466.

Emergency Food and Shelter may also be available from the SALVATION ARMY to qualifying persons.

Call the SALVATION ARMY at 235-2609. Salvation Army Thrift Store 235-8923.

Emergency Shelter may be available to individuals who qualify at the Haven House. Call 235-7712.

Haven House 24/7 Crisis Line: 235-8943

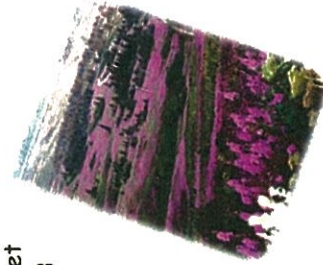
Public Health
195 East Bunnell St, Suite C
Homer, AK 99603
(907) 235-8857

Alaska Employment Service
270 W. Pioneer, #B
Homer, AK 99603
(907) 235-7791 or (907) 235-7200

Division of Public Assistance
270 W. Pioneer, #C
Homer, AK 99603
(907) 235-6132

Homer Medical Clinic
4136 Bartlett Street
Homer, AK 99603
(907) 235-8586

Homer Police Department
4060 Heath Street
Homer, AK 99603
(907) 235-3150



Pop411.org: Community Resource Guide

The Homer Consortium of Care

Are you a visitor, transient worker, or a local resident in need of food or temporary shelter? A Young Person without a job or money? A Family stranded? Do you need help with substance abuse or alcoholism? Do you need medical help or medicine? Are you a runaway who needs reconciliation with family? Do you need Mental Health care?

The Homer Consortium of Care may be able to provide you with short-term help, in an emergency.

The Homer Consortium of Care is a coalition of service providers, the City, individuals and business and civic organizations who recognize that the people who visit here may need help and that we may be able to provide that help in some cases.

Please remember we cannot help everyone with every need. But, if you need help and don't know who to turn to, we may be able to assist you.

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer
 1. Email from Nina Faust re: Vehicles in Prohibited Areas Causing Damage **Page 5**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. Marianne Aplin, Manager, Islands & Ocean Visitor Center, US Fish & Wildlife
 - B. Dr. Dot Sherwood, Homer Veterinary Clinic
 - C. HHS Youth Survey - A Presentation Regarding Bishop's Beach
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Special Meeting on March 2, 2015 **Page 17**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Julie Engebretsen Re: Recap of Meetings **Page 31**
 - B. Mike Illg, Community Recreation Report
 - C. Angie Otteson, Parks Report
 - D. Status Update on Homer Parks & Recreation Symposium 2015: Walkable Homer
- 6. PUBLIC HEARING** *(there are no items scheduled)*
- 7. PENDING BUSINESS**
 - A. Dogs, Birds and Habitat Oh My! **Page 35**
 1. Recommendations Regarding Dogs
 2. Recommendations to Protect Birds and Habitat
 - B. Beach Zones **Page 37**
 1. Recommendations to Define a Pedestrian Only Zone
 2. Recommendations regarding Motorized and Non-Motorized Traffic Zones
 3. Recommendation to Establish a Limited Permitting System
 4. Recommendation to Designate a New Zone
 - a. Boundaries
 - b. Allowable Activities
- 8. NEW BUSINESS**
 - A. Land Allocation Plan Recommendations 2015 **Page 45**
 - B. Next Meeting Deliverables and Discussion Topics **Page 169**

9. INFORMATIONAL MATERIALS

A. Commission Annual Calendar 2015	<i>Page 173</i>
B. Commissioner Attendance at City Council Meetings 2015	<i>Page 175</i>
C. Kachemak Bay Water Trail Project Receives 2015 Project Excellence Award	<i>Page 177</i>
D. Brochure Samples from Other Communities Re: Dogs	<i>Page 179</i>
E. Homer News Article October 27, 2011 Re: Boulder Barrier on Bishop's Beach to Delineate Private Property	<i>Page 185</i>
F. True Grit: A New Vision for Healthy Beaches in Nova Scotia	<i>Page 187</i>
G. Brochures Distributed by Homer Police Department	<i>Page 305</i>
H. Animal Control/Shelter Scope of Work	<i>Page 309</i>

10. COMMENTS OF THE AUDIENCE

11. COMMENTS OF THE COUNCILMEMBER (If one has been assigned)

12. COMMENTS OF STAFF MEMBERS

13. COMMENTS OF THE COMMISSION

14. COMMENTS OF THE CHAIR

15. ADJOURNMENT THERE WILL BE A REGULAR MEETING AND PUBLIC HEARING HELD ON THURSDAY, APRIL 16, 2015. THE NEXT SPECIAL MEETING AND PUBLIC HEARING IS SCHEDULED FOR THURSDAY, APRIL 2, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska

**Public Comment on Items
Already on the Agenda**

Renee Krause

From: Jo Johnson
Sent: Monday, March 09, 2015 10:54 AM
To: Renee Krause
Subject: FW: Bishops Beach 4-wheeler incident 3/6/15

From: Nina Faust [<mailto:aknina51@gmail.com>]
Sent: Friday, March 06, 2015 10:23 PM
To: Jo Johnson
Subject: Fwd: Bishops Beach 4-wheeler incident 3/6/15

Please forward this the the Parks and Recreation Commission. Thank you.
Nina

Begin forwarded message:

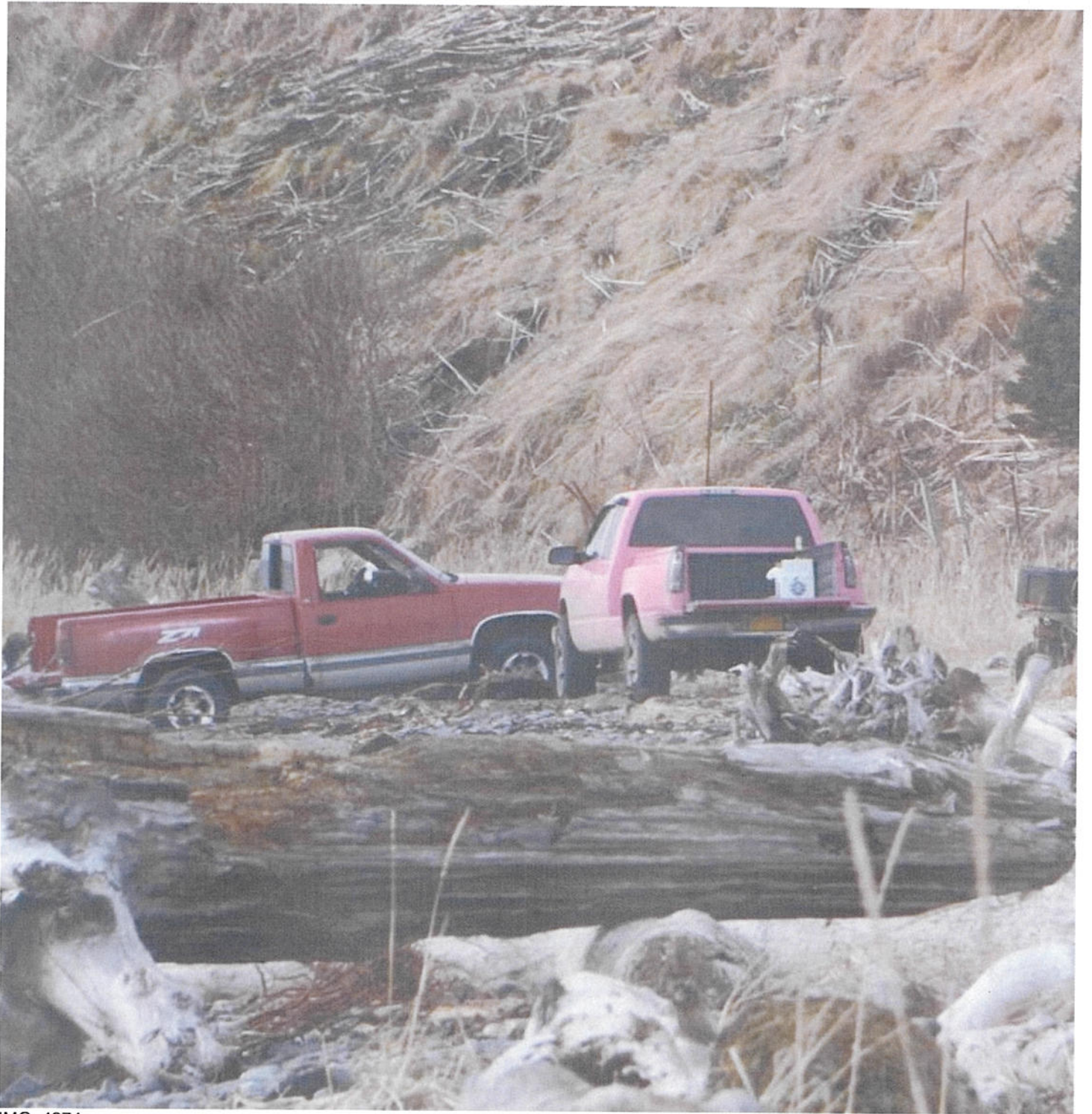
From: Nina Faust <fausbail@horizonsatellite.com>
Date: March 6, 2015 10:19:00 PM AKST
To: police@cityofhomer-ak.gov
Cc: City Clerk <clerk@ci.homer.ak.us>
Subject: **Bishops Beach 4-wheeler incident 3/6/15**

I saw the four wheeler seen in the photo below returning from the far eastern end of the pedestrian zone at Bishops Beach about 2 pm. It returned to these vehicles. At first I did not think much about it because there are so many vehicles ignoring the pedestrian zone. About 3 pm I left Two Sisters to go out to the picnic table on the boardwalk area. I noticed a single set of tracks heading out toward the picnic table and then turning right into the marsh. The entry point and tracks heading out into the marsh are clearly visible in the photos below. That was when I felt that circumstantial evidence indicated that the four wheeler I had seen exiting where those tracks likely led were probably those of the four wheeler that had driven past me. It was the only four wheeler observed in the area at that time. I called in a report to Homer Police about 3 pm and an officer responded shortly thereafter while the vehicles were still on the beach.

Nina Faust



IMG_4273



IMG_4274



IMG_4278

IMG_4282



IMG_4283



IMG_4279





From: Jo Johnson
Sent: Wednesday, March 11, 2015 8:15 AM
To: Renee Krause
Subject: FW: Closing Bishops Beach to Coaling

From: Andrea Miller [<mailto:alynnak28@gmail.com>]
Sent: Tuesday, March 10, 2015 5:28 PM
To: Jo Johnson
Subject: Closing Bishops Beach to Coaling

My name is Andrea Miller and I'm writing in response to what I heard at the March 2nd Commission meeting. In regards to what might be restricted on Bishops Beach, I urge the commission to make a proposal to the City Council about restricting access to the east side in front of Beluga Slough (section seven) for the summer months only. Like many others, I pick up coal from the beach and depend on the heat it provides in the winter months.

After a storm, coal is readily available in section seven to those without a large pickup truck. Although coal might not be a preference to those with natural gas or for those who might be able to afford fuel oil, it is a preference for people like me with limited means. I would hate to further my costs by purchasing a wood burning stove and cutting down trees when I can continue taking what the sea provides- and might otherwise go to waste.

During a "normal" winter, there is not the heavy use of Bishops Beach as in the summer. Therefore, I believe the compromise of leaving the beach open to people using vehicles to obtain coal from October to March to be reasonable.

Thank you for your consideration.

CONSENT AGENDA

Session 15-04 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on March 2, 2015 at 5:35 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

STAFF: RICK ABBOUD, CITY PLANNER
MARK ROBL, CHIEF OF POLICE, HOMER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda as presented.

MACCAMPBELL/BRANN - SO MOVED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Robert Townsend, coal gatherer, provided a bucket of coal as an example of what he is able to gather from the Bishop's Beach/Beluga Slough area of the beach. He advocated for allowing coal gatherers to continue this practice and supported the seasonal opening or permitting system. Mr. Townsend did not want to be penalized for someone else's bad behavior. He depends on the free coal to heat his home since he lives on a very limited income.

Roberta Highland, city resident, requested clarification on the motions made at the February 19th meeting regarding vehicle restrictions and seasonal opening. Chair Steffy responded with the information.

At the February 19th meeting the following recommendation was made:

"Recommend prohibiting vehicles annually in area 7 and allowing seasonal opening for vehicles in the area of Beluga Slough East to Mariner Park and the spit from October 1st to March 1st and no restrictions in the area to the right or west of the park.

Ms. Highland supported those recommendations advocating for an area strictly for pedestrians where there was no fear of being threatened by a vehicle of any type. She commented that coal as a fuel is a negative experience for those breathing those fumes and she thought it was illegal to burn coal in city limits. There is a mixed opinion for those that need or use the coal and those adversely affected by its use. She also advocated for enforcement of behavior for vehicles to the west because that can and will get out of control too.

Bumpo Bremicker, city resident, former member of the commission and chair of the Beach Policy Committee. At that time and now, the problems are enforcement. If there is someone breaking rules it requires the public to get involved. Most people have cell phones and could take pictures or make a call if they saw someone endangering people or breaking the rules. Bust enough people and the behavior will stop. He hasn't seen anyone busted for speeding on the beach. He is a frequent user of that area, not that he is there every day, but he has not ever seen anyone endanger anyone else; not that that means it doesn't happen, but he did not believe that there was that much bad behavior going on; he found nothing wrong with someone doing donuts in the sand, they were recreating. Mr. Bremicker commented on the coal gathering activity he felt people could live without access to the area around the mouth of the slough and that the efforts to protect the berm and re-vegetation efforts

are working. He advocated for the commission to be reasonable in their recommendations and to be fair to everyone and to address enforcement.

Don McNamara, resident and property owner on Oscar Munson Point, he believes the direction they are going is good, he commented in favor of more enforcement the city could add funds to the city coffers by issuing more tickets if people are driving erratically or dangerously. He stated coal was good, besides the smell, as long as people have a way to burn cleaner. He swims frequently there and a lot of guys drive their car to the edge of the slough outlet and so it is nice to be able to jump in a warm car when you're done. Otherwise it will make more traffic to the right of way between Bell's and Ann Margaret's house. He thanked the commission and wished them luck with this one.

Ted Schmidt, city resident, spends time at the beach, in the same camp that he believes it is a few people who abuse and over use and disregards other people's rights to mental atmosphere. He sees a lot of different things when people drive out there. The sand berms shift all the time. He sees the commission trying to close off the area and create a habitat which is good and he doesn't think that as long as people's use is respectful they should not be chased from the area. He uses the outfall area to train his dog. Many times there are ducks in the outfall. He hunts waterfowl and he disciplines and teaches his dog not to chase certain ducks and dogs on the beach. He notices many people don't discipline their dogs. It keeps coming back to where they pit users against other users. He can understand people wanting to go and take a walk along the beach and the annoyance of having someone come and spin donuts on the beach disrupting their quiet. He requested the commission to be reasonable in their decisions.

Chair Steffy summarized the public comment received by Scott Adams via email expressing concern with proposed vehicle restrictions and targeting certain groups and noted the letter received by Mr. Townsend.

Chair Steffy advised the audience the ability to send written comment via email or dropping them off prior to the meetings if they are unable to attend a meeting.

Commissioner Archibald also provided input for the audience that the areas people are driving and using are actually private property and they are also trying to consider those rights within the issues.

VISITORS

A. Mark Robl, Chief of Police, Homer

Chair Steffy invited Chief Robl to come up and asked if he had a presentation or will just be talking to them. Chief Robl stated he received a list of questions from Julie Engebretsen and he will try to address the concerns and questions expressed by commission. He was asked to initiate the discussion with a background on the creation of the Beach Policy and first Beach Patrol.

Chief Robl showed the literature that all officers use in enforcement on the beaches. That included a bound copy of the beach enforcement regulations - this is a summarized version of all the regulations for enforcement; and a map, they still use these documents to distribute to the public which is color coded and assists the public informing them where they are allowed to do certain activities.

Chief Robl stated that the last couple of years they have increased the directed beach patrols. In 2014 they did almost 300 direct beach patrol; most of those calls were to Bishop's Beach. They issue very few citations due to the fact that the people can see them coming. They do prefer to give a warning first time offenders. In 2014 they issued 1 citation on the beach and 12 in the area of Bishop's Beach for various reasons. They issued several verbal warnings to drivers in the pedestrian preferred zone.

When it comes to issuing citations they require a positive identification of the offender that they can use. A young kid in a blue jacket is not a definitive description. There is no basis to issue a citation.

The Airport Access Road had more issues in the late 1990's - early 2000's; placement of large boulders were very effective and rarely see anyone driving vehicles around those boulders. This is not a high priority area or concern for the Police Department.

The rest of the spit they have received no complaints and most of the violators are tourists and when stopped and confronted were unaware and comply with all the rules for the remainder of their stay.

- Beach Patrols did not have the authority to write citations; they would contact an officer who would handle the matter. Chief Robl did not feel that it would be a problem having temporary employees authorized to write citations. He supported bringing back the Beach Patrols to address some of these problems and felt it would be very useful.

The idea of having a Park Host placed at the park and available would be helpful for tourists and other users of the park and beach area. Chief Robl recommended that one of the responsibilities of the person(s) selected to be a host would be required to provide an appearance in court in needed. He elaborated that most times they receive a complaint from the property owner and they want to remain anonymous and that does not help not having a cooperative witness.

Vehicles on the beach do not have to be licensed. It is off the road way. In some ways it is like taking a vehicle out in the hills hunting or a snow machine. However, the beaches are city property and located within the city limits and can be regulated by ordinance if they decide. Depending on how the ordinance is written you can address the issue of allowing government vehicles on the beaches.

- Changing 19.16.030 - to control Segways or golf carts. They could expand the description of vehicles prohibited to address this issue. His recommendation is that it is not needed. He believes the language, motorized recreational vehicle, is flexible enough that they can use existing code if there is a problem.

- "Prudent and Safe" is also used in several areas of State law and it is very flexible and recommends leaving that language alone.

- Cutting trees, using coal in fires, driftwood removal these actions are already addressed in code

- General Penalty - Anyone violating an ordinance in the city code that does not have a specific fine structure would fall under the general penalty. If someone is cited 3 times in one day for the same offense the offender will have to pay \$300 per citation. If the person commits an offense 7 days in a row he will be given a citation each day. This also allows the city to go after a civil penalty if someone for example starts a fire and it damages several properties, the city could recoup those costs.

- Bailable Offense - These are usually misdemeanors and if you were to write an ordinance with a bailable offense the city would bear the cost of defense if the offender wanted to contest the citation. If the offender was indigent the city would then be required to bear the costs of a public defender for that offender and court costs. The real benefit to leaving the more serious behavior violations under state statutes is so that the burden of prosecution and defense falls to the state. He strongly recommends against bailable offenses anywhere in city code.

- Private Property Enforcement - This is simple. Ideally the city would like a complaint by the property owner or a neighbor but then they need to contact the actual and owner to make sure they did not authorize the act or behavior. They do not necessarily need to have a victim present in order to move a case forward, but it really helps. Another issue to consider is if they do not see the violation or crime and the person that did is not willing to testify in court they cannot charge the individual unless there is clear and convincing evidence providing the Nexis Connection of the violator to the act.

- Holiday Weekends - Not necessarily worse. There is no clear pattern. They tend to see the bad behavior because there are more people around to watch them. He tends to schedule more officers on the holiday weekend especially 4th of July and the week or two proceeding and after is busier.

- Authority and Side by Side ATV's - They are sworn police officers and can enforce the statutes and violations whenever they see them occur. These statutes do apply to off road vehicles when they are on the roadway. If they do brodie on the roadway they will be charged with negligent driving it changes when they go off the road onto the beach. There is the difficulty of proof on the beach, there has to be a person endangered on the beach and willing to testify they were in danger of harm. Anyone operating an ATV under the influence on or off the road can be cited for a DUI.

- Closure of the Beach to the East - Chief Robl opined that the behavior will move further west. He does not feel it would move to another location such as Airport Access.

In response to Questions posed by Commissioners Chief Robl provided the following responses:

- The Police Department has a Side by Side 6 wheeler that can be deployed as needed and is stored on a trailer at the Station. There are a few vehicles that have 4 x 4 and can navigate the beach but regular patrol cars are not taken on the beach.

- The equipment is already on hand if the Beach Patrol is reinstated and funded by Council. It will only require hiring the temporary personnel.

- Chief Robl would support a limited permit system in conjunction with seasonal closures. He envisioned if someone came to the Police Department and stated the purpose for being on the beach, provide a description of their vehicle and tag number, and days permitted, dispatch would keep a list and when officers called in to confirm the vehicle were permitted to be on the beach dispatch would be able to review the list and provide the information to the officer who could respond appropriately. He would not support a general recreational permit. It would add some additional work for staff but as long as it is very narrowly focused. He will not support a permit system if they wanted to open it to coal picking since that would make it too cumbersome. His understanding was that coal was going to be done during the seasonal opening of the area October - March.

- Addressing reckless and inappropriate driving on the beach via ordinance could be accomplished. The city did have at one time an ordinance address, improper acceleration which was used for folks who took off too fast from a stop sign spray everybody with gravel and breaking traction and spinning brodies. This was removed in the late 1980's or early 1990's. It could be rewritten and brought back to address the problem on the beaches.

- Reckless Driving regulations are strictly based on off road or on road.

- Private property and protection of that property presents issues with regards to historical access but it would take a lawsuit to figure out if they can restrict access

- Alaska State Troopers can act on violations of regulations inside or outside city limits; however it is usually restricted to vehicles on the Sterling Highway and out on the Spit. As fa as a municipal officer's authority they have the authority to act on any violations against the law throughout the state of Alaska.

- Homer Police can enforce all city regulations on private property, but if the intent is to enforce private property rights on that beach front portion of the private property they could do that but not sure of the outcomes and if there is an interest in having an Memorandum of Understanding or agreement between the Private property owners and the city they should bring the City Attorney into the conversation before the discussion even begins to see what the options are or even there.

- Chief Robl would be willing to assist with the crafting of any ordinance and further recommended making adding an additional zone just to the west of the access to Bishops' Beach that has the increased usage more restrictive and allow the kids to go further west.

- The police respond to all calls they receive, all calls are prioritized depending on circumstances. Sometimes the violators are long gone by the time they get there though.

- There was not a good feel for establishing a closing time for the beach or parking Lot. Having a bon fire on the beach and having fun is not a bad thing. If they become too restrictive then the bad behavior just moves to another location but never really goes away.

- Beach Patrol shift in the season is 4:00 p.m. to Midnight and the funding required would be \$20-25,000 per position to start with.

- There are no complaints of dogs off leash to the Police Department that he is aware of and he feels that education would be the best approach. They can include language regarding animal control on the literature that they use and distribute to the beach users. It may be possible to modify the contract of the Animal Shelter contractor since they recently started a new 3 year contract but that will come with a cost to the budget which as everyone knows is really tight.
- A copy of the brochure they use will be provided to the commissioners.
- He would support having the Beach patrol address the dog /leash issues.
- The Refuge has an enforcement officer and can enforce all regulations on Federal land. Homer Police can enforce city regulations on federal owned land but Chief Robl would feel more comfortable with an agreement in place.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the special meeting of February 19, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

BRANN/ARCHIBALD - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report re: Recap of the February 19, 2015 Meeting

There were no reports for this meeting.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

There was no pending business on the agenda.

NEW BUSINESS

A. Legal Access, Existing Regulations, Enforcement - Discussion and Recommendations

Chair Steffy commented that he would like a recommendation to council to reinstate the Beach Patrol. He opined that the presence of the Beach Patrol would do a lot to accomplish what they want, even if they do not have citation issuing authority. He envisioned they could distribute literature, doggie bags, etc. Commissioner MacCampbell supported that and installing a Park Host position on a Volunteer basis of course.

Commissioner Lillibridge would like to see getting Animal Control involved in the issues with dogs on Bishop's Beach.

A discussion evolved regarding what the Animal Shelter contractor was contractually obligated for, a copy of the contract will be provided for the commission's review along with the following:

- Beach Patrol would address these items: Leash Law, Education, Vehicles, Driftwood Regulations, Beach Fires - where and how, Environmental Aspects (Doggie Bags)
- Interpretive and Improved signage
- Drafting an ordinance for enforcement of reckless driving
 - Safe and prudent language
 - Comfort zones
 - Awareness of existing regulations
 - Call and report the unlawful behavior
- Close and protect the area to the left to dogs and vehicles but would like to hear from the Fish & Wildlife
- Interest in establishing another zone to the west as suggested by Chief Robl for vehicular traffic
- Land owner concerns to the west - visual indication where their property is
- Average vehicles parked to the east is 10 at any time, there is heavy and varied use of the beach, visually the message received is that all this is "okay"
- Would like participation from the property owners before they can determine what can be done
- Allowing areas to accommodate specific activities
- Restricting certain activities only during high use periods
- Not sure that rocks are as effective barriers as used on other areas, example was provided that not working at the airport access location.

ARCHIBALD/LOWNEY - MOVED TO RECOMMEND CITY COUNCIL ALLOCATES THE FUNDING NECESSARY TO HIRE TWO SEASONAL BEACH PATROL EMPLOYEES.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy then reiterate the necessity to have the Beach Patrol and they will also serve in an outreach capacity providing the articulation and enforcement of the regulation. A brief discussion on implementing the recommendation if it does get the green light from Council and that the Beach Patrol will cover all beaches within city limits.

Brief question and answer on how to move the UTV from beach to beach.

Commissioner MacCampbell was wrestling with potential language for a draft ordinance on addressing reckless driving on the beaches. Chair Steffy inquired if he was thinking about Chief Robl's recommendation to allow vehicles to the west and Commissioner MacCampbell concern was how far to extend that, he would like to add this to the agenda since the major concern is the people who come down to the beach and spin brodies, and he is thinking it would apply to all vehicles. They would be allowed to park past a certain area. He requested this to be on the next agenda. Commissioner Archibald expressed concern regarding the property owners and proximity to the bluff. He felt they would have to designate an area father west than Dr. Marley's property.

Commissioner MacCampbell responded that you would then make a recommendation to make Zone 6-7-8 all vehicles must be under control at all time and no reckless driving. He would like to hear some public input on that, if they are parking they are under control.

There have been many comments from families and that would still allow that.

Point was made that there a plenty of people who go tide pooling in that area.

Commissioner Brann requested a large map that shows the zones so the audience knows what areas the commission is referring to. He then explained that past a certain point it is very narrow and not much of a "playground" for vehicles.

Chair Steffy suggested leaving the defining of the language to Chief Robl.

MACCAMPBELL/LOWNEY - MOVE TO RECOMMEND DRAFTING AN ORDINANCE TO DEFINE AND BAN RECKLESS DRIVING AS IT WOULD BE APPLIED TO ALL CITY OF HOMER BEACHES.

There was a brief discussion that the commission does not favor vehicles driving recklessly on the beach, spinning brodies and throwing up rocks on the beach. Further clarification on what the ordinance would ban and how it would be applied.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner comments on the process:

Commissioner Archibald expressed concern regarding the recommendations still on the table regarding vehicular access and people needing a place to recreate.

Commissioner Lillibridge stated that they have heard “always been able to do this” and “always been free to do these things” the whole point is that Homer has changed, we are growing and things have changed and Homer is changing and the behavior needs to change too. They are trying not to be punitive. It is the community that is changing.

Commissioner Brann commented on the “why punish me” comments; he doesn’t like the soft language and he would like to see it very defined and clear. He does not want to see a blanket rule such as one size fits all but does not want to see many exceptions either.

Commissioner Archibald requested a Review of the Recommendations:

Chair Steffy read the following:

- Permanent Closure of Area 7 to Vehicles from Bishop’s Beach Parking Access East to below Beluga Slough with seasonal closures for Area 6 and or Area 4
- Prohibit vehicles seasonally in Areas 6 and 4 October 1st - March 1st (Area to be used for access not recreation)
- Placement of a natural not man-made barrier to the left to block immediate access to the area
- Essentially the area to be used for access not actions is to be irresponsible

The following was provided for the benefit of the audience present:

- provided a brief description of barrier for the audience present.
- related that the information on coal access was provided by a coal gather at the February 19, 2015 meeting.
- Explained the comment process and the opportunity for additional comments at future meetings

Commissioner Lowney would like a recommendation from the commission on purchasing the Doggie Bags that Julie presented to them at the last meeting and to have a discussion on signage for the beach. She would like to see an effort made to have more artistic signage not just the typical regulatory signage. She wanted to see signage along the lines of the signs that were at the park now along their beaches to make them more inviting.

Ms. Krause requested input on signage regulations from City Planner Abboud since he was present in regards to having an artistic sign layout. Mr. Abboud responded that if the sign was not viewable from the roadway or right of way they do have exceptions for that and if it was interpretive and depending on the property it is installed on. He further stated in response to inquiry that the budget for signage would not come from the Planning Department.

Discussion then continued on the requirement of Council needing to allocate funding for signage, issuing a request for bids, the creativity of signage proposed by the group working on walkable Homer, bringing in and providing samples of signage from around the country.

Chair Steffy requested confirmation on the topics for the March 19th meeting agenda. Ms. Krause noted that it was a regular meeting with several visitors and dogs, birds and habitat. The following meeting is April 2nd and it is scheduled as the first public Hearing and as an overflow.

LOWNEY/ - MOVED THAT THE COMMISSION PURCHASE UP TO 1000 DOGGIE WASTE DISPENSERS AND SPARE BAGS.

There was no second to the motion.

There was a question on the cost to purchase the dispensers and if the commission could receive assistance from additional groups. Commissioner Lowney will provide the information on costs for the March 19th meeting.

ARCHIBALD/ - MOVED TO REPLACE THE SIGNAGE AT BISHOP'S BEACH.

Discussion on too many, inadequate and unclear existing signage and options on improvement of said signage ensued without a second to the motion.

STEFFY/BRANN - MOVED TO AMEND THE MOTION TO READ THE SIGNAGE IS INADEQUATE AND NEEDS TO BE IMPROVED AT BISHOP'S BEACH.

Discussion continued on what they are going to do with the signage at Bishop's Beach and it was determined that they will have to have that conversation before the document is sent to Council and a reminder that the Commission previously came up with a sign design so that allowed some creativity but was all similar; it was argued that that was for identifying the parks and it already has a sign and this is an opportunity to take regulatory signage and making it more creative, simplify them and draw attention to them.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Next Meeting Deliverables and Discussion Topics

Chair Steffy believed that the next meeting is already pretty much carved out and asked if anyone wanted to add something.

There was no discussion.

INFORMATIONAL MATERIALS

- A. Commission Annual Calendar 2015
- B. Commissioner Attendance at City Council Meetings 2015

Commissioner Brann will attend March 9th Council meeting
Commissioner Steffy will attend March 23rd
Commissioner Lowney will attend April 13th
Commissioner Lillibridge will attend April 27th

COMMENTS OF THE AUDIENCE

Chair Steffy invited the audience to comment on any subject.

Ginny Espenshade commented on the group of young people who met today and are scheduled to come and present to the commission. She has also spoken to a group of High School government students who are also interested in speaking before the commission. They are intending to present a short PowerPoint Presentation There are actually 3 groups and two of them will not be available to present as scheduled at the March 19th meeting and will need a later date in April. However one group may still be ready to present at that meeting. Ms. Espenshade then addressed her personal views on the issue. She appreciated Commissioner Lilli bridge's sentiments about change but there are many aspects of Homer that many of them do not want to change. She has adult daughters who went to school on the East Coast and that beach provides a touchstone for them. For their 10 year reunion the first thing they agreed on was to have a bon fire at Bishop's Beach. These are 28 year old adults, these are the kids coming back, finding jobs, raising their families and she hopes there is some way to preserve that quality of the beach.

Robert Townsend, city resident requested clarification on the proposed closures referencing the map on the wall; he indicated the area that he accesses for coal and that it would be very inconvenient and difficult to carry the coal for the distance since it can get quite heavy. He advocated for inclusion of Area 7 in the seasonal closure option.

There was a brief discussion on including it in the permit system and the effect of installing the barrier and signage to deter regular vehicular access.

Bill Ostwald, city resident, commented on Chief Robl's testimony and wished that the following question on effective enforcement to the existing regulations and any new regulations that are put into effect. He has seen guys doing brodies and as Commissioner Lowney stated the vehicles that drive to the left. It is not just the people who go to the beach but to those that live on the beach hearing all the dirt bikes, and back in the day there were not a lot of people on the beach, today there is and everybody needs to be able to enjoy a beautiful area.

Roberta Highland, advocated establishing an area specifically for pedestrians, she can understand the need for the coal gatherers but she has witnessed the vehicles that come roaring out of the access to the beach as she was standing right there with her dog and she has seen the vehicles roaring out onto the beach with little 2 year old running around and it is scary. She commented on leaving all driftwood in that area on the beach, not just the embedded driftwood; the preservation of the berm and that that area is very important. She then mentioned that vehicles have been seen traveling through the habitat area. It is time to make changes to preserve what they still have.

Louise Ashmun, commented on the Beach Patrol and the person they would hire to fill that position with all the requirements and skills necessary; she then commented on a person doing wheelies on their ATV right next to the entrance to the beach and if they restrict that activity they need to consider where those people will move to next because they are not going away; third they need to protect Area 7 for the habitat and for the birds. It should be the highest priority and need to figure that out. Speaking about the new Beach Policy they need to be explicit rather than implicit. In the area designated as a Pedestrian Preferred Zone they need to be explicit and state no vehicles making it a Pedestrian Only Zone. Thank you for all your work.

Asia Freeman, commented on her experience living and fishing from that beach; she was discouraged that they would have to consider designated an area for the safety of people wanting to walk along that beach; she supported permitted use only for that beach; she commented on preserving the historical uses of the beach for coaling, fishing and personal enjoyment; she is heartbroken over the changes to that beach over the last 20 years and the accelerated so rapidly in the last 2 years; she fears that if they do not get the enforcement this summer it will be like the Girdwood Forest Faire having to shut down; she agreed with Ms. Ashmun regarding the viability of having effective enforcement between the hours of 4:00 p.m. and midnight and hiring an evolved and effective individual. Ms. Freeman stated they need to be more realistic and she is very attached to the beach and respect the traditions of the area and that beaches are not meant for driving.

Chair Steffy thanked and encouraged the audience to participate and comment.

COMMENTS OF THE CITY STAFF

Ms. Krause had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lowney appreciated the audience comments and coming out and it helped the Commission form their recommendations. She encouraged the commissioners to visit the beach and view those issues that occur on the beach around midday.

Commissioner MacCampbell appreciated the public coming out and bearing with his stumbling about to get the wording out; they are listening and believes the commission is making progress.

Commissioner Archibald commented his appreciation for the public input received and that the commission cannot make a good decision without their input and thanked staff.

Commissioner Brann agreed with those sentiments and remarked that he enjoys the input and is learning a lot with the progress going back and forth and the educational progress and hopes the public is too. He thanked the efforts of staff also.

Commissioner Roedl thanked everyone.

Commissioner Lillibridge echoed the thanks for the input from the public and thanked the audience for staying, the commission appreciates everything they have to say and requested they encourage people to come and provide comment at the meeting on the 19th.

Commissioner Lowney appreciated the passion felt during the comments from everyone present and that it makes the task more difficult but she appreciates that.

COMMENTS OF THE CHAIR

Chair Steffy appreciated all the comments, listening and appreciated the people that were coming out but realizes that there are user groups they are not hearing from and looks forward to hearing from the different groups of young people and two of his kids are involved which has sparked conversations at his house and he is sure in other homes as well. Thanks to everyone again for coming out.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:25 p.m. The next **REGULAR MEETING IS SCHEDULED FOR THURSDAY, MARCH 19, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____

Visitors

Reports

Staff/Committee/Council/Borough



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: March 11, 2015

Subject: Staff Report and Recap of Beach Policy Motions

- Next meeting Thursday April 2nd, will include an agenda item to approve funding to pay for advertising for the forum on April 18th.
- Reminder: There is a Coffee Table scheduled on KBBI for Wednesday, April 1st. The Commission should be clear who is speaking, (and it can't be more than 3 members...that includes a Commissioner calling in).
- Upcoming Beach Policy Public Hearings. The Commission set tentative dates for public hearing for April 2nd and April 16th. Two student groups are speaking on the 16th. I'm feeling a little hesitant about having the hearing on the 2nd...I'm not really sure we will be ready, and I think it's important to hear from the youth, and for other citizens to hear and respond to them. We can talk about this at the end of the meeting and see how far we get through the agenda, but hearings on April 16th and April 30th may be more realistic. (May 7th is Shorebird.) People can always come to any meeting and speak, but for the hearing, we will be notifying property owners by mail, and a hearing implies there is a reasonably complete document, resolution, or something people can look at and make comments about. I'm not sure we are quite there yet, but we're close.
- PARC Needs Assessment. Some Commissioners and I attended a meeting about a potential service area. One positive thing we learned was it is possible for the City to keep its parks and park maintenance, and for the service area to take on programming, and possibly a community center. I think the draft needs assessment will be available for the April 16th meeting. That is also when we have at least two other speakers and a public hearing on the beach. It is going to be a full agenda.

RECAP of Beach Policy motions to date:

~ **Install fire pits** at these three locations: Bishop's Beach Park, City parcel near the end of Main Street/Ohlson Lane, and at the End of Crittenden.

~ **Consider 3 options for closing the beach to vehicles:**

1. No vehicles east from Bishop's Beach to the slough
2. No vehicles between Bishop's Beach and Mariner Park. (Seasonal, closed in summer)
3. No vehicles east of Bishop's Beach, all the way to the end of the Spit. (Seasonal)

~**Place a permanent natural barrier** to keep vehicles out of area 7 (Bishops beach Park the mouth of the slough) (Feb 19 mtg)

~**Add Bishop's Beach** and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)

~Hire two seasonal beach patrol employees

~Draft an ordinance to define and ban reckless driving as it would apply to all of City of Homer beaches

~Signage is inadequate and needs to be improved at Bishop's Beach.

Motions on the floor but postponed (Feb 19 meeting): Place a natural barrier to the right from the beach access to deter vehicle traffic from crossing private property and extend to medium tide line.

Other Solutions:

- Increase dog waste education
- Trash cans at Main/Ohlson and Crittenden. (Make it easier to toss trash and doggie baggies)
- Educate locals on beach rules. Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach
- Consider a park host. Chief Robl recommends they be willing to be a witness to testify in court on beach enforcement actions.

Pending Business



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: March 11, 2015

Subject: Dogs, Birds and Habitat (Beach Policy)

Introduction

This staff report is presented in three sections, with suggested language for motions. Once each section is complete, the idea is to be done talking about that topic. These are the final motions on these topics before the public hearings the Commission has scheduled.

Dogs – dog waste

Suggested motions:

1. “Move to recommend the City purchase _____ (how many) doggie bag dispensers.”
2. “Move to recommend the city place stationary dog waste dispensers at public buildings, trails and parks, and encourages other agencies and businesses to do the same.”
3. “Move to recommend the City partner with other organizations to provide education and materials on responsible pet ownership.”

The City could order these individual dispensers to distribute at events like Strut Your Mutt, in local businesses such as the vet clinic, Homer Hounds, and at public locations like the Animal Shelter, and campground office. Dog waste is a problem at the beach but also in our local parks. If Homer is going to be successful changing this behavior, we need a widespread solution beyond just one park. City could have waste dispensers at each park and at some public buildings, and trails. And perhaps we can partner with other organizations such as Islands and Ocean to provide the same.



For individuals



at parks and public places

Dogs continued: leash areas

The Commission has received a lot of written testimony on proposed leash areas. If the Commission wants to create such an area, now is the time! The supplemental packet from February 5th contained specific recommendations from the public.

Suggested motion:

1. Move to require dogs to be on a leash in the following locations: -----(list here)
2. Anything else? Last call on new rules for dogs!

Birds

Motion already made and adopted: add Bishop’s Beach and Beluga Slough to the existing western hemisphere shorebird reserve network designation.

Other discussion: in Mr. Matz presentation, he supported seasonal closure of the Beluga Slough/Bishops Beach area to vehicles between March 1 and October. Spring and fall migrations are important times, as is spring/summer nesting.

Motion already made: Close area 7 to vehicles year round, and seasonally close areas 6 and 4 (Beluga Slough, east to Mariner Park and the end of the Spit)

Motions: Anything else bird related?

Habitat

Marianne Aplin, Manager, Islands & Ocean Visitor Center, US Fish & Wildlife is a guest speaker on the agenda.

If the Commission would like to make any motions based on her presentation, now is the time!

Tide pools

There has also been public comment expressing concern for vehicles driving through tide pools. Staff does not have any specific recommendations, nor is it clear how frequently this occurs. Supporting general education about beach ecosystems will probably encourage most people to value the tide pools, and not drive through them. If the Commission wants to have other ideas considered at the public hearing, now is the time to make those motions.

Any other habitat motions?



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: March 11, 2015

Subject: Beach Zones

Introduction

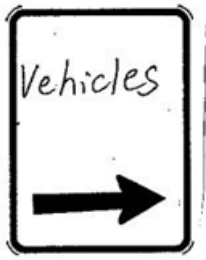
The Commission requested several items on the agenda. They have been categorized here for organization.

Map Depicting the Existing Zones and Proposed Zones

1. Recommendations to Define a Pedestrian Only Zone
2. Recommendations regarding Motorized and Non-Motorized Traffic Zones
3. Recommendation to Establish a Limited Permitting System
4. Recommendation to Designate a New Zone
 - a. Boundaries
 - b. Allowable Activities

1. Request to Define a Pedestrian Only Zone.

Staff recommendation: Drop the term “Pedestrian Priority” from the Beach Policy. If the goal is to close the beach to vehicles, its much more clear to say that.



2. Recommendations regarding Motorized and Non-Motorized Traffic Zones

Currently, the commission has adopted a recommendation to close area 7 to vehicles year round, and to seasonally close the area from Beluga Slough, east through Mariner Park out the Spit. If the Commission wants any other new areas closed to vehicles, please make a motion to do so. Otherwise, this is the proposal that is going to public hearing.

3. Recommendation to Establish a Limited Permitting System

If the Commission wants to have a permit system, please make a motion describing who can get a permit and why. Don't get too bogged down in the details; right now we need to know who gets permission, what area of the beach this applies to, and why permission would be granted.

4. Recommendation to Designate a New Zone

a. Boundaries

b. Allowable Activities

At the last meeting, Chief Robl suggested creating an additional zone directly west of Bishop's Beach Park, that is more restrictive due to the increased usage, but allows kids to go further west. I was not at the last meeting, but I understand there was some conversation on a slower speed limit through this area.

Boundaries:

Suggested Motion: Create a new area from Bishop's Beach Park, west to ____ (Crittenden?)
Staff suggests calling this "Bishop's Beach Area" to keep it simple for now.

Allowable activities:

How will beach behavior be different in this area, than other places where people can drive on the beach?

~the Commission has already recommended designated fire pit areas along this portion of the beach

- ~Parks maintenance will try to find ways to increase the number of trash cans in the area, probably along the roads where trash can be picked up.
- ~ Would building stairs at the end of Main Street or working with the landowner who has the private trail in that area help pedestrian access?
- ~Staff recommends a short brainstorming session on what the Commission envisions in this area.

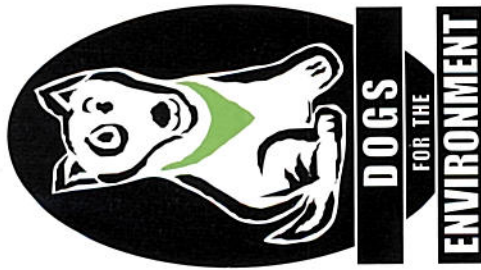
Attachments

1. Small Beach Area Map
2. Larger beach map of Mariner Park to Crittenden



Small Beach Area Map

Informational Materials



Take the pledge for the environment!



ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers



PORTLAND
PARKS & RECREATION
Healthy Parks, Healthy Portland



Parks off-leash Areas

Unleashed dogs are never allowed in natural areas. However, Portland has areas in 31 parks where dogs and their owners can exercise and play off-leash. Some sites are fenced, others are unfenced with markers designating the boundaries. Off-leash hours are specific to each park.

NORTH

Arbor Lodge Park
N. Bryant and Delaware
Cathedral Park
N. Edison and Pittsburg
Chimney Park
9360 N. Columbia Blvd
Delta Park
N. Denver and MLK, Jr Blvd
Overlook Park
N. Fremont and Interstate
Portland International Raceway
N. Denver and Victory Blvd

NORTHEAST

Alberta Park
NE 22nd and Killingsworth
Argay Park
NE 141st and Failing
East Holladay Park
NE 130th and Wasco
Fernhill Park
NE 37th and Ainsworth
Frazier Park
NE 52nd and Hassalo
Grant Park
NE 33rd and U.S. Grant Place

IRVING PARK

Irving Park
NE 7th and Fremont
Normandale Park
NE 57th and Halsey
Sacajawea Park
NE 75th and Alberta
Wilshire Park
NE 33rd and Skidmore

NORTHWEST

Couch Park
NW 19th and Glisan
Wallace Park
NW 25th and Raleigh

SOUTHEAST

Brentwood Park
SE 60th and Duke
Cherry Park
SE 110th and Stephens
Creston Park
SE 44th and Powell Blvd
Laurelhurst Park
SE 39th and Stark
Lents Park
SE 92nd and Holgate
Lynchwood Park
SE 170th and Haig
Mt Tabor Park
SE Lincoln, east of SE 64th
Sellwood Riverfront Park
SE Spokane and Oaks Pkwy
Sewallcrest Park
SE 31st and Market
Woodstock Park
SE 47th and Steele

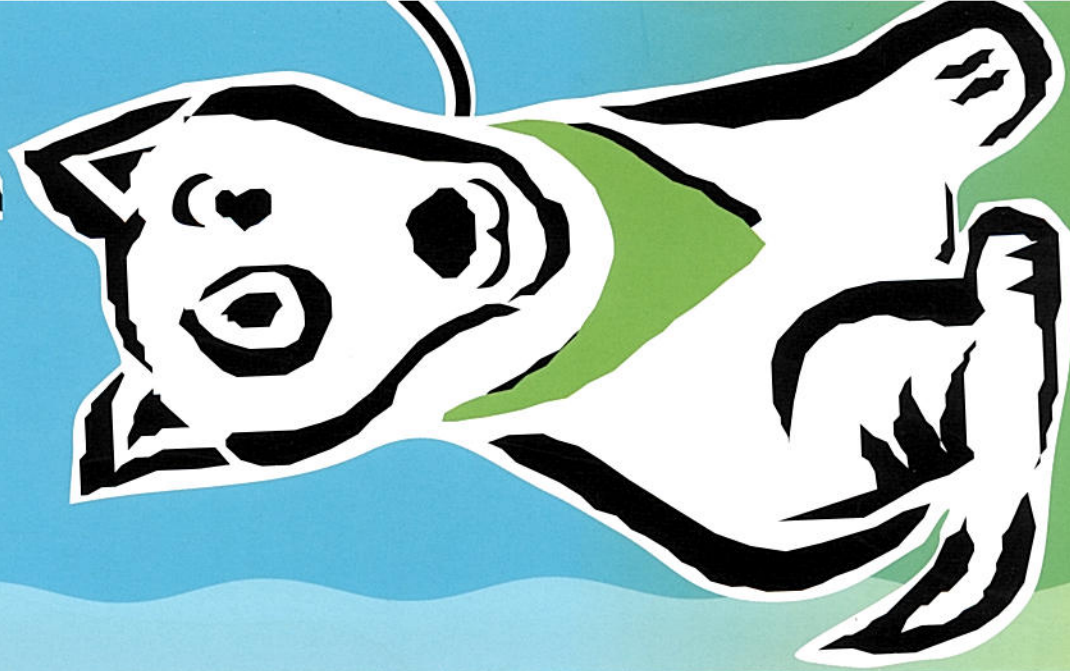
SOUTHWEST

Council Crest Park
SW Council Crest Dr
Gabriel Park
SW 45th and Vermont
Hillsdale Park
SW 27th and Hillsdale Hwy
Willamette Park
SW Macadam and Nebraska

Partners:

Portland Parks & Recreation,
Bureau of Environmental
Services, Audubon Society,
Multnomah County Animal
Services, and the Oregon
Humane Society

i'm for the
environment!



Responsible pet ownership

means more than licensing and vaccinating your pet, it means controlling your dogs' interactions with people, wildlife, and natural areas. Here are some actions you and your dog can take to keep our beautiful city clean, green, and safe.

Leash your dog

While your dog is your friendly, furry companion, other animals and even people may view dogs as a threat. Unleashed dogs can harm birds, amphibians, fish, and other wildlife. They may also disturb breeding areas or harass wintering wildlife causing them to use valuable energy reserves. Dogs running loose in natural parks also trample plants and create inappropriate trails. Worse, they can endanger themselves, other dogs, and people. Portland City Code requires that all dogs in parks must be kept on a leash unless in a designated Off-leash Area.

205

Scoop the poop

Dog poop is essentially raw sewage; it contains harmful organisms like E. coli, Leptospira, and Roundworms. These organisms can be contracted by other dogs, wildlife, and even children. Bacteria from dog poop can wash into rivers and streams when it rains. City Code also requires that all poop must be picked up and disposed of into the proper receptacle. **Violation of either leash or scoop laws will result in a \$150 fine.**



Off-leash Areas

Every dog deserves the freedom to run, play, and socialize with other dogs. The City of Portland manages 31 Off-Leash Areas, ranking first in the country for dog parks per capita, according to Forbes Magazine.



Dogs are never allowed off-leash in Natural Area Parks

Parks are for everyone

Our parks and natural areas not only provide recreation and relaxation for people, children, and dogs, they also provide important habitat for fish and wildlife. Our parks are home to threatened salmon, salamanders, and birds. To protect these valuable resources, parks sometimes undergo restoration. You may notice fences going up near trails and streams; these fences are to protect parks from further degradation, and ensure the success of restoration efforts. Between 2002 and 2007, 36,500 volunteers gave 146,000 hours of their time to help restore Portland's natural areas. If you would like to get involved, volunteer opportunities are available throughout the city.

Visit the Portland Parks & Recreation website for more information about Dogs for the Environment, dog off-leash areas and volunteer opportunities:
www.PortlandParks.org



i'm for the environment!

pledge

Human: I pledge to be environmentally responsible by:

- Keeping my dog on leash and on the trail in natural areas
- Scooping and properly disposing of poop
- Avoiding contact with streams and wildlife

signature: _____

180

Dog: I pledge to do my part to be environmentally responsible and earn the right to proudly wear my green bandana.

paw: _____

To receive your green bandana, please sign the pledge, cut it out, and send it to:

Dogs for the Environment
1120 SW 5th Avenue, Suite 1302
Portland Oregon 97204

Please send my bandana to this address:

name: _____

address: _____

city/state/zip: _____



Dog Do's And Don'ts



As An Owner:

- It is required that you put your pet on a leash not more than six feet long in all developed sites such as campgrounds, picnic areas, or parking lots.
- It is required that you immediately clean up any mess caused by your pet.
- You cannot bring your pet into any building, including restrooms except for seeing-eye dogs.
- You are responsible to see that your pet does not chase wildlife or disturb nests or dens.
- According to Oregon State game laws it is illegal to permit dogs to run at large or for you to train your dog in game bird nesting habitat during April through July, except as authorized by the Oregon State Fish and Wildlife Commission.

Thank You for Your Cooperation!

**SOUTH ZONE, SIUSLAW
NATIONAL FOREST**





City of Boulder Voice and Sight Tag Program

Who in my family must be registered with the V & S Tag Program?

Everyone who walks a dog off leash must be registered, and attend the V & S class. If only one family member has attended the class and is registered, then he/she is the only one allowed to have the dog off leash.

What are penalties for violating V & S?

Violators may be required to pay fines and, depending on the seriousness of the offense, could have V & S privileges revoked. Violations include having an off-leash dog without being registered in the program or failure to visibly display the V & S tag on the dog. Even if you have registered for the program, you may still get a ticket if you violate the V & S rules or your dog is off leash where V & S is not allowed.

Where can I find a trainer who can teach me and my dog to meet V & S standards?

Visit the V & S web site for tips on finding a dog trainer: www.voiceandsight.org

If my dog has a tag, can it be off leash everywhere?

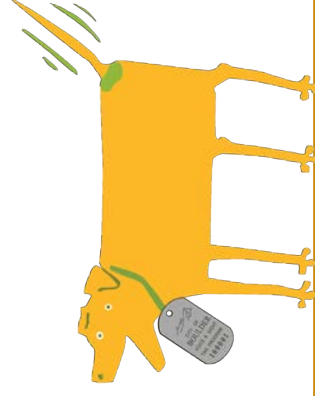
- No. Even with a V & S tag, there are some places you must always leash your dog. These include:
- Most areas within the City of Boulder, including city parks. Dogs are allowed off-leash in designated city dog parks.
 - The V & S tag only applies on City of Boulder-owned lands, not lands owned by Boulder County Parks and Open Space, state parks or other municipalities.
 - Areas of OSMP that are leash-only, or where dogs are prohibited, as indicated by signs and regulation maps.
 - Areas where leashes are required seasonally in order to protect wildlife.
 - All OSMP trailheads require that every dog be leashed in the vicinity of the parking lot.

How do I join the V & S Tag Program and get a tag for my dog?

If you think you and your dog can consistently meet V & S standards, you are required to attend a free class offered by the City of Boulder. Every person who will have your dog off leash must also complete the class. You can reserve a space in the class at this web site: www.voiceandsight.org

After taking the class, you can register with the V & S Tag Program and purchase a tag for each off-leash dog. All dogs registered in the program must either have a City of Boulder dog license (city residents), or proof of a current rabies vaccination (non-city residents). After attending the class and registering in the program, be sure to visibly display the V & S tag on your dog. You will be expected to understand and comply with all V & S control regulations.

V & S registration fees are used to pay for the cost of the program.



Open Space & Mountain Parks
www.osmp.org
(303) 441-3440
P.O. Box 791
Boulder, CO 80306

Photo by Ann Duncan

ENJOY.



PROTECT.



May 2014

The City of Boulder has one of very few open space or park systems in the Front Range where you may walk your dog off leash. To enjoy this privilege, you and your dog must follow voice and sight control (V & S) requirements at all times, and your dog must visibly display a valid city V & S program tag.



Having a dog off leash under V & S on Open Space and Mountain Parks (OSMP) is an opportunity earned by patient and constant training, and knowing what you can expect from your dog's behavior in any situation. V & S is a tough standard for both dogs and their guardians.

Do I need a Voice & Sight Tag?

If you have a dog off leash on City of Boulder land where V & S is allowed, your dog must have a V & S tag, and you must be registered in the city's Voice and Sight Tag Program. (Boulder Revised Code 6-1-16, 6-13-2 through 6-13-5).

If you always keep your dog on a hand-held leash, you don't need a V & S tag.

What is Voice & Sight Control?

What must my dog and I be able to do?

Voice and sight control means the ability of the guardian or keeper to consistently control a dog by using voice commands, and sight commands such as hand gestures.

In order to have voice and sight control over a dog, you must always be able to see the dog's actions, and through use of V & S commands, be able to prevent the dog from engaging in the following behaviors **regardless of circumstances or distractions**:

- Charging, chasing or otherwise displaying aggression toward any person, or behaving toward any person in a manner that a reasonable person would find harassing or disturbing.
- Charging, chasing or otherwise displaying aggression toward another dog.
- Chasing, harassing or disturbing wildlife or livestock.
- Failing to come and stay with the guardian or keeper **immediately** upon command.

In addition, the accompanying guardian or keeper must:

- **Always have a leash for each dog under V & S** in their immediate possession, in a condition to be attached to the dog without delay if needed.
- **Have no more than two dogs simultaneously unleashed** at any time per guardian. Any additional dogs must be leashed.
- **Visibly display the V & S tag on every off-leash dog** at all times.

How about some specific examples?



V & S means you must be **completely attentive to your off-leash dog at all times**, even when hiking and chatting with friends, or enjoying recreational activities like rock climbing, biking or running with your dog. For example, if you're running and your dog is behind you, you don't have your dog under V & S control because you can't observe its behavior. It might run off after a prairie dog or approach someone on the trail without your knowledge.



If you can call to your dog, but you can't see it, you don't have your dog under V & S control. If you can see your dog, but it's too far away to hear you or follow hand gestures, it isn't under V & S control.

If your dog approaches someone and **they** feel the dog was charging, chasing or displaying aggression towards them

or their dog, you could receive a court summons. So keep your dog close to you where you can control it immediately if needed, and only let your dog approach or interact with other people or dogs if invited.



V & S means your dog must not charge, chase or disturb wildlife or livestock. Wildlife includes deer, prairie dogs, squirrels, chipmunks, birds, or any other non-domesticated animal. Livestock includes cows, horses, llamas and any other stock animals you might encounter on the trail.

V & S means your dog must respond immediately to your command. If you command your dog to come and stay with you, the dog must obey immediately regardless of any temptations or distractions.

Finally, only people who have registered with the city's Voice and Sight Tag Program may have a dog off leash. For example, if your friend is watching your dog for you, and the dog has a V & S tag but your friend is not registered with the program, the dog must remain on leash with your friend.



Photo by Michael Armstrong, Homer News

A worker with Sundance Construction places boulders on the beach by the Rick and Connie Vann cabin at Bishop's Beach last Friday. A line of boulders runs about 500 feet long parallel to the shore, but does not block access.

Boulder barrier built on Bishop's Beach

BY MICHAEL ARMSTRONG
STAFF WRITER

Bishop's Beach goes last Friday came across a sight that prompted puzzled phone calls to the city and press. Running about 500 feet parallel with the water's edge, landowners Rick and Connie Vann of Kasilof have put in a row of boulders to mark the southern edge of their property. The boulders mark a corridor between a survey line labeled "high tide line" and beach frontage bordered by driftwood logs below the Vanns' cabin on Charles Way near the city parking lot on the beach.

Starting in June 2004, the Vanns have been developing their oceanfront property. A modest 660-square-foot cabin with an illuminated star sits on the bluff above the beach. Following citizen complaints in 2004, the city issued a stop-work order when the Vanns started fill work at the toe of the bluff without a permit. Eventually the Vanns got the proper permits. The project now includes a pedestrian walk on the Vanns' property from Charles Way to the beach as well

as bluff stabilization. A marked-off area at the base of the bluff includes signs of a fire with a slash through it — a warning not to build fires on private property.

There are no outstanding zoning or planning issues, said Homer City Planner Rick Abboud.

"All in all it's a quality development," he said. "One thing I'm impressed about is the path to the open beach appears to be a public access. That's something the city should be doing. That's a plus there."

The path is on the Vann's property and not blocked off, but it's not known if the Vanns have dedicated it as a public easement.

Abboud said the city's concern was that the boulders not block beach access. The boulders define a line in the sand but do not block any passage along Bishop's Beach to the west.

"Our main concern is people can get by their (the Vanns') property," Abboud said.

See WHEN, Page 9

... When it comes to beach property, who owns what can get confusing

FROM PAGE 1

"(The Vanns) have a right to their property to the mean high tide."

On the Kenai Peninsula Borough's on-line parcel viewer, a map shows the property lines for the 1.25 acres of land extending out into Kachemak Bay. About half the property is on the beach or in the bay. The land is assessed at \$41,600. Brandon McElroy, a borough land appraiser, says property below the mean high water mark has a nominal value in appraisals.

The U.S. Army Corps of Engineers sets the mean high water mark as a 17.3-foot high tide in Homer. That's the average of all high tides observed over a given time period, usually about 18 years, said Dave Casey, Kenai field office supervisor for the Corps of Engineers.

Abound said the city considers it has right to the land seaward of that 17.3-foot high tide line. Property law gets confusing.

because the property lines of the Vanns' and similar Bishop's Beach property date back to when the land was above water. Property owners can claim that property if they can show it was lost due to an earthquake.

"In theory you still have the right to that land to that mark," Abound said of pre-earthquake corners that would now be underwater.

However, if the land was lost due to erosion, the city can claim the property right seaward of the 17.3-foot line.

"It's really muddy," Abound said. "If it's all erosion, they have no claim below mean high tide."

Some landowners have wanted to count land below mean high water in issues like replats, Abound said. In a case involving a replat of beach land below Baycrest Hill, the landowner wanted to do that, but the owner withdrew that application and it was never tested in court.

"There are a bunch of questions about

this," Abound said. "It's something that's going to come to a head, especially if people want to replat their land."

Another issue is if the Vanns need a Corps of Engineers permit to put boulders on the beach below the bluff. Casey said two laws apply: the U.S. Clean Water Act and the Rivers and Harbors Act. The Clean Water Act requires a permit to place fill

including boulders — below the high tide line. The corps defines that line for Homer as a 23.4-foot high tide, that is, the highest tide of record without a storm surge. Today's high tide at 3:15 p.m. is 23.4 feet, exactly that line.

That number is not to be confused with the mean high water line of 17.3 feet; the tide the city uses to define its property on the beach. That line also is the line used in the U.S. Rivers and Harbors Act, which regulates placement of structures in federal navigable waters. That law requires a permit if construction is done below the mean high

water line of 17.3 feet.

Survey stakes for the line of boulders read "high tide line," with no number. It's unclear if that's the 17.3-foot tide line or the 23.4-foot tide line. A high tide of 21.53 feet at 1:51 p.m. Tuesday had surf washing over the boulders and inland several feet.

Casey said he discussed permit issues with the Vanns when they did their work in 2004. Since the work was above the 23.4-foot high tide line and outside Corps of Engineers jurisdiction, no permit was needed. As long as the work is outside Corps of Engineers jurisdiction, no permit would be needed for recent work.

Messages requesting comment from the Vanns were left at the Kaslof number for Sundance Construction, the Vanns' company, but at press time the Vanns had not replied. No one answered the door at the cabin on Tuesday afternoon.

Michael Armstrong can be reached at michael.armstrong@homernews.com.

True Grit: A New Vision for Healthy Beaches in Nova Scotia



A Discussion Paper
Prepared by Sadie Beaton
December, 2008



Ecology
Action
Centre

ACKNOWLEDGEMENTS

The Ecology Action Centre would like to thank Mountain Equipment Co-op and Bonnell Cove, who both provided kind and generous funding support for this discussion paper, along with the workshop planned for November 27th, 2008. We would also like to thank the many individuals and organizations across Nova Scotia who offered useful feedback, resources and time, including Sue Abbott, David Algar, Kristina Benoit, Harold Carroll, Don Feldman, Peter Lane, Art Lynds, Jack MacNeil, Aimee Pelletier and Bob Taylor. Preliminary research was also conducted by Colleen Thompson between February and June of 2008.

This report was compiled by Sadie Beaton between August and November of 2008.



True Grit: A New Vision for Healthy Beaches in Nova Scotia

©2008 Ecology Action Centre

All rights reserved. Sections of this report may be copied with permissions of the authors. Please acknowledge source on all reproduced materials. The research, data synthesis and writing of this report were sponsored by Bonnell Cove and Mountain Equipment Co-op.

Unless noted, all illustrations are © 2008 Sydney Smith

Includes bibliographic references.

ISBN 978-0-9734181-9-4

Additional copies of this report are available from:

Ecology Action Centre – Coastal Issues Committee
2705 Fern Lane
Halifax, Nova Scotia
Canada B3K 4L3

Tel: (902) 442 - 5046

Fax: (902) 405 – 3716

E-mail: coastal@ecologyaction.ca

Web: http://www.ecologyaction.ca/coastal_issues/coastal_issues.shtm

MAIN MESSAGES

- Beaches are one of Nova Scotia's most valuable assets, providing numerous environmental, social and economic benefits such as protection from storm surges, popular recreation and tourism sites, critical wildlife habitat, and historically important shellfish areas.
- Nova Scotia's beach systems are diverse, complex and poorly understood coastal ecosystems.
- Beaches in Nova Scotia are in serious trouble. Erosion, habitat degradation and threats to equitable public access may soon lead to a serious loss of beaches and their values and all warrant immediate attention.
- To reach their healthy potential, beaches in the province require a bold new management approach— including strong leadership, a clear vision, and measurable goals.
- Considerable research and monitoring into the condition and rate of change on our beach systems are needed to fully understand and appreciate Nova Scotia's unique set of beach systems.
- Local communities have great potential to play key roles in Nova Scotia's beach management, including research, monitoring, education and management planning.

CONTENTS

ACKNOWLEDGEMENTS	i
MAIN MESSAGES	ii
CONTENTS	iii
1. ABOUT THIS DOCUMENT	1
1.1. PURPOSE	1
1.2. SCOPE	2
1.3. METHODOLOGY	2
2. NOVA SCOTIA'S BEACHES	3
2.1. A COASTAL PROVINCE	3
2.2. NOVA SCOTIA'S SANDY SHORES	4
2.3. SANDY BEACH SYSTEMS AT RISK	5
3. BEACH MANAGEMENT IN NOVA SCOTIA	9
3.1. WHO ARE NOVA SCOTIA'S BEACH MANAGERS?	9
3.1.1. KEY DECISION-MAKERS	10
3.1.2. PARKS AND PROTECTED BEACHES	12
3.2. KEY BEACH MANAGEMENT ACTIONS	13
3.3. CHALLENGES FOR NOVA SCOTIA'S BEACH MANAGERS	15
3.3.1. LEADERSHIP AND VISION	15
3.3.2. MANAGEMENT CONFLICTS	16
3.3.3. INFORMATION GAPS	17
3.3.4. EDUCATION AND OUTREACH	20
3.3.5. UNREALISTIC MANAGEMENT PERSPECTIVES	20
3.4. A CALL TO ACTION	21
4. BEACHES AS DYNAMIC SYSTEMS	22
4.1. INTRODUCING DYNAMIC CHALLENGES	23
4.2. LINES IN THE SAND - DEFINING BEACH SYSTEM BOUNDARIES	24
4.3. BEACH FORMATION	25
4.4. FEATURES OF THE BEACH SYSTEM	28
4.4.1. THE BEACH FACE	28
4.4.1. THE LANDWARD EDGE	29
4.5. KEY BEACH PROCESSES	31
4.5.1. DUNE CYCLES AND BLOWOUT	31
4.5.2. WAVE OVERWASH AND TIDAL CHANNELS (BREACHES)	32
4.6. RECENT TRENDS ON NOVA SCOTIA'S BEACHES	33

4.6.1. DECLINING SEDIMENT SUPPLY	33
4.6.2. RISING SEA LEVEL AND GLOBAL CLIMATE CHANGE	34
4.6.3. EROSION AND COASTAL DEVELOPMENT	36
4.6.4. COASTAL HARDENING	37
4.7. MANAGING BEACHES AS DYNAMIC SYSTEMS	40
4.7.1. “SOFTER” APPROACHES	40
4.7.2. PLANNED RETREAT	41
4.7.3. LAND ACQUISITION	41
5. BEACH HABITAT AND WILDLIFE	43
5.1. THE LIVING BEACH	44
5.2. BANDS OF LIFE ON NOVA SCOTIA BEACHES	45
5.2.1. THE NEARSHORE	45
5.2.3. THE FORESHORE	47
5.2.3. THE BACKSHORE	48
5.2.4. THE LANDWARD EDGE	49
5.2.5. VISITORS FROM THE AIR – BIRDS	51
5.3. MANAGING BEACHES AS HABITAT	54
5.3.1. PROTECTING BIOLOGICAL DIVERSITY	55
5.3.2. SPECIES AT RISK	57
5.3.3. MAINTAINING HABITAT QUALITY	59
5.3.4. MIGRATORY SPECIES	59
5.3.5. INVASIVE SPECIES	60
6. BEACH USERS, ACTIVITIES AND INFRASTRUCTURE	62
6.1. NOVA SCOTIA’S LONGEST PLAYGROUND	63
6.2. PUBLIC ACCESS TO THE BEACH	64
6.3. TYPES OF BEACH ACCESS	65
6.3.1. RECREATIONAL ACTIVITIES	65
6.3.2. TOURISM	67
6.3.3. SHELLFISH AND BAIT HARVESTING	68
6.3.4. MINERAL EXTRACTION	70
6.4. ACCESS INFRASTRUCTURE AT THE BEACH	71
6.5. WATER QUALITY AT THE BEACH	73
6.5.1. RECREATIONAL BEACH WATER QUALITY	74
6.5.2. OTHER MEASURES OF BEACH WATER QUALITY	76
7. MODELS FROM ELSEWHERE	78
7.1. LEGISLATIVE MODELS	78
7.1.1. NEW BRUNSWICK’S COASTAL AREAS PROTECTION POLICY	78
7.1.3. PRINCE EDWARD ISLAND’S PLANNING ACT	79
7.1.4. MAINE’S MANDATORY SHORELINE ZONING ACT	79
7.1.5. MAINE’S COASTAL SAND DUNE RULES	80
7.1.6. CALIFORNIA COASTAL ACT	80
7.1.7. NORTH CAROLINA’S COASTAL AREAS MANAGEMENT ACT	81
7.1.8. NORTH CAROLINA’S BEACH AND INLET MANAGEMENT PLAN	82
7.2. GOVERNANCE MODELS	83
7.2.1. CALIFORNIA COASTAL COMMISSION	83
7.2.2. CALIFORNIA COASTAL CONSERVANCY	83
7.2.3. FLORIDA PRESERVATION 2000/ FLORIDA FOREVER	84
7.2.4. SCOTTISH NATURAL HERITAGE	84

7.3. NGO AND COMMUNITY PROGRAMS	84
7.3.1. LAKE HURON CENTRE FOR COASTAL CONSERVATION	85
7.3.2. THE SURFRIDER FOUNDATION	85
7.3.3. SANDWATCH	86
7.3.4. GREEN SHORES	86
7.2.5. BLUE FLAG	87
8. PRIORITIES FOR DISCUSSION	89
8.1. PRINCIPLES OF BETTER BEACH MANAGEMENT	89
8.2 EMERGING QUESTIONS	90
9. WORKS CITED	91
Appendix A: Decision-Makers	100
Appendix B: The <i>Beaches Act</i>	106

1. ABOUT THIS DOCUMENT

1.1. PURPOSE

Along with many other groups, the Ecology Action Centre (EAC) has been working to raise awareness about Nova Scotia's sensitive beach systems. Participation in workshops like the **Coastal Coalition of Nova Scotia's Changing Tides** brought to light several pressing beach issues, along with gaps in legislation and management action.

EAC has prepared this document as a wake-up call for coastal planners, decision-makers and communities. Healthy beaches are extremely important assets to all Nova Scotians. Integral to our ecological and cultural identity and a significant economic resource, these iconic coastal features require clear and forward-thinking management to ensure their protection and sustainable use into the future.

Citizens groups across the province are expressing concern over the fate of Nova Scotia's beach systems. The decline of beach biodiversity, coastal wildlife on the edge of extinction, rapidly eroding shorelines and loss of public access are raising the alarm in coastal communities, and have led to persistent conflicts. This situation underlines the urgent need for decision-makers and communities to collaborate on a bold new approach. Much can be learned from other jurisdictions about how to develop a vision, goals and management plans for healthy beaches and appropriate public access.

These days it seems the whole province is "going coastal." The provincial government has promised to respond to coastal issues around the province with an overall coastal development strategy by 2010. It is an opportune time for communities, beach managers and decision-makers to address beach management as an integral part of the overall coastal management puzzle. Indeed, the challenges and opportunities facing beach systems and users in Nova Scotia may also provide a useful lens from which to understand broader coastal issues.

THREE THEME AREAS

The scope and breadth of issues facing Nova Scotia's beach systems is as diverse and complex as the beaches themselves. However, the recurrent issues and conflicts shaping the current state of beach management in this province can be broken into three general theme areas which inform the structure of this discussion paper:

1. Beaches as dynamic systems, formed by complex interactions and processes.
2. Beaches as critical habitat for wildlife and vegetation communities.
3. Beaches as a public space for sustainable human use.

Figure 1.1. Three theme areas of the draft discussion paper.

1.2. SCOPE

The focus of this report is sandy beach systems. While many definitions of a beach system exist, for our purposes, “the beach” encompasses not only the more familiar beach face, but also the nearshore and offshore bars, along with any associated dunes, lagoons, barachois ponds and marshes. Throughout the report, “sandy beaches” refer to beach systems dominated by sand-sized sediment and can include a gravel mix.

Sandy beaches have been chosen as a focal point for several reasons. Firstly, these beaches enjoy enormous and increasing popularity among residents and visitors to Nova Scotia for recreation, residential development and nature appreciation. Nova Scotia’s beaches are also heavily marketed across the globe by the province’s tourism industry.

These same systems are also particularly important to vulnerable wildlife species, variously dependent on their unique features for foraging, breeding, and shelter. Sand-dominated beaches also exhibit the most dynamic characteristics, being particularly susceptible to wind, wave and currents, to migration, wave overwash and blowouts, and the capricious impacts of climate change.

Many other beach types exist along Nova Scotia’s lengthy coastline. These include pebble, cobble and boulder-dominated systems, along with significant silt and mud-dominated flats. Appearing in a staggering and ever-changing variety of shapes, sizes, conditions, and sediments, and used in countless ways by wildlife and humans alike, one could spend a lifetime discovering new features along provincial beaches. Though this document has focused on sandy beaches, it is hoped that a new vision for beach management in Nova Scotia will address the unique challenges facing all beach systems in the province.

1.3. METHODOLOGY

This discussion paper was researched and written over a period of five months by Ecology Action Centre Coastal and Marine Researcher Sadie Beaton. Data was gathered by exploring the available literature related to Nova Scotia’s beach ecosystem dynamics, bird and wildlife management along with newspaper reports, websites and case studies related to ongoing coastal issues in the province. Key experts provided information and resources as well as feedback on various drafts.

2. NOVA SCOTIA'S BEACHES

The conservation and sustainable use of Nova Scotia's coast are extremely important goals. Sandy shores are key coastal features in the province, and can be seen as a microcosm, underlining the urgency of broader coastal management challenges. Ensuring that these beach systems are well managed can also contribute to protecting the overall needs of our extensive and fragile coastline.

This section outlines the overall significance of the province's diverse and extensive coastline, introducing Nova Scotia's fragile beach systems. Relating the precarious "coastal squeeze" facing sandy beaches around the world, this section illustrates the pressing nature of challenges on Nova Scotia beach systems. A pattern of recurring conflicts related to these beaches implies that these sensitive beaches require a bold new management vision that can ensure their protection now and into the future.

2.1. A COASTAL PROVINCE

Boasting over 7,000 kilometers of shoreline, Nova Scotia is largely defined by its spectacular, convoluted coast. From the high, rugged shores of Cape Breton Island to the vast muddy flats along the Bay of Fundy, to the white sandy beaches and grassy dunes along the South Shore, residents and visitors are never more than 65 kilometers from a coast. In fact, since Nova Scotia's watersheds drain to the sea, many experts consider the entire province to be part of the coast (Stewart et al., 2003).

Indeed, the "sea-bound" coast is essential to provincial identity. Nova Scotia's original residents, the Mi'kmaq, lived in coastal summer villages, where they fished and gathered shellfish, moving inland to camp each winter. The rich bounty of the Atlantic and shelter of our coasts eventually lured Europeans, who set up communities all along the Nova Scotia coastline, starting in the 1600s.

Today, over two-thirds of Nova Scotia's residents live directly along the coast, many of whom make a living from the sea or shore in some way. It is difficult to overstate the cultural connection locals feel to our coastlines, borne of a long, involved history. As well, our stunning coastlines continue to attract visitors and new residents every year.

Coastal areas are also extremely significant to Nova Scotia's overall ecology. These dynamic environments define the boundary between the land and sea and include rock, pebble-cobble, and sandy shores, along with cliffs, headlands, salt marshes, barachois, lagoons, dunes, and flats. Coastal systems support some of the most diverse and productive habitat in the province. Together, these features also provide a natural buffer that protects us against the power of the sea, including storm waves, coastal flooding, and erosion.

NOVA SCOTIA - "SO MUCH TO SEA"

- 7,600 kilometres of coastline, including 3,800 islands.
- The furthest distance from the sea is less than 65 kilometres.
- 70% of the population lives along the coast, in 360 coastal communities.
- About 95% of coastal lands are privately owned.
- About 14% of jobs are coastal/ ocean related (with a higher percentage in coastal communities).

Figure 2.1. Facts about Nova Scotia's coast. Courtesy of Provincial Oceans Network, 2007.

2.2. NOVA SCOTIA'S SANDY SHORES

Beaches are an integral part of coastal ecosystems, often defined as the area extending from the shoreline inland to a marked change in physiographic form, or line of permanent vegetation (The Military Dictionary, 1987). It is here that the energetic and fertile exchange of sand, biological matter and other materials happens between dunes, shores and surf zones. Actually, the sandy apron of sediment is only one facet of the larger beach system, which may include features such as dunes, marshes, lagoons and offshore bars (Waikato, 2007). In turn, this system is connected to a much larger coastal watershed, beginning far away at the headwaters of a stream or river, and finishing in the ocean deep.

From a geological perspective, beaches are mere snapshots in time. Over hundreds of years, eroding cliffs provide sediment for new beaches, while eroding beaches in turn feed themselves or other beaches and the building of verdant salt marshes. The beach face also shifts significantly with the seasons, with gentle summer swells from distant storms building up and lengthening the beach face. During winter, local storm waves erode and shorten the beach, carrying sand back offshore where it is temporarily stored in offshore bars. The effects of climate change also exacerbate and change many of these cycles.

Nova Scotia's *Beaches Act* employs a much narrower description. According to this legislation, a beach may be described as "the area of land on the coastline lying to the seaward of the mean high watermark and that area of land to landward immediately adjacent thereto to the distance determined by the Governor in Council" (See Appendix B for the full text of the Act). While the discretionary nature of the Act can allow landward beach features such as dunes, salt marshes or lagoons to be considered for protection, the description fails to adequately define the many integral elements of the beach system. Nor does it consider the system's essentially cyclical and volatile nature.

By any definition, beaches cover at least 2,300 square hectares of Nova Scotia's coastal land mass, with their associated systems covering far more ground, both landwards and seawards (Institute For Environmental Studies, 1976). We are lucky to have a great diversity of sand beaches in the province, from small pocket beaches, to sweeping tombolos with multiple dune ridges, to delicate spits and barrier beaches. The sediment making up Nova Scotia beaches also varies considerably, typified by ruddy red sand and gravel along the Northumberland Strait, mixed sands and gravels from local glacial deposits or stretches of white sand derived from adjacent crystalline rocks along the Atlantic coast.

In “Canada’s Ocean Playground” (as declared by Nova Scotia’s license plate), beaches are considerable social, recreational, and economic assets. A day at the beach is an integral part of Nova Scotia culture, and for many, it isn’t summer until we’ve spent some time at the beach, whether swimming, surfing, birding, beachcombing, or simply sunbathing. Others depend on the beach system as a source of income or food, gathering shellfish or fishing bait.

The province’s sandy shores are also incredibly important to our tourism industry, drawing an additional estimated one million visitors each year and adding approximately \$4.3 billion to the local economy (TIANS, 2006). Our beautiful and “pristine” beaches are key promotional assets for the Department of Tourism, evidenced by the sheer number of photos of long, healthy stretches of sand in every year’s official ‘Doers and Dreamers’ Guide. Images of Nova Scotia’s beaches also emblazon the marketing materials of tourism operators, cottage rental and real estate companies.



Figure 2.2. Nova Scotia promotional tourism imagery. Courtesy of www.novascotiaescapes.com

Of course, Nova Scotia’s beaches are much more than a playground or cash cow. They are also home to unique and important ecosystem features and irreplaceable biodiversity. Though often under-appreciated from an ecological point of view, the province’s beach systems provide critical ecological services as storm buffers, recycling nutrients, and filtering huge volumes of seawater. These beaches also provide nursery areas for commercially important fish, and critical breeding, resting and foraging sites for many birds, including the federally and provincially endangered Piping Plover.

2.3. SANDY BEACH SYSTEMS AT RISK

Sandy beaches are experiencing a worldwide conservation crisis (Schlacher et al., 2007). As in many parts of the world, Nova Scotia’s beaches are trapped in an unfortunate ‘coastal squeeze.’ From the terrestrial side, mounting pressures from development, recreation and other human activities are impacting our beach systems at exceptional rates. Meanwhile, the effects of climate change and sea level rise threaten from the ocean side.

Beaches are very sensitive to human impacts, especially sandy shores associated with dune systems (Schlacher et al., 2007). These systems are remarkably resilient in the face of natural changes, gracefully shifting in response to storms and changes in the climate. However, human activities and interventions such as coastal development, pollution, and recreational traffic pose severe limits on their adaptability

(Nordstrom, 2000). Species dependent on sandy beaches are particularly vulnerable to disturbance, with many species suffering considerable population declines (Bird Studies Canada, undated).

These pressures are contributing to a global trend of accelerated beach erosion (Bird, 2000). Nova Scotia is far from immune to these trends. Many of the province's coastlines are migrating inland, bringing beach systems into collision with human infrastructure and interests. Such clashes interrupt the naturally dynamic evolution of our beach systems, threaten wildlife habitats, and can aggravate multi-user conflicts over development, recreation and public access issues. Unrealistic human expectations that beaches can remain frozen in time in a desired stable state also add tension, as considerable effort focuses on maintaining the status quo rather than adapting to new and changing conditions.

The plight of the endangered Piping Plover highlights concerns around the health of Nova Scotia's beach systems. Each spring these shorebirds arrive on selected Nova Scotia beaches to nest and raise young. However, since 1991 the number of returning Piping Plovers has declined by over 20%. Loss and degradation of beach nesting areas, coastal development, and human recreation are among the obstacles facing their recovery (Bird Studies Canada, undated). Like canaries in a coalmine, the decline of Piping Plover (*Charadrius melodus*) populations may be seen as a distressing indicator of sandy beach health in the province.

COMMONLY FOUND BEACH TYPES IN NOVA SCOTIA

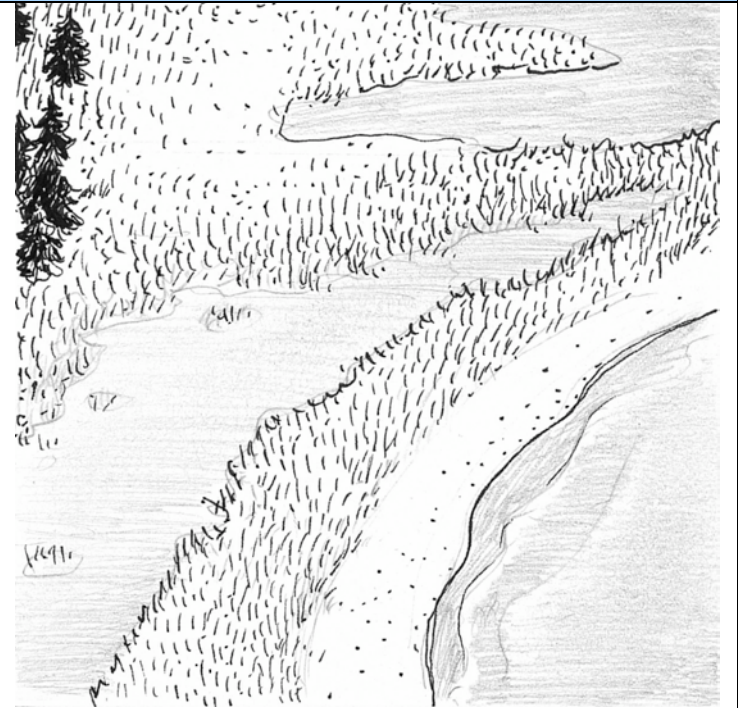
There are many ways to categorize beaches - based on geological processes, sediment type, vegetative communities, ecological integrity or the type of use. However, Nova Scotia presently lacks data needed for many of these measures. Geologists categorize the province's coast into three distinct environments: (a) the sheltered wave-dominated Gulf of St. Lawrence, (b) the exposed high-wave energy Atlantic, and (c) the sheltered, tide-dominated Bay of Fundy (Owens and Bowen, 1977). Further geological breakdowns relate to swash and current alignments and may be too technical for most viewers.

Barriers

Barrier beaches are narrow strips of sediment, often backed by extensive marshes, lagoons, or ponds. These features are formed by long shore currents and found only in areas with abundant unconsolidated sediments. As rising sea level erodes the beach and adjacent headlands, there is a continual landward retreat of the beach. These systems are very dynamic, constantly subjected to wind and wave energy.

Nova Scotian examples:

Martinique, Lawrencetown, Clam Bay, Inverness and Pomquet

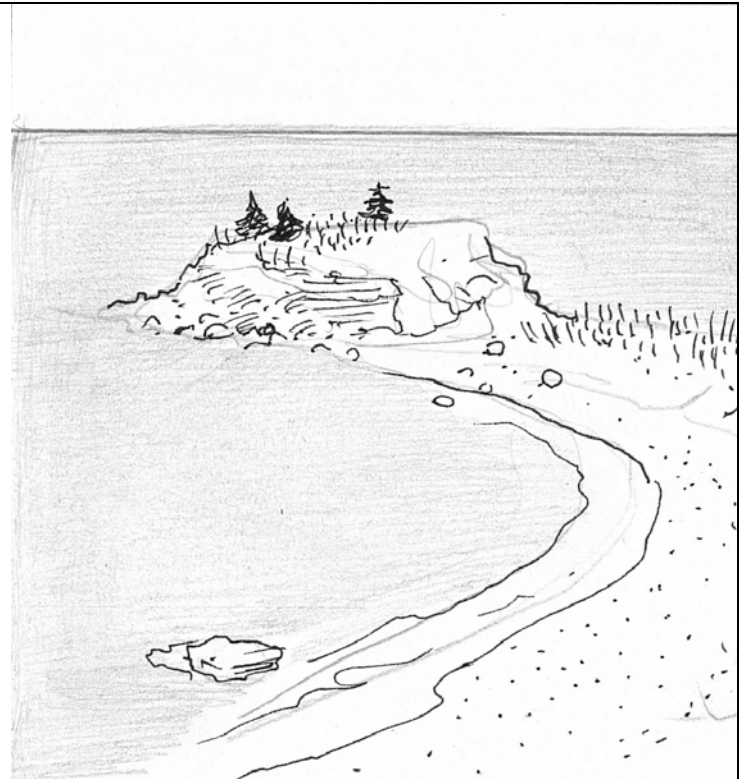


Tombolos

Derived from the Latin for 'burial mound', tombolos are stretches of sediment extending from a mainland shore out to an island. These beaches formed in the lee of islands, where wave action is reduced. Tombolos are very temporary, geologically speaking, as the sea wears the islands away in a few thousand years.

Nova Scotian examples:

Crescent (near Bridgewater), Port Hood and Point Michaud.

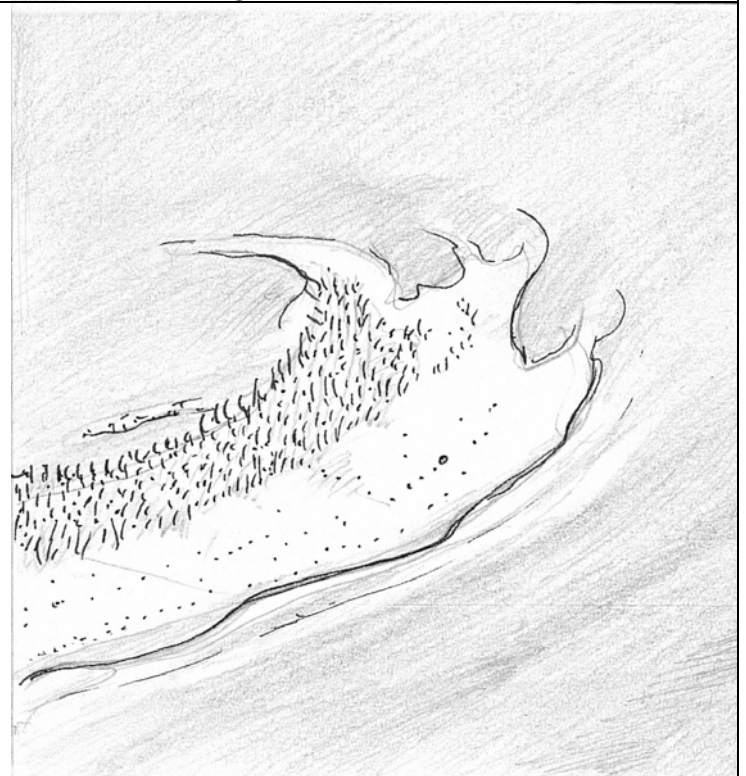


Spits

Spits are dynamic wisps of beach, created by wave and tidal current actions movement along the shore. At points where there is a sudden change of shoreline orientation or currents weaken, sediment is deposited, forming delicate beach faces that often shift dramatically.

Nova Scotian examples:

Advocate Harbour, Sand Hills and South Harbour- Ingonish.



Pockets

Pocket beaches are common in Nova Scotia, where sediments simply accumulate in “pockets”, or indentations along the coastline. Most common along coasts with cliffs and scarce sediment, these beaches are often small and generally shrink as the sea level rises.

Nova Scotian examples:

Fishing Cove, Pigeon Point Cove, Pennant Head.

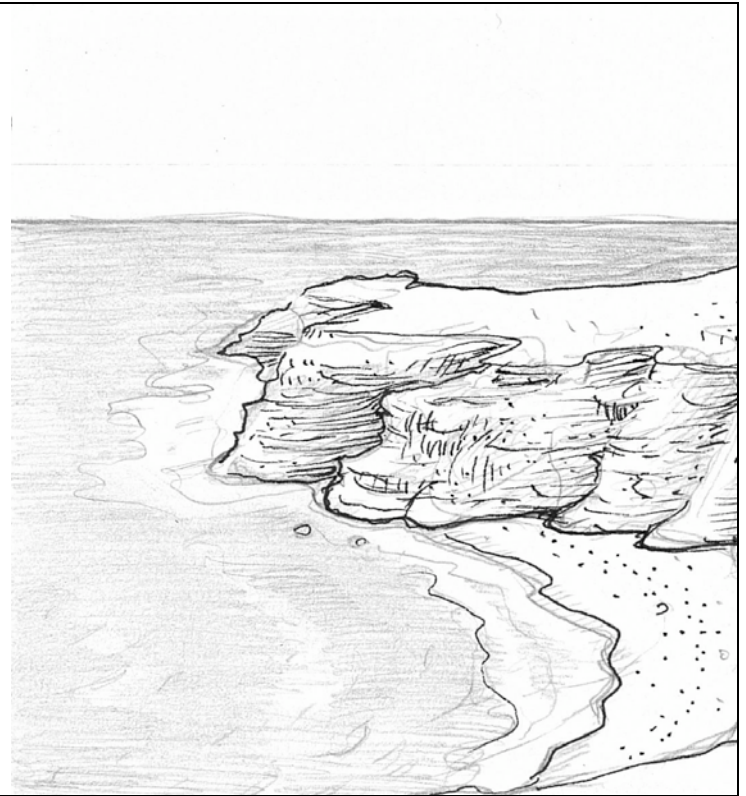


Figure 2.3. Common beach types in Nova Scotia. Courtesy of the Nova Scotia Museum Of Natural History, 1997.

3. BEACH MANAGEMENT IN NOVA SCOTIA

“Beaches mark this strange boundary of an illusion, that humanity is somehow separate from nature and in control of the natural world. Our illusion of dominion leads us to treat the beach as if it were part of the land and similarly vulnerable to our will. But the beach does not belong to the land, nor does it belong to the sea; it is a different reality submitting for brief periods to human designs on it, but sweeping them away as it yields to the fury of the sea. It is a unity of disunities, a frontier, a paradox, at once stable and volatile. It is more like a dance than a place.”

- Silver Donald Cameron, The Living Beach

Nova Scotia lacks a clear vision for its beaches. Consequently, this gives way to a fragmented, ineffectual management regime, recurrent conflicts and serious degradation of the province’s beach systems and wildlife.

While people place a high value on beaches for their beauty and recreational opportunities, managers and beachgoers alike tend to overlook their vital ecological functions, value as wildlife habitat and vulnerability to human impacts (James 2000; Micallef & Williams 2002). Beach management has traditionally focused on the maintenance and restoration of physical features important for the protection of human infrastructure. However, managing beaches as if they were simply lifeless piles of sand risks their enormous ecological and habitat values (McLachlan et al., 2006).

This chapter discusses current approaches to beach management in Nova Scotia, as well as some current beach management issues. It provides an overview of who is doing what around beaches, and which legislation, policy, or circumstances give them responsibility for provincial beaches. While overall management trends are discussed here, more specific trends related to ecological processes, wildlife and human use are explored in detail in subsequent sections (Sections 4, 5 & 6). Later in the report, (Section 8), we will also discuss how other jurisdictions are approaching beach management so we can learn about other options.

3.1. WHO ARE NOVA SCOTIA’S BEACH MANAGERS?

This discussion paper contains many references to a group of people called “beach managers.” While there is likely no one person (or group) in Nova Scotia with the job description “beach manager”, in this paper the term implies staff or departments with mandated or regulatory responsibilities related to beaches (e.g. government wildlife biologists). Stakeholders with an interest and/ or impact on beaches (e.g. shellfish harvesters or community groups that participate in local advisory committees) can also be considered beach managers, along with those with skills and expertise related to beaches (e.g. a municipal planner or geomorphologist who studies coastal erosion). Indeed, while many responsibilities for managing Nova Scotia beaches lie with the Department of Natural Resources (DNR), beach management should involve many different “beach managers” with different responsibilities, interests, skills, and expertise.

Unfortunately, there are few mechanisms for effective communication and coordination, both within and between government departments, and especially with community stakeholders. For example, all over the world it has been found that beach managers and coastal ecologists tend to lack opportunities to interact and exchange information (Schlacher et al., 2008). In particular, there are insufficient processes in the province to involve communities and landowners in planning and management around beach systems. Despite a staunch coastal cultural identity, Nova Scotia residents have had very little opportunity to participate in public discussions about the fate of these critically important coastal areas. Though these potential partners in beach management often have much to offer, most decisions about the coast are made with little or no public consultation.

3.1.1. KEY DECISION-MAKERS

Countless people, organizations, and levels of government are involved in making decisions affecting Nova Scotia's coasts. Decisions that impact beaches happen on many levels and time scales, including research, policymaking, land-use planning, and education, along with more hands-on actions like monitoring, enforcement, permitting and even the construction of infrastructure along the coast.

DNR is currently responsible for many of the major activities involving beach system use and activities, making them key beach managers. DNR is responsible for provincial parks and protected beaches, as well as for approving permits shoreline alterations and infrastructure, wildlife management and provincial species at risk. The department is given its mandate by several pieces of legislation, including the *Beaches Act*, the *Provincial Parks Act*, the *Wildlife Act* and the *Nova Scotia Endangered Species Act*. DNR's Parks and Recreation section carries the bulk of responsibility for beaches, but the operations overseen by many other divisions within DNR, including Wildlife, Forestry and Mineral Resources all make key choices that affect the health of Nova Scotia's beach systems. (See DNR organizational map, Appendix A).

However, many of the key day-to-day decisions affecting Nova Scotia's beach systems happen outside of DNR. Various federal and provincial government departments govern activities that impact Nova Scotia's beaches on a wide range of issues, from the promotion of beach tourism to the regulation of sewage treatment in coastal areas, wetland alteration permits and environmental assessments of large-scale projects. Municipal governments also have roles related to land-use planning and permitting. Nonetheless, there are many gaps in responsibility that remain unfilled.

Many of the biggest impacts on beach systems are not caused by government actions at all. Most decisions directly affecting Nova Scotia's beaches are actually made by individual landowners and beach users. Since private land ownership in Nova Scotia may encompass many parts of the beach system up to the ordinary high water mark, developers, realtors and landowners may make choices with significant impacts. For example, the decision to construct a cottage dwelling adjacent to a historical Piping Plover breeding area or a road through a vital salt marsh system may have cascading effects throughout these sensitive coastal systems.

Navigating Current Coastal Management in Nova Scotia						
	First Nations	Landowners	Non-governmental Organizations (NGOs)	Municipal and Local Government	Provincial Government	Federal Government
Planning Role	Exercise aboriginal rights to traditional lands and waters along the coast. Conduct or collaborate with federal/provincial/local governments on coastal inventory and planning.	Call for and participate in local consultations and planning programs.	Advocate for plans where needed. Participate in local consultations and planning programs. Acquire key coastal habitat for protection.	Prepare and implement regional and community plans. Zone lands for specific uses. Plan and provide local services and facilities such as roads, parks, sewers and drainage.	Responsible for coastal zone planning. Address issues of land use, protection (Crown and private) and resource use.	Facilitate coastal zone planning under Canada's Ocean Strategy.
Approval Role		Respect regulations. Obtain necessary permits. Protect, enhance and restore coastal habitat on properties. Demonstrate stewardship practices. Adopt best management practices for all activities or works on private waterfront properties. The "eyes and ears" of coastal stewardship.	Advocate for plans where needed. Participate in local consultations and planning programs. Acquire key coastal habitat for protection.	Prepare and implement regional and community planning strategies. Official community plans. Zone land for specific uses including subdivisions. Plan for watercourse protection, tree protection, and sediment and erosion control. Plan and provide local services and facilities such as roads, parks, sewers, drainage and stormwater management.	Allocate, license, and regulate the use of crown foreshore, aquatic lands and beaches. Regulate mineral, oil and gas development. Approve and regulate discharges to coastal waters and alterations to wetlands. Regulate marshland use for agriculture. Approve and regulate aquaculture operations and facilitate collaboration and efficiency between jurisdictions. Designate protected areas. Enforce duties of municipal governments.	Protect fish and aquatic habitat, along with migratory bird habitat. Regulate disposal of materials to deep ocean. Assess environmental impacts of federal projects. Designate protected areas.
Legislation				Municipal Government Acts and bylaws.	DNR: Beaches Act; DEL: Environment Act, Wilderness Areas Protection Act, DA: Agricultural Marshland Conservation Act, DFA: Fisheries and Coastal Resources Act and MOU, DTCH: Special Places Protection Act, SMR: Municipal Government Act.	DFO: Canada's Ocean Strategy, Oceans Act, Fisheries Act, EC: Migratory Birds Convention Act, Species at Risk Act, Canada Water Act, Wildlife Act, Canadian Environmental Assessment Act, TC: Navigable Waters Protection Act.

Figure 3.1. Navigating current coastal management roles in Nova Scotia. Modified from McKeane & Gregory, 2005.

3.1.2. PARKS AND PROTECTED BEACHES

Recognizing the multiple values of beaches to Nova Scotia's residents, visitors, and ecosystems, provincial decision-makers have made some important steps towards their legislated protection. While at present, most of Nova Scotia's beach systems are not actively managed or protected, the Parks and Recreation branch of DNR looks after a small number of beaches. DNR is responsible for the management of both Provincial Parks— many of which feature beaches— as well as beaches protected under the *Beaches Act*.

There are approximately 50 beaches within the Provincial Parks system. Several of these parks contain habitat for rare or threatened species and other ecologically significant features, and contribute to connectivity zones between other protected areas. They are also important to visitors for recreation and nature appreciation. Though many are small in size, DNR's parks have the potential to contribute to the overall biodiversity of the province by continuing to protect habitat and ecosystem function, providing opportunities to discover and enjoy a healthy beach system, as well as the potential to demonstrate best practices in low impact beach access and recreation.

Parks Canada also manages Kejimikujik Seaside, which includes two ecologically significant beach systems along Nova Scotia's south shore. Federal ownership of the entire beach system, including dunes, lagoons and marshland, along with a mandate and resources dedicated to ecological integrity, has allowed extensive protection of this unique and sensitive system. Efforts to research invasive species and federal species at risk in the park are explored later in the document (Section 5.3.2). Sandy shores can also be found along the Cape Breton Highlands National Park.

As well, ninety-two beaches are listed under the Nova Scotia *Beaches Act*. The Act is Nova Scotia's only piece of legislation specifically to protect a coastal landform from human impacts, and unlike the *Provincial Parks Act*, the *Beaches Act* applies to private property if the system is declared protected. The Act states: "The beaches of Nova Scotia are dedicated in perpetuity for the benefit, education and enjoyment of present and future generations of Nova Scotians." While not without limitations, this Act could be a crucial tool to ensure beaches are protected in our province, and is one of the few provincial Acts that focuses on threats to coastal landforms (Graham, 2007).

Protected beaches and park system beaches represent a relatively minor proportion of Nova Scotia's incredible diversity of beach systems, yet they are worth considering in the context of exploring a new vision for beach management in the province. Often, leadership and responsibility for decision-making around beach systems in Nova Scotia is poorly defined; however, on these protected beaches, it is comparatively apparent where the responsibility currently lies. Bold leadership and directives, along with clear communication strategies can help lead agencies work with other departments, divisions and organizations to acquire ecologically significant coastal lands, protect habitat, and implement recovery plans for species at risk in beach systems and wider coastal watersheds.

LIMITATIONS OF THE BEACHES ACT

Is the *Beaches Act* an adequate tool for beach management in Nova Scotia? A report commissioned by DNR has noted that “compared to the legislation used in other jurisdictions to protect coastal areas, the *Beaches Act* lacks clear direction” (Jacques Whitford Environment Limited, 2003). Ambiguous, discretionary wording and a narrow description of the beach system may pose serious barriers to the protection of these sensitive coastal areas. The boundaries of protected beaches are inconsistent and rarely include the full complement of beach features. In some places, such as **Pomquet Beach**, dunes and marshes adjacent to the beach are protected as part of the beach system, while elsewhere only a narrow strip of sand may be defined as protected.

The current formulation of the *Beaches Act* is focused on mineral extraction, making it ill-suited to deal with more current issues. For example, there is little the Act can do to address the unprecedented rate of development along Nova Scotia’s coast, especially as it is complicated by the landward retreat of many of the province’s beaches or the needs or threatened wildlife and plants. Interestingly, DNR concluded that because of the range of beach systems and issues in the province, the “legislative flexibility” afforded by the ambiguous wording of the *Beaches Act* could be advantageous (Jacques Whitford Limited, 2003). Rather than rewording the Act, the report suggested that the establishment of general guidelines might be more a more efficient way to improve its efficacy.

Figure 3.2. Limitations of Nova Scotia’s *Beaches Act*. Courtesy of Jacques Whitford Environment Limited, 2003.

3.2. KEY BEACH MANAGEMENT ACTIONS

Although many opportunities to better manage Nova Scotia’s beach systems are currently being missed, there are several examples of innovative beach management initiatives happening across the province. These efforts range from local community campaigns to major intergovernmental strategy exercises.

DNR’s efforts to acquire public land adjacent to beaches for ecological conservation have resulted in vital protection for numerous beach systems. For example, when **Carter’s Beach** (near Port Mouton) went up for private sale recently, DNR’s land acquisition staff was able to purchase 70 hectares of land. This sensitive beach system is now in public hands, and set aside for future protection (Roberts, 2008). Non-governmental organizations such as the **Nova Scotia Nature Trust** and the **Nature Conservancy of Canada** have also purchased land along significant provincial beach systems. As well, community groups including the **Kingsburg Coastal Conservancy** and **Mahone Islands Conservation Association** have also purchased or secured donations of coastal properties, including beach areas.

Though currently underutilized, another potential DNR beach management tool comes in the form of beach management plans. DNR has the authority to collaborate with local groups on the creation and implementation of management plans and or cooperative agreements for specific beaches. Similarly, provincial parks that feature beaches also have mechanisms to create management plans. For example, **Thomas Riddell Provincial Park** has an overall management plan that addresses several ecological components, including the park’s beach system.

On a policy level, DNR is undertaking a new natural resources strategy to set future directions for Nova Scotia’s forests, minerals, parks and biodiversity. Significantly, the department has asked the public to help shape the strategy, tasking Voluntary Planning (an arm’s length provincial agency), to lead a process

to elicit feedback from Nova Scotians. While the process does not include a specific vision for beaches or coastal management, the strategy's focus on parks, biodiversity, forests and minerals can all have a significant influence on the health of beaches.

The provincial government also recently released its coastal management framework, committing to the development of a sustainable coastal development strategy by 2010. Given the significance of beaches in Nova Scotia, improved beach management must be a key feature of the strategy. However, while public policy commitments are important, it is clear that Nova Scotia beach systems need urgent attention. Better beaches management cannot wait until coastal and natural resources management strategies are implemented.

COMMUNITY GROUPS AND BEACH MANAGEMENT

The efforts of community groups have been integral to many of the management success stories on Nova Scotia's beach systems. There are simply too many to list, occurring across the province. The role of community groups is critical, and can take many forms, including:

- Advisory
- Advocacy
- Education/ outreach
- Management planning
- Monitoring
- Research
- Restoration
- Watchdogging

Figure 3.3. Community groups and successful beach management.

Bird Studies Canada (BSC)'s work with multiple partners should also be highlighted as a promising beach management model. For example, BSC has successfully coordinated with several government departments, community groups and volunteers for several years to implement the **Piping Plover Guardians Program** on selected beaches (See Figure 3.4 for details). The Guardians have had great success in the seasonal protection of key beach habitat for wildlife at risk. Perhaps more importantly, the connections formed in these unique collaborations may serve as a model for a more collaborative and adaptive beach management regime.

Engaged citizens can also work together to push government to take action and spread awareness about coastal issues both within and beyond their communities. In some cases, such as the **Kingsburg Coastal Conservancy**, community groups have even brought beach management issues to court to clarify legislation and prevent inappropriate beach development. In some instances, communities can also collaborate on management planning and implementation - at **Port Hood Beach** and **Southwest Mabou Beach**, community groups have cooperative agreements with DNR to manage local beaches.

Education and outreach programs aimed at the general public are also essential beach management activities. Some excellent initiatives are currently underway in the province, including a BSC beach stewardship guide for Nova Scotian landowners, TD Bank's many partnerships with local groups to deliver the **Great Shoreline Cleanup**, and interpretive facilities such as the **Lockeport Crescent Beach Centre**. As well, community groups such as the **Port Joli Basin Conservation Society** have created and

distributed natural history information, including a beach-walkers guide to shells, wrack and debris, entitled “All Washed Up” (PJBCS, undated).

THE PIPING PLOVER GUARDIAN PROJECT

For over 30 years, hundreds of volunteers have walked Nova Scotia’s beaches from April through August to track endangered Piping Plovers, protect nesting habitat, and promote plover-friendly tips to beachgoers. Since 2006, Bird Studies Canada has coordinated a network of up to 70 Guardians, who assist with habitat and nest protection and educational outreach on and off the beach.

Wearing red vests or caps, Guardians are important symbols of stewardship on the beach and essential participants in the team working towards recovering the highly imperiled shorebird in Eastern Canada. Most Guardians live in nearby communities, and thus play an important role in sharing information to other community members about the health of the beach and its wildlife.



Brian and Janice Keneflick, **Cherry Hill Beach** Guardians in Lunenburg County, spent over 80 hours on volunteer efforts in 2008.

Figure 3.4. BSC’s Piping Plover Guardians. Courtesy of BSC.

3.3. CHALLENGES FOR NOVA SCOTIA’S BEACH MANAGERS

This section discusses some of the challenge facing Nova Scotia’s beach managers, and closes with a call for action towards better beach management.

3.3.1. LEADERSHIP AND VISION

The *Beaches Act* (the sole piece of provincial legislation dealing directly with beaches) does not articulate a clear vision or management priorities for beaches. Consequently, decision-makers are operating without a blueprint when it comes to management planning for Nova Scotia’s beach systems. As a 1976 Institute for Environmental Studies report notes, “The absence of a clear governmental policy with respect to

beach management emphasizes the difficulties already implicit in the fact that nearly all provincial departments and several federal departments have some interest in beaches. This separation also reduces the opportunity for innovative programs or adequate research” (Institute For Environmental Studies, 1976). Although the report was drafted over 40 years ago, it is clear that little has changed in this regard.

Consequently in Nova Scotia, decisions affecting beaches often occur on a piecemeal basis, through the largely uncoordinated efforts of various government departments and community stewards. While DNR is presently responsible for a much of the direct management actions, it is important to recognize that even within the department, many different interests are at work. Various divisions and sections have a role to play, from Parks, and Wildlife to Biodiversity, Enforcement, and even Forestry and Mineral Resources. Regional Services also part of the picture. In many cases, the goals of individual sections fail to match up, lacking a unifying vision for beaches management.

This lack of coordination and communication has serious repercussions for beaches, wildlife and beach users in this province. As the Provincial Oceans Network has noted, it has resulted in inconsistent or even conflicting service delivery, the inefficient use of government resources, and lost opportunities (Provincial Oceans Network, 2007). Such hindrances also lead to inadequate preparation for storm events and other climate change impacts in the province.

This fragmentary approach creates a serious lack of engagement with the larger community of beach users and other stakeholders. Community stakeholders must play an active role in planning and management exercises if management actions are to be successful (Vanderlinden & Eyles 2000). For example, beach users and communities meaningfully involved in the development of management strategies and action will be better able to understand and support the goals and actions of a new vision for healthy beaches in the province.

3.3.2. MANAGEMENT CONFLICTS

Unsurprisingly perhaps, uncoordinated and unbalanced management actions along Nova Scotia’s shorelines have resulted in messy conflicts between groups. A lack of adaptive coping mechanisms means that instead of learning from these conflicts, quarrels tend to happen time and time again. These quarrels are often costly and unpleasant for all involved. Some of these have even been played out in the courts.

Frequently, conflicts arise between beach users and coastal property owners who wish to protect and control access to their land. Similarly, beach users often clash with developers who seek to change the nature of the local beach system. All over Nova Scotia, community groups become mobilized again and again to protect locally prized beaches from short-sighted development, loss of public access, and other threats to their enjoyment of the beach system.

There are also occasional differences between developers who are interested in the economic benefits to be had from utilizing a particular beach system and the various regulatory agencies in charge of conducting assessments and granting permits. Often these fights are about residential development, while other times conflict may erupt about road construction or beach access infrastructure. Indeed, in many cases the regulatory agencies may also quarrel among themselves about whether or not to allow a development project to go ahead. Political influences may further compound such conflicts.

As well, different beach users may clash over what sorts of activities are appropriate on particular beach systems. In Nova Scotia, for example, naturalists and tourism operators sometimes differ with off-highway vehicle (OHV) recreation groups, shellfish or bait harvesters and even dog walkers. In these cases, beach stakeholders look to legislation and associated regulations for solutions – but often find ambiguity.

Likewise, many developers are seeking clear, concise rules about which types of construction and activities are appropriate along the various parts of Nova Scotia's coast. Indeed, it can be very difficult to conduct business along Nova Scotia's shorelines in the presently unclear regulatory environment.

RESIDENTIAL DEVELOPMENT AT KINGSBURG BEACH

Kingsburg beach in Lunenburg County is considered one of the more ecologically significant beaches in the provinces, and in 1993 was listed as a protected beach under the *Beaches Act*. While some areas of the beach are relatively stable, overall it is moving landward on average of 0.2- 0.4m per year. Land use patterns along the beach are a mix of seasonal and year-round residential development and open space. In recent years, there has been considerable interest in residential development close to the beach. There were eight houses along the beach in 2001, including three built after the beach was "protected." These developments have been highly contested in the region.

In 1993 the **Kingsburg Coastal Conservancy (KCC)** formed as a response to new residential development along the beach and an attempt to privatize the beach's access road. The KCC is a loose collection of citizens working together "to protect habitat, beaches, wetlands, and shoreline, and to secure access to these places in the Kingsburg Peninsula for public enjoyment now and forever."

Following Kingsburg's designation as a protected beach, beachfront property owners initiated two lawsuits challenging the provincial government's right to take away their right to develop their land. In the first case, the province lost on a procedural-based argument. Nonetheless, the judge did not return the development rights to the landowner but required the province to improve its notification process in subsequent protected beach designations. This ruling was based in a public interest argument stemming from the *Beaches Act* intent to protect significant beaches for future generations. Significantly, in the second case, the court defeated an argument put forward by property owners that the Province expropriated their land.

Figure 3.5. Legal issues at Kingsburg Beach. Courtesy of Nichol, 2007.

3.3.3. INFORMATION GAPS

In Nova Scotia, beach managers and community stewards often lack reliable information required for effective management action (Schlacher et al., 2008). There are many information gaps related to all three themes explored in this document: beach dynamics, wildlife and habitat, as well as the impacts of human activities. Instead, decision-makers often must rely on anecdotal evidence to implement action and to evaluate their performance.

Some data has been gathered about Nova Scotia's beach systems. (For a sample, see Figure 3.5.) Over the past forty years, for example, several of the province's beaches have been inventoried by DNR Staff, the Geological Survey of Canada and private consultants. However, this work has been piecemeal, using a variety of indicators and methodologies. As well, much of the information that may have been gathered

about the condition of individual beaches in terms of ecological integrity and sensitivity to human impacts is currently unavailable or inaccessible to the public.

Significantly, beach managers in Nova Scotia lack an indicator of “carrying capacity” on various provincial beaches. Carrying capacity is a concept borrowed from wildlife biologists to refer to a maximum level of activity beyond which physical deterioration or damage to a natural habitat or ecological feature will occur (Dasmann, 1981). It is often applied to investigations of the sustainability of coastal tourism initiatives, and to visitor numbers at National Parks. This type of indicator is also crucial for the appropriate design of access infrastructure, and ideally perhaps, for the creation of beach management plans.

At this point in time, little data is available even outlining the number of visitors to beaches across the provinces. The Nova Scotia Lifeguard Society gathers an estimate of traffic at 3 pm on selected supervised beaches during peak season, while BSC monitors human use during plover season on selected beaches, including visitor numbers and the presence of unleashed dogs and OHVs or tracks (Bird Studies Canada, 2008; Nova Scotia Lifeguard Society, 2007). On the whole, however, there is currently no way of knowing how many people visit the vast majority of Nova Scotia’s approximately 420 beaches – let alone what activities they choose to engage in.

In addition to this missing piece, a beach system inventory should include the diversity and abundance of flora and fauna, more specific ecological indicators, water quality indicators, sediment budgets, and response to storm events. The creation of a robust set of beach health indicators can also help managers summarize complex beach inventory information. Once indicators are chosen and inventories are completed, ranking beaches on a spectrum from those most appropriate for recreation and development opportunities to those most suitable for ecological protection, may be useful.

Ongoing monitoring is also an essential part of any adaptive beach management planning. As key indicators (such as Piping Plovers, for which there is long-term data on populations and productivity) are periodically checked for changes, beach managers may learn while doing, adapt quickly, and tweak management actions as needed. As well such information is useful to gauge progress towards management goals. Community groups around the province are already doing various kinds of exceedingly important monitoring, often on a volunteer basis.

Gathering the extensive research required to develop a full picture of beach health in Nova Scotia is a significant undertaking. However, though these activities are often flagged as extraordinary expenses, thorough research and monitoring can actually prevent significant financial losses through erosion, storm damage and the maintenance of armoured coastlines. It may also be recognized as an exciting opportunity to educate and engage community partners, as well as coordinate and cooperate between government departments and sectors.

NOVA SCOTIA BEACHES RESEARCH: SELECTED LANDMARKS

Though much remains to be learned and shared about the many ecological, social and economic values of Nova Scotia's beaches, various projects have added significant knowledge that may be useful in developing a new vision for healthy beaches in this province. This list is by no means exhaustive, but is intended to provide a sense of the scope of research and monitoring connected with provincial beaches.

*In 1976, The Institute For Environmental Studies at Dalhousie University released "*Maintenance of Beaches Technical Report*". This document provides an overview of technical, legal and scientific knowledge related to Nova Scotia's beaches. While this comprehensive report contains the fullest inventory of beaches we know of, it is also over 40 years old.

*In 1985, The Geological Survey of Canada published "*Beach Morphology and Coastal Changes at Selected Sites, Mainland Nova Scotia*." As the name suggests, dynamic processes and changes were examined for selected provincial beaches.

*In 1992, J. Hale completed an Masters of Science thesis at McMasters University entitled "*Sand Dunes of Nova Scotia*." This research identified the ecological importance and fragility of the province's dune systems, including the potential impacts of recreational infrastructure.

*In 1994, Jacques Whitford Limited developed a beach dynamics model to estimate the rate of landward retreat at Kingsburg Beach and an ecological study of the beach.

*In 2003, The Department of Natural Resources (DNR) commissioned Jacques Whitford Limited to follow up on their work at Kingsburg and compile inventory information for five protected beaches – including **Lawrencetown, Conrads, Noonan's, Lower East Chezzetcook and Fancy Beach**. This pilot project was designed to analyze gaps in their portfolio of protected beaches.

*In 1997, noted author Silver Donald Cameron published "*The Living Beach*," a lyrical and informative book about humanity's relationship with the beach in Nova Scotia and beyond. Cameron underlines that the beach is not a place so much as a process, embodying a paradox of change and stability.

*The Canadian Wildlife Service regularly publishes the "*Nova Scotia Atlas of Piping Plover Beaches*." The atlas illustrates population trends for these endangered shorebirds on individual beaches. For each entry, the location of the beach is given, along with land ownership information, a site description, beach use history along with a summary of local plover breeding history.

*The Geological Survey of Canada maintains 100 coastal monitoring sites in Nova Scotia, providing baseline information about long-term shifts in shoreline position, morphology and storm impacts.

*In 2004, the Coastal Coalition of Nova Scotia prepared "*Changing Tides*" the proceedings of a workshop on coastal issues and coastal policy in Nova Scotia. This report provides a comprehensive overview of beach issues and jurisdiction in the province, identifying a need for improved policy, regulations and enforcement related to beaches and other coastal systems in the province.

*Community groups are also conducting significant research around the province, explored further throughout the document.

Figure 3.6. Nova Scotia beaches research: selected landmarks.

3.3.4. EDUCATION AND OUTREACH

Several groups in Nova Scotia are well situated to benefit from targeted education and outreach on beach management issues. As beach users and other decision-makers become more aware of beach features, processes, and best management practices, their collective capacity to make effective and equitable management decisions will likely improve. Beachside landowners, surfers, shellfish harvesters, municipal development officers and planners, along with coastal developers, realtors and tourism operators may be particularly opportune targets.

For example, realtors often lack information for potential new coastal landowners about appropriate development setbacks and techniques for building on properties featuring rapidly eroding beaches. Similarly, while lifeguards in Nova Scotia are given opportunities to learn about beach safety and currents, in many cases little information is available describing how they might participate in wildlife stewardship and integrate efforts to educate beachgoers about ecological beach issues (See Figure 6.7 for some notable exceptions).

It is unclear who has ultimate responsibility for educational initiatives related to human activities on the beach. Community stewardship groups and non-governmental organizations may be well suited to deliver such information to targeted partners. However, many of these groups would require resources, coordination and support of key decision-makers and managers to design and implement such programs.



Figure 3.7. Community-made beach habitat stewardship signage. Photo courtesy of BSC.

3.3.5. UNREALISTIC MANAGEMENT PERSPECTIVES

From time to time, Nova Scotia's beaches gently remind managers and decision-makers that they are a dynamic and unpredictable natural force. Similarly, recurrent conflicts reflect that the divergent needs of beach users, local communities, and wildlife are also continually evolving. Still, the dominant pattern of beach management in this province behaves as if these unique coastal landforms are as inert as city blocks. Such an approach is increasingly recognized as a crucial impediment to the conservation and protection of these vulnerable coastal systems. Indeed, a limited and outmoded pattern of natural resource management is still ingrained in this province.

Traditional resource management tends to be myopic, failing to recognize the complexity and uncertainty

inherent to ecological and social systems (Agee & Johnson, 1988; Ludwig, Hilborn & Walters, 1993). It also tends to be reactive, even crisis-driven. Finally, this model of management tends to use public involvement sparingly, often too late to allow community stakeholders to make a real difference (Interagency Ecosystem Management Task Force, 2005).

Ensuring a future for Nova Scotia's beaches will require enhanced ecological understanding, innovative approaches, and coordinated adaptive management strategies. As a recent guide to characterizing coastal and marine areas has observed, "The capacity to plan for and adaptively manage human activities on the ocean and along the coast depends heavily on the availability and accessibility of information about the ocean and on the engagement of local people" (Taylor & Atkinson, 2008).

3.4. A CALL TO ACTION

The unique attributes of Nova Scotia's beach systems, coupled with the threat of their degradation or loss due to erosion and sea level rise, merge to create complex challenges for beach managers. Those tasked with beach management clearly face considerable obstacles to ensure that these beloved and vital ecosystems are adequately protected. While barriers persist, there are also many exciting opportunities to improve beach management practices in Nova Scotia, both in the short and long term.

Some prospects for beaches may appear on a relatively long time horizon. For example, along with the DNR-led Natural Resources Strategy, the province has also recently announced a Coastal Management Framework and has promised to develop and implement a sustainable coastal development strategy. These are important steps, and while neither specifically deal with beach management, both will be essential to the long-term success of any individual initiative to improve the health of beaches in Nova Scotia.

Unfortunately however, beach systems in Nova Scotia cannot wait for government departments to roundly agree with a broad cross-section of stakeholders on an overall coastal strategy, let alone on the actual realization of such a policy on the sand, so to speak. Though beaches may function on unthinkably long geologic time scales, human impacts are threatening provincial sandy beach systems incredibly rapidly.

There is much to be done. Luckily, many workable strategies can be implemented in a shorter time frame, protecting essential elements of beach system health in the province, and accomplishing significant progress towards better beach management. Such approaches may involve several parallel strategies including strengthened legislation and regulations, land acquisition, research and monitoring, collaborative community planning exercises and innovative educational and outreach initiatives.

Inaction is no longer an option. To be successful, a broad range of stakeholders must pursue all of the identified approaches, both long and short term, simultaneously. As well, to keep so many parallel strategies moving in the same direction, an overall vision for healthy beaches in Nova Scotia, now and into the future must be decided upon. This will also require clear leadership and direction from key decision-makers.

A new vision for healthy beaches in Nova Scotia must identify opportunities to move forward immediately on key issues, while identifying priorities for action over the longer term. Ensuring a future for beaches in this province will also require solid leadership, ecological understanding, innovative approaches, and coordinated adaptive management strategies. In fact, it will be essential to draw on all available expertise and enthusiasm if beach systems are to successfully negotiate the significant human impacts facing them.

4. BEACHES AS DYNAMIC SYSTEMS



"In every outthrust headland, in every curving beach, in every grain of sand there is the story of the earth."

--Rachel Carson

4.1. INTRODUCING DYNAMIC CHALLENGES

Always in a state of flux, beaches gracefully shift and respond to the action of each wave, each tide and current, the force of the wind, and other changes in conditions. Over longer stretches of time beaches are busy building, stabilizing, and breaking down. They must also adapt to rising sea level, which, in the case of many of Nova Scotia's beaches, means moving landward. These systems also respond more immediately to the force of storms – a fall hurricane or winter Nor'easter can completely re-sculpt a beach in a matter of a few hours.

These incredibly dynamic systems are not just ornamental features attracting human recreation and development – they are critical to the overall ecological function of Nova Scotia's coast, acting as a buffer between land and sea and providing critical habitat for uniquely adapted species. They also pose unique challenges to beach managers, who must balance human interests and activities with the sensitive, volatile and ever-changing nature of the beach system.

While several management issues related to beach system dynamics are outlined later in the section, beach erosion poses particularly pressing challenges. Also described as landward retreat or shoreline migration, this natural process may be exacerbated by human impacts, especially in the form of inappropriate coastal development and infrastructure. Though mainly a gravel system, **Story Head Beach** near Chezzetcook illustrates the potential scope of the problem. Since 1996, this barrier beach has moved landward at a rate of 36 to 38 metres per year. Sandier beaches such as **Dominion Beach** and **Silver Sands** are also experiencing significant erosion.

Nova Scotians are increasingly concerned about the degradation, shrinking and loss of beach systems that may be aggravated by poor decision-making and management actions along the coast. Valuable public and privately owned property and infrastructure along the beach is also under increasing threat of being swallowed by the encroaching sea.

The looming threat of climate change underlines the fact that this province is not prepared for current rates of shoreline change and sea level rise, let alone the accelerated rates predicted for the near future. Beach managers in Nova Scotia must adopt a new approach that addresses the dynamic and often volatile nature of these vital coastal systems. To do so, beach managers need to unite around a common vision for healthy beach management, and decision-makers must understand the dynamic processes that create and maintain our beaches.

A SAMPLING OF BEACH DEFINITIONS

1913 Webster Dictionary - The shore of the sea, or of a lake, which is washed by the waves; especially, a sandy or pebbly shore; the strand (Webster, 1913).

Glossary of Geology – The unconsolidated material at the shoreline that covers a gently sloping zone, typically with a concave profile, extending landward from the low-water-line to the place where there is a definite change in material or physiographic form such as a cliff or to the line of permanent vegetation (Jackson et al., 2005).

Prince Edward Island – the portion of the shoreline commencing at the base of the bank or slope where the terrestrial land meets the shoreline, or the seaward extremity of a sand dune, as may be relevant in the circumstances and extending seaward a distance of three miles and containing water, sand, gravel, rock, shale or other earthen material (EPA 19(a.3)).

Maine, USA - sand and gravel deposits within a marine beach system, including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes and other sand and gravel areas deposited by wave or wind action. Also may extend into coastal wetlands (38 MRSA 480-B(1)).

Waikato, New Zealand - the entire, inter-connected, dynamic system which composes a particular beach. The term incorporates all those parts of a beach between which sediment is regularly exchanged. As such, it includes the offshore sub-tidal regions of beaches (where sand is transported during storms) and the frontal dune behind the beach (which provides a reservoir of sand for the beach, drawn on during major storms) (Waikato Regional Coastal Plan, 2007).

Figure 4.1. A Sampling of beach definitions.

4.2. LINES IN THE SAND - DEFINING BEACH SYSTEM BOUNDARIES

A beach can be defined simply as “the shore of the sea, or of a lake, which is washed by the waves; especially, a sandy or pebbly shore” (Webster, 1913). Strictly speaking, beach sediment can be made up of many different types of loose material – from rocks, lava and shells, to the bizarre examples of beaches consisting of tin cans, car parts, or even, sadly, the polystyrene particles of disposable coffee cups (Institute of Environmental Studies, 1976). In Nova Scotia, beach sediments are made up mostly of sand to pebble sized sediment. The province also features many cobble, boulder and mud dominated beaches which fall outside the scope of this document.

Despite appearances, however, the beach system doesn't stop where the iconic apron of sand ends. Indeed, the accumulation of loose sediment that happens along the shore can be seen as only one small part of a much larger coastal watershed, which begins far away at the headwaters of a stream or river, and ends up in the ocean.

A useful definition of a beach system may incorporate several closely related features beginning in the shallow seawater and encompassing the entire beach face along with dunes, lagoons, barachois ponds and salt marsh systems. Headlands – often drumlins in Nova Scotia- are connected as well, supplying new sediment to the beach system as they erode. Roughly speaking, the natural boundaries of the beach system lie at the edge of the maritime forest on the landward side, with the seaward boundary at the outer edge of offshore bars (Schoette, 2006).

Though complicated, defining seaward and landward boundaries of the beach system is an important exercise. When closely interrelated features of the beach are disregarded in beach management actions, ecosystem processes and traditional sediment transport paths may be disrupted, intensifying degradation and damage across the system. As described earlier, legal definitions of the beach often fail to incorporate key shore features. In Nova Scotia, for example, this can mean that even on beaches designated for protection under the *Beaches Act*, roads and other infrastructure may be built through the adjoining salt marsh or lagoon system, disrupting the vital exchange of sediment and seawater key to the ecological health of the beach.

THE ROVING BOUNDARIES OF RAGGED HARBOUR BEACH

Ragged Harbour is a protected beach system located in Queens County.

In years gone by, a small cart trail was worn between the beach face and salt marsh system. More recently, the area has attracted cottage development close to the beach. As a result the informal track was converted into a road to ensure access to developed lots.

The road has effectively cut the beach in two, disrupting the ecological connectivity of the system. For example, with a road in the way, sediment and seawater can no longer travel freely between the marsh and beach face. As well, the beach is blocked from its natural inclination to move landwards.

During Hurricane Juan in 2003, a storm surge delivered a massive overwash of cobble and gravel across the road, into the marsh system. The beach face was forced to move landward significantly. Despite the likelihood of future migration events, the road was rebuilt, directly upon the overwash sediment. A similar overwash and landward migration occurred after Post-Tropical Storm Noel in 2007.



Figure 4.2. The roving boundaries of Ragged Harbour. Courtesy of Geological Survey of Canada, 2004.

4.3. BEACH FORMATION

Basically, beaches are formed as deposits of sediment – often sand and gravel - accumulate along a coastline. These sediments may have originally been part of coastal landforms such as headlands and cliffs, or eroded from glacial till and other rock formations alongshore or from offshore. On Nova Scotian beaches, cliffs provide one of the major sources of beach sediment, with offshore supplies, estuarine

deposits, and erosion of dunes supplying the balance (Institute of Environmental Studies, 1976). Sediment from one beach may also move offshore, eventually supplying other beach systems.

Waves are one of the main shaping forces of the beach system. They are an essential source of energy on the coast, and fuel the processes of sediment erosion and transport. As well, waves can create different types of current, including **longshore drift**, which also moves sediment along the beach in significant ways. Longshore drift describes the movement of sediment along drift-aligned beaches, when waves strike the shore on an oblique angle, pulling bits of sand and gravel along with it.

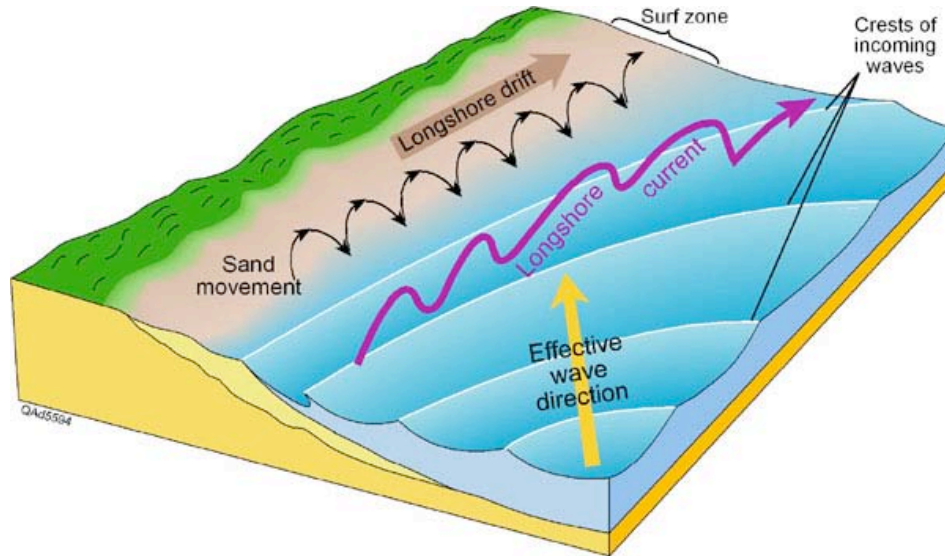


Figure 4.3. Wave action and longshore drift. Illustration courtesy of the University of Texas, 2006.

Each wave that crashes on a Nova Scotian beach is the culmination of a process that may have begun with a gentle breeze hundreds or even thousands of miles away. As wind blows across water, energy is transferred from the air to the surface of the water. While gentle breezes produce small waves, strong, sustained winds contain enough energy to create larger waves.

From these humble beginnings, the various associated features of the wider beach system are also created. As coastal winds continue to blow sediment up the beach face, sand may build up at the top of the shore, especially around small solid objects like beach wrack that slow wind speed, allowing dunes to develop. Tides, storm surges and winds also occasionally carry seawater and organic materials behind the dune system, allowing barachois ponds, lagoons and salt marshes to form.

These dynamic landforms are continually altered by wind and waves, in complex cycles of accretion and erosion. The sheer power of storm events may accelerate the growth of the beach by dumping large amounts of sediment – even forming entirely new beaches overnight. By the same token, however, dramatic weather events may effectively scour the beach system, removing vast amounts of sediment and destroying key beach features. Figure 4.4 below describes how seasonal fluctuations also help dictate the shape of the beach system.

FOUR SEASONS ON THE BEACH

Whether strolling, tanning or digging for clams, most of us have enjoyed the wide sandy face of a Nova Scotia beach on a warm summer day. Enjoying the sights and sounds of the beach, along with the heat of the sun, it can be hard to imagine how different the same beach might look in the winter. Fast forward - and the broad, sandy expanse may have been replaced by a stark, narrow ridge of sand and rock.

This seasonal shift is related to a yearly cycle of changing wave intensity. As winter approaches, wind and wave action is generally stronger, and storms are more frequent. Rough seas often carry away those summer sands, depositing much of it offshore. North winds may blow sand from the dunes onto the beach and into the nearshore. Other strong winds may blow more sand away from the beach face and onto the dunes, particularly in the fall when the backshore is relatively dry. High on the beach, like stranded whales, rounded boulders hold their ground, too heavy to be lifted by even the winter surf.

Though it may be hard to imagine on a summer day, sea ice also forms each winter on many beaches along the northern shores of the provinces – effectively protecting them from erosion throughout the winter months. Shore fast ice and frozen sand above high tide provide further protection to the upper beach against wind and waves.

As spring approaches, small, less-steep waves begin to work to rebuild the beach. They are strong enough to lift the sand grains onto the shore, but too weak to haul it back out to sea again. In this way, they move the fine sand accumulated offshore in bars back onto the beach face. As well, new shoots of marram grass grow up through the sand accumulated in the dunes, consolidating the system. Though differences between summer and winter conditions are generally observable on Nova Scotia's sandy beaches, it is also worth noting that beach building and erosion can occur at any time of year, depending on local wave and wind conditions.



Winter ice on Mahoney's Beach, Antigonish County, Nova Scotia.

Figure 4.4. Seasonal fluctuations on a Nova Scotia beach system. Photo courtesy of S. Gillard.

4.4. FEATURES OF THE BEACH SYSTEM

Though forever shifting their form, beach systems tend to have several conspicuous features. The shape and nature of these closely related landforms, along with their associated oceanic influences is extremely significant, determining coastal vulnerability to storms and climate change impacts, and suitability for wildlife habitat and human activities, along with the legal boundaries distinguishing public and private ownership (Shalowitz 1964; Anders & Byrnes, 1991).

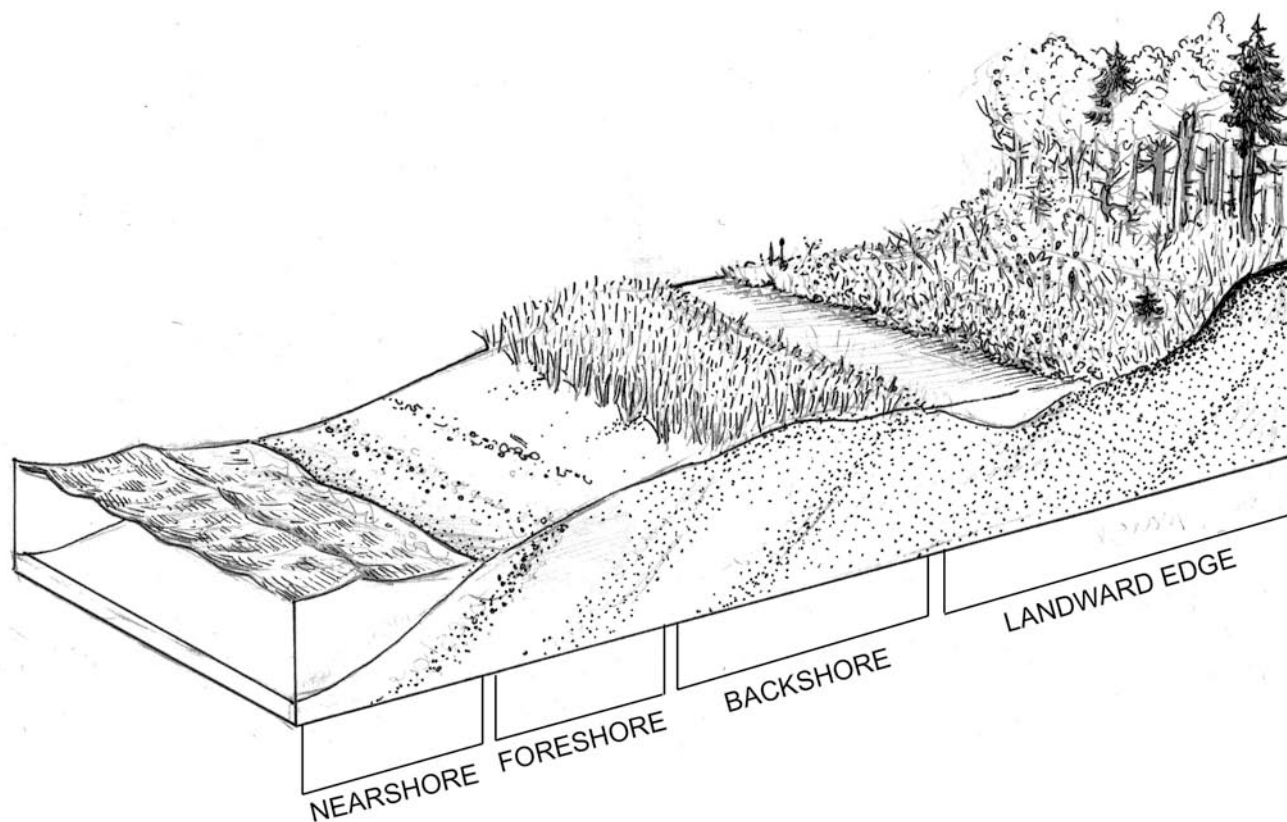


Figure 4.5. Cross-Section diagram of a typical Nova Scotia beach system.

4.4.1. THE BEACH FACE

The **beach face** is usually defined perpendicular to a beach's contour, and begins underwater, in an area known as the **nearshore**. From here, the face extends across the **foreshore** and over the **backshore**, including dunes. Extending beyond the face are other features of the beach system along the **landward edge**, described in the next section.

The realm of surfers and swimmers, the **nearshore** of a beach is where waves crest and break. Here, the ocean continually moves sand and gravel sediments around, often forming depositional features known as sandbars, or offshore bars. Along with the nature of local currents and tides, the amount of sediment available, known as the beach's "sediment budget", determines the shape and size of these bars.

The bulk of a beach system's sediment-moving work happens here in the nearshore. During storms, waves tend to steepen, and sediment may be eroded from the beach face, sending the sediment out to sea, where it may be stored in offshore bars. These bars help dissipate wave energy on its way to the beach, forming a protective barrier. During calmer times of year gentle waves complete the cycle, slowly steal sediment back from the bars, rebuilding the face of the beach.

Just barely on land, we find the **foreshore**, where waves swash around along the slope of the beach, and where people like to get their feet wet. This area extends from the approximate low tide to the high tide line, and experiences the harshest, most dynamic conditions of the entire beach system. An uneven line of beach wrack and debris, also known as the strandline, often marks the landward boundary of the foreshore.

Perhaps the most iconic portion of the beach system, the area extending from the high-tide level up to and including dunes, where they exist, is called the **backshore**. This is where beachgoers are likely to park their towels to stay dry as the tide rises. This area, may be covered in seawater periodically during storms and extreme high tides, but is defined by dry sediment. The area may also include dunes.

Deposits of sand and/or gravel on a given beach in Nova Scotia usually extend some distance landwards from the foreshore. Here, the influence of wave action fades away, allowing wind a chance to sculpt the beach. When enough sediment is available, the wind may blow grains of sand into relatively stable ridges known as dunes. Some of Nova Scotia's largest dunes are found on the western coast of Nova Scotia and Western Cape Breton Island, notably at **Mabou Harbour**, **Inverness**, where the copious sand supply coincides with strong on-shore winds. On the mainland, isolated sections of the South Shore including **Carter's Beach** and **Sand Hills** boast some high dunes as well, reportedly up to 15 metres tall (Nova Scotia Museum of Natural History, 1997).

As part of an interdependent process, beach vegetation works to stabilize and grow the dunes. These dunes and their vegetation play a critical role in beach dynamics, particularly in the natural cycles of erosion and recovery that occurs on NS sandy beaches, described later in the section. The vital ecological role of beach grasses and other plant life will also be explored more fully in Section 5.

4.4.1. THE LANDWARD EDGE

As previously established, a beach encompasses far more than a ribbon of sand and gravel along the coast. Indeed, the energetic movement of waves, sediment and nutrients that collude on the beach face feeds a broader beach system, which is, in turn, intimately connected with a coastal watershed. Significant interconnected elements of the beach system beyond the beach face may include **lagoons**, **barachois ponds**, and **salt marshes**. While some beach managers may attempt to "draw a line in the sand" between the beach face and associated features, their decisions can have unexpected and costly results as they flow through the broader system.

Coastal lagoons are shallow water bodies, usually oriented parallel to the shore, and often separated from the ocean by a variable barrier of sediment (Kjerfve, 1994). Often occurring near the mouth of an estuary, these features are incredibly variable, spanning the range of salinity from fresh to hyper-saline. While tidal energy may extend deep into lagoons, the action of ocean surf does not, except during large storms.

Lagoons are widespread all around the world's seacoasts, representing nearly 13% of the shoreline.

However, though these features are considered to be ecologically significant wherever they are found, they are relatively uncommon in Nova Scotia (NS Museum of Natural History, 1997). Several good examples of lagoons found in Nova Scotia include the **Little Port Joli Lagoon** at Kejimikujik Seaside as well as **Cherry Hill Beach** and **Johnson's Pond**.

Lagoons are important areas of deposition, effectively trapping sediment brought in through a tidal entrance or blown over the dunes by the wind or from rivers (Institute for Environmental Studies, 1976). During low tide, they may expose vast swathes of wet sand, ideal feeding grounds for many beach species. As well, their inland side often provides ideal conditions for the creation of salt marshes.



Figure 4.6. Aerial photo of a barachois pond, East Bay, Cape Breton. Photo courtesy of B. Taylor.

Another connected beach feature, particularly unique to the Atlantic region, is the **barachois pond**. Barachois is an Acadian word that has been anglicized in some places as ‘barrisway’ or ‘barrasway’. It comes from ‘barachois’, the Norman French word for sandbar (Casselman, 1997). However pronounced, the word refers to a type of shallow barrier pond often found behind a sand bar or barrier beach, along the sandier portions of the Atlantic coast. Cape Breton contains many of these unique ponds, especially around the **Bras D’Or Lakes**.

Again, the key descriptor of this coastal system is “dynamic”. Indeed, their proximity to the coast and connection with rivers and streams means that, like lagoons, their salinity is constantly in flux. Barachois can be either opened or closed to the adjacent salty sea, though even in closed ponds, large storms may breach the barrier, adding salt water, just as a heavy rain may dilute the barachois’ water supply. Significant breaches may even convert a barachois into a lagoon. As described in Section 5, these features also provide critical habitat for many species (Drohan & Petruskavich, 2007).

The **salt marsh** is another critical component of the coastal watershed and beach system. Mostly found along the inland side of a lagoon, pond or estuary, or behind a dune system, these low coastal grasslands are occasionally covered by tidal water. Though often underappreciated, these swampy areas between land and shore are not only crucial habitat for many organisms, they are also extremely valuable as buffer zones against rising sea level and storm impacts associated with both natural cycles and human-caused climate change (National Plan of Action, 2000). In some circumstances, salt marshes even respond to rising sea level by gathering sediment and building higher over time (Vanproosdij et al., 2006).

Unfortunately, however, many of the province's salt marshes have been lost or degraded through a variety of human activities. An estimated 65% of salt marshes in Atlantic Canada have been altered or destroyed by human activities since the arrival of European settlers, while the estimate for the upper Bay of Fundy (Nova Scotia and New Brunswick) alone is 80%⁶ (Percy, 1997; Wilson, 2000). Often reclaimed as farmland by early settlers, the practice was most widespread along the muddy Bay of Fundy, but also occurred on Nova Scotia's sandy beach systems in areas such as **Cole Harbour, Lawrencetown** and **Chezzetcook**.

SAND DOLLAR BEACH AND THE ROSE BAY SALT MARSH

Sand Dollar Beach is a delicate barrier system located in Lunenburg County, known for plentiful sand dollars and shallow, warm waters. The beach stretches out towards a nearby island, and includes a sensitive salt marsh at the mouth of Rose Bay. The area had been recognized by many as an ideal example of a healthy beach system, and local group **Kingsburg Coastal Conservancy (KCC)** has worked closely with the municipality, MLA, and local landowners to acquire lands for ecological protection.

After a kind donation from the major landowner and some cash and effort from the municipality, the KCC was able to arrange for a beach park with a modest parking lot, a picnic table, some trashcans and a carefully designed ramp to the shore. However some critical parts of the beach system that had been previously subdivided would prove more difficult to acquire.

In late 2006, infilling began on one of the subdivided lots for a house construction. Much of the site was deemed as salt marsh according to several independent experts, a critical component of the Sand Dollar Beach system.

A low-lying marshy area, the development site is regularly flooded, and may eventually present a hazard to residents. There are also concerns over local water quality and the overall loss of beach system integrity. Unfortunately, though, despite the efforts of the KCC, the construction was able to proceed.

Figure 4.7. Sand Dollar Beach and Rose Bay Salt Marsh.

4.5. KEY BEACH PROCESSES

Nova Scotia contains a stunning wealth of beach systems, with no two exactly alike. However, it is possible to identify certain common processes that help to shape and change sand-dominated beach system over time. Several widespread cycles of change on the beach offer difficult challenges for coastal managers and decision-makers. While some of these processes are completely natural and indeed necessary elements of the beach's life cycle, others are either caused or aggravated by human activities.

4.5.1. DUNE CYCLES AND BLOWOUT

Though often cyclical, the extent and timing of various shoreline changes brought about by the combined force of winds, waves and tides are somewhat unpredictable. While these cycles of change have common features, they often occur sporadically, with periods of little or no change followed by times of intense activity, most obviously during storms (Scottish Natural Heritage, 2000). This is certainly true of dunes, which may appear "stable" for long periods, before beginning a cycle of rapid erosion.

As illustrated earlier, sand tends to move onshore during calmer periods. When dry sand is blown landwards, and trapped by dune vegetation, dunes may accumulate significant sand deposits, building higher and higher. However, when major storm events pass through, powerful waves may erode the beach and dunes, depositing masses of sediment out to offshore bar systems. These offshore bars work to protect the beach from wave erosion by dissipating wave energy away from the shore. After a storm gives way to calmer weather, the sand deposited on the offshore bar may gradually move back on shore, widening the beach face, beginning the cycle anew.

Often, the action of onshore winds will lead to subsequent re-building of dunes, leaving the event to go unnoticed by many residents. However, when human impacts have exacerbated pressures on the dune system, sometimes the natural restoration of the dunes may be minimal or even completely absent. This is when broad public concern tends to arise, especially if human infrastructure or interests are at risk (Scottish Natural Heritage, 2000). **Summerville**, **Rissers** and **Crescent Beach** (near Bridgewater) are all examples where dune blowout has caused local concern (Hales, 1992).

Dune blowout may happen when the vegetation anchoring the system is trampled. Often, a track develops as people simply walk over dunes to reach the foreshore of the beach, disrupting and removing grasses. Repeated use of this track for walking may allow wind to take advantage of destabilized vegetation, removing sediment, while the movement of machinery of vehicles through the dune may destroy the structure more rapidly.

Repeated dune blowouts can considerably impact beach system dynamics, and can disrupt the role of dunes in sand cycling. Gradually, the “sediment budget” or sand reserves that beach systems depend may be lost. This may be particularly troubling for Nova Scotia’s beach systems, which are also facing long term shoreline retreat and the destabilizing effects of climate change.

4.5.2. WAVE OVERWASH AND TIDAL CHANNELS (BREACHES)

Wave overwash describes the flow of water over a beach that does not directly return to the sea. It often occurs during high water levels or storm events when waves are larger. Low-lying beaches and areas of a beach system such as a break in the dunes may be particularly vulnerable.

The process of wave overwash often transports sediment landward into the dunes, barachois, salt marsh, or lagoon system. While these events may infill and even destroy backshore habitats as the beach is forced landward, in many cases, they are also essential to the creation and maintenance of the beach system. Indeed, without occasional overwash many key features would simply dry up, destroying critical habitat and storm buffer zones.

Significantly, overwash also allows beach systems to respond to changes in sea level. This process is also critically important to the natural landward migration of beach systems. Barrier beaches (described in Figure 2.3), depend on the process to maintain their width, orientation and initially their elevation as they migrate landward. As new vegetation grows on the washover deposits on the back of the beach face, dunes may grow up in a new, landward position. These channels also create new habitat in some cases. In Nova Scotia, for example, endangered Piping Plovers have benefited from the formation of washover channels, for example at **Martinique** and **Cherry Hill** beaches.

Sometimes waves may completely cut through a barrier beach, allowing tides to move back and forth into the backshore pond for some length of time. A **breach** or **tidal channel** is created when waves cut a

channel through a low section of a barrier beach, or when pressure from high backshore pond water levels force a channel to open from the landward side, or some combination of both. While breaching is often triggered by a storm or single event, in other cases the beach may have been gradually narrowing or weakening over a longer time period, making it more vulnerable to breaching. Breaching is more common where a bedrock outcrop exists on a barrier beach, such as **Belfry Beach** in Cape Breton county.

Several barrier beach systems in Nova Scotia have become highly prized sites for residential coastal development. Despite the highly dynamic nature of these beach systems, cottages and homes have been popping up along several barrier systems, especially those close to Halifax, including **Martinique**. Such development not only results in frequent property damage as barriers are occasionally breached, it may also interrupt many of the dynamic processes that allow barrier beaches to exist, leading to the shrinking and eventual disappearance of the beach. Beaches and coastal development will be explored further in Section 4.6.3.

4.6. RECENT TRENDS ON NOVA SCOTIA'S BEACHES

4.6.1. DECLINING SEDIMENT SUPPLY

Beaches are constantly changing. The availability of sediment for beach building is dependent upon its "sediment budget". Along Nova Scotia's coast, sediment supply for sandy beaches is limited, and where the supply is less than its losses, shoreline erosion may occur. The province is currently experiencing an overwhelming trend of coastal erosion, also known as shoreline retreat (Taylor, 2008).

Shoreline retreat is a natural phenomenon, working to shape and change landscapes along the coast. As wave action, currents and wind wear away at the shoreline, sediments are moved and deposited along the beach, into the nearshore or farther offshore. This process is crucial to replenish beaches, dunes, salt marshes, and other features of the beach system over time.

On sand and gravel beaches, this coastal erosion may happen relatively rapidly. As waves transport beach sand into more sheltered areas, sand is continually lost from the beach face. As well, the force of the waves also continually erodes cobbles and gravel, taking fine particles away. When sediment is available, beaches build seaward or broaden. However, when sediment is limited, beaches must adjust by changing shape, migrating landward and in extreme cases, even disappearing.

The rate of retreat and other changes are also likely to accelerate as a result of the effects of climate change. As described below, the trend of sea level rise will increase shoreline exposure to wave action. As well, as sea ice cover decreases, shores can become vulnerable to wave attack during winter storms. A loss of beach ice in the future will likely further increase the extent of winter erosion.

POMQUET BEACH – AN ACCRETING BEACH SYSTEM

Pomquet Beach is a wide tombolo in Antigonish County, protected under the *Beaches Act*. Unlike many protected beaches in the province, in this case the entire beach system including dunes and lagoons is included in the designation. The beach is also a significant Piping Plover nesting beach.

While many beach systems in Nova Scotia are presently experiencing erosion and landward migration, some beaches are actually accumulating sand or other sediment due to the natural action of waves, wind and currents. Geologists know this process as accretion. **Pomquet Beach** is one such accreting beach, growing each year as sediment eroding from nearby headlands is made available in the system (NS Museum of Natural History, 1997).



Figure 4.8. Pomquet Beach. Image courtesy of the Nova Scotia Museum of Natural History, 1997.

4.6.2. RISING SEA LEVEL AND GLOBAL CLIMATE CHANGE

Another primary cause of the trend towards long-term shoreline retreat in Nova Scotia is simply the rise in sea level relative to the land (Daigle et al., 2006). Observed sea level rise is partly a result of regional subsidence, a product of glacial loading and unloading which ended more than 10,000 years ago, which has led to a sustained gentle sinking along most parts of the province (Environment Canada, 2006).

Over the last 20,000 years, as temperatures have increased, Earth's ice sheets have also retreated. Accordingly, the sea level has risen in the Northwest Atlantic Ocean. Tidal records for the past century in Nova Scotia indicate sea level increases of more than 35 centimetres since 1896. Indeed, historical records show the loss of entire islands along the coast (Geological Survey of Canada, 2002).

As sea level rises relative to a beach, there is an inevitable tendency for the shoreline to move inland. Over the last 15,000 years, sea level rise has caused much of Nova Scotia's coast to retreat inland, flooding the lower reaches of river valleys and eroding bedrock and unconsolidated materials. Among the areas most affected are sandy beach systems, along with associated salt marshes, lagoons, and estuaries (Environment Canada, 2005).

Accelerated sea level rise as a consequence of global warming is expected to exacerbate these impacts, increasing a need for adaptation to minimize damage and costs. This will have massive consequences on shorelines around the world, particularly where shoreline development prevents or limits shorelines from naturally migrating landward. In Nova Scotia, rates of erosion on beaches reaches up to ten metres per year and the Geological Survey of Canada predicts that sea level could rise by 70 centimeters by the year 2100 (Geological Survey of Canada, 2002).

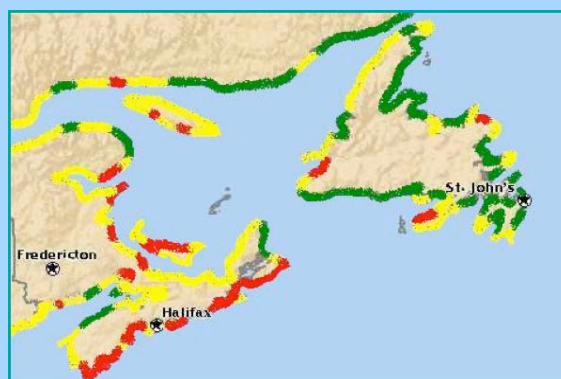
Coastal ecosystems and communities around the world are widely recognized to be vulnerable to climate change (International Panel on Climate Change, 2007). In this region, sea level is already rising, with demonstrable impacts. The increased likelihood of unpredictable dramatic storm events associated with climate change only aggravates this trend. For example, gravel-dominated **Story Head Beach** in Chezzetcook Inlet has migrated landwards at more than 8 metres each year over the last 30 years. In 1998, the beach became flattened and submerged at high tide (EarthNet, 2004). The sandy beach systems along the southwestern coast of Nova Scotia are also experiencing notable erosion, as accelerated by sea level rise (Vasseur & Catto, 2008).

GLOBAL CLIMATE CHANGE AND NOVA SCOTIA'S COAST

Earth's climate is changing. A growing body of scientific literature provides overwhelming evidence of global warming, along changes in precipitation patterns, sea level rise and extreme climate events (Intergovernmental Panel on Climate Change, 2007). These climactic shifts are having observable impacts, with significant social, economic and environmental implications.

While natural factors do influence global climate, fossil fuel burning and changes in land-use patterns are observed to be the dominant causes of modern climate change. These human activities are expected to continue to dominate natural factors through the present century and beyond, leading to accelerated rates of global warming and other changes (Intergovernmental Panel on Climate Change, 2007).

Reduction of greenhouse gas emissions is critical to limiting the rate and magnitude of future climate change. Because of the inertia of the Earth's climate system, temperatures and sea level will continue to rise somewhat, regardless of global efforts to limit emissions. As a result, adaptation strategies are necessary to respond to the current and near-term impacts of climate change (Intergovernmental Panel on Climate Change, 2007).



Coastal sensitivity to climate change in Atlantic Canada. Red =high, yellow = medium, and green = low.

Figure 4.9. Global climate change - sensitivity in Atlantic Canada. Lemmon et al., 2007. Map courtesy of NRCAN, 2004.

4.6.3. EROSION AND COASTAL DEVELOPMENT

Aside from the natural factors that play a role in the rate of erosion on sandy beach systems, human intervention can also increase erosion. Some interference includes the removal and destruction of natural habitats along the coast that protect against erosion, and residential development along the shoreline. At this point in time, Nova Scotia's sandy beaches haven't suffered the same level of development pressure as many other shorelines, particularly those across American and European coasts. However, this is likely more a matter of lucky circumstances than effective management (Environment Canada, 2005).

Development pressure is perceived to be growing rapidly along Nova Scotia's coastlines. The **Geological Survey of Canada**, which has been conducting repeated aerial surveys of Nova Scotia's coast since the 1980s, has noted increases in the size and number of residences along the shore (Natural Resources Canada, 2008). Beachfront properties in areas like Nova Scotia with low population density and relatively affordable real estate are often attractive purchases for developers and wealthy visitors. Indeed, clever realtors and developers promote the province as one filled with "wild, untouched beaches", reminding wealthy vacationers and retirees from abroad that these relaxing beaches are "only a days drive from Boston" or just "a quick flight from Europe" (Gladstone, 2008).

The purchase of entire coastal islands is currently trendy in some well-off circles, and there is steady market for secluded island properties along the eastern and southwestern shores of the province. As Farhad Vladi, owner and manager of **Vladi Private Islands** describes, "The luxury of a private island is summed up with one word: freedom. You can escape into solitude, and return at any time" (Chen, 2008). Many of these properties are extremely significant from an ecological standpoint, and may be surrounded by unique and important beach systems.

In some cases, owners of secluded beachfront properties are careful to protect the natural integrity of the beach system and important wildlife habitat. However, in other cases, forest buffers may be removed, and large, expensive homes built right along the dune system. In addition to these larger private developments, the proliferation of several cottages in a small coastal area or island can also lead to similar impacts. Community groups like the **Mahone Islands Conservation Association (MICA)** have formed to purchase and protect lands and islands, and also provide information about island stewardship to property owners along sensitive islands and coastal areas.

As sea level rise and other erosion forces set to work, artificial structures such as seawalls are often built to protect private investments. Ironically, these artificial structures placed along beaches to stop erosion damage may actually exacerbate the problem. While these modify sediment transport, often trapping sand, they are at best short-term solutions, requiring significant investments to maintain, with erosion merely funneled into another part of the coast.



Figure 4.10. Advertisement for coastal hardening solutions on the Northumberland shore. Courtesy of Ashley Sprague, 2008.

4.6.4. COASTAL HARDENING

Human strategies to deal with shoreline retreat have been conventionally based on a static engineered response, often referred to as “coastal defense.” Solid structures are often built along coastlines to “combat” changes in beach environments, most often to protect the position of high-priced property and other infrastructure. However, when such structures are installed along the coast, the natural movement of sediment is disrupted, often relocating the problem to another nearby part of the coast (IPCC 1990).

The strategy remains ubiquitous in the province. For example, the Geological Survey of Canada has estimated that in 2000, hardening structures covered a total of 30.5 kilometers of the shoreline of Pictou County, amounting to 6.5% of the county’s coastline (Natural Resources Canada, 2008).

Frequently constructed from armourstone or creosote beams, rock walls and breakwaters work to directly limit erosion by reducing exposure to wave action. Under normal conditions, wave energy gradually dissipates as it approaches the shore, but a rock wall reflects the wave, focusing its energy downward and seaward hence erosion, at the base of the wall and in some cases loss of the beach.

Groins are coastal defense structures running perpendicular to the shoreline. Made variously from wood, concrete or armourstone, these constructions extend from the upper foreshore down towards the sea. The basic function of the groin is to work as a sediment trap. By disrupting longshore drift, it is able to create a beach on its up-drift side. Predictably, this often accelerates erosion and starves sand along the down-drift side of the beach.

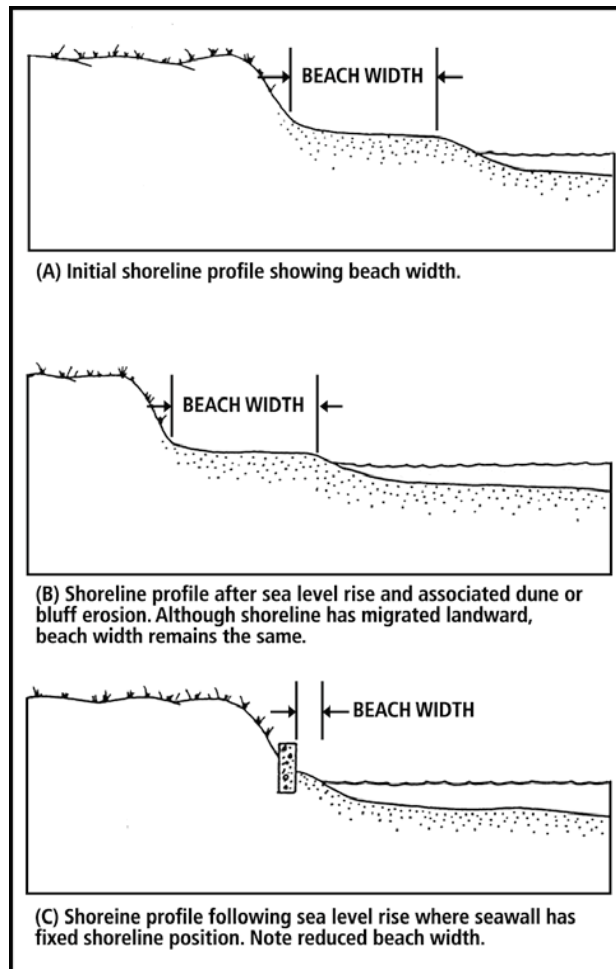


Figure 4.11. Beach width loss. Illustration courtesy of Griggs et al., 1994.

The disruption of natural coastal processes caused by hardening the coastline has serious implications for both ecosystems and economic activities. Because these protective structures limit the natural migration of the beach system and associated features, the beach face may shrink or even disappear. Habitat may be lost for ecologically significant species such as dune vegetation and shorebirds, along with commercially valuable habitat for clams and fish (National Plan of Action, 2000; Dugan et al., 2008).

Coastal hardening is an approach used both by coastal residents and by governments, agencies and institutions. The management actions taken by individual residents are largely ad-hoc, mostly taking the form of riprap rock walls along the beachside boundary of their property. Often, engineering firms are all too happy to offer their “erosion management” services to concerned landowners, as many residents are largely unaware of either the impacts of such action along the larger coastal system, and are unaware of other options (see Figure 4.10).

A similar lack of awareness also seems to exist among agencies charged with protecting coastal infrastructure. In Nova Scotia, it is often unclear who is responsible for managing erosion issues along a particular piece of coastline, and several parties may feel responsible for such decision-making, especially after acute storm damage. In other cases, no one may feel responsible. Figure 4.11 describes an example where several agencies and communities conflicted when one government department decided to protect a coastal road at the expense of a popular recreational beach.

POST-TROPICAL STORM NOEL VS. THE ROAD NEXT TO QUEENSLAND BEACH

On November 2nd, 2007 Port-Tropical Storm Noel hit the Atlantic coast of Nova Scotia with winds gusting over 150 kilometers an hour, dumping up to 130 millimetres of rain on some parts of the province. The force of the event altered shorelines and damaged infrastructure across the province, including Conrad's road along **Queensland Beach** (Department of Transportation and Infrastructure Renewal, 2008).

Pavement in front of the beach was cracked and buckled by the storm, and large beach cobble and rock was thrown onto the road and adjacent parking lot. This had been the second event in recent years – and the road had already repaired after extensive damage after Hurricane Juan in 2003.

In April 2008, The Department of Transportation and Infrastructure Renewal announced plans to repair the road in time for the 2008 summer beach season. The repair included the installation of armourstone along the beach and a fresh coat of pavement.

Many residents have questioned the logic of rebuilding the road in the same place time and time again. Many were worried about erosion damage to the beach, along with safety issues related to the height of the new armourstone. Residents expressed disappointment that an opportunity was being lost to rethink management options in the best interest of the beach system. However, concerns were overruled by the Minister of Transportation and Infrastructure Renewal, who explained, "It's not a beach project, it's a road project" (CBC Nova Scotia, 2008).



Figure 4.12. Road damage adjacent to Queensland Beach after a 2007 storm. Photo courtesy of A. Baccardax.

4.7. MANAGING BEACHES AS DYNAMIC SYSTEMS

Beach systems are dynamic, marking the ever-changing boundary between land and sea. This exceptionally volatile coastal feature gracefully responds to force and pressure from both sides, yet fully answers to neither. Fittingly, the beach system also confounds all human efforts to tame it, though coastal managers and decision-makers ceaselessly try.

Though beaches are naturally adapted to respond to the dynamic cycles that shape and change them, human infrastructure and habits simply are not. While many individual policy decisions and management actions on the beach system may address some of the proximate challenges, the ultimate challenge faced by coastal managers is to learn to manage not for stability, as many are accustomed to, but rather for unpredictability and change.

As the province seeks a new vision for healthy beaches, it will be important to reflect upon an expanded understanding and definition of the beach system, and set goals for natural beach system function.

4.7.1. “SOFTER” APPROACHES

Recognizing the many problems associated with the erection of solid structures along the shore, “softer” approaches to shoreline stabilization have gained traction in many parts of the world. These strategies tend to mimic the forces of nature to curb accelerated erosion - often in cheap, low impact, and aesthetically pleasing ways. However, in Nova Scotia, beach managers, developers and residents have not had much access to information about these options – indeed, unclear responsibilities along the coast make it difficult to know where one might seek such information.

A simple but proven technique that works with the dynamics of the beach system is the stabilization of dunes or bluffs with transplanted native vegetation. Here, the incredibly well-adapted root structures of dune plants such as marram grass (explored in Section 5) hold sediment in place, making it less susceptible to erosion. DNR has also used brush piles and snow fencing at times on sensitive dune systems which may limit the erosion of sand from the dune over the winter; however, such measures may also limit nesting habitat for shorebirds. The restoration of salt marshes also holds potential to protect the ability of the beach system to adapt to changes in sea level and sediment supply (Vasseur & Catto, 2008).

Another approach that is often considered “soft” is known as beach nourishment. Sometimes called replenishment, beach nourishment describes a process where sand lost through longshore drift or erosion is replaced onto the beach face. It involves the dredging and transport of the nourishment material from one area to the affected area.

Not often used in Nova Scotia, this procedure is often prohibitively expensive. Nourishment may result in less damage than hardened structural methods, however, poorly designed or executed systems may have significant ecosystem impacts (National Research Council, 1995). Further, once a beach is nourished, it is usually necessary to maintain and regularly re-nourish it. This is because, like hard structures, this management action fails to recognize the big picture, where sediments are constantly shifting and changing at the whim of currents, waves, and wind action.

4.7.2. PLANNED RETREAT

Planned retreat is another notable alternative to the construction and maintenance of coastal structures in the face of shoreline retreat. Managed retreat allows a beach system to migrate inland freely, and involves the simple abandonment of infrastructure that is threatened. In this case, a decision is made to allow the land to erode or migrate naturally, creating new foreshore and salt marsh habitats, and making room for a new position for the beach.

Such an approach was traditionally used in Nova Scotia by the Mi' Kmaq and early settlers, who tended to build more temporary or easily moved structures when developing infrastructure close to the beach system (Vasseur & Catto, 2008). For example, wigwams were built and taken apart after each summer season, leaving little impact and allowing placement to vary each year as shorelines wandered. Similarly, the flakes and bait sheds of early settlers were traditionally made from low-value materials and easily dismantled as needed.

Policies of planned retreat can involve the designation of setback limits for building close to the coast, along with zones along the beach system where no permanent constructions are permitted (Vasseur & Catto, 2008). This option has been championed in neighbouring New Brunswick, for example, and may be considered in areas of very rapid shoreline retreat, and where nearby properties and/or infrastructure has a low economic value (New Brunswick Climate Change Action Plan, 2007).

Though planned retreat has been used very infrequently along Nova Scotia's coast, it has become a serious consideration in some jurisdictions where sea level rise and erosion damage is likely to be severe. With the effects of climate change looming, it may be time for coastal managers and decision-makers to ponder how such a strategy might fit into an overall vision for healthy beaches in the province.

4.7.3. LAND ACQUISITION

As described earlier in the document, a whopping 95% of Nova Scotia's coast is owned privately (Voluntary Planning, 2001). Land ownership in the province may extend to the high tide mark, or foreshore, leaving much of the beach system in the private hands. In this situation, land acquisition programs can be crucial components of a management strategy to ensure the integrity and protection of key beach systems.

Public land acquisition can take many forms. In Nova Scotia, provincial departments can attain land along the coast. It may be purchased, exchanged, expropriated, gifted, or acquired through a tax sale, through transfers between different government departments, or when it is revealed that owners are unknown (DNR, 2008). Often, government departments partner with non-government conservation organizations such as the **Nature Conservancy of Canada (NCC)**, the **Nova Scotia Nature Trust (NSNT)** or smaller community organizations like the **Kingsburg Coastal Conservancy (KCC)**. The **Eastern Habitat Joint Venture Program (EHJVP)** provides another important avenue for land acquisition.

In Nova Scotia, public lands are acquired (mostly by DNR) under the authority of the *Crown Lands Act*, the *Wildlife Act*, the *Provincial Parks Act*, the *Municipal Government Act* and the *Expropriation Act*. The *Beaches Act* also empowers DNR to seek opportunities to acquire land along protected beach systems to "provide public access to and from a beach and to provide facilities there." A 2001 Voluntary Planning Task Force on Non-Resident Land Ownership in Nova Scotia related widespread concern among Nova

Scotians about the lack of public ownership along the coast, prompting DNR to announce several subsequent acquisitions of coastal and beach properties (Voluntary Planning, 2001; DNR, 2002).

AQUIRING COASTAL LANDS AT CARTER'S BEACH

Carter's Beach, located close to Port Mouton in Queens County, is a gem of a protected beach. Popular with locals but not promoted widely, the beach boasts wide swaths of white sand and high, developed dunes.

Largely privately owned for many years, local citizens became concerned when the property went up for sale in 2006. Many worried that their prized local beach might be developed as a resort or be otherwise ecologically degraded. The potential for loss of public access was also a major concern.

Responding to concerns, DNR purchased over 70 hectares of land adjacent to the beach system, including significant woodlands. The conservation community and local residents have celebrated the move of this deed into public hands. Some have also noted the potential for this key acquisition to be paired with adjacent forest lands as an ideal candidate for protection as a Nature Reserve.

Figure 4.13. DNR land acquisition at Carter's Beach.

5. BEACH HABITAT AND WILDLIFE



"There is nothing in which the birds differ more from man than the way in which they can build and yet leave a landscape as it was before."

- Robert Lynd

Nova Scotia's beach systems provide vital habitat for a staggering range of species. This varied and interconnected set of beach features and systems support critical coastal biodiversity, stopping places for migratory animals, and essential refuges for endangered species. However, as humans have encroached on and threatened these diverse habitats, wildlife and vegetation have suffered perilous population declines, threatening the sensitive web of life that makes the beach a living system.

Coastal managers and decision-makers know they must manage beaches as habitat, balancing the interests of people with the requirements of diverse species across the spectrum of habitats present on Nova Scotia's beach systems. Better understanding and accommodation of the needs of beach-dwelling organisms- along with a fair and careful strategy for managing human activities- must be at the heart of a new vision for healthy beaches in the province. This chapter outlines wildlife considerations for beach managers in Nova Scotia, including trends, threats and approaches to their management.

5.1. THE LIVING BEACH

Though often characterized as a lifeless desert, beach systems are extremely productive environments. Indeed, members of the sandy beach community are often small or hidden, allowing us to forget just how fascinating and diverse they are. These systems are an extremely valuable component of coastal watersheds, not only forming a vital barrier against coastal erosion, but also serving as habitat and a prolific food source for a wide range of birds, fish, and invertebrates.

A distinctive and rich web of life exists only as part of this extraordinary system, while still more depend on beach features for food and shelter during certain times of the season or parts of their life cycle. Over many thousands of years, these organisms have learned clever adaptations to the often harsh and dynamic beach setting. Truly, we can all learn from the hardy-yet-flexible set of flora and fauna that depend on beach systems.

Reflecting a gradual boundary between land and sea, life on the beach tends to organize itself in horizontal bands. At the landward boundary of the beach system, most species, like the spruce (*Picea glauca*), obviously hail from the terrestrial realm (however bedraggled by wind and salt spray). Similarly, as the nearshore leads into the ocean, distinctly marine species begin to dominate.

Between these edges, beach life can be described in four main zones. Beginning with the **landward edge**, this section of the document will explore flora and fauna in Nova Scotia's lagoons, barachois and salt marshes. Next, the **backshore** - marking the dunes and sandy spots above the high tide mark, and then the **foreshore** - where creatures make their lives between the tides will be animated. Finally, readers may wade out to the underwater realm of the **nearshore**, and explore the marine life interacting with the beach system.

Additionally, looking up from the sand and surf, we find the birds. Perhaps the most noticeable and arresting beach creatures, shorebirds can be seen across (and mostly flying above) all of the horizontal bands of the beach system. Each bird enjoys a niche, but all depend on the integrity of these systems for breeding, nesting, and feeding. Though among the most well-known and well-loved organisms on the beach, they are also perhaps the most threatened by a variety of human impacts.

5.2. BANDS OF LIFE ON NOVA SCOTIA BEACHES

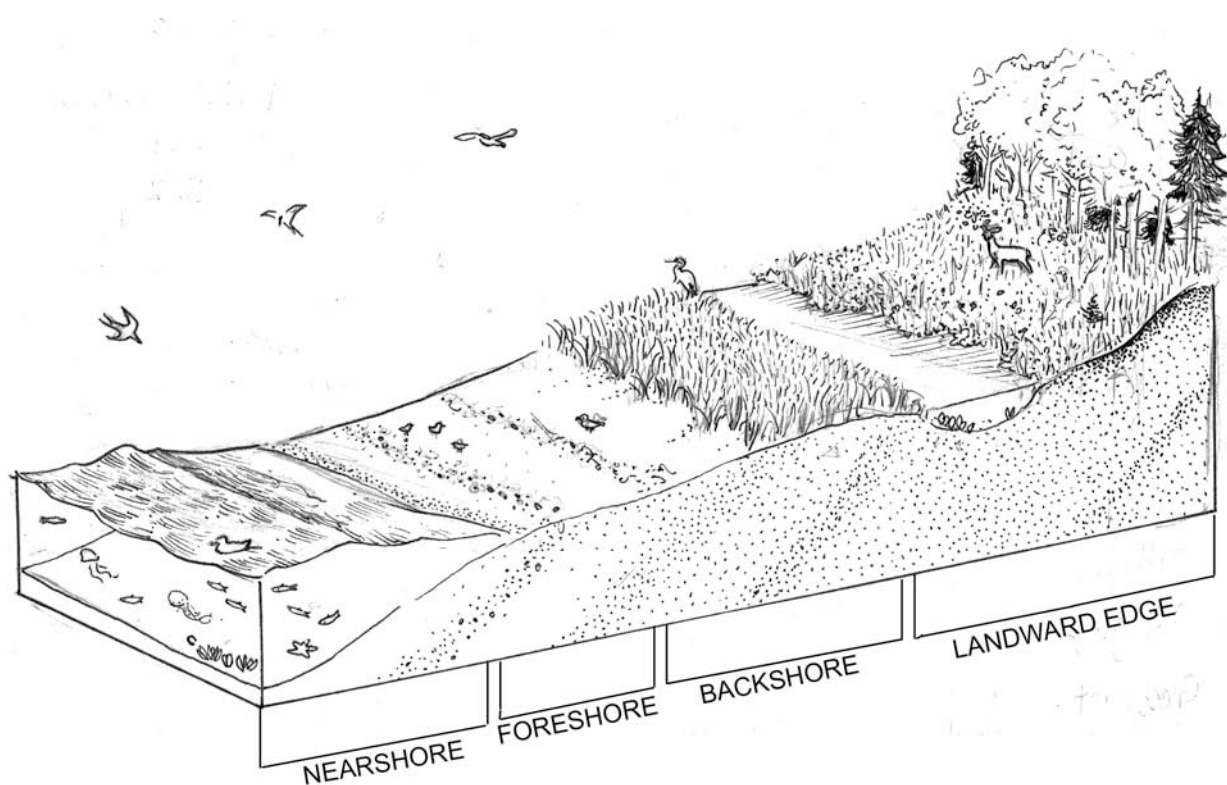


Figure 5.1. Bands of life on a typical Nova Scotia beach system.

Thus far, little in the way of broad-scale scientific study of the wildlife, vegetation and habitat has been completed for Nova Scotia's beaches. However, some steps have been taken to better understand these crucial habitats. For example, DNR Parks and Recreation has completed ecological inventories of five protected beaches, and DFO has done some important research on life in the nearshore. Since 1991, BSC has also conducted significant monitoring of breeding populations and productivity of Nova Scotia's piping plovers.

Reflecting the varied dynamic processes along the beach system as described in Section 4, life on Nova Scotia's beaches may be characterized into roughly horizontal bands. Recognizing the close interconnection between these bands, this document follows life along the beach system from the sea to the landward edge, finally looking up to explore the unique and vital role of birds.

5.2.1. THE NEARSHORE

Along Nova Scotia's shoreline lies a largely hidden zone of incredible biological productivity – the **nearshore**. Defined loosely as the area extending from the low-tide mark to the distance reaching any offshore bars, this largely marine environment supports a vast assortment of life, including a variety of tiny plants and animals, along with the more conspicuous birds, invertebrates, fish and shellfish (Bascom, 1980; Shoette 2006). In fact, this part of the beach system shelters the most diverse set of organisms,

many of which are also found deeper in the ocean.

The nearshore is a remarkably turbulent environment. Continually shifting with the tides, this zone often experiences intense wave action, especially on the exposed Atlantic coast. While inhospitable to most creatures, this turbulence actually fuels this highly productive zone. Wave energy rapidly recycles nutrients from marine debris, creating similar upwelling of productivity as found along continental shelves.

Plankton (comprised of phytoplankton and zooplankton) are the basis of life in the ocean (DFO, 2007). Sitting at the base of the oceanic food web, this vast array of tiny plants and animals live in the upper layers of the water. Phytoplankton converts sunlight and dissolved nutrients into organic matter through photosynthesis. These one-celled plants adapt to life in the pounding waves and strong tidal currents by migrating between the sand and the water column. Zooplanktons, in turn, consume phytoplankton.



Figure 5.2. Eelgrass. Photo courtesy of Creative Commons.

Sandy beach systems along the edge of protected shallow bays also nurture a critically important flowering plant called eelgrass (*Zostera marina*). Beds of eelgrass not only dampen wave impacts along the beach face, they also provide a safe nursery, feeding and refuge areas for an astonishing variety of marine invertebrates and fish. This ribbon-like seagrass is also connected to the wellbeing of local waterfowl - in 2003, many geese starved when eelgrass beds disappeared along the along Nova Scotia's southwest shore (Seymour, 2002). Eelgrass is also a superb water quality indicator, declining rapidly along beaches where nutrient loading has occurred. As explored in Figure 6.7, eelgrass is monitored by diverse groups around the province.

Further highlighting the significance of the beach system as a nursery for the entire marine realm, many marine animals depend on the nearshore zone during a planktonic stage early in their life cycle. These "meroplankton" often find refuge in eelgrass, and may include baby sponges, sea anemones, hydroids, jellyfish, periwinkles, clams, scallops, crab, lobsters, barnacles, sea stars, brittle stars, sea cucumbers, sea urchins, flounder, herring, lumpfish, cod, and tuna, among others (DFO, 2007).

As in the rest of the ocean, in the nearshore zone everything feeds on the plankton- or else feeds on what feeds on the plankton. Most commonly found are animals lacking an internal bony skeleton, known collectively as invertebrates. A wide variety of these may be found along Nova Scotia's sandy nearshore, from soft-bellied worms and baby lobsters, shrimps, and groundfish, to spiny echinoderms and more highly armoured mollusks, arthropods, and crustaceans.

A surprisingly wide array of fish species also routinely makes use of nearshore areas. While larger

predatory fish often find this turbulent zone troublesome, juveniles can navigate more freely here. Additionally, the abundant supply of planktons and waste cycling that happens here nurtures all sorts of juvenile fish, including herring, mackerel, capelin, sole and flounders. Indeed, many important commercial fisheries in Nova Scotia depend on the water quality and overall health of the beach system.

5.2.3. THE FORESHORE

Between the tides, where the sand is wet and waves occasionally swash along the slope of the beach, lays the foreshore of the beach. This area experiences extreme shifts in conditions on a tidal cycle. Most organisms that make their home in the foreshore are relatively small, and often completely hidden below the surface of the sand or wrack. Again, however, these mysterious and tiny manifestations of beach life are integral to the ecological function of the beach system.

Marking the landward border of the foreshore, near to the politically significant “mean high tide mark,” often sits a straggling line of seaweed and other debris, left high and dry (or drying) by the tide. At high tide, wind and waves toss up wrack – fragments of seaweed and other flotsam, as well as the remains of marine organisms like jellyfish and squid. This area, often called the strandline, is mobile, being slid around or occasionally swept away by wind and tidal action.

In Nova Scotia, some high recreation beaches are occasionally “groomed,” to remove unsightly or stinky detritus. However, though many people may not enjoy the smell, the decomposing matter that makes up a strandline fuels an astounding and important diversity of life. Indeed, this grooming may threaten the recovery of piping plovers by removing food sources or disrupting nesting habitat. Rich communities of invertebrates find shelter here from sunlight, desiccation and predators during low tide in the thick, moist, rotting debris. These rotting seaweeds also provide a rich food source for beach hoppers, kelp flies, beetles, and small crabs.

Marine mammals are occasionally found on the foreshore. Seals, dolphins, porpoises and whales occasionally come ashore on Nova Scotia’s beaches. Though the grey seals often seen along the nearshore in the winter are usually resting, many of these other animals may be stranded, for various unknown reasons (Marine Animal Response Society, 2007). Though people may feel compelled to approach or “rescue” the animal, it is advisable to leave the animal alone, and directly contact the **Marine Animal Response Society** (1-866-567-6277) and or **Environmental Emergencies** (1-800-565-1633). Indeed, the occasional deceased marine mammal may enrich the beach system with a healthy influx of important nutrients.

Moving from impressively large organisms to the infinitesimally small, another important set of beach-dwellers live their lives down below, between grains of moist inter-tidal sand. This thriving group of microscopic organisms is known as the interstitial community. Indeed, an array of miniscule animals including protozoans, gastrorichs, and copepods, crawl or swim between the sand grains, moving upward to capture seeping organic material as the tide comes in and retreating deeper as it ebbs (Lippson & Lippson, 1997).

Also hidden in the sand, several larger worm species prey on the interstitial community, including bloodworms (*Glycera dibranchiatea*, *Glycera robusta*), bamboo worms (*Clymenella torquat,a*), Northern lugworms (*Arenicola marina*). Bloodworms are common residents, named so because of their red colour. They can stretch up to a foot long, found anywhere up to about eight inches deep in the sand – any lower, there is not enough oxygen. These worm species behave much like earthworms on land, ingesting sediments and digesting the microscopic life found between the sand grains. This type of feeding is called

deposit feeding and works to "clean" the beach sand.

Finally, straddling the foreshore and nearshore under the sand are communities of shellfish, including clams, quahogs, and more. These bivalve creatures are sought after by wildlife and humans alike, but barely reveal their position, leaving just a small "blowhole" in the sand. Communities of shellfish in the foreshore depend on clean seawater to prosper, as do the wildlife and people that consume them. Shellfish are thus considered good indicators of ecosystem health. At Kejimikujik Seaside, Parks Canada staff is currently developing an ecological monitoring program that uses soft-shell clams as an indicator of ecosystem health (described in Figure 5.10).

In Nova Scotia, water quality on the beach may be compromised by activities elsewhere in the larger coastal watershed, sending pollutants to the shore, and ultimately into the flesh of these filter feeders. (Water quality on the beach is explored further in Section 6.5). Shellfish may also occasionally be poisoned by harmful blooms of plankton in the form of "red tides." Sewage spills have been a particular challenge, resulting in shellfish harvesting closures and underlining a need for managers and decision-makers to recognize the close interconnection between various far-flung human activities and the health of our beach systems.

5.2.3. THE BACKSHORE

Moving landwards from these features, the next element of the beach system is often the **backshore**, including dunes. The backshore is dominated by abrasive wind, salt spray, constantly shifting sands, and, for part of the year, the relentless heat of the sun. While the harsh and shifty backshore isn't the most welcoming of places, the organisms that choose to use these areas are vital to the integrity of the ecosystem, holding dune structures in place and providing food, shelter and breeding areas for a variety of migratory birds.

Marram grass (*Ammophila breviligulata*) is truly the guardian of the dune system. Characterized by shiny foliage and straw-colored flowers, this hardy plant can survive complete burial when storms throw sand, and have tenacious root systems that help hold dunes in place. Without it, in Nova Scotia, there would be no dunes. Sea rocket (*Cakile edentula*) poison ivy (*Toxicodendron radicans*), sedge (*Carex silicea*) and beach peas (*Lathyrus japonicus*) may also thrive (Nova Scotia Museum of Natural History, 1997).



Figure 5.3. Beach Pea. Photo courtesy of Creative Commons, 2007.

Nestled behind the steady dune grasses, fragrant bayberry (*Myrica pensylvanica*) and seaside roses (*Rosa carolina* and *Rosa rugosa*) are often found. These both provide nutritious fruit for overwintering birds. Intermingled with these bushes, grows seaside iris (*Iris Setosa*), Scotch loveage (*Legusticum scoticum*), and goldenrods (*Solidago maritime*), important for flying insects, including bees. Common invasive plants in this habitat include spotted knapweed (*Centaurea rigira*), mouse-eared hawkweed (*Hieracium pilosella*) and ox-eye daisies (*Chrysthanthemum leucanthemum*). Sensitive lichens, chiefly *Cladonia*, may also be found in patches (Nova Scotia Museum of Natural History, 1997).

Two invertebrate dune visitors on Nova Scotia beaches include the beach flea (*Orchistia platensis*) and the beach hopper (*Orchestia longicornis*). These adaptable amphipods have acute vision, with the slightest disturbance causing them to hop around like a flea (Lippson & Lippson, 1997). Both species are largely nocturnal, with the beach hoppers tunneling into the sand by day, and beach fleas preferring to live under wracks of dead and dying seaweeds, on the border of the foreshore.

TIGER BEETLES – NOVA SCOTIA’S SAND SPRINTERS

Another noteworthy dune dweller is the voracious but ecologically vulnerable tiger beetle (*Cicindela*). Often cited as the “fastest running land animal” for its size, this active coastal predator is about 1 to 1.5 centimeters long with a bronze head and thorax and long, nimble legs (Friedlander, 1998). These tough little beetles live their entire lives in the beach sand, providing a critical food source for migrant shore birds. However, like many invertebrates, they are extremely sensitive to the deposition of dredge spoil, motorized vehicles and heavy foot traffic along with the narrowing of beaches often triggered by armouring the shore with coastal defense structures (Knisley & Schultz 1997).

Figure 5.4. Tiger beetles on the beach.

5.2.4. THE LANDWARD EDGE

A **salt marsh** is another key feature of Nova Scotia’s typical sand-dominated beach system. These beach system features support one of the most productive environments on the planet. These low coastal wetlands range in size from narrow fringes to sweeping meadows, and are often found on the landward edge of a beach system, in reach of the tides.

Salt marshes begin their life as a muddy or sandy flat, covered regularly by briny tidal water. The remains of algae and other organisms may begin to decay in the sun in this slow-moving water, making the area welcoming to an astonishingly well-adapted plant known as salt marsh cord grass (*Spartina alterniflora*). This cord grass features thick, tough blades and special glands that excrete excess salt. Shrewdly, hollow tubes in the stem and rhizomes allow oxygen to travel down and feed the roots when they are waterlogged by the tides.

Much as the beach system as a whole tends to be organized in bands, salt marshes also have distinct vegetation zones based on the time spent inundated by tidal waters. While salt marsh cord grass dominates the system, other marsh grasses manage to squeeze in, along three basic zones. In the “low marsh”, most influenced by tidal flow, for example the delicate sea lavender (*Limonium nashii*) can be found, characterized by minute five-petaled pale purple flowers. Glasswort (*Salicornia europaea*), a plant that grows about a foot tall with fleshy, cylindrical stems, is also common.

The mid-marsh area features salt-meadow cord grass (*Spartina patens*), which grows from one to three feet tall and is characterized by four-inch-long terminal spike-lets. The high marsh is rarely inundated with salt water and is thus characterized by less salt-tolerant vegetation including freshwater cordgrass (*Spartina pectinata*), wild morning glory, (*Convolvulus sepium*), *Aster nova-belgii*, and several grass species.

Among the roots of these grasses, various algae, marine fungi and diatoms take root in the slow-moving nutrient-rich water (Nova Scotia Museum of Natural History, 1997). As well, as great swathes of salt marsh grasses die off and ferment, it produces tremendous amounts of highly productive organic material known as detritus. Though it may sound humble, this decayed matter forms the basis of the food web that fuels life across the beach system.



Figure 5.5. Razor clam. Photo courtesy of Creative Commons.

This rich, rotting soup feeds a staggering variety of creatures, both above and below the water. Each season, horseflies, deerflies, mosquitoes, along with a host of other insects, spiders, and snails invade the grasses, while a variety of amphipods, isopods and bivalve mollusks like soft-shelled clams (*Mya arenaria*), blue mussels (*Mytilus edulis*) and razor clams (*Ensis directus*) all take refuge in the sediment below. In turn, a host of larger predators come to forage on the invertebrate buffet – including many bird species (explored in Section 5.2.5), along with raccoons, foxes, muskrats, coyote and deer.

Alarmingly, over 65% of Nova Scotia's salt marshes have already been lost or altered due to human impact (Wilson, 2000). Development pressure and other human impacts along this integral habitat feature continue to intensify, threatening the complex web of life that has come to depend on it. In many cases, roads are built between the backshore and a salt marsh feature, interrupting the flow of water and nutrients that feed the system. One local example of this is explored in Figure 4.2.

Alongside the salt marsh, on many Nova Scotia beach systems, we might find a **lagoon**, or **barachois pond** (described in Section 3). While not all beaches feature lagoons or barachois ponds at their landward edge, where they are found, they provide rich food and habitat for many creatures, both above and below the surface of the water. Oysters are perhaps the most highly prized invertebrate resident of lagoon and barachois systems. Feeding on the nutrients available in the brackish waters, oysters live in large reef-like structures that give back to the system by providing habitat for an extensive array of other life forms.

Several closed barachois systems in Nova Scotia have been artificially opened, either to facilitate boat traffic or reduce odors (Drohan & Petruskavich, 2007). Unfortunately, such intrusions can permanently

alter the ecological make-up of the pond, making it difficult or even impossible for some plant and animal species to continue living there (Brazner, 2008).

5.2.5. VISITORS FROM THE AIR – BIRDS

While much of the fauna dependent on sandy beach systems in Nova Scotia may be difficult to see, it is hard to imagine a shoreline in the province without evoking the sights and sounds of birds. Waterfowl honk and splash in the lagoons and marshlands, and tiny sand-coloured peeps trot along the seaward edge of the dunes. Meanwhile, above, seabirds sail along the wave-beaten nearshore, emitting their plaintive calls.

Coastal environments support some of the world's highest diversities of birds, as well as some of its largest migratory and breeding congregations (Hecker, 2005). Nova Scotia's unique geographic position and extensive coastline is well situated to host a staggering variety of birds (MacArthur & Wilson, 1967). For some birds, Nova Scotia's beaches are a great place to find a mate and start a family. For others, the beach system serves as a vital stop on their long journey from the Arctic down to the Southern hemisphere. These beaches also offer an opportune last landfall for birds coming from the west as well as a first pit stop for many of those migrating over the sea. Still others make their home along the coast all year long.

Throngs of nimble birds stop off in Nova Scotia between arctic and tropical destinations, touching down on the shore or roosting in associated coastal marshes and ponds. The province's extensive coastal zone provides rich feeding areas for shorebirds, waterfowl and other migratory species to accumulate sufficient fat supplies for their non-stop flights to South America (NS Museum of Natural History, 1997). Many species voyage long distances, relying on relatively few coastal sites over their annual travel cycle (Skagen and Knopf 1993; Piersma et al. 1994). These life history characteristics make these birds vulnerable to environmental degradation and habitat disturbance (Piersma et al. 1996; Piersma and Baker 2000).

More than avian entertainment, birds are also integral parts of the beach system. Often making use of various ecosystems over the course of their life or even yearly migration cycle, the lives of birds plainly demonstrate the connectivity of the coastal environment with other habitats and features around the world. Their diversity, abundance and condition can be important indicators for coastal managers and community stewards, illustrating the overall health of the overall beach system. Indeed, considering the diverse needs of birds in beach management planning may be an excellent way to protect the integrity of the ecosystem.

Just as the beach is so attractive to birds, humans are also inevitably drawn to these extraordinary coastal features. Indeed, today, the rate of human development and occupation of the beach continues to grow, on both global and provincial scales. As these unique habitats are altered, many birds are simply displaced. Climate change also affects birds, alters distribution, abundance, behaviour, and the sometimes precarious timing of key events like migration or breeding (Bird Life International, 2008).

Many species of birds that make use of Nova Scotia's beaches are suffering serious population declines or are now absent from places they were once commonly found (Piersma et al. 1996; Morrison et al. 2001; Dugan et al, 2008). In fact, population declines of up to 50% have been reported for North America's 20 most common birds, including several species that make use of salt marshes, lagoons, and other features of Nova Scotia's beach system (Bird Life International, 2008).

Commonly Found Bird Species Along Nova Scotia's Sandy Beach Systems				
Bird Species	Landward edge: (marshes, lagoons, barachois)	Foreshore: (wet sand, submerged by tides part of the time)	Backshore: (dry sand and dune system)	Nearshore: (shallow sea, out to any offshore bars)
American Black Duck (<i>Anas rubripes</i>)	R			R
Arctic Tern (<i>Sterna paradisaea</i>)	M		B	M
Bank Swallow (<i>Riparia riparia</i>)			B	
Black Brant (<i>Branta bernicla nigricans</i>)	W			
Black-backed Gull (<i>Chroicocephalus bulleri</i>)	R	R	R	R
Black-bellied Plover (<i>Pluvialis squatarola</i>)	M	M	M	
Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	M, W			M
Bonaparte's Gull (<i>Chroicocephalus Philadelphia</i>)	M			M
Canada Goose (<i>Branta canadensis</i>)	W			W
Common Eider (<i>Somateria mollissima</i>)				R
Common Tern (<i>Sterna hirundo</i>)	M		B	M
Great Blue Heron (<i>Ardea herodias</i>)	M			
Greater Yellowlegs (<i>Tringa melanoleuca</i>)	M	M	M	
Harlequin Duck (<i>Histrionicus histrionicus</i>)				W
Herring Gull (<i>Larus argentatus</i>)	R	R	R	R
Least Sandpiper (<i>Calidris pusilla</i>)	M	M	M	
Long-tailed Duck (<i>Clangula hyemalis</i>)				W
Nelson's Sharp-tailed Sparrow (<i>Ammodramus nelsoni</i>)	B		B	
Piping Plover (<i>Charadrius melodus</i>)	M	M	B	
Ring-billed Gull (<i>Larus delawarensis</i>)	M	M	M	M
Sanderling (<i>Calidris alba</i>)	M	M	M	
Savannah Sparrow (<i>Passerculus sandwichensis</i>)	B, M		B, M	
Semipalmated Plover (<i>Charadrius semipalmatus</i>)	M	M	M	
Semipalmated Sandpiper (<i>Calidris pusilla</i>)	M	M	M	
Song Sparrow (<i>Melospiza melodia</i>)	R		R	
Willet (<i>Catoptrophorus semipalmatus</i>)	B, M	M	B, M	

B=Breeder only, M=Migrant, R=Resident, W=Winter only

Figure 5.6. Nova Scotia birds commonly sighted along the beach system.



Figure 5.7. Bank swallow nesting hole at Carter's Beach. Photo courtesy of Bird Studies Canada.

For example, shorebirds that nest on beaches have become highly adapted to a harsh environment of shifting sands and sparse vegetation. Though once these species were able to simply choose new nesting beaches as old ones naturally eroded away, these days their choices are often severely limited by a loss of habitat, as a result of human-caused disturbances including development, recreation and invasive plants. Some challenges of Nova Scotia's piping plover populations, for example, will be explored in Figure 5.8.

Similarly, many species of songbirds and waterfowl depend on Nova Scotia's salt marshes and dune systems for breeding, feeding and/ or shelter. As salt marshes are lost to coastal developments or agricultural dykes, species such as the Salt marsh sparrow and savannah sparrow are suffering stark population declines (Nature Conservancy, 2006). As well, bank swallows, often found nesting in sand dunes, are increasingly at risk as human presence disrupts nesting. Black ducks, Canada geese and other waterfowl also depend on the province's shrinking salt marshes during their annual migration cycles (Environment Canada, 2004).

NOVA SCOTIA SEABIRDS AT RISK – HERRING GULLS AND ROSEATE TERNS

Seabirds command a series of unique niches along Nova Scotia's beach systems. Often dependent on the rich productivity of the nearshore, many nest on nearby headlands or islands. It may be difficult to imagine, but at one point, the now ubiquitous herring gull (*Larus argentatus*) was considered a threatened species. However, over the past 75 years, their numbers have increased significantly, due to the growing quantities of human garbage. Unfortunately, this abundance of herring gulls has become a serious threat to another nearshore species- the roseate tern (*Sterna dougallii*).

Common and arctic terns (*Sterna hirundo*; *Sterna paradisaea*) nest on isolated beaches and islands as well as marshes. Their primary food is fish, which they catch by diving and grabbing with their bill from just below the surface of the water, often along the nearshore. While common terns are in decline they are not considered threatened. However, the closely related roseate tern was listed under the Species At Risk Act (SARA) as endangered in 2003 (Environment Canada, 2003).

With increasing human development along the coast, tern nesting locations are becoming ever scarcer. The total Canadian breeding population of roseate terns is currently estimated at fewer than 140 pairs, concentrated on a few islands off the Atlantic coast of Nova Scotia. (These threatened birds do not nest on beaches.)

DNR has established wildlife management areas for two colonies, and along with provincial biologists and the Canadian Wildlife Service (CWS) of Environment Canada are jointly exploring protection options. Strict protection is provided for birds nesting within wildlife management areas and migratory bird sanctuaries. As well, gulls, crows, and ravens are strongly discouraged from nesting on islands with colonies of roseate terns. CWS and some partners have begun to explore the use of various non-lethal control measures to create and maintain "gull-free" islands.

Figure 5.8. Seabirds at risk. Courtesy of Environment Canada and Hinterland Who's Who, 2006 & 1999.

5.3. MANAGING BEACHES AS HABITAT

The abundance and diversity of natural habitats and species found within Nova Scotia beach systems is truly outstanding. Many of the organisms found here can exist only in the beach ecosystem, or else depend on the beach for food, shelter or breeding during part or all of their life cycle. This makes beach wildlife especially vulnerable when habitat loss looms, due to human recreation and coastal development, sea level rise, pollution and other impacts.

Managing for the interests of wildlife and habitat features on the beach system is no small task. Firstly, while the number and nature of critical habitats and species on Nova Scotia's beach systems is certainly astounding, little of this information has been inventoried. Secondly, sandy beach systems are incredibly dynamic, which means that habitat suitable for breeding shorebirds this year may be altered or disappear the next. Thirdly, critical habitat areas along Nova Scotia's beach systems are also increasingly valued for human infrastructure and activities.

In this section, a number of management issues and related to Nova Scotia's beach wildlife and habitat will be examined, including the protection of biological diversity, along with migratory species, species at risk, and managing and preventing the impacts of invasive alien species.

CANADA'S SHOREBIRD CONSERVATION PLAN

When it comes to survival, Nova Scotia's visiting shorebirds truly live on the edge. Though they make up a diverse group of species, their life history and specialized traits compel them to move incredibly far up and down the increasingly developed Atlantic coast, in a trans-hemispheric pursuit of food and breeding grounds. Their survival strategies are incredibly adaptive, but limit their ability to respond to human-induced coastal impacts (Kersten & Piersma 1987). Forever on the move, however, these species are very difficult to track, monitor, and ultimately to protect, providing particularly keen challenge to coastal managers and decision-makers.

Recent population surveys suggest that many of Nova Scotia's shorebird species, are suffering sharp declines. Habitat loss has been a critical challenge to the survival of these unique traveling birds. It is clear that unless these trends are stopped or reversed, many species of shorebirds are at risk of extirpation and even extinction.

Canada has a unique responsibility when it comes to shorebirds because more than half of the breeding range for many species occurs here. In recognition of this duty, as outlined in Canada's *National Biodiversity Strategy* (described in Section 5.3.1), along with obligations under the *Species At Risk Act* in 2002 the nation released its Shorebird Conservation Plan.

To be implemented by the Canadian Wildlife Service, under the *Migratory Birds Convention Act*, the plan's vision is for healthy populations of shorebirds to be distributed across their range and diversity of habitats in Canada and throughout their global range. This plan recognizes a need to collaborate internationally as well as regionally and locally in cooperation with efforts already in place, on the ground, throughout the range of these nomadic creatures.

Figure 5.9. Canada's Shorebird Conservation Plan. Courtesy of the Canadian Wildlife Service, 2007.

5.3.1. PROTECTING BIOLOGICAL DIVERSITY

In a general sense, biological diversity or, "biodiversity" means the variety of living things that occupy a given ecosystem, or the earth as a whole. All levels of biological organization are important from the sand hopper to the stranded whale, and all are recognized as interrelated. Another important facet of biodiversity is the variety of ecosystems, found everywhere from mountains and deserts to coastal landforms (UNEP, 2007).

Nova Scotia's coast is a hotspot of biodiversity. As a transition zone between land and sea, beach systems naturally support highly diverse assemblages of species. These same areas are also nearby to most of the province's population, and subject to escalating levels of human use and development. This loss of beach habitat, in turn, increasingly threatens precious coastal species.

While the diversity of species found on Nova Scotia's beach systems are worthy of protection in their own right, they are also vital to life as we know it, and as insurance in the future. They are also extremely useful to coastal managers and decision-makers as indicators. Managing for biodiversity involves a number of interrelated strategies implemented by various levels of government along with non-profit groups and community stewards.

The worldwide decline of biodiversity is now recognized as one of today's most serious environmental problems (Millennium Ecosystem Assessment, 2005). The United Nations Global Ecosystem Assessment in 2005 concluded that humans have changed ecosystems more rapidly and extensively over the past 50 years than in any comparable time in human history, resulting in major, irreversible losses in biodiversity. The assessment also concluded that these losses will continue unless human priorities and practices change dramatically (Millennium Ecosystem Assessment, 2005).

Across Canada, researchers have found that the primary cause of reduced biodiversity is loss of habitat, with estimates that up to 80% of the species loss across the country has come about for this reason (Wilderness Committee, 2008). Several of Nova Scotia's endangered species are found along the coast, including the piping plover.

At the 1992 Earth Summit in Rio de Janeiro, one of the key agreements adopted was the UN Convention on Biological Diversity. This pact, of which Canada was the first industrialized nation to sign, sets out commitments for maintaining the world's biodiversity (UNEP, 2007). The ensuing Canadian Biodiversity Strategy has set a Biodiversity Target for 2010 to achieve "a significant reduction of the current rate of biodiversity loss at the global, regional and national level" (Environment Canada, 2008b).

Because Nova Scotia does not have a biodiversity strategy, government departments rely instead on the Canadian Biodiversity Strategy. However, DNR has recently tasked Voluntary Planning in an extensive citizen engagement exercise to help the department develop a long-term strategy on several natural resource management issues, notably including biodiversity.

In order to protect biodiversity on the beach, management strategies must coordinate on many levels. Beach management plans, for example, can work to reduce the direct pressure exerted on beach system biodiversity. However, broader coordination addressing various management issues affecting wildlife that use beaches is also required with other jurisdictions, both inter-provincially and internationally.

THE ENVIRONMENTAL GOALS AND SUSTAINABLE PROSPERITY ACT

The Environmental Goals and Sustainable Prosperity Act (EGSPA) was proclaimed in June of 2007. The act sets out 21 provincial goals such as reduced air emissions, new energy standards for buildings and increased protection of land and water. The Act forms the "2020 Vision", which states that Nova Scotia will be one of the cleanest and most sustainable environments in the world by 2020.

One of the goals related to this Act is the protection of 12% of Nova Scotia's landmass in a variety of park and reserve system by 2015. This may benefit the overall health of beach systems in the province if the network of protected areas is designed to include representative and unique beaches. The protection of neighbouring terrestrial properties can also promote healthy beach systems

As well, the government has committed to developing a no-net-loss policy for provincial wetlands by 2009. While this goal doesn't remove the problems associated with the loss and alteration of salt marshes along the province's beach systems, it will provide leverage for their protection and raise awareness about the importance of these interconnected components of the beach.

Figure 5.10. Nova Scotia's Environmental Goals and Sustainable Prosperity Act.

5.3.2. SPECIES AT RISK

A species at risk may be defined scientifically as any plant community or wildlife species that is threatened, endangered, sensitive or vulnerable to extinction (Lakehead University, 2007). While extinction is the outcome of natural evolutionary processes, the rate of extinctions is unprecedented. The rapid decline of populations and the disappearance of wildlife species can considerably modify ecosystems, causing cascading effects across food webs and destabilize landforms such as dunes.

The International Union for the Conservation of Nature and Natural Resources (IUCN)'s Red List of Threatened Species (also known as the IUCN Red List or Red Data List), was created in 1963, and is widely considered to be the most objective and authoritative system for classifying species in terms of the risk of extinction (Bird Life International, 2008). Globally speaking, over 50 bird species that depend on beaches have been "red-listed," 20% of which are types of plover (Abbott, 2008).

Canada's efforts to adopt species at risk legislation began in 1992 with the ratification of the UN Convention on Biological Diversity. Canada pledged to provide "effective protection" for Canadian species at risk and the critical habitat and ecosystems on which they depend. Over a decade later in 2003, Canada enacted the *Species at Risk Act (SARA)*.

In Canada a federal body called the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assesses and designates which wild species are in some danger of disappearing. Species are assessed and listed as 'at risk' through both a national process and a provincial process. In this system, species deemed to be "endangered" are the most threatened of all, meaning that they are considered to be facing "imminent extinction or extirpation (Canadian Wildlife Service, 2005).

Meanwhile, a provincial process protects its own set of listed species under *the Nova Scotia Endangered Species Act*. Across the province, there are 42 provincially listed species at risk, including 11 marine species, many of whom depend on beaches during at least part of their life cycle or seasonal migration.

One emblematic species at risk that may be found on a selection of Nova Scotian beaches is the migratory piping plover, which has been listed as endangered by COSEWIC since 1985. The plover faces challenges common to many species in nature, including, natural predators, seasonal fluctuations, and rising sea level. However, the greatest challenge for the recovery of the species is loss of habitat, which is most often an effect of human use of beaches, including disturbance by people and their pets of nesting sites and the surrounding areas (Bird Studies Canada, 2008). These birds depend on healthy, undisturbed sand-dominated beaches for their survival.

A RECOVERY STRATEGY FOR ENDANGERED PIPING PLOVERS

Piping plovers (*Charadrius melodus*) can be found specific sandy shorelines in the province each spring. Beaches in southwest Nova Scotia support over half the province's yearly population, though this has been declining dramatically— at a rate of over 25% since 1991. With only 40 or so breeding pairs known, it is no surprise that these birds are considered both a federal and provincial Species at Risk

Under Section 37 of the *Species at Risk Act* (SARA), the competent minister (in this case, the Minister of the Environment) must prepare a recovery strategy for listed Extirpated, Endangered, or Threatened wildlife species. A recovery strategy is a planning document that identifies what needs to be done to arrest or reverse the decline. The piping plover is currently listed as Endangered under Schedule 1 of the *Species at Risk Act*. A recovery strategy has been proposed and is presently awaiting approval.

Achieving recovery in the case of a migratory shorebird like the piping plover will require the coordination and collaboration of many decision-makers and stakeholders. The proposed strategy has been developed in cooperation or consultation with:

- International Piping Plover Coordination Group members and other scientific reviewers;
- Responsible jurisdictions—New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Quebec;
- Aboriginal groups—the Native Council of Nova Scotia, the Confederacy of Mainland Mi'kmaq, Paq'tnkek First Nation, Pictou Landing, Unama'ki Institute of Natural Resources, Nova Scotia Native Women's Association, Union of Nova Scotia Indians, Native Council of Nova Scotia (NCNS) Netukulimkewe'l Commission, Miawpukek (Conne River) First Nation, Federation of Newfoundland Indians, New Brunswick Aboriginal Peoples Council, New Brunswick Aboriginal Women's Council Inc., Union of New Brunswick Indians, Burnt Church First Nation, Eel River Bar First Nation, Buctouche First Nation, Indian Island, Fort Folly First Nation, Elsipogtog First Nation, Aboriginal Women's Association of Prince Edward Island Inc., Abegweit First Nation, Native Council of Prince Edward Island, Lennox Island First Nation, and Mi'kmaq Confederacy of Prince Edward Island;
- Environmental non-governmental organizations—Island Nature Trust (Prince Edward Island), the Projet Siffleur/Piper Project (Nature NB—formerly New Brunswick Federation of Naturalists), Nova Scotia Bird Society, Natural History Society of Prince Edward Island Ltd., Irving Eco-Centre – La Dune de Bouctouche, Nova Scotia Piping Plover Guardian Program, Halifax Field Naturalists, Nature Conservancy of Canada, Southwestern Marine and Mountain Zone Corporation, Intervale Associates, and Canadian Parks and Wilderness Society (Nova Scotia Chapter) and Attention Fragiles (Magdalen Islands – Quebec);
- Stakeholders—towns, municipalities, local service districts in New Brunswick and Newfoundland and Labrador, tourism operators, industry, and other groups or individuals.

Figure 5.11. A proposed piping plover recovery strategy. Courtesy of Environment Canada, 2008c.

5.3.3. MAINTAINING HABITAT QUALITY

Wildlife often requires protection from human disturbance and other impacts on specific parts of the beach. Good management for the maintenance of habitat quality requires coastal managers to come up with creative strategies to protect important habitat features for specific organisms.

For example, the soft-shelled clams sought by harvesters are found on certain beaches in the province, and have precise water quality requirements. As well, they may be damaged by the impacts of OHVs and other motorized traffic along the foreshore and nearshore (Schlacher et al., 2008b). In this case, managers must not only find ways to limit beach traffic, but also ensure that human activities far from shore don't impact habitat quality for these culturally and economically important wildlife.

The strict habitat needs of breeding Piping Plovers and other migratory birds also require creative management strategies. The maintenance of habitat quality can mean simple signage and fencing, community education and outreach work, and/or the closure of parts of the beach during breeding times. In some cases, managers may even decide to interrupt beach dynamics to "enhance" habitat quality. In the case of Piping Plovers, where only about 40 breeding pairs remain, dunes have been altered to create better conditions for nesting. For example at Kejimikujik Seaside, Marram Grass is sometimes removed in selected areas to provide more sand and cobble nesting areas.

5.3.4. MIGRATORY SPECIES

Seasonal migrations are common for a wide variety of wildlife species – from grazing mammals and bats, to whales and dolphins, seals, turtles, fish, insects and birds. Globally, over 5,000 species are considered to be migratory, including about 1,000 fish. Migratory species are considered to be some of the best indicators for the status and trends of wider biodiversity as they connect, and are inhabitants of, virtually all ecosystems in the world.

Migratory species are particularly vulnerable. As if the natural threats posed by traveling distances, weather, and food were not enough, human impacts have added significant challenges to their survival. Habitat loss, destruction or disruption, such as the development of dams, fencing, power lines and other human infrastructure, along with unsustainable hunting have all contributed to their precarious position.

Such disregard for political boundaries also creates exacting challenges to coastal and wildlife managers, and highlights overall challenges for protecting wildlife biodiversity in a world of interconnecting habitats. After all, even if one jurisdiction has been careful to protect and conserve migratory animals, any other area along the migration route may undo this important work, unwittingly or not. For example, conservation efforts for the mighty but threatened Leatherback Sea Turtle (*Dermochelys coriacea*) off Nova Scotia's coast may be thwarted by disturbances along nesting beaches in the Caribbean or from marine litter and chemical pollution that may have originated anywhere.

In 1979, the international *Convention on the Conservation of Migratory Species of Wild Animals* (usually referred to as the SMS or Bonn Convention) was born. Canada is not a signatory, however, and is not bound to providing the same level of protection. Instead, Canada focuses on protecting migratory species through a couple of separate international agreements including the UN *Law of the Sea* (which has provisions for the management of highly migratory fish) and the *Migratory Birds Convention Act* (MBCA). The Wildlife Enforcement Division of Environment Canada is in charge of MCBA's administration, in cooperation with provincial and territorial governments.

MIGRATORY BIRD SANCTUARIES (MBS) IN SOUTH WEST NOVA SCOTIA

The Port Joli area of southwestern Nova Scotia is a crucial staging and wintering area for Canada Geese, supporting some 30 percent of the roughly 10,000 over-wintering Canada geese in Atlantic Canada. Four bird sanctuaries, managed by the Canadian Wildlife Service (CWS) of Environment Canada, encompass 990 hectares and provide an interconnecting web of support for Canada geese, along with several other vulnerable bird species.

Canada geese breed widely across United States and Canada and winter as far south as Mexico. The birds that winter in the Port Joli area come from nesting grounds in northern and eastern Quebec, Labrador and insular Newfoundland. There are believed to be two fall "flights" of Canada geese making use the Nova Scotia sanctuaries. The first wave arrives throughout September and October, and mostly moves south by mid-November. The second "flight" of birds arrives in late December, coinciding with the freeze-up of inland lakes and intertidal estuaries to the north.

Migratory Bird Sanctuary Regulations, created under the *Migratory Birds Convention Act*, prohibits disturbance of these migratory birds, their eggs, and their nests within the sanctuary boundary. The regulations also forbid disturbance of their habitat when MBSs are established on federal land. Management actions include monitoring wildlife, maintaining and improving wildlife habitat, periodic inspections, and enforcement of hunting prohibitions and regulation.

Figure 5.12. Migratory Bird Sanctuaries in SW NS. Courtesy of the Canadian Wildlife Service, 2008.

5.3.5. INVASIVE SPECIES

An important and, until relatively recently, often overlooked management challenge facing beach systems in Nova Scotia has been the spread and impact of invasive alien species. The widespread invasion of coastal waters as spurred on by human activities began as early as the fifteen century and continues into the present day. Unintentionally introduced species to the beach system often come from the marine realm on ships, either in their discarded ballast water, or from fouling organisms that cling to the boat's hull or nets. Other species may have originally been introduced deliberately, for example as ornamental plants or recreational hunting targets.

According to the World Conservation Union, invasive alien species are the second most significant threat to biodiversity, after habitat loss (Environment Canada, 2008). Once they are introduced, invasive alien species become predators, competitors, parasites, hybridizers, and diseases of our native and domesticated plants, animals and marine life. The impact of invasive alien species on native ecosystems, habitats and species can be severe and often irreversible, and can cost billions of dollars each year.

Significantly, however, most alien species introduced into the cooler climate of Nova Scotia don't extensively alter these sensitive ecosystems (Williamson & Fitter, 1996). Luckily, out of the many species that arrive and attempt a foothold, relatively few have an appreciable effect on the biological diversity of the province. However, despite the small number of invasive species found along Nova Scotia's sandy beach systems, the habitat impacts have been noteworthy.

Codium fragile, for example, also known as dead man's fingers, is a green algae native to Japan but may now be found washed up as wrack along the landward border of the foreshore, or living in formerly kelp-

dominated areas of the nearshore, where it degrades the habitat of several commercially important species of juvenile fish. Purple loosestrife (*Lythrum salicaria*), a beautiful but aggressive invader that likely arrived in ship ballast or on sheep, can also take hold in salt marsh areas, essentially choking them dry.

The most striking aspect of the species that have successfully invaded Nova Scotia's beach systems is not their number, but how dominant some of them have become. For example, one of the dominant predators on western Atlantic shorelines, the green crab (*Carcinus maenus*), is an introduced species. It was probably transported from Europe to southern New England in the late eighteenth century with rock ballast, and in 200 years has become one of the most dominant omnivorous consumers on both rocky and sandy shores of the province's coastline (Yamada, 2001).

EXOTIC CRABS AT KEJIMKUJIK SEASIDE

No one knows exactly when the exotic green crab (*Carcinus maenus*) first arrived at Kejimkujik Seaside in Southwest Nova Scotia. But since they were first spotted at this coastal Parks Canada (PC) site, staff has been working on a strategy to control them. After all, PC has a mandate to monitor and report on the ecological integrity of national parks. The *Canada National Parks Act* defines Ecological Integrity as "a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change, and supporting processes" (PCA, 2003).

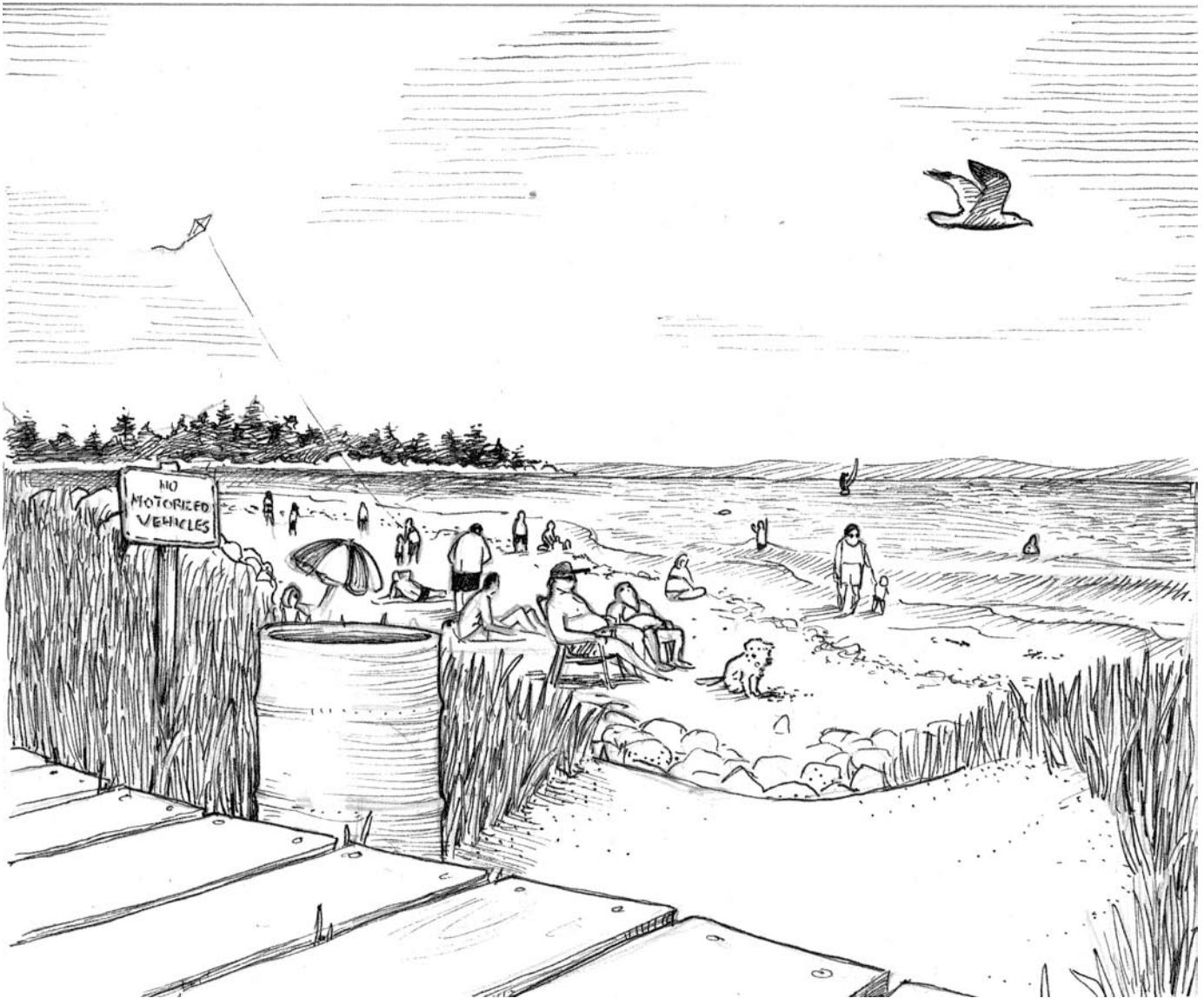
Several studies have shown the green crab to have significant impacts on local species such as the soft-shell clam (*Mya arenaria*) through predation (Floyd & Williams, 2004) and eelgrass (*Zostera marina*) through destruction (Seymour et al., 2002). These local species have been identified by Aimee Pelletier, a School for Resource and Environmental Studies Masters' Student at Dalhousie University, as ecological indicators for the park.

In 2008, Kejimkujik National Park initiated research to develop a green crab management program. Kristina M. Benoit, a School for Resource and Environmental Studies Masters' Student at Dalhousie University, has led the 2008 field season investigating methods of monitoring and managing the green crab population at one of the park's lagoons. A pilot removal program ran for 4 weeks in August and September of 2008 to assess potential management efforts. Data collected during the field season is in the process of being analyzed to develop a long-term management plan for the local green crab population.

Though in early stages, PC is also currently considering a harvesting program to reduce the green crab population in the park. Working with Fisheries and Oceans Canada (DFO), the program would hire local fishermen to trap the exotic invaders. These crabs, in turn, could be sold as bait for the lobster fishery. Local youth would also be hired to monitor the catch. Wildlife harvesting rarely happens in Canada's National Parks. However, in cases where exotic species threaten the overall ecological integrity of the system, such strategies may be employed.

Figure 5.13. Green crabs at Kejimkujik Seaside.

6. BEACH USERS, ACTIVITIES AND INFRASTRUCTURE



"Don't grow up too quickly, lest you forget how much you love the beach."

--Michelle Held

There is a lot of love in Nova Scotia for our beaches. Many of us work, play and even sleep near to the beach. However, our relationship with this sensitive and dynamic system is troubled – indeed, we are in danger of loving many of our provincial beaches to death.

Nova Scotia's beaches are experiencing alarming trends- including accelerated erosion and wildlife population declines. Balancing human activities and infrastructure on the beach with the volatile nature of the coastline and the resounding needs of wildlife pose tricky challenges for decision-makers, managers and communities. However, solving this intricate puzzle will be crucial to any successful beach management strategy interested in long-term environmental protection. This section will outline some of the key issues and challenges present to be tackled in the creation of a new vision for healthy beach management in Nova Scotia.

As communities across the province recognize this pressing challenge, managers and decision-makers are increasingly urged to lead a new vision for a healthy relationship with the beach system. This province needs a new management strategy that can allow people to continue to enjoy beaches responsibly now and into the future, alongside its diverse web of life and in concert with its dynamic processes.

6.1. NOVA SCOTIA'S LONGEST PLAYGROUND

Humans have always had a strong connection to the coastline. All over the world, people like to eat, play, and sleep close to the shore. Indeed, more than half the world's population lives within 60 km of the shoreline, and this could rise to three quarters by the year 2020 (UNCED 1992). This is not surprising, considering that coastal ecosystems are among the most productive on the planet.

Nova Scotia is no exception. Today, over two-thirds of Nova Scotia's residents live directly along the coast, and most make use of a local beach, whether for sunbathing, dog walking, birding, fishing or gathering bait. Looking at a map of the region, it is no shock that enjoyment of the shoreline is integral to this cultural identity. What may be unexpected, though, is how many different ways we use and value the beach system, along with some of the impacts of various uses, activities and infrastructure.

Dwelling on this jagged peninsula for over 12,000 years, the Mi'kmaq are Nova Scotia's original human residents. The Mi'kmaq people have a long and intricate relationship with the coast, and have historically depended on healthy beach systems for food, transportation and cultural activities. During the harsh, damp winters, they dwelled in sheltered inland valleys, returning to the shore each summer to set up temporary coastal lodging. Enjoying the rich bounty of the beach system, the Mi'kmaq worked together to enjoy a buffet of shellfish, eggs, berries, and a plethora of seafood and game, including Salmon (*Salmo salar*), Eel (*Anguilla rostrata*), Swordfish (*Xiphias gladius*), seals, and even small whales (Cameron, 2008).

While the Mi'kmaq shared coastal areas, the arrival of Europeans to this region brought a different conception of land ownership, attached to written deeds. Still, access to fishing areas and footpaths along shorelines were considered customary property rights among early settlers (Mi'kmaw Resource Guide, 1987). Learning from the Mi'kmaq, early settlers began harvesting shellfish, gathering bait, and fishing from the beach. Early settlers also learned to build their homes a safe distance from the windy, inhospitable shoreline, building more temporary structures such as bait sheds, smokehouses and flakes closer to the beach (Johnson & Smith, 2006).

Over time, however, sweeping cultural changes have changed the nature of many people's relationship with the beach. By the late 1800s industry had arrived on Nova Scotia's beaches in search of sand and gravel (Nova Scotia Museum of Natural History, 1997). These plentiful aggregates were mined from the shore for the construction of roads, buildings and other specialized use. Indeed many of the province's highways contain massive quantities of beach sediment, mined for the Department of Transportation from nearby shores. Eventually, concerns over sediment loss helped lead to the creation of the *Beaches Act*, in 1975 (DNR, 1993).

As Nova Scotian decision-makers recognize a public demand for safe, protected, and healthy public beaches, other avenues to protect these coastal habitats have also been explored. For instance, several beachside parks in the province have also been designated for protection under the *Provincial Parks Act*. Parks Canada has also enshrined a stunning beach system for ecological protection at Kejimikujik Seaside, along with various sandy shores along Cape Breton Highlands National Park.

As well, a few provincial regulations disallow specific activities on the beach that may devastate natural processes and wildlife habitat. Notably, for example, the *Off-Highway Vehicles (OHV) Act* disallows the operation of motorized vehicles on beaches and dune systems.

6.2. PUBLIC ACCESS TO THE BEACH

Nova Scotia's relationship with the beach is longstanding. One relic of this connection is the value that local residents place on coastal access. Public access generally refers to the ability of the public to reach, use, or view the beach system. Of course, the type and extent of 'public access' considered appropriate may diverge significantly amongst decision-makers, beach users, and local community members.

This section looks at some of the potential impacts of human traffic on beach processes and features, underlining a need for management strategies that adequately balance the important right to public access with the urgent need to protect vital habitat and ecosystem processes.

The *Beaches Act* clearly states that all beaches below the high-water mark are intended for the benefit of all Nova Scotians (See Appendix B for full text). However, many residents may not realize that provincial laws do not exactly assure public access to the beach. Indeed, coastal right-of-way in Nova Scotia may be described more accurately as a customary traditional right, to be exercised only when landowners defer their legal property rights to unwritten common land uses (Fawson, 2004).

For individuals with disabilities, "access" may mean something slightly different. Here, coastal access describes having the means to enjoy the amenities of the beach as much as able-bodied persons (Mongeau, 2004). This may require considerable infrastructure, in the form of wide pathways, boardwalks, parking and other amenities. In some jurisdictions, equitable access to the shore is assured by the availability of "beach wheelchairs" at selected sites (California Coastal Commission, 2003).

Complicating this cultural and legal legacy of shoreline access is the equally persuasive right of private property. In Nova Scotia, a whopping 95% of coastal land is privately owned. This abundance of private land available for purchase has attracted new owners who may be unfamiliar or unconcerned with customary access rights. In some cases, these owners may seek exclusive use of their adjacent shoreline, and deny right-of-way access across their property.

Indeed, securing perpendicular access, that is, crossing over inland property to get to the beach is often

very contentious (Mongeau, 2004). This type of access is perceived to be decreasing in Nova Scotia overall, due to changing land ownership patterns, increasing coastal property development, and a low percentage of publicly owned land in the province (Voluntary Planning, 2001).

In many places, access paths exist for the public to use to cross over to the beach, ranging in size from barely visible footpaths to wide roads leading all the way to the beach. Some have been used steadily for generations, originating as cart trails, while others have nearly disappeared due to disuse. However, adjoining private property owners may choose to block access paths traditionally used by the public.

Other barriers to continued public access include the loss of designated coastal access points as Nova Scotia's land registration system is computerized, the neglect, disuse and unawareness of documented access points, and demographic disparities within coastal communities which indicate that knowledge of traditional access points and right-of-ways are not being passed down to younger generations (Coastal Access Committee, 2008).

Ensuring right-of-way to the coast in Nova Scotia is fundamental from a cultural point of view. Further, appropriately designed coastal access may contribute to the economic viability of coastal communities, allowing outside residents and tourists to explore and appreciate these coastal environments. As well, engaged public presence on the beach holds potential for inspiring stewardship behaviours and enhancing support for environmental protection along the coastal zone (Coastal Access Committee, 2008).

Complicating matters, however, increased public access also holds the potential for amplified traffic – including motorized traffic, along with litter and degradation in an already fragile coastal ecosystem. Indeed, Nova Scotians, along with growing numbers of tourists and summer residents, are in danger of loving our beaches to death.

6.3. TYPES OF BEACH ACCESS

While some of the traditional activities tying Nova Scotians to the beach have declined, a perception of the shore as a common resource for all people remains deeply rooted. Provincial residents and visitors alike value their access to these unique coastal areas for a variety of reasons, including recreation, natural appreciation, and other cultural and economic activities. This section will explore the range of human users, and activities found across Nova Scotia's beach systems, along with their diverse impacts.

6.3.1. RECREATIONAL ACTIVITIES

Recreational activities are one of the most prominent forms of direct human use of sandy beaches around the world today (Buckley 2004; Davenport & Davenport 2006). Residents and visitors alike flock to Nova Scotia's sandy shores each summer in search of relaxation and enjoyment. Sunbathing, swimming, surfing and walking pets are popular leisure activities seen on local beaches. Municipal day camps may bring groups of children for an afternoon, while nighttime is more likely to draw teens and adults around a beach fire. Though summertime attracts most human traffic, winter on the beach also has its charms, supporting the hardest of surfers, dog walkers and birders, among others.

Recreational activities on the beach generally lessen sand stability, increasing its mobility (McLachlan & Brown 2006). However, the impacts of human presence are wide-ranging, from erosion and disruption of

sand transport to chemical pollution and litter (McLachlan et al., 2002; Schlacher et al., 2006). As explored in Section 4.5.1, sand dunes are particularly vulnerable to disruption, either due to recreation in the dunes themselves, or when used as an access route to the beach. Particularly when the vegetation of the dune is breached, damage can rapidly lead to blowouts and substantial loss of sand.



Figure 6.1. OHV tracks through a dune on Stoney Island Beach, Shelburne County. Photo courtesy of BSC.

Many recreational activities found on Nova Scotia beach systems are informal. Concentrated in the summer months, shoreline pursuits include walking, dog walking, swimming, surfing, picnicking, and beach fires. In many parts of Nova Scotia, as elsewhere, leisure activities on the beach may also involve more significant accessories - including bicycles, horses, and even off-highway vehicles (OHVs) (Priskin 2003; Schlacher & Thompson 2007). Camping trailers may also be found parked along the dune system, foreshore, or elsewhere in the beach system throughout the summer months.

Operating OHVs is among the most contentious of recreational activities on Nova Scotia's beach systems- causing disturbance and damage across the province (Voluntary Planning, 2004). Notably, however, the *OHV Act* disallows the operation of motorized vehicles on beaches and dune systems. The official *Off-Highway Vehicles Riders Handbook* defines a beach as "coastal lands that lie below the mean high water mark" or "any other coastal or lakeshore area that is designated as a beach" (*Off-Highway Vehicles Riders Handbook*, 2008). Unfortunately, the Act's definition of the beach is both narrow and vague, allowing destruction of the beach system outside the realm of the foreshore and dunes, and possibly the use of OHVs on beaches that have not been designated under the *Beaches Act*.

Research clearly shows that OHV use on beaches can be very disruptive (Palmer & Leatherman, 1979; Godfrey & Godfrey, 1980). Negative environmental effects include severe sediment disruption and erosion (Anders & Leatherman 1987; Priskin 2003; Schlacher et al., 2008), destruction of dune vegetation (Luckenbach & Bury 1983; Rickard et al., 1994), and disturbance of invertebrates along with threatened shorebirds, resulting in lower reproductive success and population declines (Buick & Paton 1989; Watson et al., 1996; Williams et al., 2004). The use of OHVs on provincial beaches continues to be apparent, along with the associated impacts on wildlife and ecological processes. BSC has tracked OHV use in Southwest Nova Scotia since 2006 (Abbott, 2008).

One of the world's most popular outdoor activities, dog walking provides significant health benefits both to humans and their pets. However, after generations of breeding for sport, many unleashed dogs are inclined to chase birds. In a 1993 study, researchers found that the mere presence of pets disturbs Piping Plovers far more than human presence (US Fish and Wildlife Service, 2007). As well, disturbed habitats may interrupt plovers as they attempt to establish territory, ejecting them from the beach altogether. Further, dog feces contain bacteria and parasites that may deteriorate habitat and water quality throughout the beach system.

While for many, the beach is a prime recreational playground, others visit the beach to observe and appreciate nature or scenery. Naturalist clubs and other community stewardship groups all over Nova Scotia organize educational "beach walks" to explore and celebrate various wildlife and ecological features of their local beach systems. Nature lovers- notably birders- may also venture alone to the beach, sitting quietly for hours in hopes of a rare glimpse at a plover or bank swallow. Others simply enjoy a quiet walk in the wet sand, contemplating the waves, tides, and other mysteries of the living beach.

6.3.2. TOURISM

"Welcome to Nova Scotia, Canada's Seacoast" proclaims Tourism Nova Scotia's official website. And visitors do feel welcome here; they come from around the world to enjoy beaches, tides, scenic hikes, and other coastal activities such as birding, sea kayaking and whale watching. According to a 2004 exit survey, 33% of out-of-province visitors visit a beach during their stay (Department of Tourism Culture and Heritage, 2004).

Particularly in recent decades, as traditional industries like fishing and forestry have declined, tourism has become critically important to Nova Scotia's economy and the viability of many coastal communities. Indeed, at an estimated \$4.3 million dollars a year, beach-related tourism generates a lot of economic activity in the province (TIANS, 2006).

Beaches are promoted heavily in the annual Department of Tourism, Culture and Heritage (DTCH) "Doers and Dreamers" guide, regardless of ecological considerations or services available. Surprisingly, DTCH has no overall stated vision and set of goals to ensure that the healthy, "pristine" beaches sought after by visitors are protected from degradation from the complex set of threats posed by beach users and development, nor the effects of sea level rise and climate change – or from the inappropriate use of sensitive beach systems by visitors.

In 2006, the Tourism Industry Association of Nova Scotia (TIANS) released a draft strategy for sustainable coastal tourism in the province. This document makes a strong case for adopting a sustainable tourism strategy in Nova Scotia, in recognition of the unique value of the province's relatively unfettered coastlines and beach systems. The definition of sustainable tourism used by the association is adopted from Canada's Ethics and Guidelines, which states that, "Sustainable tourism actively fosters appreciation and stewardship of the natural, cultural and historic resources and special places by local residents, the tourism industry, government and visitors. It is tourism which is viable over the long term because it results in a net benefit for the social, economic, natural and cultural environments of the area in which it takes place" (Tourism Industry Association of Canada, 2005).

While the department collaborated with TIANS on a draft strategy for coastal tourism, it is not clear that any steps have been taken to enact any of these policies. Several opportunities to protect critical beach systems exist, many of which also offer valuable educational and eco-tourism services. For example, the department could ensure that all beaches promoted in their publications are ecologically appropriate for

human recreation. As well, for beachside accommodations and services to be included in the guide, the department could require that they conform to a sustainable coastal tourism standard.

Another tool that DTCH could use to ensure that ecologically appropriate beaches are protected from development and other activities is the *Special Places Protection Act*. Administered by DTCH, this act can be used to protect areas of archeological and historical significance, as well as areas of ecological significance. Ecological significance is defined broadly in the act, and may include systems that boast rare or endangered species, areas that are representative of natural ecosystems, and areas that are regenerating after human impact (Public Lands Coalition, 2006).

KEJIMKUJIK SEASIDE AND ECO-TOURISM

Kejimkujik (Keji) is the only inland National Park in the Maritimes. In 1988 it added a 22 square kilometre coastal addition known as Kejimkujik Seaside, featuring one of the least disturbed shoreline areas on the south coast of Nova Scotia. The beach system features extensive brackish ponds and broad tidal flats, two spectacular white sandy beaches, salt lagoons and a nutrient productive salt marsh. The endangered Piping Plover, which nests on the beach between late April and early August, is one of the many protected species that make up the wealth of birdlife.

Because Keji Seaside has been designed with the preservation of ecological integrity as a priority, visitor impacts have been carefully considered in the park design. Trails have been designed to limit impacts to beach features and coastal barrens. Beyond a series of educational signs and washrooms at the entrance, infrastructure is minimal. Visitors must commit to a 25 minute walk kilometres to reach the beach face. A second beach on the property is afforded even more protection, as no public access is provided. As well, a summer entrance fee is levied to provide another control on visitor numbers during the high season.

Large parts of the accessible beach are also cordoned off during Piping Plover breeding season (April to August). Though the public cannot visit, groups of volunteers are allowed to access the beach under staff supervision to complete stewardship projects.

Figure 6.1. Eco-tourism design at Kejimkujik Seaside.

6.3.3. SHELLFISH AND BAIT HARVESTING

For still other Nova Scotians, a day at the beach isn't about leisure at all. Indeed, a day at the beach can also be a day at work. Shellfish harvesting, bait collecting, and fishing all take place across the province's sandy beach systems. Whether for fun, food or income, shellfish and bait harvesting is a long-standing tradition that continues to be an important activity for many residents. More recently, harvester have also traveled from outside of the province to take advantage of the relatively good opportunities along Nova Scotia beaches.

The fishery for clams has a very long history in the province, with archeological records confirming that these shellfish were an important component of the Mi K'maq diet going back at least three thousand years. Often known as "clammers" or "diggers", shellfish harvesters in Nova Scotia mainly target quahogs

and soft-shelled clams, both for recreation and commercial markets. Digging for soft-shelled clams is usually done with a clam hack, a spading fork with its short handle bent away from the head. Clammers typically use the hack by grasping the spine of the prongs in one hand and the handle in the other to push the hack down into the sand, exposing the clams.

Those clams legally long enough (51 mm) are then taken by hand and gathered into buckets. Though there is restricted access licensing, presently there is no catch limit imposed on Soft-shelled clams. In some areas, biologists, managers and community stewards have expressed concerns about the rate of shellfish harvest, along with other impacts of clammers' activities on nearby wildlife and habitat.

Clammers in Nova Scotia have also been wrestling with another environmental issue: pollution-related closures. The number of shellfish closures, due mostly to bacteriological contamination, has more than doubled in Nova Scotia over the last 15 years, at an annual estimated cost of \$8 million a year in lost revenues (GPI Atlantic, 2000). This challenge highlights water quality issues on provincial beaches, explored more fully below in Section 6.5.

Bait harvesters use simple rakes to turn up sand in their hunt for marine worms. According to Fisheries and Oceans Canada (DFO), more than \$4 million worth of worms (mostly bloodworms) are harvested in Nova Scotia every year for use largely in the United States for sport fishing and shrimp aquaculture. For many years the commercial and recreational harvest of marine worms on Nova Scotia beaches and tidal flats has been unregulated. However, in 2002, DFO approved several exploratory licenses for commercial marine worm harvesting along the southwest shores of the province.

Owing from a marine worm population decline in New England, an influx of both bloodworm and shellfish harvesters have put additional pressure on Nova Scotia's beach systems. This recent influx of license holders may not only impact populations, but also jeopardize critical habitat for vulnerable nearshore fish species and migratory birds (Lapp, 2005). Impacts may both be directly associated with biomass loss and disturbance and indirectly through access and infrastructure demands.

Shorebirds may be particularly sensitive to human disturbance associated with both shellfish and bait worm harvesting practices. (Goss-Custard et al. 2000; Warnock et al. 2002). The presence of harvesters may drive shorebirds from preferred feeding areas to areas of poorer richness, increasing competition for food and infection by parasites (Cayford 1993; Goss-Custard & Verbonen 1993; West et al. 2002). As well, the removal of worms and shellfish from the area may reduce the abundance of food supply for these birds (Camphuysen et al. 1996; Norris et al. 1998; Shepherd & Boates 1999; Ferns et al. 2000).

ACCOMMODATING CLAMMERS AND PLOVERS AT CHERRY HILL BEACH

Cherry Hill Beach in Lunenburg County is currently the subject of some controversy over a proposed parking lot area. This protected beach is a historically important Piping Plover breeding area, as well as an important harvesting location for shellfish harvesters.

Clammers have traditionally driven their vehicles onto the beach to pick up their payload of clams, gathered in large, heavy buckets. However, locals and species at risk experts alike have expressed concern about the documented impacts of motorized vehicles on the beach. The cumulative impacts stretches beyond the commercial vehicles, however, as the pathway used is also attractive to OHV drivers –illegal on beaches and dunes in this province.

DNR has proposed a parking lot to dissuade vehicles from impacting the beach system and to protect plover habitat. However, clammers are opposed because the design would make it difficult to pursue their livelihood. This management dilemma illustrates the need for a new approach that doesn't simply pit stakeholders and interests against one another, but rather allows parties to come together to seek a mutually agreeable arrangement that can still protect the ecological integrity of the beach system.

Figure 6.2. Parking dilemmas at Cherry Hill Beach.

6.3.4. MINERAL EXTRACTION

The beach system has also long been a location for mineral extraction. In other parts of the world, beaches have been drilled for oil, mined for zircon and gold, and even dredged for diamonds. However, beach mining in Nova Scotia has mostly focused on sand and gravel (also called aggregate) extraction, used to make asphalt for road construction, cement for building construction, and many other specialized industrial uses.

Early settlers in the region turned beach sand and gravel for their local aggregate needs. Over time, it was recognized that there was a market for large quantities of this plentiful aggregate in larger centres, and a flourishing sand trade, moved by schooner, developed between the city of Halifax and sandy areas such as Chester and Mahone Bay. Sand and gravel dredging could be seen in Halifax Harbour up until the mid 1970s, with as many as seven operations extracting up to 900 tonnes of sand every day from around McNab's Island (Department of Natural Resources, 1993).

For a while, sand was extracted from coastal areas as if the supply were inexhaustible. However, eventually the limits of the resource were recognized, as beaches shrank and even disappeared completely, in some cases (see Figure 6.3 below). In these cases, not all of the sand was actually removed from the system. Rather, the depletion of sediment simply accelerated beach change, and without enough sediment for rebuilding, caused beach systems to "fail," or break apart.

The recognition of this destruction eventually led to modest protection for beaches, under the *Beaches Act*, enacted in 1975. This act ended much of the major aggregate mining operations on Nova Scotia's beach system. However, the discretionary and ambiguous nature of the legislation allows private landowners and companies to continue removing sediment from unprotected beaches. Unfortunately, these short-term economic gains may seriously damage and even lead to the loss of entire beach systems.

AGGREGATE EXTRACTION AT CAP LA RONDE BEACH

Cap La Ronde is a sand and gravel dominated tombolo located on Isle Madame, just off the southern coast of Cape Breton Island. It is also the site of a decades-old aggregate mining operation, with up to 30,000 tonnes of sand and gravel being removed annually from the beach system by a private landowner. While in days gone by, much of this sand and gravel was shipped far and wide, these days it is destined for local road building by the Nova Scotia Department of Transportation.

Residents and councilors have expressed concerned about the damage happening on the beach for decades. The beach has steadily narrowed, and the mined section now lies well below sea level. Destabilized by significant sediment extraction, the whole system is at increased risk of breaching, which could flood the excavation site and lead to cascading failure of the beach, destroying whole communities of vegetation and removing beach habitat.

Many have demanded that DNR use the *Beaches Act* to enact protection of the beach for the benefit of the environment and future generations of Nova Scotians. However, decades of inaction have ensued. The power to act to acquire the land and stop mining activity on the beach currently lies with the province – DNR need only proceed in accordance with its own established regulations and procedures under the *Beaches Act*.

Figure 6.3. Aggregate Extraction at Cap La Ronde Beach. Kip Gasse, 2006.

6.4. ACCESS INFRASTRUCTURE AT THE BEACH

Beaches that are less ecologically sensitive may be appropriate for increased human access. However, beach systems featuring dunes and salt marshes are particularly sensitive to inappropriately designed access infrastructure, along with beaches harbouring species at risk or unique ecosystem biodiversity. Recognizing that humans are inevitably drawn to the beach system, the design and placement of appropriate infrastructure can be an important way both to control where and how people access the beach, and to protect especially sensitive parts of the beach system from human impacts.

This section will look at the various types of infrastructure currently employed to facilitate public access to the shore. Access infrastructure built along a beach system can take many forms. Parking lots, access paths, boardwalks, restrooms, and other amenities, along with garbage receptacles are all common installations at Nova Scotia beaches. The impacts of these physical amenities must also be explored, along with any strategy related to their appropriate placement. The cumulative impact of increased access and multiple access points should also be considered.

Very little information is available on the scale of the various uses of the beach system, both organized and unorganized. However, there seems to be a trend for increased recreational use on many beach systems in the province. This naturally leads to increased demand for parking, toilets and litter disposal facilities, along with increased provision for access.

Neither has any indication of carrying capacity been measured, even for the most popular recreational beaches in the province. Such a measure will be crucial to any successful long-term plan for the placement of access infrastructure. In the meantime, however, evidence related to general human impacts discussed in earlier sections suggests that keeping people and machinery off the dune system

and salt marsh areas is key, along with strategies to avoid the disruption of sensitive wildlife species like piping plovers at certain times of year.

Walking over dunes to reach the beach tramples vegetation and loosens sand, which can destabilize the dune system and lead to dune blowouts (explored in Section 4.5.1). Here, carefully designed and constructed boardwalks that cross the dune with stairs or a ramp leading down to the beach face can provide important protection. As well, in the case of boardwalks, care should be taken to build across rather than through dune systems, and to ensure the potential force of winter storms is taken into consideration (Parlee, 2004).

Roads, paths and parking lots can also disrupt the connectivity of the beach ecosystem, another form of “coastal squeeze.” Allowing motorized vehicles to park on the beach can destroy dunes and crush crucially important microfaunal populations (Stephenson, 1999). It is also increasingly recognized that certain materials, including pavement and infill, should be avoided in dune and marshy areas. These materials work against the naturally permeable forces of the beach system, clogging and choking the salt marsh and destabilizing the dunes (Parlee, 2004). Badly sited pavement or even wooden boardwalks can also provide focal points for wind erosion on the dunes (Parlee, 2004). At neighbouring **Prince Edward Island National Park**, for example, existing paved shoulders of roads and roadside parking areas have recently been removed to protect dunes (Parks Canada, 2008).

Controlling the number and location of designated access points may also make a significant difference for the health of a beach system. Designing access points away from areas sensitive to human disturbance- such as areas where piping plovers have historically nested- is a simple way to deflect activity in those zones. Notably, piping plovers may decide to move their traditional nesting area, especially as beach systems change, obliging planners to recognize a need for adaptable access point locations (Abbott, 2008).

Parking lot size may also limit, to some extent, how many people can visit a particular beach at any one time- though in some cases determined visitors may block roadsides and even driveways with their cars. Strategies by government departments and non-profit organizations to acquire private lands for ecological protection are also crucial complements to the design of appropriate access.

Much of the access infrastructure currently inhabiting Nova Scotia’s beach systems was not designed using natural local processes or the present stage of beach stability, continually changing the position and make-up of the beach system. Neither were these parking lots, boardwalks and other amenities designed to respond to the accelerated changes and storm events to the coast that are widely predicted to accompany climate change (Parlee, 2004). As well, some boardwalks may encourage predatory mammals such as foxes to den beneath – though foxes are a native species, they are also a primary predator of piping plovers.

In the bigger picture, it is apparent that beach managers need more information to make sound decisions about access points and infrastructure. Currently, this province lacks an estimated carrying capacity to assure that beach users may access the beach while preventing the deterioration and disruption of beach processes. Beach managers also require a full ecological and community use inventory of Nova Scotia’s beaches, ranked according to their suitability for either ecological protection or recreational use, or some combination on a spectrum. Such a tool would allow planners to provide an appropriate level and type of infrastructure, balancing ecological and public access needs on individual beaches. Presently, such decisions are made on an ad-hoc basis, often with disastrous results.

DESIGNING BEACH INFRASTRUCTURE AT SAND HILLS PROVINCIAL PARK

Sand Hills beach is located within the DNR-run Sand Hills Provincial Park, a day-use park in Shelburne County. This beach is popular with tourists and local beachgoers alike for its sun-warmed sand bars and also hosts Piping Plovers during the annual nesting season. The beach system also features impressive dunes that reach nearly six metres in height.

These high dunes posed challenges for planners when designing access infrastructure for the beach. Recognizing the need to protect these sensitive dunes, the boardwalks were built higher than usual to accommodate dune growth and movement. However, the space also turned out to be accommodating to foxes and other predators of the Piping Plover. Lidless garbage cans on the beach became a further beacon for predators.

Designing access infrastructure for beach systems in Nova Scotia is complex. Often, it is not enough to consider the impact of structures on geological processes – wildlife and habitat concerns may also confound ecologically sound access design. In this case, more communication between wildlife experts and dune experts may have led to a more sound design.

Figure 6.4. Infrastructure at Sand Hills Provincial Park.

6.5. WATER QUALITY AT THE BEACH

Water quality has been recognized as a critical measure of the health of our beach systems. Vital to both ecosystem and human health, ensuring good water quality is also essential to the health of beach-based livelihoods such as shellfish and bait harvesting.

Predictably, “water quality” may mean very different things to different beach users and decision-making bodies. Generally however, the Canadian Council of the Ministers of the Environment (CCME) have noted that it is also “the term most identified by Canadians to describe the physical, chemical, and biological characteristics and conditions of water and aquatic ecosystems, which influence the ability of water to support the uses designated for it” (CCME, 2006). Structural concerns related to swimmer’s safety, including marine debris, underwater obstructions and dangerous currents, may also be included in some definitions of water quality focusing on recreational concerns.

Water quality may be affected by contamination coming from many different sources- from human activity at sea, on the sand, or very often, far from shore. After all, the beach system is part of a much larger coastal watershed, beginning far away at the headwaters of a stream or river. Sources of beach water pollution can include sewage and storm water discharges, runoff from industry, farmland or forestry, and even seepage from septic tanks. From the sea, beach systems can also be contaminated when the discharge of sewage and other waste and litter discarded from boats washes ashore.

While some contamination is human-made, elevated bacteria may also result from the activities of ducks, gulls, and other wildlife. However, leaving litter and food left on the beach can attract more wildlife to local beaches, worsening impacts.

As a result, a variety of unhealthy contaminants can travel through the coastal watershed, harmfully affecting the health of the beach system. Bacteria and viruses, nutrients, industrial chemicals and heavy metals, and toxic blooms of algae all threaten the health of Nova Scotia’s beach systems. These

contaminants pollute local shellfish populations, poison shorebirds, fish and marine invertebrates, and can potentially causing a slew of infections and illnesses for beachgoers.

The Canada-wide Framework for Water Quality Monitoring: A Selection of Proposed Core Values	
PROTECTION OF AQUATIC HEALTH	RECREATIONAL USES
Dissolved Oxygen Temperature pH Turbidity Conductivity Nutrients Flow (where applicable) Condition of biological communities (at least two communities)	Fecal indicator organisms (e.g., E. coli) Nuisance plant growth Nutrients Chlorophyll Turbidity Secchi disk transparency <i>(Courtesy of the Canadian Council of Ministers of the Environment [CCME], 2006).</i>

Figure 6.5. Core values for Canadian water quality monitoring.

Water quality can be measured with a wide range of physical, chemical and biological indicators. As seen in the table below, the CCME has identified a set of core values suitable for measuring water quality for a variety of different interests, including aquatic health and recreational uses. Unfortunately, however, most of these indicators are not presently monitored on Nova Scotia’s beach systems.

Maintaining water quality on Nova Scotia’s beaches will require a concerted and coordinated effort from decision-makers, coastal managers, community members and recreational beach users. Public education, along with regular and consistent monitoring of key indicators can inform appropriate management actions to reduce risks to human and ecosystem health. Using this approach, compliance with national guidelines (described below) become but one key piece of a larger picture of preventative risk management.

6.5.1. RECREATIONAL BEACH WATER QUALITY

Aiming to protect public health, various criteria and indicators of recreational water quality have been reviewed by the Canadian Federal-Provincial Advisory Committee on Environmental Occupational Health. In 1992, their recommendations were consolidated into the *Guidelines for Canadian Recreational Water Quality*. These guidelines, which are designed to inform standards across Canada, describe current scientific knowledge regarding health and safety hazards associated with recreational water use. An updated version of the guidelines was completed in 2008, and is currently awaiting final approval before becoming publicly available.

These guidelines establish a level of 200 coliform bacteria (an indicator organism associated with sewage contamination) per 100 millilitres of water for "primary contact" recreational activities. This level is expressed as an average over the most recent 30 days. When water in the vicinity of selected recreational beaches exceeds the 200 coliforms per 100 ml level the municipal beach supervisor may post an advisory not to swim or bathe until further notice. In rare cases, the Medical Health Officer may issue an announcement.

In Nova Scotia there has historically been no consistent testing of water quality on recreational marine

beaches. A complex interaction of government departments including the Department of Health Promotion and Protection (DHPP), the Department of the Environment (NSE) and the Department of Natural Resources (DNR) hold responsibilities in this area. Jurisdictional complexities, coupled with limited resources and a perceived lack of demand continue to act as stumbling blocks to the establishment of an effective, coordinated program.

WATER QUALITY AT BLACK ROCK BEACH

Black Rock Beach, located along highly industrialized Halifax Harbour at Point Pleasant Park, was closed to swimming for decades due to concerns over water quality. Until February of 2008, Millions of tonnes of raw sewage were dumped into the harbour every day for decades. Unknown quantities of industrial waste, effluent, and other contaminants are also found in the harbour. Though not a naturally sandy beach, it is still a prime example of beach water quality challenges on provincial beaches.

Marine debris has also long been a commonly sight along the shores of the beach. One study evaluating accumulation rates and types of debris washing ashore on Black Rock Beach measured an average rate of 355 washed up items per month, between April and September of 2005. Eighty-six percent of the debris was plastic materials and included tampon applicators, condoms, food packaging, items of clothing, cigarettes, and fishing ropes, nets and bits of buoy. These items were generated by recreational use of the park (52%), sewage disposal (14%) and from shipping and fishing activities (7%).

Six months after the Halifax Harbour Solutions Project came online in February, 2008, with primary treatment, Black Rock beach was opened for swimming. Supplied with lifeguards by the Halifax Regional Municipality (HRM), crowds flocked. However the next day after a heavy rain overloaded the sewer system, the beach was closed again.

Figure 6.6. Water quality issues at Black Rock Beach.

In the Halifax Regional Municipality (HRM), NSE arranges the intermittent testing of specified high-use supervised recreational beaches, according to the aforementioned guidelines. If guidelines for these bacteriological indicators are not met, NSE notifies HRM. HRM Recreation will then post advisories at the beach and on the HRM website.

Outside of the municipality, even less rigorous testing has been completed on marine recreation beaches. The Nova Scotia Lifeguard Society (NSLS) has periodically conducted some water quality testing on beaches they patrol outside of HRM. A private company collected these samples for NSLS to protect the health of their employees and assess occupational hazards. Though these results have not been made public, the society has repeatedly called for consistent water quality testing in their annual reports since 2004.

DNR is also considering implementing a water quality testing program on highly used recreational marine beaches at provincial parks. After all, the department already tests freshwater swimming areas and potable water throughout their park system. Considering the heavy recreation use associated with several beaches in the park system, this may be an important step towards fulfilling DNR Park and Recreation's public mandates.

Public outreach and education, another key piece of a successful program for monitoring beach system water quality, is also largely missing from provincial efforts. While beach closures are released in media advisories and on the HRM's website, detailed monitoring data not made publicly available. As the US

Environmental Protection Agency (EPA) notes, "It is important that water quality monitoring programs clearly convey the significance of their monitoring results to the public. This means presenting a clear and simple indication of current water quality and providing additional details for persons interested in more information" (EPA, 2008).

OTHER SAFETY ISSUES AT THE BEACH

Recreational water quality is not the only safety issue present on Nova Scotia's beaches. Though beach safety is not overtly explored in this document, it remains an important consideration in any vision for better beach management.

Beach hazards are elements of the beach system, either natural or human-made, which can expose the public to danger or harm. These may include dangerous wave and surf conditions, rip currents, strong tides, motorboats and jet skis, underwater obstructions and hazardous marine debris. Drowning is the most pressing safety concern on beaches, but collisions between swimmers and vehicles, kayaks, and surfboards, along with water quality concerns also rank high.

The **Nova Scotia Lifeguard Service (NSLS)** has been guarding Nova Scotia's beaches since 1972. The Service employs over 60 lifeguards each summer, between late June and the end of August. Supervised beaches are usually chosen based on visitor numbers, but wave and current concerns can also be factors. Popular supervised beaches include **Queensland, Lawrencetown, Port Hood** and **Dollar Lake**.

Lifeguards are key beach stakeholders, holding integral roles as beach educators. They are uniquely positioned to deliver important safety and stewardship messages to beachgoers. NSLS staff are required to participate in beach community relations projects, which can include environmental education. Encouragingly, this past year, two lifeguards focused on Piping Plover stewardship projects.

Figure 6.7. Beach safety.

6.5.2. OTHER MEASURES OF BEACH WATER QUALITY

Of course, water quality on Nova Scotia's beaches is about more than the healthy and safety of swimmers and other beach goers. It also has significant implications for other beach users, including shellfish and bait harvesters, along with fishers more generally. Beyond this, the health of the beach system's wildlife, vegetation and ecological processes all depend on high water quality along the nearshore, through the marshes, lagoons and ponds, and throughout the broader watershed.

Water quality may be measured and rated differently by different beach users. Indeed a variety of indicators and standards are used to assess water quality a by several government departments with responsibilities associated with beach system uses outside of the recreational realm. The most significant of these is Canadian Shellfish Sanitation Program (CSSP).

Environment Canada (EC), the Canadian Food Inspection Agency (CFIA) and the Department of Fisheries and Oceans (DFO) jointly administer the CSSP, with a mandate of protecting the public's health from contaminated shellfish. EC and CFIA routinely monitor the water quality and toxin levels of shellfish, and DFO is responsible for opening and closing harvesting areas based on their recommendations, and for posting and enforcing closed areas. When people eat shellfish contaminated from bacteriological pollution, they can become very ill with symptoms similar to food poisoning.

Most closures in Nova Scotia are a result of bacteriological pollution. Sources of this pollution include municipal sewage discharges, runoff from agricultural areas, wildlife, domestic animals and marine mammals. Shellfish closures have more than doubled over the past two decades, at an estimated annual cost of \$8 million a year in lost revenues (GPI Atlantic, 2000).

Starting in 2003, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) has also implemented an Environmental Monitoring Program to collect and analyze water quality data related to aquaculture sites across the province. Monitoring is conducted both at aquaculture leases and at reference stations, and consists of both quantitative (sediment and water analysis) and qualitative (video) data from coastal areas throughout Nova Scotia (NSDFA, 2006). A new program, baseline data is still being collected, and includes sulphide, redox, organic content and porosity of bottom sediments.

Community-based ecological monitoring of the nearshore zone is also occurring along selected Nova Scotian shorelines. This model of water quality monitoring has been described as “a process where concerned citizens, government agencies, industry, academia, community groups and local institutions collaborate to monitor, track and respond to issues of common community concern” (Whitelaw et al., 2003).

Community-based monitoring allows communities to take the lead in both data collection and in the use of this information to promote informed decision-making (Sharpe & Conrad, 2006). Community-based monitoring of the nearshore, along with other coastal areas, has huge potential to fill in the gaps left by financially constrained governments, while simultaneously empowering and educating local communities. However, at this time, many obstacles prevent this type of monitoring data to be meaningfully integrated into the management and decision-making structure governing coastal ecosystems, including beaches.

THE COMMUNITY AQUATIC MONITORING PROGRAM IN NOVA SCOTIA

The **Community Aquatic Monitoring Program** (CAMP) is an important Fisheries and Oceans Canada (DFO) program that offers resources and guidance to local groups interested in monitoring the health and productivity of nearby coastal waters (DFO, 2007). CAMP participants in River Phillip, Pugwash, Pictou, Antigonish, Mabou, and Cheticamp use beach seines to gather biological data to indicate water quality. Information is then sent to government and academic scientists, who may undertake nutrient analyses, organic loading assessments, or assessment of other changes in of the aquatic community structure.

CAMP has been implemented in selected areas since 2003, and has collected base line data that other monitoring programs may not cover. This information can be used by local groups to fuel informed management planning and to promote timely action to mitigate negative impacts to the local aquatic system. Until recently, there has been no mechanism for delivering interpreted results back to the communities. However, DFO has begun working with the **Southern Gulf of Saint Lawrence Coalition on Sustainability** to work out a system of a data return, to feed into conservation action and management planning at the local level.

Figure 6.8. Nova Scotia’s Community Aquatic Monitoring Program.

7. MODELS FROM ELSEWHERE

Every beach system, along with its overlaid system of human values, has unique features and management needs. Reflecting the dynamic nature of these systems, these needs are likely to change over time. Indeed, considering management approaches that have been used elsewhere is not about “comparison shopping”, or a search for a “one-size fits all solution.” At the same time, countless examples from around the world reveal a number of elements that may be key to a successful beach management regime. We can learn not only from the mistakes and shortcomings of others, but also from successful efforts by different types of decision-makers and stakeholders.

This section outlines different beach management models used in other parts of the world. The chapter is divided into legislative models- i.e. those that require government leadership and policy change, model governing bodies, and programmatic approaches that can be initiated by non-governmental organizations or community groups with support from governments.

7.1. LEGISLATIVE MODELS

Governments of coastal states around the world hold key roles in beach management, planning and decision-making. This is unsurprising, considering the importance of these systems to the social, environmental and ecological health of coastal communities. More surprisingly, however, the type and extent of government involvement in beach system management is incredibly diverse, with many potential tools and levers possible.

7.1.1. NEW BRUNSWICK’S COASTAL AREAS PROTECTION POLICY

In 2002, New Brunswick’s Department of the Environment and Local Government (NBDELG) released their Coastal Areas Protection Policy. This was the first major coastal policy in Canada aimed at addressing the implications of sea-level rise and coastal storms on coastal landforms and infrastructure (Nichols et al. 2006). Beaches and dunes are identified as key targets of the policy, owing from their important ecosystem functions and vulnerability to erosion. New Brunswick’s Coastal Areas Protection Policy holds significant promise for beach systems in that province.

The policy establishes three different control zones along the shoreline, outlining acceptable activities within each. Simply described, Zone A is considered the most sensitive area, allowing only limited development, including no new residential development. A greater range of activities is permitted in Zone B, including the construction of single-family residences and various repairs, expansions and replacements. In Zone C, all activities allowable in A and B are also allowable in C, with other proposed activities to be subject to a formal environmental review. Marine-dependent commercial and industrial structures are permitted in all zones. Significantly, activities prohibited in all zones include the construction of groins and causeways, infilling, dredging, excavation, dumping, and beach quarrying (NBDELG 2002).

7.1.3. PRINCE EDWARD ISLAND'S PLANNING ACT

Beach-studded Prince Edward Island has introduced setback requirements into the Coastal Area Regulations of its *Planning Act* (1988). These regulations require all buildings and structures to be setback from beaches, dunes, wetlands, and watercourses. While these setbacks do not apply to structures that require direct marine access, such as wharves, piers and boat launches, they do apply, for example, to road construction.

PRINCE EDWARD ISLAND'S SETBACK DISTANCES

75 feet (22.9 metres), or 60 times the annual rate of erosion, whichever is greater, from a beach, measured from the top of the bank,

100 feet (30.5 metres) from a migrating primary or secondary sand dune, measured from the inland boundary of the dune,

75 feet (22.9 metres) from the inland boundary of a wetland or watercourse.

Figure 7.1. Setback distances as mandated by Prince Edward Island's Planning Act.

These key amendments to the *Planning Act* may result in reduced property damage and improved public safety, along with important protection for Prince Edward Island's sensitive dune-associated beach systems. However, the selection of a setback distance from a beach in terms of a 60-year time interval implies the ability to predict the erosion rates over that time interval (McCulloch et al., 2002). In reality, there is considerable uncertainty associated with such predictions, especially without the incorporation of calculations of the potential for significant increases in the rate of landward retreat (McCulloch et al., 2002).

7.1.4. MAINE'S MANDATORY SHORELINE ZONING ACT

Maine's *Mandatory Shoreland Zoning Act* (MSZA 1987) obliges the state's municipalities to develop ordinances that meet minimum land-use standards set out in the act (MDEP 2008). The Act defines a "Shoreland Zone," including all tidal waters and saltwater marshes and requires municipalities to identify their shoreland areas and establish specific districts within these areas (MDEP 1990). The MSZA establishes mandatory coastal setbacks for all primary structures, accessory structures, roads and driveways.

MAINE'S MANDATORY COASTAL SETBACKS

Resource Protection Districts - 250 feet (76.2 metres) from the normal high water line

General Development I Districts - 25 feet (7.6 metres) from the normal high water line

Other Districts - 75 feet (22.9 metres) from the normal high water line

Figure 7.2. Maine's Shoreline Zoning Act's mandatory coastal setbacks.

The six types of districts include Resource Protection, General Development, Limited Residential, Stream Protection, Limited Commercial, and Commercial Fisheries/ Maritime Activities (MDEP 2008). Resource Protection Districts include undeveloped shoreline areas which are seen to be subject to coastal hazards (MDEP 2008). The construction of new multi-unit residential, commercial, industrial, governmental, and institutional structures –along with roads - is prohibited in these districts (MDEP 1990). The height of new or expanded structures found within the district cannot exceed 35 feet, and the first floor must be elevated at least one foot above the calculated 100-year flood elevation (MDEP 2008). Under the MSZA, municipalities and property owners are also required to maintain a vegetated buffer within 22.9 metres of the shore.

7.1.5. MAINE'S COASTAL SAND DUNE RULES

Maine's *Natural Resources Protection Act* (1987) empowers the state as the first authority over land-use and development in areas of state significance, including coastal sand dune systems (MDEP 2005). Coastal sand dune systems, synonymous with "beach systems" are defined as "sand and gravel deposits within a marine beach system, including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes and other sand and gravel areas deposited by wave or wind action" (MDEP 1990). The Act's Coastal Sand Dune Rules establish compulsory standards for development projects within these sensitive dune systems (MDEP 1990).

Interestingly, under these rules any development project that may be expected to erode within 100 years (after allowing for a 3 foot rise in sea level) is prohibited on Maine's dune systems. No new structures or expansions are allowed seaward of the frontal dune, and structures damaged by wave action from a coastal storm must meet certain setback requirements. Further, they cannot be reconstructed more than once (MDEP 2005). A US Environmental Protection Agency (EPA) report notes that detailed maps of these beach systems that incorporate projections of future climate change scenarios could allow the permitting system to avoid the burden of individual site assessments (US EPA 1995).

7.1.6. CALIFORNIA COASTAL ACT

The California *Coastal Act* was enacted by the State Legislature in 1976 to provide long-term protection of California's coastline. The Coastal Act contains policies that address public access to the coast, coastal recreation, the marine environment, coastal land resources, and coastal development in the "Coastal Zone." The Coastal Zone encompasses some 1.5 million acres of the mainland and reaches from 3 miles at sea to an inland boundary that varies from a few blocks in the more urban areas to as far as 5 miles inland in other areas.

Chapter 3 is known as the "heart of the Act," and contains the standards used by the Coastal Commission in the review of coastal development permits and Local Coastal Plans (Committee for Green Foothills, 2005). The chapter's seven articles govern all development along the coast, and mandates protection of public access, recreational opportunities, and marine and land resources.

The *Coastal Act* requires each city or town within the Coastal Zone to prepare a "Local Coastal Plan" which adheres to the policies of the Act and lays out what sort of development permits will be granted along the coast. These plans must be approved and certified by the California Coastal Commission, described below. In the absence of a local plan, the commission is in charge of permitting.

CALIFORNIA COASTAL ACT, CHAPTER 3

Article 1 - states that Chapter 3 shall be used as the standard against which the legality of Local Coastal Plans and development permits will be measured.

Article 2 - mandates that development should not interfere with the public's right to access the beach (including the dry sand).

Article 3 - covers recreation, placing a priority on coastal dependent public and private recreation over residential development.

Article 4 - deals with protection of the marine environment, including water quality issues, wetlands protections and coastal armouring.

Article 5 - includes protections for environmentally sensitive habitat, agriculture and archaeological resources.

Article 6 - deals with development and issues such as protection of coastal views, limitations on coastal armouring and landform alteration, and geological hazards.

Article 7 - covers industrial development.

Figure 7.3. California Coastal Act, Chapter Three. Courtesy of the Committee for Green Foothills, 2005.

7.1.7. NORTH CAROLINA'S COASTAL AREAS MANAGEMENT ACT

North Carolina's *Coastal Areas Management Act (CAMA 1974)* established a cooperative arrangement between state and local governments to regulate coastal development. The act sets goals, policies, and minimum standards for land-use in coastal areas and requires local governments to implement the provisions of *CAMA* through land-use plans and zoning ordinances.

Regulations imposed under the *CAMA* serve as model examples for best practice around coastal hazard and ecosystem protection (Burbridge, 2008). For example, *CAMA* disallows the use of permanent erosion control structures, such as bulkheads, seawalls, jetties, and groins, permitting only two responses to beach erosion: relocation and beach nourishment (NCDENR 2007). It also designates areas along the coast as Ocean Hazard Areas of Environmental Concern (AECs) to allow local partners to manage and control development in hazard-prone areas (NCDENR 2007). *CAMA* requires that coastal setback requirements are established within each of the Ocean Hazard AECs, based on the size and type of development (NCDENR 2007).

Further, starting January 2008, developers in coastal North Carolina have been required to create wider vegetative buffers along waterways, expanding them from the formerly mandated 30 feet to 50 feet for new projects. As well, developments that alter more than a quarter acre of land, up from the current one-acre threshold, must use cisterns, permeable pavement or other devices to prevent storm water runoff.

NORTH CAROLINA'S SETBACK RULES

Single family homes and structures smaller than 5,000 square feet:

- a distance equal to 30 times the long-term annual erosion rate;
- the crest of the primary dune;
- the landward toe of the frontal dune; or
- 18.3 metres landward of the vegetation line

(whichever extends farthest landward).

Multi-family residential units and all structures larger than 5,000 square feet:

- a distance equal to 60 times the long-term annual erosion rate;
- the crest of the primary dune;
- the landward toe of the frontal dune; or
- 36.6 metres landward of the vegetation line

(whichever extends farthest landward).

In areas where the annual erosion rate exceeds 1.1 metres:

- a distance equal to 30 times the erosion rate plus 32 metres.

Figure 7.4. North Carolina's setback rules. NCDENR 2007.

7.1.8. NORTH CAROLINA'S BEACH AND INLET MANAGEMENT PLAN

The North Carolina Beach and Inlet Management Plan is a joint project by the state's Division of Water Resources and the Division of Coastal Management and still in a development stage. Management of the State's inlets and beaches is presently achieved through multiple programs managed by the Department of Environment and Natural Resources and its divisions (NCDCM, 2007).

The divisions have assembled an advisory committee made up of a diverse set of government agencies and other stakeholders. The committee will provide important input on the make-up of the plan. An engineering firm has also been contracted to assist in the creation of the management plan. The contract includes the following components:

- Data identification and acquisition
- Define beach and inlet management regions
- Develop draft management strategies
- Hold and facilitate stakeholder meetings
- Produce final Beach and Inlet Management Plan report (NCDCM, 2007).

7.2. GOVERNANCE MODELS

One category of promising beach management models come in the form of agencies working at an arms-length from government. Commissions, conservancies and trusts can be set up to promote and protect the integrity of coastal ecosystems, including beaches. This governance model may allow for more flexibility than traditional legislative and policy measures.

7.2.1. CALIFORNIA COASTAL COMMISSION

The California Coastal Commission is a quasi-judicial state agency, empowered to issue development permits and to regulate land use along the coast. Their mission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.

This twelve-member panel is notoriously powerful and unwavering in their defense of coastal resources, including the right of public beach access. California law provides that under certain conditions, long-term public access across private property may result in the establishment of a permanent public easement. The role of the Coastal Commission includes researching and inventorying the historic public use of areas with the potential for significant public access benefits – and then working to legally protect these areas.

In beachside areas where wealthy residents may assume home ownership includes a private beach, the Commission often intervenes. For example, the Commission recently became involved in a highly public legal battle with media mogul David Geffen in Malibu Beach. A larger coastal development, including golf courses, resorts, and toll roads have also been quashed by the commission – often inciting considerable controversy.

It also publishes the California Coastal Access Guide, a comprehensive document aimed at beachgoers with updated maps and information detailing where to go, how to get there, and what facilities and environment to expect. The handbook also contains extensive information on environmental issues, updated to account for changing ecological conditions and conservation strategies. Feature articles cover a broad range of topics, including natural history, marine and coastal wildlife, and current environmental issues along the coast.

7.2.2. CALIFORNIA COASTAL CONSERVANCY

The California Coastal Conservancy is a state agency that works in partnership with local governments, other public agencies, nonprofit organizations, and private landowners to improve California's coastal resources and public access. Created by the legislature in 1976 and empowered by the Coastal Act, the Conservancy employs a “non-regulatory problem solving approach,” often working in concert with the California Coastal Commission, described above.

To achieve its goals, the Coastal Conservancy awards grants to public agencies and nonprofit organizations. With a staff of about 77 and an annual budget of \$140 million, the agency is uniquely able to catalyze projects and programs along California's 1100-mile coastline. Some examples of the kinds of projects the Coastal Conservancy fund include trails and other public access to and along the coast, land acquisition, wetland and dune restoration, and the resolution of complex land-use conflicts.

Beaches and dune systems have been identified by the agency as “habitats of concern”. Consequently, the Conservancy has made dune restoration and land acquisition along beach systems a priority. Sand supply is also a recognized concern and the agency seeks opportunities to complete projects that reestablish the supply of sediment to beaches, including removal of dams.

7.2.3. FLORIDA PRESERVATION 2000/ FLORIDA FOREVER

The State of Florida has more money than any other US state earmarked for land acquisition and easements, used to provide recreational access, preserve drinking water supplies, and protect important wildlife habitat. Since 1990, much of this money has come from a ten year bond program, created by referendum and known as Florida Preservation 2000. Raising a total of \$3 Billion, this program spent more than the entire US government on land acquisition for similar purposes.

Since 2000, a new funding program known as Florida Forever has replaced Preservation 2000. Continuing to fund land acquisition and easements, it also includes a broader range of goals including restoration projects, water resource development, supply, and public land management and maintenance.

Two state programs known as Conservation and Recreation Lands (CARL) and Florida Communities Trust (FCT), use this funding to acquire coastal property. A complementary Coastal Management Program has helped to fund projects to document public access points, and beach site monitoring at eight pilot sites to determine access sufficiency and carrying capacity.

7.2.4. SCOTTISH NATURAL HERITAGE

Scottish Natural Heritage (SNH)’s tagline is “All of Nature for All of Scotland.” This agency of the Scottish Executive was created in 1992 as part of the *Natural Heritage (Scotland) Act*, and is tasked with looking after the nation’s natural heritage to help people enjoy and value it, and to ensure it is enjoyed sustainably. Delivering a number of diverse programs across the landscape, the agency recognizes the unique value of Scottish beaches for “informal recreation and amenity, for nature conservation and, of course, as the basis of the country’s renowned golf links” (SNH, 2000).

In 2000, SNH published a detailed and comprehensive guide to managing coastal erosion along the nation’s beach and dune systems. Through it, the agency sought to encourage coastal decision-makers and managers to implement adaptive approaches to erosion management, while maintaining the unique conservation values of these systems. The guide outlines a series of best management practices for erosion management on sandy beaches and dunes, along with simple and specialist monitoring techniques.

The full guide can be found online at:

<http://www.snh.org.uk/publications/on-line/heritagemanagement/erosion/sitemap.shtml>

7.3. NGO AND COMMUNITY PROGRAMS

In many areas, non-governmental organizations play key roles in the coordination and implementation of beach management programs. Often serving as the liaison between government agencies and local

community groups, NGOs are able to mix on the ground restoration and educational work with advocacy, research and policy development.

7.3.1. LAKE HURON CENTRE FOR COASTAL CONSERVATION

The Lake Huron Centre for Coastal Conservation (LHCCC) is a local non-government organization (NGO) dedicated to the conservation of Lake Huron's coastal ecosystem. This Coastal Centre offers education, research, community stewardship and a technical advisory service to interested parties. LHCCC has had great success coordinating and supporting individuals, community groups and municipalities to work with the coastal environment to conserve and protect beaches and dune systems (Peach, 2006). It uses a conservation model focused on community education, controlled public access and dune restoration.

Two recent initiatives supported by the Centre occurred at Chantry Dunes and Sauble Beach (Peach, 2006). At Chantry Dunes, while the local community was advocating for dune conservation, key municipal players were not engaged. The LHCCC prepared a "Beach and Dune Guidance Manual", including plain language descriptions of dune processes and identified specific management approaches that was also delivered in the form of workshops to municipal staff. At Sauble Beach, a local grassroots organization interested in dune conservation worked with LHCCC to create a beach management plan (Peach, 2006).

7.3.2. THE SURFRIDER FOUNDATION

The Surfrider Foundation is a non-profit organization dedicated to the protection and enjoyment of oceans, waves and beaches around the world for all people, through conservation, activism, research and education. Founded in 1984 by a group of surfers in Malibu, California, the Surfrider Foundation has grown exponentially in recent years (Surfrider Foundation, 2008). Today, the organization includes over 50,000 members and more than 60 local chapters in the United States. Surfrider also holds affiliations in France, Spain, Portugal, Germany, Brazil, Japan, Brazil and Australia.

With over 200 community outreach campaigns, over 600 shoreline clean-ups and 8,000 monitoring actions, along with numerous court actions and countless educational activities, it is difficult to summarize the work of the many Surfrider chapters. However, their core areas of work can be broken into four categories: clean water, healthy beaches, beach access and special places.

Surfrider's Clean Water initiative is primarily focused on protecting water quality in coastal watersheds and in the near-shore marine environment. Chapters therefore advocate for strong water quality regulations, adequate marine recreational water quality monitoring, reporting and posting, reduction of polluted discharges into the ocean and education regarding personal responsibility for the reduction water pollution (Surfrider Foundation, 2008). The foundation also supports progressive land use planning to ensure that coastal environmental resources are protected and healthy watersheds are maintained.

The foundation's Healthy Beaches campaign centres around the promotion of beaches as unique coastal environments with ecological, recreational, and economic value and proactive work to promote responsible coastal management that avoid the creation of coastal hazards or erosion problems (Surfrider Foundation, 2008). Similarly, their Special Places work recognizes that protection of the coastal environment requires protection of an interconnected coastal zone, including open ocean, nearshore water, beaches, estuaries and coastal watersheds. Finally, the Surfrider Beach Access initiative promotes

the right of low-impact, free and open access to the world's waves and beaches for all people (Surfrider, 2008).

7.3.3. SANDWATCH

Sandwatch is a volunteer network of schools, youth groups, NGOs and community organizations working together to monitor and enhance local beach environments while developing awareness about the dynamic and sensitive nature of coastal and marine processes (UNESCO, 2005). Started in the Caribbean in 1999, Sandwatch has spread to communities around the world from the Cook Islands in the Pacific, Seychelles in the Indian Ocean, and the Bahamas in the Caribbean; to various countries in Europe, Africa, Asia and South America.

Essentially an educational program, Sandwatch allows youth and community members learn and work together to critically evaluate the problems and conflicts facing their beach environments and to develop sustainable approaches to address these issues. With a strong field monitoring component, Sandwatch tries to make science 'live' yet remains inter-disciplinary with applications ranging from biology to woodwork and from poetry to mathematics (UNESCO, 2005). Their extensive website, located at <http://www.sandwatch.org>, contains Sandwatch program manuals in several languages, workshop reports, and links to their quarterly news magazine.

Sandwatch allows youth participants to:

- make observations of the beach;
- carry out simple measurements of different beach characteristics, specifically: erosion and accretion; sand composition; waves, currents and longshore transport; biological fauna and flora; water quality; human activities; beach debris and litter;
- repeat and record these measurements accurately over time;
- compile and analyse the data;
- interpret the data, and prepare reports, graphs, stories, poems, artwork depicting the results;
- provide information to government agencies and interested parties where appropriate;
- select beach issues to address and, together with their communities, implement beach enhancement projects (UNESCO, 2005).

Sandwatch has received support from the United Nations Educational, Scientific and Cultural Organization (UNESCO) through the education and science sectors, the University of Puerto Rico through the Sea Grant College Program, and many national organizations, both governmental and non-governmental. The Sandwatch Foundation, a non-profit organization, coordinates the network.

7.3.4. GREEN SHORES

Green Shores is a new British Columbia-based project to promote sustainable use of coastal ecosystems through planning and design that recognizes ecological features and functions. The project was developed in response to interest by local planners, civic officials, land developers, and property owners who participated in public workshops based on *Coastal Shore Stewardship: A Guide for Planners, Builders and Developers*, published by the Stewardship Centre for British Columbia. Participants recognized the need for coastal stewardship but pointed out the lack of alternative design options, tools such as a checklist of development considerations and accessible information on ways to minimize the impacts of human settlements on shores and shore systems (Green Shores, 2007).

The approach seeks to enable project planning and designs that can:

- Connect people with the shore environment.
- Deliver triple bottom line (environment, social and economic) benefits.
- Recognize that site specific, cost effective solutions can only be achieved by using an integrated design approach (Green Shores, 2007).

The Green Shores approach is applicable to all coastal systems and is targeting an audience of property owners, developers, real estate industry, construction contractors, non-profit organizations, planners, regulators and public officials. Green Shores tools and case examples will initially be developed for coastal areas in British Columbia. Following the Green Building model, however, a fully mature Green Shores program could be national or international in scope. In the long-term, the program is envisioned as a non-governmental, professionally led endeavor, akin to the US and Canadian Green Buildings Councils (Green Shores, 2007).

7.2.5. BLUE FLAG

Blue Flag is a voluntary certification program for beaches used to encourage implementation of environmental and safety policies. Blue Flags are awarded to participating beaches based on achievements using 27 criteria that address water quality, safety and services, environmental management and environmental education and information

Recreational beach awards such as Environmental Defense's Blue Flag Scheme may offer a useful, holistic model for addressing beach water quality along with a suite of other beach management issues. When it comes to water quality, Blue Flag requires rigorous sampling and the attainment of higher standards than those set out by federal guidelines. Recent changes to their regulations have also widened their scope to include streams flowing on or near designated beaches.

This model may have significant potential for improving transparency around water quality in the province, along with public education and outreach, tourism and public safety. It is particularly useful for popular recreation beaches – however may be less applicable to the many ecologically significant but less recreated beaches across Nova Scotia. Blue Flag is currently scoping the possibilities of working with local government departments and community groups to identify potential award-worthy beaches in Nova Scotia.

BLUE FLAG PROGRAMME CRITERIA – 2008

ENVIRONMENTAL EDUCATION AND INFORMATION

1. Information relating to coastal zone ecosystems and natural, sensitive areas in the coastal zone must be displayed
2. Information about bathing water quality must be displayed
3. Information about the Blue Flag Campaign must be displayed
4. Code of conduct for the beach area must be displayed and the laws governing beach use must be easily available to the public upon request
5. A minimum of 5 environmental education activities must be offered and displayed

WATER QUALITY

6. Compliance with the requirements and standards for excellent bathing water quality
7. No industrial or sewage related discharges may affect the beach area
8. Compliance of the community with requirements for sewage treatment and effluent quality
19. Algae or other vegetation should be left to decay on the beach unless it constitutes a nuisance

ENVIRONMENTAL MANAGEMENT

10. A beach management committee must be established to be in charge of instituting environmental management systems and conduct regular environmental audits of the beach facility
11. The beach must comply with all regulations affecting the location and operation of the beach (coastal zone planning and environmental legislation)
12. The beach must be clean
13. Waste disposal bins/receptacles must be available on/by the beach in adequate numbers, regularly maintained and emptied
14. Facilities for receiving recyclable waste materials must be available on/by the beach
15. Adequate and clean sanitary facilities with controlled sewage disposal
16. On the beach there will be no unauthorized camping or driving and no dumping
17. Regulation concerning dogs and other domestic animals on the beach must be strictly enforced
18. All buildings and equipment of the beach must be properly maintained
19. Sustainable means of transportation must be promoted in the beach area

SAFETY AND SERVICES

20. An adequate number of lifeguards and/or lifesaving equipment must be available at the beach
21. First aid equipment must be available on the beach
22. There must be management of different users and uses of the beach so as to prevent conflicts and accidents
23. Emergency plans to cope with pollution safety risks must be in place
24. There must be safe access to the beach
25. A supply of potable drinking water must be available on the beach
26. A minimum of one Blue Flag beach in each municipality must have access and toilet facilities provided for disabled persons
27. Map of the beach indicating different facilities must be displayed

Figure 7.5. Blue Flag program criteria, 2008.

8. PRIORITIES FOR DISCUSSION

This discussion document has been designed to outline some key trends and challenges facing Nova Scotia's beach systems. There is lot to think about - sensitive ecosystem dynamics and acute habitat concerns along with the varied and complex interactions of beach users and activities make beach management a meticulous balancing act. It is hoped that the content of the document will provide a starting point for encouraging productive discussions about opportunities to pursue a new and improved vision for beach management. The following section serves to tie together some emerging principles and questions.

8.1. PRINCIPLES OF BETTER BEACH MANAGEMENT

Effective beach management is an evolving process. As suggested throughout this paper, a clear vision is likely a crucial first step. Strong leadership is also key to coastal management because unless a particular agency or organization takes responsibility for healthy beaches, changes will not be made. Coordination and collaboration are necessary for beach management, as no one agency or organization can accomplish such a task on its own. Finally, flexibility and adaptive mechanisms allow for learning while doing – crucial in a sandy world of uncertainty and change.

Key Elements of “Better Beach Management” in Nova Scotia

- Clear vision
- Bold leadership
- Collaboration and coordination
- Adaptive management

Figure 8.1. Proposed key elements of “better beach management” in Nova Scotia.

Many of these elements have been described as “ecosystem-based management” (EMB) or “adaptive management”. EBM has been defined as

“ ...An adaptive approach to managing human activities that seeks to ensure the coexistence of healthy, fully functioning ecosystems and human communities. The intent is to maintain those spatial and temporal characteristics of ecosystems such that component species and ecological processes can be sustained, and human well-being supported and improved (Coast Information Team, 2001).”

This definition extends the scope of natural resource management beyond protecting ecosystem integrity to include the wellbeing of human communities. It also expands the policy environment where management decisions take place, linking say, beach management to broader policy, planning, and

decision-making concerned with building and maintaining healthy communities, from education and health to sustainable prosperity and economic development.

Adaptive management techniques may also provide positive direction for coastal managers. After all, adaptation is based on the premise that information about ecological and social systems is (and will always be) imperfect. The principles of adaptive management promote learning by doing. Rather than waiting for all of the hypothetical research data to fall into place, adaptive management allows decision-makers to get their feet wet (and sandy?) – and to try novel approaches.

8.2 EMERGING QUESTIONS

Beach systems across the province are experiencing unprecedented and intensifying development and recreational pressures, along with the looming threat of climate change impacts. Distressingly, current approaches to beach management in Nova Scotia are not up to the task. While there are some bright spots, the present course fails to meaningfully engage communities and other decision-makers, missing critical opportunities to collaborate on a new and better way forward.

- How can beach managers, stakeholders and communities work together to promote access on Nova Scotia's beaches while adequately protecting and preserving them for other human uses, as wildlife habitat and for the good of future generations?
- How might the *Beaches Act* better reflect the conservation needs of the beach system? What would an appropriate legal definition of a Nova Scotian beach look like? What other legislation would need to change?
- Given that 95% of coastal lands are privately owned in the province, what should the government's land acquisition priorities be? For example, wildlife at risk, potential coastal hazards, adjacency to existing beach parks, recreation opportunities, or other factors?
- To what extent should landowners be responsible for the protection of species at risk that spend time on their properties? What are some incentives that might encourage landowners to become engaged in coastal stewardship?
- Since it is anticipated that Nova Scotia's shorelines are likely to undergo accelerated changes, what time frame should managers and decision-makers use as a lens when making planning and investment decisions? What sort of considerations might this depend upon?
- What is the vision for Nova Scotia's beach systems? What might some of the goals that would help accomplish such a vision? Where is the "true grit" we need to pursue a new vision for healthy beaches in the province?
- Considering all of the possible facets of a new management vision for healthy beaches, which do you think we need to move forward on first? What are the priorities? How, where and when can we move forward on all of them?

9. WORKS CITED

- Abbott, S. (2008). Personal Communication.
- Agee, J.K., and D.R. Johnson. (1988). *Ecosystem Management for Parks and Wilderness*. Seattle: University of Washington Press.
- Anders FJ, Leatherman SP (1987) Disturbance of beach sediment by off-road vehicles. *Environmental Geology and Water Science*. 9:183–189.
- Bascom, William. (1980). *Waves and Beaches*. Anchor Press/Doubleday, Garden City, New York. 366 p.
- Bird E.C.F. (2000) *Coastal Geomorphology: An Introduction*. John Wiley, Chichester, 322 pp.
- Bird Studies Canada. (2007). Nova Scotia Piping Plover Conservation Program .Atlantic Region Programs. Accessed August 16, 2008 from <http://www.bsc-eoc.org/regional/nsplover.html>
- BirdLife International (2008) *State of the world's birds: indicators for our changing world*. Cambridge, UK: BirdLife International.
- Brazner, John. (2006). The Magic of Eelgrass. *Coastlines Natural History Column*. Accessed September 3, 2008 at <http://www.ecologyaction.ca/coastlines/2006/eelgrass.htm>.
- Brazner, John. (2008). You Say Barachois, I Say Barasway. *Coastlines Natural History Column*. Accessed August 16 at http://www.ecologyaction.ca/coastlines/080111_pond.htm
- Buckley, R. (2004). *Environmental Impacts of Ecotourism*. Sydney: CABI Publishing.
- Buick A.M., and D.C. Paton. (1989). Impact of off-road vehicles on the nesting success of Hooded Plovers *Charadrius rubricollis* in the Coorong region of South Australia. *Emu*. 89:159–172.
- Burbridge, C. (2008). *Shelter from the Storm: Protecting People and Property from Coastal Hazards in Nova Scotia*. Dalhousie University Marine Management Program. Unpublished thesis.
- Camphuysen C.J., Ens B.J., Heg D., Hulscher J.B., Vandermeer J. and Smit C.J. (1996). Oystercatcher *Haematopus ostralegus* winter mortality in the Netherlands: the effect of severe weather and food supply. *Ardea* 84: 469–492.
- Canadian Council of Ministers of the Environment. (2006). *A Canada-wide Framework for Water Quality Monitoring*. PN 1369.
- Canadian Wildlife Service. (2000). *Canada's Shorebird Conservation Plan*. The Minister of Public Works and Government Services Canada, Ottawa, Ontario.
- Canadian Wildlife Service. (2005). *Species At Risk*. Accessed October 11, 2008 at <http://www.cws-scf.ec.gc.ca/theme.cfm?lang=e&category=12>
- Casselmann, Ron. (1997). *Casselmann's Canadian Words*. Toronto: Pearson Education Press.

- Cayford J. (1993). Wader disturbance: a theoretical overview. *Wader Study Group Bulletin*. 68: 3–5.
- CBC Nova Scotia. (2008, June 2). The Road Not Taken. Information Morning's Bob Murphy Reports. Accessed August 14, 2008 at <http://www.cbc.ca/ns/features/goingcoastal/your-stories.html>
- Chen, Sheryl. (2008). 'Isle Yours' - Why settle for a beachfront home in Maui when you can own the entire island — palm trees, privacy, et al? *SC Global Magazine*. Singapore. Accessed August 14, 2008 at http://www.vladi-private-islands.de/sale/site/html/cms_de-sale_website_press_37_en-0-0
- Coastal Access Commiitee (2008). Coastal Access Stewardship Tracking System. Unpublished document.
- Committee for Green Foothills. (2005). The Coastal Act and the California Coastal Commission. *Green Footnotes*. Accessed October 23, 2008 at http://www.greenfoothills.org/news/2005/06-2005_CoastalAct.html
- Committee on Beach Nourishment and Protection.(1995). *Beach Nourishment and Protection*. National Research Council. National Academies Press.
- Daigle, R., Forbes, D., Parkes, G., Ritchie, H., Webster, T., Berube, d., Hanson, A., DeBaie, L., Nichols, S., and L. Vasseur. (2006). Impacts of sea level rise and climate change on the coastal zone of southeastern New Brunswick. *Environment Canada*. 613 p.
- Dasmann, Raymond F. (1981). *Wildlife Biology*. New York: Wiley Publishing.
- Davenport J. and JL Davenport. (2006). The impact of tourism and personal leisure transport on coastal environments: a review. *Estuarine, Coastal and Shelf Shelf Science*. 67:280–292.
- Department of Fisheries and Oceans. (2007). Community Aquatic Monitoring Program (CAMP). Accessed September 22, 2008 at <http://www.glf.dfo-mpo.gc.ca/os/camp-pcsa/index-e.php>
- Department of Fisheries and Oceans. (2007). A Guide to the Coastal Zone of Atlantic Canada. Accessed August 16, 2008 at <http://www.glf.dfo-mpo.gc.ca/os/bysea-enmer/index-e.php>
- Department of Natural Resources. (1993). *Aggregate in Nova Scotia: Mineral Resources Information Circular ME 20, Third Edition*. <http://www.gov.ns.ca/natr/MEB/ic/ic20.htm>
- Department of Natural Resources. (2002). Province Acquires Dunn's Beach. *News Releases*. Accessed September 30, 2008 at <http://www.gov.ns.ca/news/details.asp?id=20021217002>
- Department of Natural Resources. (2008). *Acquisitions and Leases*. Land Administration Section. Accessedline on September 3, 2008. <http://www.gov.ns.ca/natr/land/acquisition.htm>
- Department of Tourism, Culture and Heritage, *Visitor Exit Survey*, 2004.
- Department of Transportation and Infrastructure Renewal. (2008). *Tenders Called For Queensland Beach Road Repairs*. Accessed October 12, 2008 at <http://www.gov.ns.ca/news/details.asp?id=20080409007>
- Department of Transportation and Public Works. (2006). *The Reconstruction of Lighthouse Beach*. Accessed September 4, 2008 at <http://www.gov.ns.ca/tran/enviroservices/LighthouseBeachMarch2006.pdf>
- Drohan, Ashley and Grant Petruskavich. (2007). *Bras d'Or Lakes and Watershed: Protecting Our Wetlands and Barachois*. Baddeck, Nova Scotia: The Bras D'Or Stewardship Society.
- Dugan, Jenifer E., Hubbard, David M., Rodil, Ivan F., Revell, David L., and Stephen Shroeter. (2008). Ecological Effects of Armouring on Coastal Beaches. *Marine Ecology* 29, 160–170.
- Environmental Protection Agency. (2008). EPA 625/R02/017. National Risk Management Research Laboratory.

- Environment Canada. (2008). Introduction. Invasive Alien Species in Canada. Accessed September 3, 2008 at <http://www.ec.gc.ca/eee-ias/Default.asp?lang=En>
- Environment Canada. (2008b). 2010 Target. Canadian Biodiversity Information Network. Accessed September 3, 2008 at <http://www.cbin.ec.gc.ca/enjeux-issues/2010.cfm?lang=eng>
- Environment Canada.(2008c). Recovery Strategy for the Piping Plover (*Charadrius melodus melodus*) in Canada [Proposed]. Species at Risk Act Recovery Strategy Series. Environment Canada, Ottawa. viii + 40 pp.
- Environment Canada. (2004). Endangered Species- Roseate Tern. Atlantic Green Lane. Accessed September 3, 2008 at <http://www.atl.ec.gc.ca/wildlife/roseate/index.html>
- Environment Canada. (2003). Migratory Bird Sanctuaries in Southwestern Nova Scotia. Accessed August 27, 2008 at <http://www.atl.ec.gc.ca/wildlife/portjoli/index.html>
- Environment Waikato. (2007). Regional Coastal Plan. Waikato, New Zealand. Accessed August 16, 2008 at <http://www.ew.govt.nz/Policy-and-plans/Regional-Coastal-Plan/Regional-Coastal-Plan/>
- Ferns P.N., Rostron D.M. and Siman H.Y. (2000). Effects of mechanical cockle harvesting on intertidal communities. *Journal of Applied Ecology* 37: 464–474.
- Finland. (2004). Ministry of Environment. The Right to Roam. Accessed August 3, 2008 at <http://www.environment.fi/default.asp?contentid=49264&lan=EN>
- Floyd, T., & Williams, J. (2004). Impact of Green Crab (*Carcinus maenas* L.) predation on a population of soft-shell clams (*Mya arenaria* L.) in the southern Gulf of St. Lawrence. *Journal of Shellfish Research*. 23, 457-462.
- Friendlander, Blaine, P. (1998) "When tiger beetles chase prey at high speeds they go blind temporarily, Cornell entomologists learn." *Cornell News*, Jan 16, 1998. Accessed August 20, 2008 at <http://www.news.cornell.edu/releases/Jan98/TigerBeetle.bpf.html>
- Gasse, Kip. (2006). Cap La Ronde Beach Report. Halifax: An Ecology Action Centre Report, unpublished.
- Geological Survey of Canada. (2002). CoastWeb Fact Sheet. http://www.gsca.nrcan.gc.ca/coastweb/facts_e.php
- Gladstone, Liam. Nova Scotia: The World's Overlooked Island Paradise. Private Islands Online: Articles for the Island Enthusiast. Accessed on August 7, 2008 at <http://articles.privateislandsonline.com/regional/nova-scotia-the-worlds-overlooked-island-paradise/>
- Goss-Custard J.D., Stillman R.A., West A.D., McGrorty S., Durell S.E.A. Le V. dit and Caldow R. (2000). The role of behavioural models in predicting the ecological impact of harvesting. In: Gosling L.M. and Sutherland W.J. (eds), *Behaviour and Conservation*. Cambridge University Press, Cambridge, pp. 65–82.
- Goss-Custard J.D. and Verbonen N. (1993). Disturbance and feeding shorebirds on the Exe estuary. *Wader Study Group Bulletin* 68: 59–66.
- Government of Nova Scotia. (2008). Environmental Goals and Sustainable Prosperity Act: Annual Progress Report 2008. Accessed October 24, 2008 at <http://gov.ns.ca/nse/egspa/docs/EGSPA2008ProgressReport.pdf>
- GPI Atlantic. (2000). The GPI Water Quality Accounts: Nova Scotia's Water Resource Values and the Damage Costs of Declining Water Resources and Water Quality.
- Graham, Jennifer. (2007). "Just Another Day at the Beach?" *The Chronicle Herald*. Halifax, NS.

- Green Shores. (2007). Green Shores Project Charter. Accessed on November 2, 2008 at <http://www.greenshores.ca/sites/greenshores/documents/media/99.pdf>
- Griggs, G.B., J.F. Tait and W. Corona. (1994). The interaction of seawalls and beaches: seven years of monitoring, Monterey Bay, California. *Shore and Beach* 63(2):31-36.
- Hales, W. J. 1992 Sand Dunes of Nova Scotia; Unpublished MSc thesis, Geography Department, McMaster University, Hamilton On.; 271 p.
- Hecker, Scott. (2005). "Conserving Coastal Birds." Audubon Science Programs. The National Audubon Society, Duxbury, MA.
- Interagency Ecosystem Management Task Force. (1995). *The Ecosystem Approach: Healthy Ecosystems and Sustainable Economies*. White House Office of Environmental Policy, Washington, DC.
- Institute for Environmental Studies. (1976). *Maintenance of Beaches: A Technical Report*. Halifax: Dalhousie University.
- International Panel on Climate Change. (2007). *Climate Change 2007: Impacts, Adaptations and Vulnerability (Contributions of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. Ed. M.L Parry, O.F. Canziani, J.P. Palutikof, P.J.van der Linden and C.E. Hanson. Cambridge, UK: Cambridge University Press.
- Jackson, J.A., Bates R.L., Neuendorf, K.K.E. and James P. Mehl. (2005). *Glossary of Geology*. American Geological Institute: Springer Science and Business.
- Jalava, J.V. (2004). *Pitcher's Thistle – Lake Huron Dune Grasslands Recovery Strategy*. Lake Huron Coastal Dune Grasslands Recovery Team. Parks Canada and Ontario Ministry of Natural Resources. 32 pp.
- James R.J. (2000). From beaches to beach environments: linking the ecology, human-use and management of beaches in Australia. *Ocean & Coastal Management*, 43, 495–514.
- Johnson, M. and J. Smith. (2006). *Indian Tribes of the New England Frontier*. London: Osprey Publishing.
- Kejimkujik National Park and National Historic Site of Canada. (2003). *Ecological Integrity Statement*. 50p.
- Kersten M., Piersma T. (1987). High levels of energy expenditure in shorebirds: metabolic adaptations to an energetically expensive way of life. *Ardea*, 75, 175–187.
- Kjerfve, B. (1994). *Coastal Lagoon Processes*. Elsevier Science B.V., Amsterdam, xx + 577 p.
- Knisley, C.B. and T.D. Schultz. (1997). *Tiger beetles and a guide to the species of the South Atlantic states*. Virginia Museum of Natural History, Martinsville. 209 pp.
- Lapp, Ruth. "Nova Scotia's Bloodworm." *Coastlines Natural History Column*. Halifax, Nova Scotia: Ecology Action Centre. Accessed August 4, 2008 at <http://www.bofep.org/eacarticles.htm>
- Lippson, Alice Jane and Robert L. Lippson (1997). *Life in the Chesapeake Bay*. Baltimore: JHU Press.
- Luckenbach R.A. and R.J., Bury. (1983). Effects of off-road vehicles on the biota of the Algodones Dunes, Imperial County, California. *Applied Ecology*. 20: 265–286.
- Ludwig, D., R. Hilborn, and C. Walters. (1993). Uncertainty, Resource Exploitation, and Conservation: Lessons from History. *Science*. 260: 17, 36.
- Maine Department of Environmental Protection (MDEP). (1990). Chapter 1000: Guidelines for Municipal Shoreland

Zoning Ordinances. Bureau of Land and Water Quality.

Maine Department of Environmental Protection (MDEP). (2005). Chapter 355: Coastal Sand Dune Rules. Bureau of Land and Water Quality.

Maine Department of Environmental Protection (MDEP). (2008). Maine Shoreland Zoning: A Handbook for Shoreland Owners. Publication Number: DEPLW0674-D08.

Massachusetts Office of Coastal Zone Management (MOCZM). (2008). Introduction to No Adverse Impact (NAI) Land Management in the Coastal Zone. StormSmart Coasts Fact Sheet 1. Accessed November 4, 2008 at http://www.mass.gov/czm/stormsmart/other/nai_home.htm

McCulloch, M.M., D.L. Forbes, R.W. Shaw, and the CCAF A041 Scientific Team. (2002). Coastal Impacts of Climate Change and Sea-Level Rise on Prince Edward Island: Synthesis Report.

McLachlan, Anton and A.C. Brown. (2006). The Ecology of Sandy Shores. Burlington, MA: Academic Press.

Millenium Ecosystem Assessment. (2005). Ecosystems and Well-being: Biodiversity Synthesis. Washington, D.C.: World Resources Institute.

Mi'maw Resource Guide. (1987). Truro, Nova Scotia: Eastern Woodland Publishing.

Micallef A., Williams A.T. (2002) Theoretical strategy considerations for beach management. *Ocean & Coastal Management*, 45, 261–275.

Nichol, Amber. (2007). Changing Climates, Changing Coasts. Report from the June 6th 2007 Learning Circle on Climate Change Impacts and Adaptation in Nova Scotia. Prepared by the Ecology Action Centre, the Coastal Communities Network, and the Coastal Coalition of Nova Scotia.

Nordstrom, K.F. (2000). Beaches and dunes on developed coasts. Cambridge University Press, Cambridge, UK.

North Carolina Department of Environment and Natural Resources (NCDENR). (2007). CAMA Handbook for Development in Coastal North Carolina. Accessed November 3, 2008 at <http://www.nccoastalmanagement.net/Handbook/contents.htm>

North Carolina Division of Coastal Management. (2007). N.C. Beach and Inlet Management Plan. Accessed November 3, 2008 at <http://dcm2.enr.state.nc.us/bimp.htm>

Nova Scotia Department of Fisheries and Aquaculture (NSDFA). (2006). EMP Summary Report. Accessed on December 16, 2008 at <http://www.gov.ns.ca/fish/aquaculture/EMPSummaryReport.pdf>

Nova Scotia Natural History Museum. (1997). Topics and Habitats. Nova Scotia Department of Heritage and Culture and Nimbus Publishing.

Owens and Bowen. (1977). Coastal Environments of the Maritime Provinces. *Maritime Sediments*. 13: 01, pp 1-31.

Parks Canada. (2008). Prince Edward Island National Park. Parks Canada Newsletter. Accessed December 14, 2008 at http://www.pc.gc.ca/pn-np/pe/pei-ipe/images/bulletin-news_e.pdf

Parlee, Kathryn. (2004). Reducing the Vulnerability of Coastal Trails & Boardwalks to Storm Surges, Flooding, Erosion, and Sea Ice. C-CAIRN Coastal Zone Report 04-3. Canadian Climate Impacts and Adaptation Research Network.

Peach, G. (2006). Management of Lake Huron's Beach and Dune Ecosystems: Building Up from the Grassroots. *The Great Lakes Geographer*. 13: 1.

- Percy, J.A. (1997). Land-based activities and their physical impacts on marine habitats of the Gulf of Maine. Global Programme of Action Coalition for the Gulf of Maine, Commission for Environmental Cooperation.
- Prasetya, G.S. (2006). The Role of Coastal Forest and Trees in Combating Coastal Erosion. FAO. Regional Technical Workshop, 28-31 August 2006, Khaolak, Thailand. Accessed September 3, 2008 at <http://www.fao.org/forestry/media/11250/1/0/>
- Priskin, J. (2003). Physical impacts of four-wheel drive related tourism and recreation in a semi-arid, natural environment. *Ocean Coastal Management*. 46:127–155
- Provincial Oceans Network. (2007). Nova Scotia's Proposed Coastal Zone Management Framework. Presentation to ACZISC ICOM Working Group, Halifax, Nova Scotia. Accessed August 7, 2008 at <http://aczisc.dal.ca/52NSCMF.pdf>
- Rickard, C.A., McLachlan A., and G.I.H. Kerley. (1994). The effects of vehicular and pedestrian traffic on dune vegetation in South Africa. *Ocean Coastal Management*. 23: 225–247.
- Roberts, Mark. (2008, April 18). Residents Relieved by Carter's Beach Purchase. Liverpool, Nova Scotia: The Advance. Accessed October 23, 2008 at <http://www.novanewsnow.com/article-200661-Residents-relieved-by-Carters-Beach-purchase.html>
- Scottish Natural Heritage. (2000). A Guide to Coastal Management in Beach/Dune Systems Accessed July 24, 2008 at <http://www.snh.org.uk/publications/on-line/heritagemanagement/erosion/sitemap.shtml>
- Seymour, N. R., Miller, A. G., and D.G. Garbary. (2002). Decline of Canada Geese (*Branta canadensis*) and common goldeneye (*Bucephala clangula*) associated with a collapse of eelgrass (*Zostera marina*) in a Nova Scotia estuary. *Helgoland Marine Research*. 56, 198-202.
- Sharpe, Andy and Cathy Conrad. (2006). Community Based Ecological Monitoring in Nova Scotia: Challenges and Opportunities. *Environmental Monitoring and Assessment*. Volume 113, Numbers 1-3.
- Shepherd P.C.F. and Boates J.S. (1999). Effects of a commercial baitworm harvest on Semipalmated Sandpipers and their prey in the Bay of Fundy hemispheric shorebird reserve. *Conservation Biology* 13: 347–356.
- Schlacher, T.A., Schoeman, D.S., Dugan, J., Lastra, M., Jones, A., Scapini, F., MacLachlan, A. (2008). Sandy beach ecosystems: key features, sampling issues, management challenges and climate change impacts. *Marine Ecology* 29, 70–90.
- Schlacher, T.A., Richardson, D., and I. MacLean. (2008b). Impacts of Off-Road Vehicles on Macrobenthic Assemblages on Sandy Beaches. *Environmental Management*. 41:878–892.
- Schlacher T.A. and L.M.C , Thompson. (2007) Exposure of fauna to off-road vehicle (ORV) traffic on sandy beaches. *Coastal Management* 35: 567–583.
- Schlacher, T. A., Dugan J., Schoeman D., Lastra, M., Jones A., Scapini, F., McLachlan, A., and O. Defeo. (2007) Sandy Beaches at the Brink. *Diversity and Distributions* 13, 556–560.
- Schoette, H.E. Taylor. (2006). The Ocean Beach. University of Georgia Marine Extension Service. Accessed August 14, 2008 at <http://www.uga.edu/aquarium/Natbeach.html>
- Stewart, P.L., Rutherford, R.J, Levy, H.A., and J. M. Jackson. (2003). Land Use Planning and Coastal Areas in the Maritime Provinces. *Can. Tech. Rep. Fish. Aquat. Sci.* 2443: x + 165 pages.
- Surfrider Foundation. (2008). Who We Are. Accessed July 24, 2008 at <http://www.surfrider.org/whoweare.asp>
- Taylor, Bob. (2008). Understanding Nova Scotia's Coastlines. Geological Survey of Canada's CoastWeb. Accessed August 4, 2008 at <http://www.gov.ns.ca/fish/aquaculture/EMPSummaryReport.pdf>

Taylor, Peter H. and Jennifer Atkinson. (2008). *Seascapes: Getting to Know the Sea Around Us. A Guide to Characterizing Marine and Coastal Areas*. Quebec-Labrador Foundation, Inc.

The Military Dictionary. (1987). Diane Publishing Company.

Tourism Industry Association of Canada (TIAC). (2005). *Code of Ethics and Guidelines for Sustainable Tourism*. Accessed July 30, 2008 at <http://www.tiac-aitc.ca/english/codeofethics.asp>

Tourism Industry of Nova Scotia (TIANS). (2006). *Nova Scotia's Strategy for Sustainable Coastal Tourism*. Nova Scotia Department of Tourism, Culture and Heritage.

UNCED. (1992). *United Nations Conference on Environment and Development, Agenda 21, Chapter 17: Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of Their Living Resources*. United Nations Division for Sustainable Development, New York, 42 pp.

United Nations Environment Programme (UNEP). (2004). *Convention on Migratory Species*. Accessed September 8, 2008 at <http://www.cms.int/>

United Nations Environment Programme (UNEP). (2007). *Sustaining Life on Earth. A Guide to the UN Convention on Biodiversity*. Accessed July 17, 2008 at <http://www.cbd.int/convention/guide.shtml>

UNESCO. (2005). *Introduction to Sandwatch: An educational tool for sustainable development. Coastal region and small island papers 19*, UNESCO, Paris, 91 pp.

US Fish and Wildlife Service. (2007). *Cats and Dogs and Birds on the Beach: A Deadly Combination*. Accessed September 4, 2008 at <http://www.fws.gov/northeast/pipingplover/pdf/catseat.pdf>

Vanderlinden, L. and Eyles J. (2000). *Public perspectives on biodiversity: Models and a case study*. In S. Bocking (ed.) *Biodiversity in Canada: Ecology, Ideas, and Action*. Broadway Press Ltd. Peterborough, ON: 237-273.

Vanproosdij, Danika, Jeff Ollerhead and Robin G.D. Davison-Arnott. (2006). *Seasonal and annual variations in the volumetric sediment balance of a macro-tidal salt marsh*. *Marine Geology*. 225.1 – 4: 103 – 127.

Vasseur, L. and N. Catto. (2008). *Atlantic Canada*. In *From Impacts to Adaptation: Canada in a Changing Climate 2007*, eds. Lemmen, D.S., Warren, F.J., Lacroix, J. and E. Bush, 119-170. Ottawa: Government of Canada.

Voluntary Planning Task Force. (2004). *Out of Control: Interim report of the Voluntary Planning Off-highway Vehicle Task Force*. Nova Scotia: Voluntary Planning.

Voluntary Planning Task Force. (2001). *Non-resident Land Ownership in Nova Scotia, Final Report*. Nova Scotia: Voluntary Planning.

Warnock N., Elphick C. and Rubega M.A. (2002). *Shorebirds in the Marine Environment*. In: Schreiber E.A. and Burger J. (eds), *Biology of Marine Birds*. CRC Press LLC, Florida, pp.581–615.

Watson J.J., Kerley G.I.H., and A. McLachlan. (1996). *Human activity and potential impacts on dune breeding birds in the Alexandria. Coastal Dunefield*. *Landscapes and Urban Planning*. 34: 315–322.

West A.D., Goss-Custard J.D., Stillman R., Caldow R.W.G., Durell S.E.A. Le V. dit and S. McGrorty. (2002). *Predicting the impacts of disturbance on shorebird mortality using a behaviour-based model*. *Biological Conservation* 106: 319–328.

Wilderness Committee. (2008). *Major Threats to Biodiversity*. *Canadian Endangered Species Legislation*. Accessed November 3, 2008 at <http://www.wildernesscommittee.org/resources/archives/cesl/threats.htm>

Williams J.A., Ward V.L., and L.G. Underhill. (2004). Waders respond quickly and positively to the banning of off-road vehicles from beaches in South Africa. *Wader Study Group Bulletin*. 104:79–81.

Williamson, M. and A. Fitter. (1996). The varying success of invaders. *Ecology*. 77: 1661-1666.

Wilson, S.J. 2000. The GPI Water Quality Accounts: Nova Scotia's Water Resource Values and the Damage Costs of Declining Water Resources and Water Quality. GPI Atlantic. Halifax, NS.
www.gpiatlantic.org/pdf/water/waterquality.pdf

Yamada, S. B. (2001). *Global Invader: The European Green Crab* Oregon Sea Grant, Washington Sea Grant, Corvallis, Oregon. 140 p.

Legislation Cited

Canada

Canadian Wildlife Act, R.S., 1985, c. W-9

Migratory Birds Convention Act, 1994, S.C. 1994, c. 22

Canada National Parks Act, 2000, c. 32 N-14.01

Species at Risk Act, 2002, c. 29, S-15.3

Nova Scotia

Beaches Act, R.S. 1993, c. 32, s. 1

Crown Lands Act, R.S. 1989, c. 114, s. 1

Endangered Species Act, 1988, c. 11, s.1

Environment Act, 1994-95, c. 1, s. 1

Environmental Goals and Sustainable Prosperity Act, 2007, c. 7, s. 1.

Municipal Government Act, S.N.S. 1998, c. 18, s.1

OHV Act, R.S., c. 323, s.1

Provincial Parks Act, R.S., c. 367, s. 1

Special Places Act, R.S., c. 438, s. 1.

Prince Edward Island

Planning Act, 1998, R.S.P.E.I.

California

California Coastal Act, 1972, U.S.C. 1451

Maine

Mandatory Shoreland Zoning Act, M.R.S.A.1987, 38 s. 438-A

Natural Resources Protection Act, M.R.S.A. 1987, 38 s. 480-A

North Carolina

Coastal Areas Management Act, N.C.S. 1974, c. 113-A, s. 7

Appendix A: Decision-Makers

Key Beach Management Agencies and Decision-Making Bodies

A. Federal Agencies

Many federal government departments have mandates that impact and influence coastal management with no one department being responsible for all aspects of managing beaches.

1. Environment Canada (EC) is a federal agency responsible for important beach-related decision-making. Legislation under EC includes the *Canada Water Act* which protects water resources and promotes sustainable management of water use. The *Species at Risk Act* protects endangered plants, animals and birds throughout Canada, many of which live in marine and coastal areas. The *Migratory Birds Convention Act* protects birds and their habitats along migration routes. This is important because many migratory birds use coastal habitat in their migration. The *Canada Wildlife Act* protects wildlife in Canada which extends to their habitat. This act also allows for the formation of special areas for the protection of wildlife and their habitat. The *Canadian Environmental Assessment Act* is triggered when activities might potentially alter fish habitat (under the *Fisheries Act*). Environment Canada is also the lead agency for the Federal Wetlands Protection and Conservation Policy, which is primarily implemented through the *Canadian Environmental Assessment Act*. An environmental assessment will be necessary for federal projects that might impact wetlands.

2. The Department of Fisheries and Oceans (DFO) is another federal department with a variety of responsibility for activities affecting beach systems, along watershed and from the seaward side. Legislation under DFO includes the *Oceans Act* and *Canada's Ocean Strategy* which make commitments to integrated coastal management under the authority of the Minister of Fisheries and Oceans. Also under DFO, the *Fisheries Act* prohibits activities that may cause harmful alteration, disruption or destruction of fish habitat. This includes coastal marine habitat and freshwater habitat.

3. Transport Canada (TC) also has a role in the management of coastal areas through the *Navigable Waters Protection Act*, which protects the public right of navigation. This right might be affected in some cases of shoreline alteration.

4. Parks Canada (PC) is responsible for the shoreline, beaches and infrastructure in National Parks and Heritage sites, under the authority of *Canada National Parks Act*.

B. Provincial Bodies

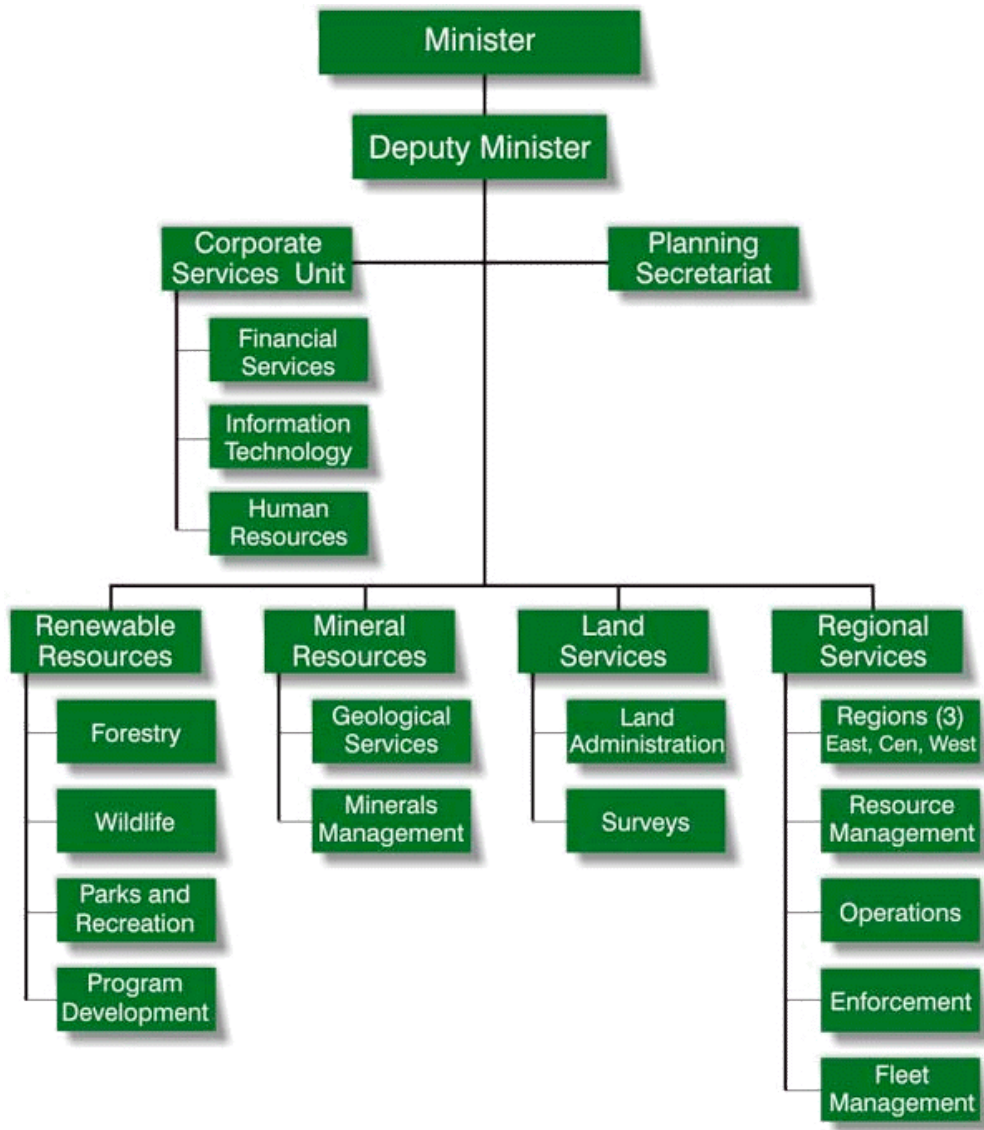
Currently, the provincial government bears much of the responsibility for the management of Nova Scotia's beach systems.

Management responsibilities include:

- * Managing storm water and accidental wastewater discharges
- * Provision and maintenance of beach access
- * Provision and maintenance of public infrastructure and facilities
- * Managing conflicting recreational uses of beach environments, e.g. OHVs, fires, dogs

- * Managing risks to coastal infrastructure (both public and private) and the environment
- * Management and protection of wildlife and habitat
- * Management of beach erosion
- *Provision of beach safety

1. **The Department of Natural Resources (DNR)** is a clearly a key agency in coastal protection and management in Nova Scotia, managing approximately 50 beaches within Provincial Parks. The Department is also responsible for the 92 beaches protected under the *Beaches Act*, as well as for all of Nova Scotia’s shorelines below the high water mark. Presently, DNR has also tasked the agency of Voluntary Planning to conduct citizen engagement exercises to help shape a new provincial “Natural Resources Strategy.” While the consultations do not focus on beach management directly, new strategic directions may affect DNR’s approach to coastal systems, including the beach.



DNR's mandate is spread over several branches, divisions and sections. The Renewable Resource and Regional Services branches are most relevant to beach management and decision-making activities.

1.1 Renewable Resources

DNR's Renewable Resources branch provides coordination and leadership on policy, planning and program development, including industry development and resource promotion, marketing, resource inventories and research, and the preparation of strategies and plans for integrated development, management and conservation of Nova Scotia's forests, wildlife resources, and parks, including provincial beach parks and protected beaches.

1.1.1 Parks and Recreation

The Parks and Recreation Division of the Renewable Resources branch of DNR carries out several important beach management responsibilities, including:

- *Administration of the Provincial Parks Act, the Beaches Act, and the Trails Act.
- *Providing expertise for beach protection and related coastal zone management.
- *Planning for parks, trails, and outdoor recreation opportunities.
- *Inventorying and evaluating outdoor heritage and recreation resources for parks planning and input for integrated resource management (IRM) on crown lands.
- *Evaluating parkland acquisition options and negotiating private land stewardship agreements.
- *Negotiating partnerships for the development and operation of park system components.
- *Procuring parks system facilities, equipment and services.
- *Providing input on park operating seasons and fees.
- *Producing and distributing information regarding park programs, and the preparation of interpretive materials.
- *Liaising with the Department of Economic Development and Tourism and other departments on marketing of parks and outdoor recreation.

1.2 Regional Services

The Regional Services branch delivers department programs and services through an extensive network of field offices. These programs and services include crown land surveys, regional geological services, extension and education, enforcement, resource conservation, and the operation and maintenance of Provincial Parks, including beaches.

Services are broken up into three regions – west, central and east. Each region is responsible for:

- *Delivering renewable resource management programs in the field including the management of Provincial Parks, wildlife conservation and protection, along with information, education and extension.
- *Planning and implementing integrated natural resource management (IRM) on crown lands.
- *Providing for the administration of crown lands at the field level, including the surveying and maintenance of their boundary lines.
- *Providing geologic services on a regional basis.

1.2.1 Enforcement

The enforcement division is responsible for:

- *Developing and coordinating a departmental, environmental, and resource law enforcement and compliance program.
- *Developing, implementing, evaluating and maintaining records of the law enforcement and compliance training program.
- *Developing and maintaining a comprehensive manual on the administration and operational procedures, and requirements for the enforcement program.
- *Establishing, promoting, and maintaining liaisons with other provincial, federal, and international law enforcement agencies.
- *Providing expert advice on enforcement issues and recommending changes in legislation.

2. The Nova Scotia Department of Environment (NSE) focuses on climate change, protecting the environment, and advancing the *Environmental Goals and Sustainable Prosperity Act*. This department is responsible for natural areas management, environmental monitoring and compliance, pollution prevention, the water resources strategy, water quality testing, solid waste reduction and recycling.

NSE is taking the lead in the development of a provincial water resources management strategy. An Interdepartmental Water Management Committee consisting of ten government departments, including Agriculture, Energy, Environment and Labour, Fisheries and Aquaculture, Health Promotion and Protection, Natural Resources, Nova Scotia Economic Development, Service Nova Scotia and Municipal Relations, Transportation and Infrastructure Renewal as well as Tourism Culture and Heritage, is overseeing the water strategy development.

2.1 Environmental Monitoring and Compliance

The Environmental Monitoring and Compliance division is responsible for the majority of field operations related to environmental protection. Activities in this division include the processing of applications, inspection and monitoring of approval, enforcement activities and response to public issues and complaints. In the Halifax Regional Municipality (HRM), NSE also arranges the intermittent testing of specified high-use supervised recreational beaches.

2.2 Wetlands Designation and Policy

Though the Environment Act, NSE is also responsible for the Wetlands Designation Policy which requires an alteration permit for any infilling or altering of a wetland of any size. The policy also requires that proponents try to avoid damage to wetlands and if this is not possible to mitigate or compensate for wetland damage.

3. The Nova Scotia Department of Fisheries and Aquaculture

The **Department of Fisheries and Aquaculture** manages aspects of federal coastal waters through management agreements, and takes the lead role on inland fisheries and inland waters. *The Fisheries and Coastal Resources Act* has relevance to coastal communities' management of coastal resources and aquaculture site licensing. The *Canada – Nova Scotia: Memorandum of Understanding on Fish Habitat* acknowledges that the federal government, under the *Fisheries Act*, and the provincial DFA both have jurisdiction over regulation of fish habitat. Of note, this department is home to the interagency **Provincial Oceans Network (PON)** which has been tasked with developing a provincial coastal management strategy by 2010.

4. The Nova Scotia Department of Health Promotion and Protection

The Department of Health Promotion and Protection is responsible for the selection of recreation beaches in Nova Scotia and works jointly with the Nova Scotia Lifeguard Society to manage operations.

4.1 The Office of the Chief Medical Officers of Health

The office of the Chief Medical Officers of Health is responsible for the Department of Health Promotion and Protection's legislated responsibility to protect and promote the public's health. They are notified of water quality results for swimming beaches and have the power to issue a notice of beach closure.

5. Department of Transportation and Infrastructure Renewal

While the department holds no direct management role related to beaches, much of their mandated infrastructure- from roads to paths and parking lots- has a direct impact on both the ecological health of beaches and public access.

6. The Nova Scotia Department of Tourism, Culture and Heritage

This provincial department currently lacks a direct management role related to beaches. However, their marketing of Nova Scotia as a tourism destination largely hinges on coastal features, and often prominently advertises beaches.

C. Municipal Decision-Making

Local authorities also have an essential role to play in the monitoring, stewardship and management of individual beach systems. For example, municipalities have significant power in regulating what type of development is allowed within their jurisdictions. This power is extended through municipal bylaws and planning documents.

In order for municipalities to regulate and direct land use they must have a municipal planning strategy and land-use bylaw in place. Only 45% of the landmass of the entire province is regulated through direct land use planning. The rest, 55% of Nova Scotia, is unplanned except for the standard requirements that come under the Provincial Subdivision Regulations, Provincial Building Codes and provisions of the *Environment Act*. Municipal land use planning can directly impact beaches in important ways. Public access, setbacks on development, creating parks adjacent to beaches, giving beaches room to move, and zoning erosion areas as hazardous, Also municipalities can help promote water quality monitoring, education programs and land stewardship and species at risk.

Appendix B: The *Beaches Act*

An Act to Preserve and Protect the Beaches of Nova Scotia

Short title

1 This Act may be cited as the *Beaches Act*. R.S., c. 32, s. 1.

Dedication of beaches

2 (1) The beaches of Nova Scotia are dedicated in perpetuity for the benefit, education and enjoyment of present and future generations of Nova Scotians.

Purpose of Act

(2) The purpose of this Act is to

(a) provide for the protection of beaches and associated dune systems as significant and sensitive environmental and recreational resources;

(b) provide for the regulation and enforcement of the full range of land-use activities on beaches, including aggregate removal, so as to leave them unimpaired for the benefit and enjoyment of future generations;

(c) control recreational and other uses of beaches that may cause undesirable impacts on beach and associated dune systems. R.S., c. 32, s. 2.

Interpretation

3 In this Act,

(a) "beach" means that area of land on the coastline lying to the seaward of the mean high watermark and that area of land to landward immediately adjacent thereto to the distance determined by the Governor in Council, and includes any lakeshore area declared by the Governor in Council to be a beach;

(b) "Minister" means the Minister of Lands and Forests;

(c) "peace officer" includes a member of the Royal Canadian Mounted Police, a police officer appointed by a city, incorporated town or municipality of a county or district and a conservation officer as defined in the *Crown Lands Act*, *Forests Act* and *Wildlife Act*;

(d) "vehicle" means a vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act*, and includes an airplane;

(e) "vessel" means a means of conveyance of a kind used on water and includes an accessory to the vessel. R.S., c. 32, s. 3.

Administration

4 (1) The administration, management and control of beaches shall be under the direction of the Minister.

Natural Resources Advisory Council

(2) The Minister may refer matters relating to beaches to the Natural Resources Advisory Council established pursuant to the *Natural Resources Advisory Council Act* and the Council shall advise the Minister on such matters.

Other services

(3) The Minister may utilize, upon such terms and conditions as the Minister deems fit, the services of such persons as the Minister considers necessary for the efficient carrying out of the purpose of this Act and the regulations.

Agreements

(4) The Minister may, for the effective management of beaches, enter into agreements with the Government of Canada or an agency thereof, with a provincial or municipal government or an agency thereof or with a person for the purposes of this Act or the regulations.

Agreements to manage or preserve land

(5) Without restricting the generality of subsection (4), the Minister may enter into an agreement with the owner or occupier of land adjacent to a beach to manage or preserve that land so that it complements the beach.

Acquisition of land

(6) The Minister, with the consent of the Governor in Council, may acquire land or an interest in land to provide public access to and from a beach and to provide facilities there.

Authorized services

(7) The Minister may authorize lifeguard and other services on a beach.

Studies and research

(8) The Minister may undertake studies and carry out research on beaches in the Province.

Educational programs

(9) In an effort to create greater public awareness and understanding of the beaches in the Province, the Minister may promote educational programs that emphasize the importance of conserving beaches and using them for recreational and other purposes in such a manner as to maintain their environmental integrity. R.S., c. 32, s. 4; 1993, c. 9, s. 9.

Determination of beach area

5 (1) The Governor in Council, on the recommendation of the Minister, may determine what area of land to the landward of mean high watermark and immediately adjacent thereto and what lakeshore area is a beach within the meaning of this Act.

Notice of beach area

(2) When the Governor in Council determines pursuant to subsection (1) that an area of land to the landward of mean high watermark is a beach, the Minister shall

- (a) publish a notice containing a description of the beach in the Royal Gazette and in a newspaper circulated in the county or counties to which the beach is contiguous;
- (b) deposit a description and plan of the beach in the office of the registrar of deeds for the registration district in which the beach is situate, signed either by him or the Deputy Minister of Lands and Forests or by a Nova Scotia Land Surveyor;
- (c) give notice to the owner of the beach if the owner is known, by serving upon him or by mailing by registered post addressed to him at his last known place of abode, a notice containing a description of the beach and notifying him that the beach is a beach under this Act; and
- (d) post signs about the beach indicating that it is a beach and that no sand, gravel, stone or other material may be removed from it without the consent of the Minister.

Evidence of sign as prima facie proof

(3) Evidence that a sign has been posted is *prima facie* proof that the sign has been posted pursuant to clause (d) of subsection (2).

Certified description as prima facie proof

(4) A description and plan of a beach, appearing to be certified by the Minister or the Registrar of Crown Lands appointed pursuant to the *Crown Lands Act*, shall be received as evidence without proof of the signature of the Minister or Registrar of Crown Lands and the designation of any lands on the plan as a beach is *prima facie* proof that the lands so designated are a beach. R.S., c. 32, s. 5.

Prohibited removal of sand

6 (1) No person shall wilfully take or remove any sand, gravel, stone or other material from a beach without the permission of the Minister.

Ballast for lobster pot

(2) Nothing in this Section shall prevent or restrict a fisherman from removing from a beach rocks for ballast for his lobster pots. R.S., c. 32, s. 6.

Powers of peace officer

7 (1) A peace officer may

- (a) search without a warrant and seize a vehicle including an off-highway vehicle, vessel or other property where the peace officer has reasonable and probable grounds to believe that an offence has been committed pursuant to this Act or any other enactment, if the offence is committed on a beach, and may detain the same for a period not exceeding twenty-four hours where the peace officer has reasonable and probable grounds to believe the seizure and detention is necessary to prevent the continuation or repetition of the offence;
- (b) order a person removing or displacing sand, gravel, stone or other material from a beach without a permit or lawful authorization to return it to the general area from where it was removed;
- (c) arrest without warrant a person a peace officer finds committing an offence pursuant to this Act or the regulations or any other enactment if the offence is committed on a beach;
- (d) exercise all the powers of a peace officer as defined in the *Criminal Code* (Canada).

Costs of impounding and storing

(2) Where a vehicle, vessel or other property is seized and detained pursuant to this Act, the costs of impounding and storing it shall be paid by the person to whom the seized property is to be released before it is released.

Duty of registered owner to identify operator

(3) Where the registered owner of the seized property wilfully fails to identify the person in charge of the vehicle or vessel at the time at which it is operated in violation of a provision of this Act or the regulations within forty-eight hours of a demand by a peace officer, the registered owner is guilty of an offence.

Liability of registered owner

(4) The registered owner of a vehicle or vessel is liable to incur the penalties provided for a violation of this Act or the regulations unless, at the time of the violation, the vehicle or vessel was in the possession of a person without the registered owners consent, either expressed or implied.

Presence of registered owner

(5) Where the registered owner of a vehicle or vessel is present on or in the vehicle or vessel at the time of the violation of a provision of this Act or the regulations by another person operating that vehicle or vessel, the registered owner, as well as the operator, is guilty of the offence.

Summary Proceedings Act

(6) Where not inconsistent with this Act, the *Summary Proceedings Act* and forms authorized there under applies *mutatis mutandis* to all prosecutions and proceedings pursuant to this Act.

Offence

(7) Any person who fails to comply with an order made pursuant to clause (b) of subsection (1) is guilty of an offence. R.S., c. 32, s. 7.

Prohibited activities

8 (1) No person shall, while on a beach,

(a) be impaired by alcohol or drugs;

(b) act in a noisy or disorderly manner;

(c) create a disturbance;

(d) pursue a course of conduct that is detrimental to the safety of other beach users or their enjoyment of the beach and its facilities;

(e) wilfully destroy property and other natural resources found on or adjacent to a beach;

(f) dump or deposit garbage or other material on a beach other than in a receptacle so provided;

(g) engage in any other activity prohibited by regulation.

Order by Minister

(2) Where there is reasonable and probable grounds to believe that a person has violated or is about to violate any provision of this Act or the regulations, or that the entry upon or remaining within a beach by any person may be detrimental to the safety of other beach users or their enjoyment of the beach, the Minister or a person authorized to act on the Ministers behalf may, without notice or hearing, issue a verbal or written order prohibiting that person from entering upon or being within a beach specified in the order for a period specified therein.

Duty to observe order

(3) Any person having knowledge of an order made pursuant to subsection (2) shall observe that order, and in the event the person is within a beach when the order is made, shall leave forthwith. R.S., c. 32, s. 8.

Offence

9 Every person contravening any provision of this Act or of the regulations shall be guilty of an offence, and every violation in connection with a separate taking or removing of sand, gravel, stone or other material from a beach shall be a separate offence. R.S., c. 32, s. 9.

Penalty

10 (1) Any person who violates this Act is liable upon summary conviction to a penalty of not more than two thousand dollars and in default of payment thereof to imprisonment for not more than ninety days.

Additional orders

(2) In addition to any penalty imposed, the court may order a person convicted of an offence pursuant to this Act to restore the beach as nearly as possible to the condition it was in before the offence was committed and pay an amount equal to twice the market value of any aggregate or other property, damaged or removed. R.S., c. 32, s. 10.

Permission for removal of sand

11 The Minister, upon such terms and conditions as the Governor in Council from time to time prescribes, may grant permission for the removal of sand, gravel, stone or other material from a beach. R.S., c. 32, s. 11.

No compensation entitlement

12 No person affected by this Act shall be entitled to compensation for any restriction, encumbrance or use or lack of use, of any nature or kind whatsoever, of a beach that may result or results from the enacting of this Act. R.S., c. 32, s. 12.

Regulations

13 The Governor in Council may make regulations

(a) for the preservation, control and management of beaches;

(b) for the granting of leases, licences and permits authorizing the removal of sand, gravel, stone or other material from beaches and determining the fees and charges for such leases, licences and permits;

(c) providing for the removal from a beach, by specified persons or persons in specified trades or occupations, of quantities of sand, gravel, stone or other material in such amount as he determines;

- (d) exempting any beach from the operation of this Act and the regulations hereto;
- (e) to preserve and protect flora and fauna located on a beach;
- (f) to restrict or regulate traffic by vehicles, vessels or pedestrians on a beach;
- (g) to restrict or regulate certain activities on a beach;
- (h) to prevent the disposal of garbage on a beach;
- (i) prescribing a minimum penalty of not less than fifty dollars and a maximum penalty of not more than two thousand dollars for offences contrary to the regulations;
- (j) respecting the management or preservation of lands adjacent to a beach in accordance with an agreement made pursuant to Section 4 or where the lands are owned or occupied by Her Majesty in right of the Province;
- (k) defining any word or expression used in this Act but not defined herein;
- (l) respecting such other matters as he deems necessary for the carrying out of the intent and purposes of this Act. R.S., c. 32, s. 13.

Regulations Act

14 The exercise by the Governor in Council of the authority set forth in Section 13 shall be regulations within the meaning of the *Regulations Act*. R.S., c. 32, s. 14.

Other Services

Food, Clothing and Emergency Shelter

FOOD and SHELTER

Food is available from the HOMER COMMUNITY FOOD PANTRY every Monday at the United Methodist Church, 770 East Road from 1pm to 3pm. There is a short qualifying interview and an eligibility form. Call Community Food Pantry at 235-1968 for information or for emergency food needs.

Emergency Food and Shelter may also be available from SHARE the SPIRIT. There is a needs assessment to determine eligibility. Call SHARE the SPIRIT at 235-7466.

Emergency Food and Shelter may also be available from the SALVATION ARMY to qualifying persons.

Call the SALVATION ARMY at 235-2609. Salvation Army Thrift Store 235-8923.

Emergency Shelter may be available to individuals who qualify at the Haven House. Call 235-7712. Haven House 24/7 Crisis Line: 235-8943

Public Health
195 East Bunnell St, Suite C
Homer, AK 99603
(907) 235-8857

Alaska Employment Service
270 W. Pioneer, #B
Homer, AK 99603
(907) 235-7791 or (907) 235-7200

Division of Public Assistance
270 W. Pioneer, #C
Homer, AK 99603
(907) 235-6132

Homer Medical Clinic
4136 Bartlett Street
Homer, AK 99603
(907) 235-8586

Homer Police Department
4060 Heath Street
Homer, AK 99603
(907) 235-3150



Pop411.Org: Community Resource Guide

The Homer Consortium of Care

Are you a visitor, transient worker, or a local resident in need of food or temporary shelter? A Young Person without a job or money? A Family stranded? Do you need help with substance abuse or alcoholism? Do you need medical help or medicine? Are you a runaway who needs reconciliation with family? Do you need Mental Health care?

The Homer Consortium of Care may be able to provide you with short-term help, in an emergency.

The Homer Consortium of Care is a coalition of service providers, the City, individuals and business and civic organizations who recognize that the people who visit here may need help and that we may be able to provide that help in some cases.

Please remember we cannot help everyone with every need. But, if you need help and don't know who to turn to, we may be able to assist you.

Mental Health and Substance Abuse

So. Pen. Behavioral Health Services
3948 Ben Walters Lane
Homer, AK 99603
(907) 235-7701

Cook Inlet Council on Alcohol and Drug Abuse (CICADA)
126 W. Pioneer, Suite 11
Homer, AK 99603
(907) 235-8001
(meeting schedules for AA, Al-Anon & NA available)

Al-Anon
Pioneer Avenue
Hillas Building, Suite 9
Homer, AK 99603

Narcotics Anonymous
Pioneer Avenue
Hillas Building, Suite 9
Homer, AK 99603

Teen, Young Adult And Senior Citizen Services

Homer Senior Center
3935 Svedlund St.
Homer, AK 99603
(907) 235-7655

Women, Infants and Children Program (WIC)
195 E. Bunnell, Suite C
Homer, AK 99603
(907) 235-5495

Friendship Center (Adult Daycare)
3935 Svedlund Street
Homer, AK 99603
(907) 235-2295

Kenai Peninsula Independent Living Center
(serving persons with disabilities)
3953 Bartlett #1
Homer, AK 99603
(907) 235-7911 (V/TT)

Calvary Chapel/Refuge Chapel
397 East Pioneer Ave.
Homer, AK 99603
907-235-4744

Domestic or Sexual Abuse of Adults or Children

Homer Police Department
4060 Heath Street
Homer, AK 99603
(907) 235-3150

Alaska State Troopers
4060 Heath Street
Homer, AK 99603
(907) 235-8239

Haven House
3776 Lake Street, Suite 100
Homer, AK 99603
(907) 235-7712
(907) 235-8943 (emergency after hours)

South Peninsula Hospital Emergency
4300 Bartlett Street
Homer, AK 99603
(907) 235-8101

Office of Child Services & Juvenile Justice
3670 Lake Street, Suite 100
Homer, AK 99603
907-235-7114

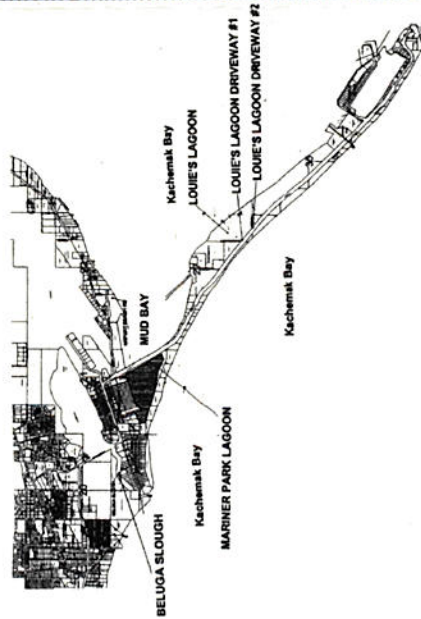
BEACH PROTECTION

Homer beaches are beautiful works of nature and we welcome your presence on them. Some areas of our beaches are environmentally sensitive. When driving on our beaches, please maintain a safe and respectful distance away from all pedestrians. Watch out for soft sand and fast moving tidal waters. The following activities are prohibited on our beaches:

☞ Tampering with, removing or burning any driftwood located on a storm berm.

☞ Driving on any storm berm or mud flat:

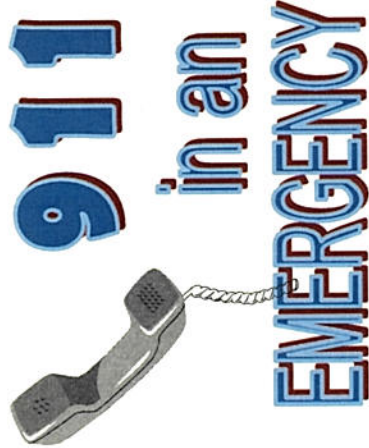
- Mud Bay
- Louie's Lagoon
- Mariner Park Lagoon
- Beluga Slough



MISSION STATEMENT:

To protect the public and property from criminal wrong doing, keep the peace and maintain order, assist in the orderly flow of traffic, serve the public in times of emergency and enforce the law of the land.

Mark Robl
Chief of Police



POLICE • FIRE • MEDICAL

WELCOME to HOMER

The folks at the
**Homer Police
Department**
hope your visit is safe and
pleasurable!



Homer Police Department
4060 Heath Street
Homer, Alaska 99603
(907) 235-3150
police.ci.homer.ak.us

DON'T LET THEFT SPOIL YOUR VISIT!

Please keep your coolers, cameras, and gear out of sight and locked up. Remember to lock your car, motor home or boat.

Be a good neighbor and help us keep Homer safe and secure this summer.

Please report suspicious activity and make a note of license numbers and descriptions.

To report **EMERGENCIES** or **CRIMES IN PROGRESS**, call 911.

For all other calls, dial 235-3150.

STAY ALIVE



Don't Drink & Drive

The Homer Spit and low-lying coastal areas are in a

TSUNAMI ZONE

(Seismic Sea Wave)

Tsunamis are generated by disturbances associated with earthquakes and volcanic eruptions!

If the Tsunami warning siren sounds or you feel a strong earthquake, keep calm and quickly leave the Spit and low-lying coastal areas immediately, and proceed to a **SAFE ZONE** (see map below). A strong quake is one that lasts 30 seconds or longer and causes difficulty in standing. The Tsunami warning siren consists of two types of warning signals:

ATTACK - Warning Signal: Signals for 3 minutes repeated as necessary. Sounded only in case of **EVACUATION** for imminent tsunami. Direction provided with signal.

ALERT - Warning Signal: Signal for 3 minutes. Initial warning to alert populace or to be prepared for further information of impending danger. Turn on your radio, TV, marine radio or NOAA Weather radio and listen for official information.

The Kenai Peninsula Borough's Office of Emergency Management conducts weekly siren alert tests on Wednesday at noon.

SAFE ZONES 



Homer Consortium of Care

- ❖ Are you a visitor, transient worker, or a local resident in need of food or temporary shelter?
- ❖ A young person without a job or money?
- ❖ A family stranded?
- ❖ Do you need help with substance abuse or alcoholism?
- ❖ Do you need medical help or medicine?
- ❖ Are you a runaway who needs reconciliation with family?
- ❖ Do you need mental health care?

The Homer Consortium of Care may be able to provide you with short term help, in an emergency.

The Homer Consortium of Care is a coalition of service providers, the City, individuals and business and civic organizations who recognize that the people who visit here may need help and that we may be able to provide that help in some cases.

If you need further information concerning this, brochures are available at the Homer Police Department.

If you are a victim of domestic violence or a sexual assault, help is available 24 hours a day from **Haven House**. Call **235-7712** or the 24 hour help line at **235-8101**.

APPENDIX A
SCOPE OF WORK

I. General

Contractor will operate the Shelter in accordance with the Homer City Code Title 20 and the Humane Society of the United States Standards for the Operation of an Animal Shelter. Contractor will accept cats, dogs, puppies and kittens both from the PDC and the City residents providing the space is available. These animals will receive safe, humane treatment during their stay and if necessary, their disposal. Contractor will determine which animals are to be destroyed. The Animal Shelter shall be managed in such a way to encourage adoptions but the Contractor is required to ensure that space will be available to comply with the intent of Title 20 of the Homer City Code. The intent of this title is to control the running of large animals within the city and to protect the general health, safety and welfare of the citizens of the City with respect to the keeping of animals. The Shelter does not have facilities for and therefore will not accept farm or wild animals.

II. Management and Operation of Animal Shelter

The Homer Animal Shelter requires operation 7 days a week for the care of animals. The Contractor shall maintain office and telephone inquiry response hours at the Animal Shelter for the convenience of the public a minimum of Tuesday through Saturday from 12:00 to 5:00 p.m. excluding holidays. The contractor shall notify the PDC of any anticipated changes in operational hours. The City must agree with the Contractors proposed operating hour change prior to the change. The hours of operation for animal care to meet contract specifications will be left to the discretion of the Contractor.

The Contractor will be responsible for all calls and complaints regarding animals from the hours of 8:00 a.m. to 7:00 p.m. Monday through Sunday. Calls between 7:00 p.m. and 8:00 a.m. will be directed to the Homer Police Department. Contractor will respond promptly to call outs requested by the Homer Police Department between 7:00 p.m. and 8:00 a.m. Monday through Sunday. Contractor will provide HPD dispatch current 24-hour contact numbers for personnel who shall respond to call outs.

At a minimum the PDC will conduct monthly inspections of the Homer Animal Shelter. The City may inspect the facilities at any time.

The contractor shall not use the shelter for personal use of any type. No personal property may be stored on the grounds with the exception of the animal control vehicle if it is owned by the contractor. No one is permitted to sleep overnight in the shelter unless prior approval for doing so is obtained from the Chief of Police.

III. Animal Care and Feeding Routine

A. Feeding

1. Animals will be fed everyday using quality, name-brand chow in a type and quantity suitable to animal type and age.
2. Potable water will be present at all times.

B. Cleaning

1. All fecal material will be scooped and properly disposed of daily.
2. All “in use” kennels, cages, and runs; food bowls; cat litter boxes; and gutters, aisles, and floors will be cleaned and disinfected daily, with the exception of outside runs when temperatures are below freezing.

C. Veterinarian Care and Euthanasia

1. At Contractors discretion and cost, emergency care for animals will be provided by a licensed veterinarian.
2. At Contractors discretion and cost, euthanasia will be conducted by lethal injection by a licensed veterinarian or Contractor if Contractor has received certification as an Animal Euthanasia Technician from the National Animal Control Association.

D. Supplies

Contractor will purchase all supplies required for animal care and cleaning (such as animal food, medicine, kitty litter, etc) and all supplies for janitorial cleaning of the building.

IV. Vehicle

The Contractor will provide an animal control vehicle(s) as needed to fulfill the duties of the Contract. Vehicle should be clearly marked “Animal Control”.

The vehicle chosen and it’s decals must be approved by the Chief of Police.

V. Records

- A. Incoming paperwork will be prepared for every animal that enters the Shelter. Such paperwork will include all pertinent dates, animal description, final disposition of the animal, prior home (inside/outside city limits) of animals picked up or received.

- B. A monthly animal report will be submitted to the PDC.
- C. An Animal Shelter Standard Operating Procedures (SOP) Manual will be developed within 90 days of contract signing and will be updated annually thereafter. The SOP shall be submitted to the Chief of Police for approval. The SOP shall address shelter and safety procedures for employees and volunteers.

VI. Animal Adoptions

The City and the Contractor acknowledge that adoptions are an important aspect to the Shelter. Contractor will use its best efforts to encourage adoptions including working with Homer Animal Friends adoption programs.

VII. Fee Collections

- A. During the hours Contractor is at the Shelter Contractor will collect animal drop off, animal adoption, impound, rabies vaccinations and license fees.
- B. Contractor will issue a receipt and keep a careful record of all incoming money.
- C. Contractor will remit to the City on a bi-weekly basis all fees collected and records thereof, and all donations of money, supplies and equipment.
- D. Contractor will meet quarterly with the City's Finance Director or her designee to review financial records including fees collected, donations made to Animal Shelter and payment of any expenses for the Animal Shelter.
- E. The City may audit Contractor's fee collection records at any time upon reasonable notice to Contractor.

VIII. Animal Control and Code Enforcement

The City Manager and PDC will appoint the Contractor and any approved employees the status of Peace Officer for purposes stated in this paragraph. As a Peace Officer the Contractor will respond to calls involving domestic animals, investigate complaints, determine appropriate course of action up to and including impound of animals or issuing citations for violation of Homer City Code Title 20. These services may be performed only by individuals appointed in writing by the City Manager as "peace officers" as defined by AS 11.81.900 (b)(38). The authority of each such peace officer will be limited to the enforcement of Homer City Code Title 20 and may be further limited by the written appointment by the City Manager. Such peace officers shall not have the general authority of police officers and the appointment of any individual may be revoked at any time with or without cause by the Chief of Police.

IX. Volunteers

Contractor will coordinate and train volunteers for the Animal Shelter.

X. Maintenance

The Contractor will be required to provide janitorial services for the building and to keep sidewalks and doorways free of dirt, debris, ice and snow. Contractor and all of Contractor's employees will abide by reasonable rules established by the City for the safe use and occupancy of the Shelter building and will take all reasonable precautions against damage to the premises.

Initials:

City of Homer:



Contractor:

CAB

Attachments: City Code Title 20, Humane Society of the United States Standards for Operation of an Animal Shelter

ADDENDUM ACKNOWLEDGEMENT

**RFP OPERATION AND MANAGEMENT
HOMER ANIMAL SHELTER**

Please include this form with any and all proposers.

#1 _____

#2 _____

#3 _____

#4 _____

Renee Krause

From: Jo Johnson
Sent: Friday, March 13, 2015 3:50 PM
To: Renee Krause
Subject: FW: Bishop's Beach Vehicle Restrictions - Coaling

Please send to P&R

Jo Johnson

From: David Erikson [<mailto:derikson@alaska.net>]
Sent: Friday, March 13, 2015 3:35 PM
To: Jo Johnson
Subject: Bishop's Beach Vehicle Restrictions - Coaling

My wife and I have been resident of the Homer areas for over 40 years and have been gathering and burning coal from Bishop's Beach for most of this time.

We are writing this letter in opposition to the City of Homer restricting vehicle access to Bishop's Beach for the purpose of coaling. Please consider the following points

1. Gathering of beach coal from Bishop's has been a long-standing traditional use since Homer was first established.
2. Coaling has been a prominent subsistence activity for residents of Homer and restrictions will disproportionately affect lower income people.
3. Coal from Bishop's Beach is a valuable natural resource and provides an alternative energy source.
4. Coaling provides extra income for professional coal gatherers during the fall and winter months.
5. Vehicles gathering coal typically drive very slowly and so not endanger other beach users. If reckless driving is an issues, it is not the coal gatherers!
6. Access to beach areas by vehicles for gathering coal has been reduced over the years to the point where Bishop's beach is one of the last areas for coaling.
7. If there are problems with other users of Bishops beach, those issued need to be addressed. Coal gathering is not one of the problems.
8. People of Homer should have the right to collect coal from the beach with their vehicles, provided they do it in a responsible manner. We do not want this right taken away.

We appreciate the City's efforts to make the beach safe for everyone and we think these efforts should focus on the actual problems.

Dave and Judy Erikson

Fritz Creek, AK

From: Jo Johnson
Sent: Wednesday, March 11, 2015 8:15 AM
To: Renee Krause
Subject: FW: Closing Bishops Beach to Coaling

From: Andrea Miller [<mailto:alynnak28@gmail.com>]
Sent: Tuesday, March 10, 2015 5:28 PM
To: Jo Johnson
Subject: Closing Bishops Beach to Coaling

My name is Andrea Miller and I'm writing in response to what I heard at the March 2nd Commission meeting. In regards to what might be restricted on Bishops Beach, I urge the commission to make a proposal to the City Council about restricting access to the east side in front of Beluga Slough (section seven) for the summer months only. Like many others, I pick up coal from the beach and depend on the heat it provides in the winter months.

After a storm, coal is readily available in section seven to those without a large pickup truck. Although coal might not be a preference to those with natural gas or for those who might be able to afford fuel oil, it is a preference for people like me with limited means. I would hate to further my costs by purchasing a wood burning stove and cutting down trees when I can continue taking what the sea provides- and might otherwise go to waste.

During a "normal" winter, there is not the heavy use of Bishops Beach as in the summer. Therefore, I believe the compromise of leaving the beach open to people using vehicles to obtain coal from October to March to be reasonable.

Thank you for your consideration.

From: Jo Johnson
Sent: Monday, March 16, 2015 4:12 PM
To: Renee Krause
Subject: FW: Bishops Beach Ban

Jo Johnson

-----Original Message-----

From: Heather [<mailto:hmchenry2000@yahoo.com>]
Sent: Monday, March 16, 2015 4:09 PM
To: Jo Johnson
Subject: Bishops Beach Ban

Hello. We are year round residents and love to get takeout food from Old Town and drive way down the beach for a family picnic. We are mindful of our surroundings and have never had issues with other beach enjoyers.

There are only limited parking spaces at the beach entrance and without parking on the beach some would be denied beach access. Honest we're not excited about a bigger parking lot - the cost to build it, maintain it or even the looks of it. Why are we increasing restrictions when the rules in place are difficult enough to enforce?

As a statewide destination we would like Homer to be more welcoming. "NO" signs everywhere just don't give off that vibe. Bishops Beach is one of the last free places to explore. Let's not punish the thousands who enjoy it responsibly because of a few ornery kids.

Thanks for listening.
The McHenrys

Sent from my iPhone

Steve Tarola
P.O. Box 1051
Homer, Alaska 99603

RE: Proposal to Restrict Automobile Use on Bishops Beach

March 17, 2015

Parks and Recreation Advisory Commissioners
Homer City Council Members

This letter is to voice my opposition to permanently or seasonally closing any part of Bishops Beach to automobiles, but especially the area to the East as you drive down onto the beach. See attached map called "Bishops Beach East".

I drive on Bishops Beach East frequently. I love to park my car on the high berm above the Beluga Slough outlet creek and watch the natural wonder of the tide flooding and draining the Beluga slough. When I heard of this plan my partner and I went down to Bishops Beach and spent two and a quarter days (March 13-15) watching the goings on and walking the beach. During our time there we counted 221 automobiles including cars, pickups, vans, suvs and jeeps that came down onto the beach with an average of between two to three people in each, which adds up to about 550 people.

We noted that automobiles driving on the beach followed the clearly visible packed road to the left or right and then turned toward the water and spread out on the high berm facing the ocean. Many got out and walked toward the ocean, many with children, and a few ran their dogs down by the waterline. We observed no trash and no observable damage to the habitat other than the remains of a few camp fires. Everyone was enjoying the crisp cold, windless days. The police made periodic visits onto the Beach.

I am a champion of sound environmental policy. I believe a traditional use beach closure and restrictive policy change should be based on sound fact and verifiable evidence, not on anecdotal information.

Following is a discussion of why automobiles should not be restricted from Bishops Beach East.

AUTOMOBILES ARE NOT THE PROBLEM

- The entire area of the Beluga Beach East that is accessible by automobiles is dry rock with no vegetation. This dry rock is re-arranged each year by storms and waves on super high tides.
- When automobiles enter the beach and drive to the east, they follow a clearly defined route, which has an impenetrable natural border on the land side made up of logs and grasses and slightly higher ground. This natural border protects the Beluga Slough area.

- The East end of the beach is bordered by the Beluga Slough outflow creek, which would be extremely difficult to cross by automobile. It forms a perfect border for defining where vehicles are allowed on Bishops Beach East. See attached map.
- Autos invariably turn toward the ocean and park on the high berm which affords a view.
- Autos do not venture down the steep berm and onto the sandy beach which is visible on low tides because of the steepness of the berm and irregular and mushy sand below.
- Though automobile tracks will show on the rocky beach, they are not damaging anything as waves and storms are continuously re-arranging the rocks.
- It is highly doubtful that automobiles or their occupants on this rocky stretch of beach could negatively impact birds resting or nesting inside the Beluga Slough Area as the rocky part where automobiles use is far away from the Slough.
- Automobiles have not been identified as a problem in your own information, other than the fact that they carry humans.

NO HABITAT DEGRADATION OR DESTRUCTION

Automobiles are not causing habitat degradation or destruction in this area as it is all dry rock. Obviously there are no nesting or feeding birds on Bishops Beach East. If four wheelers are a problem, then they should be addressed separately. By restricting “all vehicles” you are punishing a user group that isn’t even related to the problem.

ACCESS FOR EVERYONE

Policy changes that consider the wishes of a smaller user group (birders) over the wishes of a vastly larger user group (people who drive on the beach), is unreasonable, unfair and over-reaching.

- There are many people who are elderly or have physical problems and aren’t able walk long distances on this rough rocky beach.
- There are families with small children who can’t make the long hike to enjoy the expansive views from the warmth of their car.
- The east end of Bishop Beach East is also a popular launching spot for surfers, another user group who use their autos to carry their boards to their spot.

SIGNS DO WORK

- Contrary to comments made during your process, signs do work. A simple well defined sign with graphics at the entrance to the beach on the left side would quickly clue in drivers and four-wheelers where they can and can’t go. Picture signs are the best.
- A prominently placed sign eliminates excuses to authorities for not knowing the rules.
- For four wheelers, which have been consistently identified as a problem, a simple sign with a picture of a four wheeler with a slash through it will do the trick.

A SENSIBLE APPROACH

- To address the well documented harm by four wheelers in Beluga slough where enforcements need teeth to curb the problem, close Beluga Beach East to four wheelers.
- In crafting your policy use the word “four wheeler” instead of “motorized vehicles”, which unfairly penalizes the large non-offending group using automobiles.
- Allow year round access to automobiles, including cars, trucks, suvs etc.
- Place a prominent sign at the entrance to the beach that has a picture of the beach and shows the areas that are open to automobiles bordered by the Beluga Slough outlet creek and the high berm where vehicles should park as depicted in the attached map. The sign could say autos allowed on rocky areas only and not on the sandy beach at low tide and are not allowed to cross the creek at the east end.
- Place a sign on the high point of land where the creek from Beluga Slough emerges that says “no vehicles beyond this point”, which will stop the rare driver who might attempt to enter the sensitive Beluga Slough area.

This sensible approach will be much more popular than trying to explain to a non-offending user group why their freedom to access is being unnecessarily denied. I urge you to make certain any restrictive policies are based on sound facts and verifiable evidence and not on anecdotal information.

I can't think of a more appropriate and exciting situation as Bishops Beach East for driving on the beach. It is safe, it is indestructible, it is strategically located and accessible to all, it has fantastic views and open spaces, it is a place where people can spread out and feel the wide expanse, and it has been used and loved by a very large traditional user group for many decades. At 68 years I hope to continue to enjoy the beach as I have in the past for many years to come.

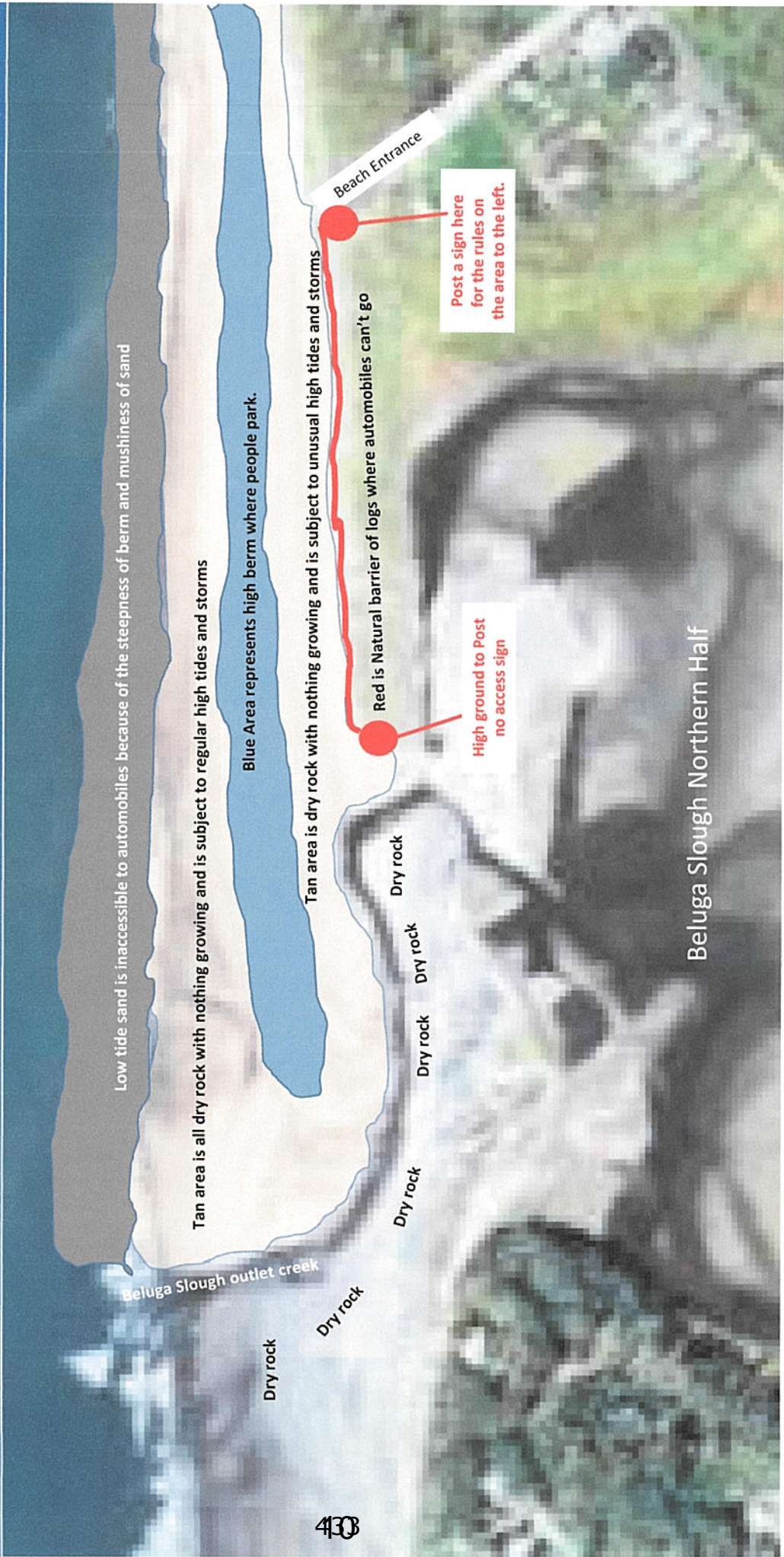
Thank you for the opportunity to comment on this proposal.

Sincerely,



Steve Tarola
Homer, Alaska
907-399-3393

BELUGA BEACH EAST – AREA PROPOSED TO REMAIN OPEN TO AUTOMOBILES



Mar 17, 2015

To Homer Parks and Recreation Commission —

Dear Members,

Hello again. This is Robert Townsend — the guy who brought in the bucket of coal during the March 2nd meeting.

If I may, I would like to ^{present a} suggestion that hopefully would be viewed as a reasonable compromise regarding coaling East of the Bishop's Beach parking Lot.

Please recall that the area referred to as Section 7 (fronting Beluga Slough), is a prime coaling area for people who don't own big 4-wheel drive pick-ups; in other words, people in smaller vehicles and smaller pick-ups that don't have the option of driving 2 to 3 miles to the West.

During the Mar. 2nd meeting there was a brief discussion about setting a line of boulders in the area of the parking lot to prevent people from driving East. It was also brought up that most coaling is done from Oct to Mar.

So would it be possible to leave an 8 ft. gap between 2 of the boulders, between which a chain is stretched, attached to a pair of eye-bolt anchored into the top of the boulders. Between April 1 and Oct 1 the chain is padlocked in place.

On Oct. 1st the chain would be removed and a sign would be posted that read: "Please do not drive beyond this point except to gather coal.

Thank You — Parks and Recreation."

Perhaps this would satisfy most user groups.

Sincerely,

434 Robert Townsend

907-748-1925

From: Mary Lou Kelsey <mlkelsey53@gmail.com>
Sent: Wednesday, March 18, 2015 10:18 PM
To: Renee Krause
Subject: Beach Policy Review- private beach owner input

City of Homer Park and Recreation Commission,
Thank you for reviewing the current City of Homer Beach Policy and accepting public input. We live on the beach in Area 6- Mariner Park Lagoon (outlet) to Beluga Slough (outlet)- which is a very dynamic, tidal beach. There is no longer signage in this area discouraging motor vehicle usage and there is daily driving and parking on the storm berms. As a landowner adjacent to the Critical Habitat tidal tracts around the Beluga Slough outlet, we would like to preserve the intact natural berms and wildlife habitat. We also support continued restriction of removal of driftwood to allow the continued building and stabilization of the berms. Another area of concern for us is the many unattended campfires left on the beach. It is scary to see the beach grasses and dry trees blowing near an active fire. Please consider requiring fires be completely doused before being abandoned. Thanks for considering our input. Good Luck on preserving our beautiful beaches.

Mary Lou Kelsey mlkelsey53@gmail.com
William Bell wmbell51@alaska51@gmail.com
Box 894, Homer, Alaska, 99603



WELCOME TO
BISHOP'S BEACH

DOG
BAGS

MAPS

INFO

INFO

INFO

FIRE
WOOD
\$

RECYCLE
PLASTIC
PAPER
GLASS

MAR 23 2015

3-18-15

To: Whom it may concern

Please don't ban vehicles from gathering coal on Bishop's Beach, I burn coal because heating fuel is too expensive & propane is too much. It not hurting anything, its what made Homer in the early 1900s the railway to coal pt. on the spit go look at Lands end the Pics. on the walls. Coal is a blessing for me and others. It keeps us warm and can be fun & healthy way to exercise. Its a form of freedom, My Grandfather & father used coal to heat with when it was a territory and me & My son do to. There are way too many changes going on, Please don't change the Coal Gathering.

Thanks
Ken Harrington
and family

Mar 17, 2015

MAR 17 2015 PM 04:42

To Homer Parks and Recreation Commission —

Dear Members,

Hello again. This is Robert Townsend — the guy who brought in the bucket of coal during the March 2nd meeting.

If I may, I would like to ^{presents} a suggestion that hopefully would be viewed as a reasonable compromise regarding coaling East of the Bishop's Beach parking Lot.

Please recall that the area referred to as Section 7, (fronting Beluga Slough), is a prime coaling area for people who don't own big 4-wheel drive pick-ups; in other words, people in smaller vehicles and smaller pick-ups that don't have the option of driving 2 to 3 miles to the West.

During the Mar. 2nd meeting there was a brief discussion about setting a line of boulders in the area of the parking lot to prevent people from driving East. It was also brought up that most coaling is done from Oct to Mar.

So would it be possible to leave an 8 ft. gap between 2 of the boulders, between which a chain is stretched, attached to a pair of eye-bolts anchored into the top of the boulders. Between April 1 and Oct 1 the chain is padlocked in place. On Oct. 1st the chain would be removed and a sign would be posted that read: "Please do not drive ~~beyond~~ this point except to gather coal. Thank You — Parks and Recreation."

Perhaps this would satisfy most user groups.

Sincerely,

438

Robert Townsend

907-748-1925

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Special Meeting March 2, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	√	
2.	Robert Townsend		<input type="checkbox"/>	<input type="checkbox"/>
3.	Roberta Highland		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Bumppo Brenicker		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	DON MIYAMARA		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Ginny Espenshade		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Aun Freeman		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	Ted Schmidt		<input type="checkbox"/>	<input type="checkbox"/>
9.			<input type="checkbox"/>	<input type="checkbox"/>
10.			<input type="checkbox"/>	<input type="checkbox"/>
11.			<input type="checkbox"/>	<input type="checkbox"/>
12.			<input type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>

Renee Krause

From: Jean Adams <showmethethefish@yahoo.com>
Sent: Monday, March 02, 2015 1:46 PM
To: Renee Krause
Subject: Actually Citations

Was wondering if u could ask for info on citations issues to beach users, ATV's, Auto, Dogs & Fire. Would also like to know the difference between the budgets for the years, when they had the beach/parking patrol, to present. I am disappointed that the Parks & Rec's Commission has recommended that vehicle use be limited during the fall & winter months, the people of Homer also enjoy our beaches during the long hours of our summer months.

I would love to see a small area near Mariner Park & Bishops Beach be open year round, seems to me the P&R Commission is really targeting one user group. Kind of like outlawing Jet ski's in all of KBay! Targets one user group. The City of Homer has failed their responsibilities of patrolling the beaches, as they had done in years past. The P&R Commission needs to include all users, fairly! Even vehicle, auto/atv's

Scott Adams beach user, vehicle/dog

Sent from my iPad

Feb 28, 2015

Homer
To: City Clerk

Could you please get a copy of this letter to both the members of the Parks and Recreation Commission and the Homer City Council.

Thank You

Oliver Makin

To: Parks and Recreation Commission
And Homer City Council Members

MAR - 2 2015

Feb. 28, 2015

To Whom It Concerns,

My name is Robert Townsend and I'm writing in regards to the current discussion involving Bishop's Beach. I ask that you please do not close the beach to those residents who gather coal for either their own use or for others who can't physically gather their own. There are few considerations more fundamental than keeping your home warm in the winter, and for more than a few local folks of modest means, coal is their primary source of heat.

If the partiers, drug dealers, litterbugs and other delinquents are causing problems, deal with them directly. Ticket them, fine them, impound their vehicles—whatever. But I'm tired of paying the penalty for someone else's irresponsible behavior.

If you need a way to identify the legitimate coal seekers from other truckers simply joy riding, have the coalers come by City Hall to register their vehicle. If they are caught spinning circles or drag racing, then revoke their permit.

And in your deliberations, I would ask that you consider this: the coal collectors are seasonal. They usually show up in October and are gone in March. Certainly there is room for them to share this resource with the bird watchers.

Finally, as for those individuals and groups who want to make Bishop's Beach their exclusive domain to assure that their communion with nature is kept crystal pure, I say rubbish! There are few places like Bishop's Beach where coal is readily available, but there are a lot of places in Kachemak Bay where one can spacewalk undisturbed by their fellow Americans whose values don't quite mesh with their own.

At the rate we're going, it won't be long before you'll need the government's permission to eat a French fry.

Sincerely,

Robert Townsend
Phone (907) 748- 1925

Feb 28, 2015

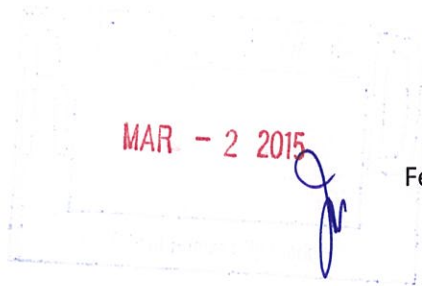
Homer
To: City Clerk

Could you please get a copy of this letter to both the members of the Parks and Recreation Commission and the Homer City Council.

Thank You

Oliver Makin

To: Parks and Recreation Commission
And Homer City Council Members



Feb. 28, 2015

To Whom It Concerns,

My name is Robert Townsend and I'm writing in regards to the current discussion involving Bishop's Beach. I ask that you please do not close the beach to those residents who gather coal for either their own use or for others who can't physically gather their own. There are few considerations more fundamental than keeping your home warm in the winter, and for more than a few local folks of modest means, coal is their primary source of heat.

If the partiers, drug dealers, litterbugs and other delinquents are causing problems, deal with them directly. Ticket them, fine them, impound their vehicles—whatever. But I'm tired of paying the penalty for someone else's irresponsible behavior.

If you need a way to identify the legitimate coal seekers from other truckers simply joy riding, have the coalers come by City Hall to register their vehicle. If they are caught spinning circles or drag racing, then revoke their permit.

And in your deliberations, I would ask that you consider this: the coal collectors are seasonal. They usually show up in October and are gone in March. Certainly there is room for them to share this resource with the bird watchers.

Finally, as for those individuals and groups who want to make Bishop's Beach their exclusive domain to assure that their communion with nature is kept crystal pure, I say rubbish! There are few places like Bishop's Beach where coal is readily available, but there are a lot of places in Kachemak Bay where one can spacewalk undisturbed by their fellow Americans whose values don't quite mesh with their own.

At the rate we're going, it won't be long before you'll need the government's permission to eat a French fry.

Sincerely,

Robert Townsend

Phone (907) 748- 1925

**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. Mark Robl, Homer Chief of Police
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Regular Meeting on February 19, 2015 **Page 3**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Staff Report re Recap of the February 19, 2015 Meeting
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
- 8. NEW BUSINESS**
 - A. Legal Access, Existing Regulations, Enforcement - Discussion and Recommendations **Page 13**
 - B. Next Meeting Deliverables and Discussion Topics
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar 2015 **Page 17**
 - B. Commissioner Attendance at City Council Meetings 2015 **Page 19**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A REGULAR MEETING WILL BE HELD ON THURSDAY, MARCH 19, 2015. THE NEXT SPECIAL MEETING AND PUBLIC HEARING IS SCHEDULED FOR THURSDAY, APRIL 2, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

Session 15-03 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on February 19, 2015 at 5:32 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
MIKE ILLG, COMMUNITY RECREATION COORDINATOR
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda as presented.

BRANN/MACCAMPBELL - SO MOVED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Buck Laukitis, city resident, commented on the access issues at the bottom of Main Street and what the public perceives as Public Land and Private Land. He also expressed the wish to drive to his property in the future, concern for the rowdy traffic on the beach and the efforts to calm traffic in Old Town plus being able to walk their pets on the beach. He thanked the Commissioners for their service.

Kathy Carsow, city resident, commented on walking the beach every day and the ability to walk her dog off leash, she remarked on the number of vehicles driving on the beach just going around in circles ruining the peace and tranquility of walking on the beach. She expressed that if people can drive out on the beach to the left they just cross the stream and keep going. She understands the necessity of some to collect coal but also believes they should just put a stop to all vehicle access and putting up a gate to prevent vehicles on the beach. She supports that 100%.

Robert Moss, city resident, commented on the need and ability to collect coal from the beach and recommended a seasonal closure.

Tye Gates, non-resident, business owner in town and a surfer, best spot is at the mouth of the slough which is a bit far to carry a surf board so he drives. One of his customers is 94 year old Gus who has his cup of coffee, then goes and collects coal. He advocated for allowing vehicles on the beach to continue these activities.

Mike Arno, city resident and beach user, commented on being able to drive his elderly parents to picnic on the beach because they cannot walk the necessary distance. He stated that to close the beach to all user groups is not fair. He advised the Commissioners that Main street was 100 feet longer and it wasn't vehicles that destroyed the beach but winter storms. He advocated for continued use for responsible users, families, only prohibit those being irresponsible.

Scott Adams, city resident, commented on the beach becoming a neutral zone for the animals (dogs) to play, but he carries a leash at all times, cannot say every owner did but most responsible ones do, he also commented on vehicle access to the left. Mr. Adams questioned the creation of a task force and that all the comments from the commission were one sided.

VISITORS

1

A. George Matz, Kachemak Bay Birders

Mr. Matz provided information on the value as habitat for the numerous breeds of shorebirds that visit or summer in Homer. He also spoke about requesting Bishop's Beach and Beluga Slough as a Western Hemisphere Shorebird Reserve Network or WHSRN (pronounced Whizzern). Mr. Matz informed the commission that Mud Bay and Mariner Park Lagoon were already designated as WHSRN. This would he believes enhance the visiting opportunities to residents and visitors alike. He would like to see the commission submit a recommendation of support to council.

Mr. Matz noted the observances of dogs off leash and the damage and stress caused to roosting and resting birds in the area to the left and supports a recommendation to make that a leash only area, and vehicular use in the intertidal areas and supports closing the beaches to vehicles in areas 7,6 and 4 (to the left all the way to the end of the spit.) Vehicles would be allowed to the west and dogs would be allowed off leash to the west also.

In response to questions from the commissioners Mr. Matz stated that they could support a seasonal on leash proposal mid-March through October. There is a problem with vehicles disrupting and stressing the resting birds which is detrimental to their survival.

B. Dr. Sherwood, Homer Veterinary Clinic - Rescheduled to March 19, 2015 regular meeting

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the special meeting of February 5, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

ARCHIBALD/BRANN - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report re: Recap of the February 5, 2015 Special Meeting

Ms. Engebretsen reported she was contacted by Ginny Espenshade regarding testimony from young people who use the beach and getting their input on the proposed changes. She recommended that they be scheduled to speak at the March 19, 2015 meeting. They will also have Fish & Wildlife as a guest at that meeting along with Dr. Sherwood.

She proceeded to recap the decisions at the last meeting.

Commissioner Lowney commented on adding the seasonal closures for the three recommendations made at the last meeting. Ms. Engebretsen stated that could be addressed later on the agenda and would have to be amended by motion.

Ms. Engebretsen commented on the Strategic Doing memorandum by the interim City Manager, Marvin Yoder and the status update for the PARC Needs Assessment. Commissioner Lillibridge requested the report and survey before being given to the Council. Mr. Engebretsen explained that potentially will be ready for the March 19th meeting.

Mike Illg, Community Recreation was recognized by Chair Steffy and invited to provide a report. This was not on the agenda.

Mr. Illg provided a status report and update on the various activities, new continuing and canceled in the Community Recreation program. He has met with Commissioner Archibald and Lowney regarding a Trails Symposium instead of a Parks Day and he has been able to retain the Homer High School commons for two dates April 11 or 18th that he will need confirmation on which date from the commission. This will be an inaugural meeting to discuss different things related to parks and trails and to leave this meeting with something tangible to do.

This coming weekend will be the Men's Basketball League, February 6-7, 2015

He announced an introduction to Pickleball will be done on this weekend also on Saturday. The planning for the Annual Conference in October 7-9th is moving along. He is working on the 2014 statistics and so far he has an increase in the projected revenue. He will also be providing a report to presentation to Rotary in a few weeks on Community Recreation. Homer High School is hosting the regionals, this happens every 8 years and will be bringing lots of revenue to the area businesses. He also reminded the commission about the interviews for the two finalist candidates for City manager position.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

There was no pending business on the agenda.

NEW BUSINESS

A. Recommendation to Support a New Picnic Pavilion on the Spit

Commissioner Archibald provided background on the request for support for a new pavilion. Commissioner Brann added some information on the design choice and funding available along with the addition of some further funding.

MACCAMPBELL/LILLIBRIDGE - MOVED TO FORWARD A REQUEST FOR SUPPORT TO CONSTRUCT A NEW PICNIC PAVILION ON THE SPIT.

A brief discussion ensued regarding some details on the pavilion size of 20 x 40, possible uses and locating next to the fishing lagoon.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Discussion on Hosting a Trails Symposium

Chair Steffy read the title into the record and requested Commissioner Lowney elaborate on the item.

Commissioner Lowney first stated that the title is still not quite accurate as a Trails Symposium, she believes that the idea is still a Parks and Rec Symposium and that it should be kept under that title. She explained that this idea has grown out of a group of people who grew from the MAPP meetings on Walkable Homer and what they talked to Mike Illg about was to have a Parks and Rec Symposium with the center piece this year on Trails. The Commission is not formally involved right now but should be; they will provide a venue, the core steering committee will be meeting Monday at the Library to create the opportunity for a core group to obtain their objective. She would like to see the Commission provide the forum for a group to reach their goals. This falls under the collective impact process. As the commission they need to decide tonight how they will start to formulate this thing. She is looking at 1-2 hour event, ground work would be done by this core group meeting on Monday, identification of

the key players that would want to come to the forum, presenters, the whole commons filled with people presenting information and a part of the forum and then how do they get the public to attend and engage in that activity. Anything goes at this point. Next year can be something different. They need to choose a date, April 11th or the 18th. She wanted a few people from this group. She wanted to open it up.

Chair Steffy inquired about the working group setup as a group of people and a facilitator; Commissioner Lowney responded that since most of the people in the group have an agenda she would support taking funds from the commission to pay for a facilitator.

The event will grow from this core group. Currently the following people have been invited or are members of the core group:

Angie Otteson, Julie was invited, Adele Person, Andy Haas, Lynn Maslow, herself and Robert Archibald and one other that she could not recall.

Chair Steffy asked for comments. Commissioner Lillibridge restated the issue.

A discussion was entertained on any previous decision made by the commission at the meeting last year; the format of the event; presentations; forum would be a focused discussion on one subject providing an opportunity to have that discussion. The discussion included the extent of the commission involvement, senior prom was scheduled for April 11th, need to double check that date, preference for April 18th.

Commissioner Brann asked if the commission needs a motion to support this concept and have it on April 18th he will make that motion. Commissioner MacCampbell and Lowney stated that the commission had previously approved the concept.

Ms. Krause brought the commissioners attention to the memorandum in the packet noting the previous discussion by the commission was to hold a Parks and Recreation Conference involving Homer area businesses. Commissioner Lowney stated that the commission had not defined what the conference at that time and proceeded to elaborate on the topic stating that the choice to call it a symposium was to differentiate the event from the Annual Parks & Recreation Conference planned for October so there was no confusion. Commissioner Lowney proceeded to provide some additional details on what the symposium could include.

Ms. Engebretsen commented that Commissioner is apparently asking for some funding for this for advertising, and she could see each of the commissioners being involved in some form, is there something specific Commissioner Lowney is asking from the Commission. There is a steering committee.

Commissioner Lowney stated that she sees the event being hosted by this Commission and the Commission had decided to do this in lieu of the annual parks day.

Staff jointly explained that all meetings would then need to be advertised and recorded and fall under the guidelines established by City Council and before any further action could be done permission to create this steering committee would have to go before City Council.

Commissioner Lowney requested clarification if the commission was going to speak about parks day it would be okay but to have the steering committee they would have to ask permission. Ms. Krause responded that if the commission works on this then it would be completed during the commission meetings but to have a separate committee with different meetings we need permission from Council.

Commissioner Lowney then requested the commissions support for the steering committee to be formed and organizing this event and would ask for potentially, funding for advertising and a facilitator.

Ms. Engebretsen explained that the commission can express support and discuss the funding at the March meeting. Ms. Krause clarified that as long as no more than three commissioners are involved in the steering committee then they will not have to advertise those meetings. Four commissioners constitutes a quorum and they would run into the Open Meetings requirements.

Commissioner MacCampbell asked about commissioners participating under their other hats such as himself, State Parks or Matt. Ms. Krause responded that they are drawing a fine line there. Ms.

Engebretsen stepped in and explained that if they had a discussion within the steering committee on the use of HART Funds they as a Commission make recommendations on that to Council and there is a conflict there. Ms. Krause interjected that it is the perception of the public that there may be wrong doing and we do not want to give any instance of that to the public that everything is up front and open on the issues.

Commissioner Lowney stated that the commission will simply be providing the forum for the Parks & Recreation Symposium: Walkable Homer which can include whatever periphery stuff that will come from it and the core group will be designing the base template for the forum. All she will ask from the Commission is the approval of the date for the event and the potential funding for advertising and a facilitator.

Chair Steffy asked if the Commission approved of the April 18, 2015 date for the event.

No motion was made approving the April 18, 2015 date.

Chair Steffy asked for any discussion or comment on providing funds for advertising the event. he questioned if the amount would be the same as they normally spend for Park Day.

Ms. Engebretsen responded that it would be more and elaborated that this is where the steering committee would determine the methods and number of advertising and present the cost to the Commission and the commission would have to approve it by motion and vote.

There was a brief discussion on what Walkable Homer would contain such a cyclists, walkers, etc.

BRANN/LILLIBRIDGE - MOVED TO SUPPORT THE PARKS AND RECREATION SYMPOSIUM: WALKABLE HOMER AND ESTABLISH APRIL 18, 2015 AT HOMER HIGH SCHOOL AND CONTRIBUTE FUNDING AS REQUESTED IN THE FUTURE.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy looks forward to hearing more about this at future meetings.

C. Birds, Dogs and the Beach - A Discussion

Chair Steffy introduced the item to the floor and noted the numerous discussions and comments at recent meetings. He requested any recommendations on changes to the policy regarding dogs, to left on the beach.

Commissioner Lillibridge responded that after hearing all the testimony and careful consideration that she recommended closing the left side of the Beach to start, they need to crackdown on the reckless driving and carrying away your dog waste. She resents the gentleman who stated they are one-sided. She has opened her mind on other things but for the dog waste issue she is not relenting.

Chair Steffy recited that they do have a recommendation on the table to closing the beach only to the left. There is no recommendation to close the beach to the right.

Ms. Engebretsen commented on a possible solution to start would be for the commission to purchase doggie poo bags since this is not just a problem on the beach but all over Homer in the parks and on the trails.

Chair Steffy responded favorably on the idea and shared what he did in the parks in Fairbanks with PVC pipe and shopping bags.

Commissioner MacCampbell offered appreciation for all the comments. He prefers the seasonal closures for the vehicles and agrees that winter driving on the beach does less damage and would benefit the coal gatherers. He disagrees on no leash in high density areas that afford more encounters with aggressive dogs. His animals have been beaten up many times. He also supports more appropriate signage and education on the rules.

Commissioner Lowney proposed postponing further discussion on dogs until they hear from Dr. Sherwood on March 19th and then they will be able to make fully informed decisions regarding the policy. She agreed with Mr. Matz that they need to be consistent. In reference to education they really need to start a strong campaign and remarked on efforts being done by the museum. People are trying. She also noted that the last meeting she attended they made recommendations to close the beach to the left all the way to the end of the spit. She still favors the gate to close off the beach, but also favors the seasonal closure. She advocated for listening to some additional input before making a final decision. How they are going to maintain fire rings and trash receptacles if placed. She would like to amend the recommendations to include the seasonal closures.

Commissioner Brann advocated for the free permit system and looked into that a bit but still is not fully sure how that would be implemented and this permit could include the coal gatherers, subsistence fishing and extend it to surfer dudes.

Commissioner Lowney is also curious on what the young folks have to offer.

Commissioner Archibald would like to speak about some issues with the dogs other than feces.

Chair Steffy stated they need to decide that tonight since this topic is the bulk of the meeting.

Commissioner Lillibridge asked about more input and appearing on the Coffee Table. Ms. Engebretsen responded that has been arranged already for April 1, 2015 before the first Public Hearing. Ms. Engebretsen cautioned the commission that they only have made two motions for recommendations and if the commission is serious about this they need to start making motions for their recommendations so the Public has something to respond to.

Chair Steffy asked for direction regarding amending the recommendations.

Discussion continued on seasonal closures.

MACCAMPBELL/BRANN - MOVED TO RECOMMEND SEASONAL OPENING OCTOBER 1ST TO MARCH 1ST FROM BISHOPS BEACH TO THE SLOUGH AND PLACEMENT OF NATURAL BARRIERS AS CLOSE TO THE TIDELINES AND RUNNING HORIZONTAL ALONG THE BEACH WITH APPROPRIATE SIGNAGE TO INCLUDE ORDINANCE.

There was brief discussion on the access of the beach by vehicles and how to put a preference for one group over the other. The commission requested clarification on access from Mr. Moss who was in audience regarding coal gathering.

Commissioner Lowney offered a friendly amendment to Close Area 7 to vehicles annually. Commissioner MacCampbell accepted her friendly amendment.

MACCAMPBELL/BRANN - MOVED TO RECOMMEND PROHIBITING VEHICLES ANNUALLY IN AREA 7 AND ALLOWING SEASONAL OPENING FOR VEHICLES IN OTHER AREAS FROM OCTOBER 1ST TO MARCH 1ST AND PLACEMENT OF APPROPRIATE SIGNAGE TO INCLUDE ORDINANCE CITATION.

Discussion on clarification of areas affected.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy requested direction on application of a barrier is contingent upon approval of the motion in response to the question from Commissioner Roedl regarding the placement of a barrier to the left.

LOWNEY/LILLIBRIDGE - MOVED TO PLACE A PERMANENT BARRIER TO DEFINE THE ACCESS CONSTRUCTED OF NATURAL MATERIALS PLACED AT MEDIUM TIDELINE TO THE RIGHT AND TO THE LEFT IN ORDER TO ENCOURAGE VEHICULAR TRAFFIC AWAY FROM SENSITIVE AREAS.

Discussion ensued on the use of natural materials substantial enough to last through natural elements and wave action, consent and response by the US Fish & Game Department to their recommendation, this would apply to both sides of the vehicle access point to create more of a corridor, legal access and historical use, amending the motion to include a gate, placement of a barrier due to costs, losing area typically used for parking and pushing parking into the streets and more on private property, making the proposed corridor follow the city property lines, current use encourages traffic to cross private property, current efforts implemented by existing property owners; the area used in the lower area is actually private property.

LOWNEY/BRANN - MOVED TO PLACE A PERMANENT NATURAL BARRIER TO BLOCK VEHICULAR ACCESS TO AREA SEVEN.

Discussion ensued on defining a natural barrier, leave discussion and solution to the partners to decide and proper signage regarding no vehicles to the left.

VOTE. YES. LILLIBRIDGE, ROEDL, BRANN, ARCHIBALD, STEFFY, MACCAMPBELL, LOWNEY

Motion carried.

LOWNEY/BRANN - MOVED TO PLACE A NATURAL BARRIER KTO THE RIGHT FROM THE BEACH ACCESS TO DETER VEHICULAR TRAFFIC FROM CROSSING PRIVATE PROPERTY AND EXTEND TO MDEIUM TIDE.

Discussion started on defining the travel route along private property if the private property owner allows that placement of several markers to delineate the private property a little ways down the beach; obligation to try and assist the private property owner; creating driving conditions that create additional problems of stuck vehicles; postponing further discussion until more information is received; determining actual property lines, obtaining an official survey of the old meander line, creating another set of problems by creating a travel lane.

MACCAMPBELL/ROEDL - MOVED TO POSTPONE THIS DISCUSSION AND ACTION ON THIS MOTION UNTIL THE NEXT MEETING.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Commissioner Brann would like to advance the recommendation Mr. Matz made by making a motion.

BRANN/MACCAMPBELL - MOVED TO FORWARD A RECOMMENDATION TO COUNCIL TO ADD BISHOPS BEACH AND BELUGA SLOUGH TO THE EXISTING WESTERN HEMISPHERE SHOREBIRD RESERVE NETWORK DESIGNATION.

There was a brief discussion on completing this process.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Lowney brought up the potential placement of fire rings and trash cans. Ms. Engebretsen explained that the commission discussed this and noted the locations at the previous meeting. She also stated that she has received mixed messages on the definition of park as the whole beach. Chair Steffy

explained the definition and Staff explained that the commission should not get caught up in the definitions because it is not being effective in what the commission is attempting to solve here, the attorney is available to assist them.

Commissioner Archibald inquired if it would be appropriate to invite the private property owners to provide input on the issues and how the city could assist them.

Discussion evolved on the number of property owners who have testified and that they are the ones who started the commission on this journey, invitation to a specific meeting that the commission is holding a public hearing where the commission has made some suggestions such as the public hearing scheduled at the first meeting in April, need to clarify that there is no camping allowed in the park but the city has no control over the camping being allowed on private property. Further clarification on historical use regarding egress across private property and the appropriate signage and if they get the designation that should be the message along the berms and helps mitigate that use.

Discussion dissolved into the issues that happened at Whiskey Gulch and private property owners which was a whole different issue.

Chair Steffy stated that was off agenda and it was late.

D. Next Meeting Deliverables and Discussion Topics

There was a brief discussion on the deliverables were discussed previously and Chief Robl had a long list of questions submitted to him.

INFORMATIONAL MATERIALS

A. Woodard Creek Watershed Plan

Chair Steffy commented briefly on the presentation at Islands and Ocean Visitor Center scheduled for February 26th.

COMMENTS OF THE AUDIENCE

Bill Ostwald, property owner in Old Town, requested clarification on including just the property owners bordering the beach or those property owners affected by Bishops Beach there said (Chair Steffy clarified that they would like input from all property owners in the area but when it comes to the issues of trespass, and access issues they are talking about the parcels that have direct access to the beach); and he asked what kind of a message do we want to give people who visit our community, and recited an experience his visiting daughter received with a vehicle pile driving right through the tidal pool and this was to the right; he supported establishing a permit system, with signage stating that access is by permit only, this is a fine area and there are lot of people involved in this area, lots of tourists that spend a lot of dollars; there is an old saying that a person rights end where another person's rights begin.

Louise Ashmun, highly recommended and supported annual closure in area 7 as it is not only a resting place, nesting and habitat, the berm is really important too for the protection of the area. Ms. Ashmun further stated that the commission needs to stop using the negative language "no dogs" but changing their language to "Dogs on Leash Only in this Area" and Pick up Its Poop!

Ms. Ashman inquired who started the steering committee for the trails symposium; Commissioner Lowney responded that it was people who attended a MAPP meetings on a regular basis and were interested in trails.

Mark Webber, Deputy Manager, Islands & Ocean Visitor Center, commented that they have had conflicts with dogs attacking stranded wild animals and supports a form of control to protect not only the wildlife but protects the dogs from contracting any diseases from the wildlife too.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen thanked Mr. Ostwald for bringing the subject up contacting the property owners and briefly explained how she would determine property owners for notification.

Ms. Krause had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge commented it was a good meeting and thanked everybody. She likes to see they are all participating and this is what the public process is all about.

Commissioner Roedl had no comment.

Commissioner Brann appreciates everybody coming and their comments. He agreed it was a confusing issue and that there were lots of parts to the web here that needed figuring out. He appreciates everyone's efforts and staff's efforts to keep them informed.

Commissioner Archibald agreed that it was a confusing subject but appreciated the public input and it helps, thanked staff for their time and efforts.

Commissioner MacCampbell thanked those for staying until the end those that stated their piece and left. He believes they are listening to everyone and this is not an easy topic. Thank you.

Commissioner Lowney agreed with all previous sentiments and apologized for repeating anything from previous discussions; she has tried to stay informed by reading but when you miss discussion it is kind of hard; she is a bit tired tonight as she got up at 2:00 to start her travel back home today. She thought she did pretty good.

COMMENTS OF THE CHAIR

Chair Steffy echoed all the sentiments expressed; he agreed with Commissioner Lillibridge to disagree with the gentleman who said they were a one sided group; he believes that is proven since they established a time limit and consistently go over it to address all sides of the issue or discussion; they are trying to listen to everyone and come up with something in the middle ground; he appreciates the fact that everyone is trying to listen to as many users as possible and he does not get any sense of an agenda being pushed forth by any commissioner. He provided a personal experience while lunching at Bishop's Beach and within the period of 20 minutes there were 26 cars and 15 cars on the beach with 7 of them in zone 7; he believes that this is a well-used beach and there is really no up time or down time. He saw only one vehicle that was not acting responsibly. He believes that this group is not taking this task lightly to minimize user conflicts.

He inquired who was scheduled to go before council. He volunteered himself since he had to call his substitute for the last one.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:27 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR MONDAY, MARCH 2, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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: PARKS AND RECREATION ADVISORY COMMISSION

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

DATE: FEBRUARY 26, 2015

SUBJECT: LEGAL ACCESS, EXISTING REGULATIONS, ENFORCEMENT – DISCUSSION AND RECOMMENDATIONS

Discuss the issues of legal access, existing regulations, enforcement and recommend how they can be modified to address the situation to the benefit all user groups fairly while addressing the problems on Bishop's Beach and similar areas in Homer.

Recommendation: Recommendations as the Commission Deems Necessary.

Renee Krause

From: Julie Engebretsen
Sent: Tuesday, February 24, 2015 2:39 PM
To: Renee Krause
Subject: FW: Beach questions

For the packet please

From: Julie Engebretsen
Sent: Monday, February 09, 2015 10:09 AM
To: Mark Robl
Cc: Renee Krause
Subject: Beach questions

Hi Mark,

The Commission is looking forward to hearing from you on February 19th, to talk about the beach policy. I have a slew of questions for you, from the Commission. Some of them you have already covered, but now that the Commission has more background and understanding, they'd like to hear the answers again.

Thanks!

Julie

Q's for Robl's presentation

1. Please provide a little history on the beach policy, and your opinion/insight.
2. Please talk a little bit about the history of citations on the beach. Have any been issued recently?
3. Please talk a little bit about the airport access road beach area – are there more or fewer problems there in the past 5 years?

Q. Please talk about the beach patrol; what it started out as, what it is now, and if this is a possible partial solution. Would presence on a daily or couple times a week basis at Bishop's beach help?

Q: Could city park employees issue citations on the beach? What about the beach patrol?

Q. What do you think about a park host at Bishop's beach?

Q: Do vehicles on the beach have to be licensed vehicles? What about 4 –wheelers?

Q: For areas that are closed to vehicle access, or may be come closed, can Fish and wildlife or other agencies still drive on the beach?

Q: 19.16.030 Does this section need to be updated to address electric vehicles like Segway's, golf carts etc?)

Q. Is the prudent and safe language adequate? Would it help to have more speed limits on the beach?

Q. What happens under 19.2, i.e. if I cut a tree that I should not have, what happens? What is penalty? Roger asks about a bail able offense? What about for beach fires?

Q. What can be done to make enforcement easier on private property? Ie unwanted Campers and parties.

Q. Are holiday weekends worse? Would increased patrols help?

Q. What authority do you have for enforcing recess and negligent driving? What about for side by side atvs?

Q. If part of Bishop's beach is closed, to the east, do you think this will push some of the problem to the airport access road?

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Regular Meeting February 19, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	✓	
2.	Robert Moss		<input type="checkbox"/> Diamond Ridge	<input type="checkbox"/>
3.	Kathy Carsow	326 Ocean Dr. 4p.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Buck LAUKITZ		<input type="checkbox"/>	<input type="checkbox"/>
5.	Scott Adams		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Tye Gates		<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Mike Arno		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	Louise Ashman		<input type="checkbox"/>	<input type="checkbox"/>
9.	Bill Dtzwald		<input type="checkbox"/>	<input type="checkbox"/>
10.			<input type="checkbox"/>	<input type="checkbox"/>
11.			<input type="checkbox"/>	<input type="checkbox"/>
12.			<input type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>

February 16, 2015

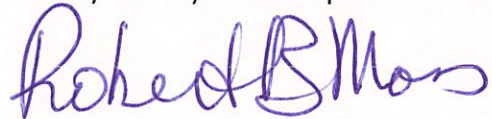
Bishops Beach Public Access Testimony

My name is Robert Moss and I was born in Seldovia and have lived in Homer for 65 years. I am and have been a commercial fisherman my entire life and have a Bachelor's degree in Fish and Wildlife management. Beach access to the areas considered for vehicular closure is of great concern to me and goodly number of other full time Homer residents who use these beaches for the purpose of harvesting coal. My self and others, use this fuel as the primary source for heating our homes, and have done so for decades. My father and several others held the coal contract for heating the public schools for a number of years. That same coal came from the beaches being considered for closure. Realizing that unlimited beach access is causing numerous safety problems and berm degradation, I urge you to make provisions for the customary and traditional vehicle use to access coal deposited by winter storms on the beach between Mariner Park and the Bishops beach access. In the defense of allowing access for this purpose, I submit the following reasons. Using the areas in question extensively for many years during the time frame of October through March, it is obvious that the highest vehicular usage occurs on the Bishops beach access area, from there to partway to Beluga Slough. The primary reason is that, during the colder months the beach upper area can be driven on by two wheel drive vehicles as it is frozen. Conversely during the months of October thru February or March the Mariner Park beach accessed through Mariner Park is used very little by vehicles. Those that are using it, do so almost exclusively seeking coal. There is a natural barrier to access the beach to the west of Mariner Park, which is the flow draining out of the slough to the west of the spit road. Other than those searching for coal there is little beach vehicle activity as four-wheel drive is necessary. In reality, the berms are virtually never driven on, primarily because that is not where the coal is going to be found. In addition, the berm between Mariner Park and Beluga Slough is not conducive to driving on because it is steeper and has a defined border. The coal, in this area, differing from the vein coal found west of Bishops Beach, is found on that area of the beach between where the beach grade flattens out down lower, and the upper reaches of the tide. The environmental impact to the beach driving in this area is minimal. In this area of the beach, the gravel and sand substrate is in constant motion from wave and current action and harbors few organisms. The coal that is found on the beach is not mined from intertidal veins. In this area the coal veins are offshore and not accessible. Coal available is naturally broken off and has been carried up to the middle and upper beach by tide and waves. In regards to the amount of usage of the beach by those seeking coal, all of us that utilize this historical resource know that there are very few days that the coal is deposited. It takes a combination of the correct tide size, the correct wind velocity, the correct wind direction, and the correct length of wind duration to create the ideal conditions. For example, so far this year in the fall of 2014, and up to now in 2015, there has been 2 days (only two) where any volume of coal has been deposited and those were the only productive days. Those were the only two days I was on the beach to gather coal. This is indicative of winter beach vehicle activity in that area.

In conclusion, I respectfully submit that it seems entirely reasonable to allow seasonal cold weather access to that area between Mariner Park and Beluga Slough, and perhaps all the way

to the Bishops Beach access road. By allowing customary and historical usage during the coldest months, impact and usage will be drastically cut down by virtue of the temperature, along with the fact that fewer out of town visitors are present. In addition, environmental impact will be at a minimum due to frozen conditions and low usage in conjunction with the area in question. With thousands and thousands of miles of coastline in Alaska that are not accessible or over utilized, it is reasonable to allow limited use during that period of the year with the lowest impact. History and tradition make Homer unique, and the place we all love to live, and raise our families, I pray there is room for all of us.

Thank you for your anticipated consideration in this matter.



Robert Moss
PO Box 3428,
Homer, AK 99603
(907) 399-3120
moss@xyz.net



2014-2015 Winter Coal Supply

**THOMAS & LORI ZITZMANN
579 HIDDEN WAY
HOMER, AK 99603**

FEB 17 2015



February 9, 2015

City of Homer
Parks & Recreation Advisory Commission
491 East Pioneer Avenue
Homer, AK 99603

Dear Commission Members:

I appreciated the opportunity to be able to comment during your last scheduled meeting on 02.05.2015.

The topic of public use regarding Bishops Beach is very important to both my wife and I. Not only as residents and property owners adjacent to the beach, but also as longtime residents and user of this wonderful community asset.

In addition to my public comments last week, I want my comments summarized in a letter for purposes of public record for those community members who were not able to attend the Commission meeting.

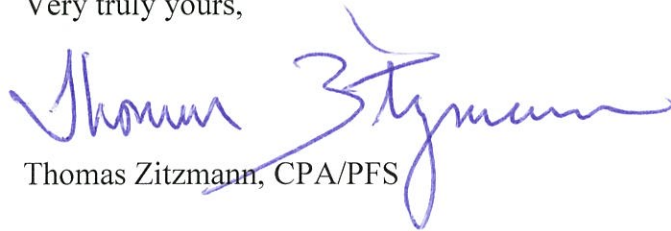
In order to minimize public disturbances in the unique “mixing zone” of both public and private property, I would like to see the Commission address the following:

- 1) Conduct a community education program whereby community members and beach users are educated as to where private property and the public use space begins and ends. Accurate signage would be a great first step. I have forwarded to Ms. Julie Engebretsen, Deputy City Planner, examples of such signage.
- 2) Prevent removal and burning of drift wood. If this regulation is on the books, please enforce it. If not, please enact it.
- 3) Place “fire rings” in various locations, including below the Bishop Beach pavilion and other City lots, i.e. at the base of Crittenden. Restrict camp fires to the fire rings.
- 4) Prevent camping in the Park. If camping is permitted, then restrooms are necessary. Unfortunately, campers use property owner’s private property for human waste disposal.

- 5) Place trash receptacles in any location fire rings are located.
- 6) Establish a quiet time for after-hours use i.e., between the hours of 10:00PM to 8:00AM.
- 7) In general, vehicle use on the beach is not a problem. Reckless driving on the beach is. It is disruptive and dangerous to other beach users and wildlife. Reckless driving should be ticketed.

I thank you all for spending your valuable time on such an important issue. With some careful planning and perhaps new regulation the public will be able to enjoy this beautiful treasure in a safe and healthy manner.

Very truly yours,



Thomas Zitzmann, CPA/PFS

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer **Page 3**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. George Matz, Kachemak Bay Birders **Page 5**
 - B. Dr. Dot Sherwood, Homer Veterinary Clinic
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Special Meeting on February 5, 2015 **Page 11**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Staff Report re Recap of the February 19, 2015 Meeting **Page 19**
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
- 8. NEW BUSINESS**
 - A. Recommendation to Support a New Picnic Pavilion on the Spit **Page 21**
 - B. Discussion on Hosting a Trails Symposium **Page 27**
 - C. Birds, Dogs and the Beach - A Discussion **Page 29**
 - D. Next Meeting Deliverables and Discussion Topics **Page 31**
- 9. INFORMATIONAL MATERIALS**
 - A. Woodard Creek Watershed Plan **Page 33**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A REGULAR MEETING WILL BE HELD ON THURSDAY, MARCH 19, 2015. THE NEXT SPECIAL MEETING IS SCHEDULED FOR MONDAY, MARCH 2, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

**THOMAS & LORI ZITZMANN
579 HIDDEN WAY
HOMER, AK 99603**

February 9, 2015

City of Homer
Parks & Recreation Advisory Commission
491 East Pioneer Avenue
Homer, AK 99603

Dear Commission Members:

I appreciated the opportunity to be able to comment during your last scheduled meeting on 02.05.2015.

The topic of public use regarding Bishops Beach is very important to both my wife and I. Not only as residents and property owners adjacent to the beach, but also as longtime residents and user of this wonderful community asset.

In addition to my public comments last week, I want my comments summarized in a letter for purposes of public record for those community members who were not able to attend the Commission meeting.

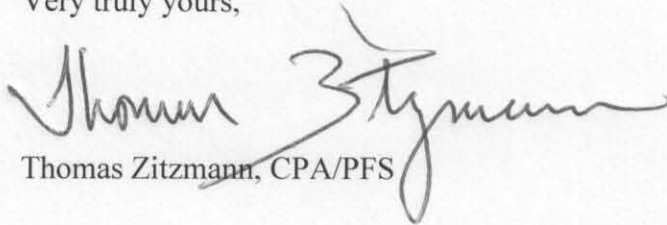
In order to minimize public disturbances in the unique "mixing zone" of both public and private property, I would like to see the Commission address the following:

- 1) Conduct a community education program whereby community members and beach users are educated as to where private property and the public use space begins and ends. Accurate signage would be a great first step. I have forwarded to Ms. Julie Engebretsen, Deputy City Planner, examples of such signage.
- 2) Prevent removal and burning of drift wood. If this regulation is on the books, please enforce it. If not, please enact it.
- 3) Place "fire rings" in various locations, including below the Bishop Beach pavilion and other City lots, i.e. at the base of Crittenden. Restrict camp fires to the fire rings.
- 4) Prevent camping in the Park. If camping is permitted, then restrooms are necessary. Unfortunately, campers use property owner's private property for human waste disposal.

- 5) Place trash receptacles in any location fire rings are located.
- 6) Establish a quiet time for after-hours use i.e., between the hours of 10:00PM to 8:00AM.
- 7) In general, vehicle use on the beach is not a problem. Reckless driving on the beach is. It is disruptive and dangerous to other beach users and wildlife. Reckless driving should be ticketed.

I thank you all for spending your valuable time on such an important issue. With some careful planning and perhaps new regulation the public will be able to enjoy this beautiful treasure in a safe and healthy manner.

Very truly yours,



Thomas Zitzmann, CPA/PFS



<http://kachemakbaybirders.org/>

Feb. 12, 2015

Dear Commissioners of the Homer Parks and Recreation Advisory Commission:

The Kachemak Bay Birders appreciates the recognition that the Parks and Recreation Advisory Commission is giving to ongoing user problems at Bishops' Beach and Beluga Slough. These problems impact the quality of these sites as well as the enjoyment and safety of the many area residents and visitors that use Bishops Beach and Beluga Slough. We agree with the methodical approach you have used to better understand these problems as well as possible solutions. We also appreciate the support you have received from the City of Homer Planning Department in working to resolve these issues.

As you know from information we previously provided, the Bishops Beach and Beluga Slough area has good bird habitat which attracts numerous species of birds (133 according to eBird), and abundant numbers of birds at times (e.g. migration). Given this and easy public access to the area, these birds attract many birders. In fact, the area is considered a "hotspot" by eBird.

While the problems that are occurring range from dogs to drugs, we will address only those problems related to birds, bird habitat, and birding opportunity. Actions we support are:

1. **PARK DESIGNATION.** We understand that city owned parcels of Bishops Beach tidelands (Beach Area 7) are not officially designated as "park." We recommend that these parcels, as well as the city owned portions of Beluga Slough be officially designated as park. The main purpose of this is to have existing city code for parks clearly apply. Also, park designation would be consistent with how the Alaska Maritime NWR manages the parcels that it owns nearby in Beluga Slough.
2. **VEHICLE BARRIERS.** Our observations demonstrate that the berm east of the Bishops Beach parking lot and the adjoining intertidal area provides good habitat for many species of foraging and resting birds, as well as a few species that nest there. These birds are easily disturbed by off road vehicles. A Physical barrier is needed to prevent vehicles from going east of the parking lot. The policy enacted over a decade ago was based more on seeking cooperation than enforcement. The emphasis was on signage. It is now recognized that this hasn't worked satisfactorily. While we still need better signs, the most effective and least costly enforcement is to physically block vehicle passage. The Commission has mentioned that the placement of boulders around the parking areas at Green Timbers and Louis's Lagoon has worked. Closely placed boulders would also block vehicle traffic east of the Bishop's Beach parking lot. This needs to be enacted.

3. VEHICLE USE AT OTHER INTERTIDAL AREAS. At a previous meeting, the Parks and Recreation Commission discussed not allowing vehicles in the intertidal area for beach areas 4, 6, and 7. This is essentially from the Bishops Beach parking lot east along the west side of the Spit to the end. We support this. The current approach to allowing vehicle use on some parts of the Homer Spit is confusing and not easy to enforce. It would also allow vehicles to continue to use the beach west of the Bishop's Beach parking lot which doesn't disturb birds.
4. OFF-LEASH DOGS. We have often observed loose dogs chasing birds that are foraging or roosting in the intertidal areas. This can be really stressful for birds, particularly if they have just arrived after migrating hundreds and even thousands of miles. We strongly recommend that loose dogs not be allowed in bird sensitive areas such as the area east of the Bishops Beach parking lot, Belugas Slough, Mariner Park Lagoon, Mud Bay, Green Timbers, and Louie's Lagoon. We agree that there needs to be large beach areas where dogs can be off leash. Our recommendation would still allow off-leash dogs on several miles of beach west of the Bishop's Beach parking lot and the beach on the west side of the Homer Spit.

WHSRN Designation.

Another recommendation Kachemak Bay Birders would like to make is to have the City of Homer and the Alaska Maritime NWR designate its properties in the Bishop's Beach and Beluga Slough area as an extension to the WHSRN (Western Hemisphere Shorebird Reserve Network) designation that already exists for Kachemak Bay (<http://www.whsrn.org/site-profile/kachemak-bay>). Rather than try and describe WHSRN, I have attached their description from their website (see http://www.whsrn.org/sites/default/files/file/WHSRN_general_fact_sheet_12_06-11.pdf). As you already know, this has been done before. In April 1994, the City of Homer nominated Mud Bay and Mariner Park Lagoon as WHSRN sites, which was approved. I can provide you with copies of the documents if so requested.

We think a WHSRN designation for Bishop's Beach and Beluga Slough would not only be consistent with past commitments by the City of Homer, but enhance visiting opportunity by both residents and visitors as well as offer even better educational opportunities for our schools. Educational materials, trails, and kiosks that tie in the Bishop's Beach/Beluga Slough area could provide an excellent opportunity to observe and enjoy our estuarine habitat. It would provide another example of why Homer is special.

The nomination process for a WHSRN designation is fairly simple. The basic requirement is that the nomination needs to come from the landowner (<http://www.whsrn.org/nomination-process>). It should be noted that a WHSRN designation is essentially just a recognition and has no regulatory authority associated with it. The cost of having this designation should be nil and not require any more than what the City already spends to administer and maintain this recreation area.

Although the actual nomination needs to be made by the City Council, a logical starting point is to have the Parks and Recreation Advisory Commission make the recommendation to the City Council. Including this recommendation in the Commission's report to the City Council would be the appropriate vehicle. Kachemak Bay Birders would be pleased to take on the responsibility of drafting the nomination (which was previously done by George West). In fact, we have already contacted WHSRN and they have

assured us that it would be acceptable to consider Bishop's Beach/Beluga Slough as an extension to the existing Kachemak Bay site rather than a new site. This simplifies the criteria.

We look forward to continue working the Parks and Recreation Commission in carrying out the actions we mention above to improve the Bishop's Beach area. We also hope you accept our request and recommend to the City Council that Bishop's Beach/Beluga Slough be added to the Kachemak Bay WHSRN site.

Sincerely,

George Matz



WHSRN: An international strategy for saving SHOREBIRDS and their habitats.

Shorebirds are among nature's most ambitious and amazing long-distance migrants. But their numbers are dropping rapidly, with some species projected to go extinct within our lifetime. Protecting these birds is a high international conservation priority—and one that requires proactive, coordinated efforts within and between the countries these birds fly through during their vast pole-to-pole migrations.

What is WHSRN, and why was it created?



By the mid-1980s, scientists throughout the Americas were documenting serious population declines in shorebirds. Shorebirds' seasonal migrations are perfectly

timed to occur just as their food resources become available at very specific locations across the hemisphere during a very short window of time.

Understanding this, in 1984 the science community developed the framework for a site-specific, hemisphere-scale shorebird conservation strategy—the **Western Hemisphere Shorebird Reserve Network (WHSRN)**.

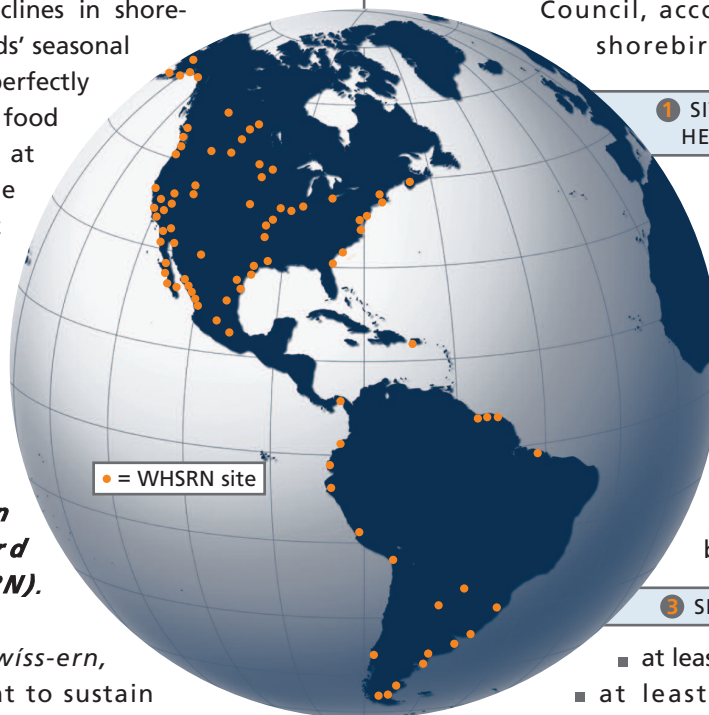
This strategy, pronounced *wiss-ern*, follows the simple idea that to sustain healthy populations of shorebirds, we must maintain the ecological integrity of key sites—those specific locations—that provide the habitats and nourishment they need for survival.

How extensive is WHSRN, to date?

There are currently 87 sites in 13 countries, from Alaska in the northernmost United States to Tierra del Fuego in southernmost South America. More than 32 million acres (almost 13 million hectares) of shorebird habitat have been designated and are being conserved by WHSRN partners.

How does it work?

A partner or landowner nominates an area for one of three categories of designation by the WHSRN Hemispheric Council, according to its importance for shorebirds:



1 SITES/LANDSCAPES OF HEMISPHERIC IMPORTANCE:

- at least 500,000 shorebirds annually, or
- at least 30% of a species' biogeographic population

2 SITES OF INTERNATIONAL IMPORTANCE:

- at least 100,000 shorebirds annually, or
- at least 10% of a species' biogeographic population

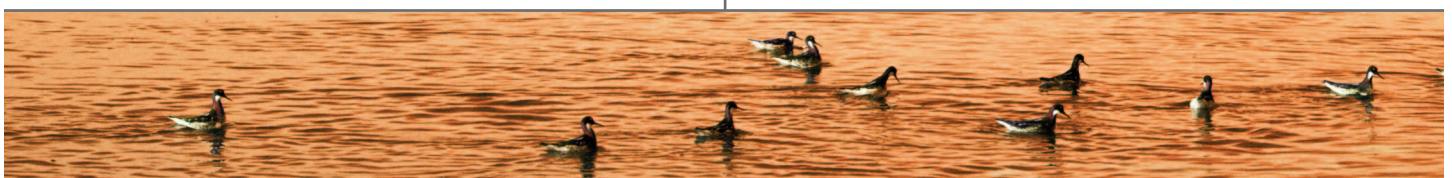
3 SITES OF REGIONAL IMPORTANCE:

- at least 20,000 shorebirds annually, or
- at least 1% of a species' biogeographic population

Additionally, to qualify for a WHSRN designation, the site's landowner(s) must agree to:

1. make shorebird conservation a priority;
2. protect and manage shorebird habitat; and
3. keep WHSRN informed of any changes at the site.

Many site partners choose to display the certificate of designation, post WHSRN signage, host a dedication ceremony, and/or develop educational material and programs to raise local awareness about the site's importance.



Who can participate in WHSRN?

Site landowners and stewards include government agencies, non-profit organizations, indigenous peoples, academic centers, businesses, and any other individual or entity committed to advancing WHSRN’s mission.

Who administers WHSRN?



Administrative and technical support is provided by Manomet Center for Conservation Sciences (Manomet) in Massachusetts, USA, through its WHSRN Executive Office. Manomet has a long and respected history of initiating collaborative, science-based conservation. For three decades, its senior scientists have been pioneers and steady leaders in deepening our understanding of shorebirds’ needs and in guiding conservation actions.

A Red Knot may fly the same distance as the Earth to the Moon before its 13th birthday—provided it overcomes natural and human-imposed threats to its survival each year.



The Strength of Partnerships

From the Arctic tundra to the tip of Tierra del Fuego, WHSRN sites are more than just dots on a map. Each makes up the overall constellation of willing partners across the hemisphere committed to doing their part to help sustain healthy shorebird populations.

An effort of WHSRN’s magnitude cannot be accomplished solely by the talent of any one group. WHSRN’s leadership finds win-win intersections with the goals and agendas of other local, national, and international entities and individuals, from all sectors of society. In business terms, by conducting highly leveraged activities like helping other groups incorporate shorebird-conservation needs into their work or practices, WHSRN achieves a very large return on investment.

The Power of Science

The combination of biological and environmental factors at play in the annual lifecycle of a shorebird is very complex; in turn, so is the work of scientists in determining if or how a natural or human-induced impact to any one factor may be causing or contributing to a population’s decline. This we do know: nine shorebird species have rates of decline so sharp that their total population sizes will be half what they are today in just 10 to 20 years (Bart et al, 2007). If not reversed in time, they will become extinct.

Science informs and empowers our actions within WHSRN. As research continues to refine our understanding of shorebirds, we are simultaneously adjusting the scientific questions asked and the conservation actions taken.

The Importance of Your Support

As a site partner, researcher, donor, business owner, educator, birdwatcher, landowner, or resource manager, your support for WHSRN—in whatever shape it may take—helps to advance our shorebird conservation goals. If you have questions, or want ideas on how you can best contribute, visit www.whsrn.org or contact us at:

**WHSRN Executive Office
P.O. Box 1770
Manomet, MA 02345
(508) 224-6521**



The Bar-tailed Godwit breeds in Alaska and “winters” some 7,150 miles away in New Zealand—and gets there by flying non-stop for up to 9 days.

©Tim Bowman, USFWS



Session 15-02 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on February 5, 2015 at 5:38 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

ABSENT: COMMISSIONER LOWNEY (EXCUSED)

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda as presented.

MACCAMPBELL/BRANN - SO MOVED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Scott Adams, city resident, commented on use of the beach as a pedestrian, dog walker and vehicle use on the beach to collect coal, and driving towards Anchor Point; he then related an incident regarding parking in front of existing signage blocks them and vehicles went to the left, he approached those offenders, explained they were in the wrong area and if they kept it up they would lose the use of the whole beach, they moved. He related his experience regarding issues to deter vehicles to the left and commented that it didn't use to be that way; he doesn't want to lose the privilege of driving onto the beach to conduct a need such as collecting coal.

Jack Wiles, city resident, commended the commission for looking into these issues and to help with that they developed four position papers that they hope will be helpful to the commission during their deliberations.

VISITORS

There were no visitors scheduled for this meeting.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the special meeting of January 22, 2015

Chair Steffy requested any comments, questions or corrections regarding the items on the consent agenda. Hearing none he requested a motion for adoption of the consent agenda.

BRANN/LILLIBRIDGE - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report re: Recap of the January 22, 2015 Meeting

Ms. Engebretsen stated that she will not address the Legal Access and Land Ownership Issues since that is covered later on the agenda. She has provided a recap of items discussed or questioned at the last meeting. Ms. Engebretsen further explained that it may be early, but the commission will need to make motions on these issues to provide a direction that they will be going for the public. They need to start putting items on paper.

Chair Steffy confirmed that the items in the memorandum were on the flip chart. Ms. Engebretsen briefly explained the items.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Review and Discussion on Existing Regulations for the City of Homer

1. Chapter 5.20 Fire Prevention
2. Chapter 1.16 General Penalties

Chair Steffy read the item into the record. He requested any initial comments or questions from the commissioners.

Ms. Engebretsen provided input received from Chief Painter on fires. Warming fires and cooking fires are allowed. Taking driftwood from the beach or using coal for fires is not allowed. She noted that having fires and parties beyond the area of Bishop's Beach is inaccessible.

Commissioner MacCampbell still questioned if an offense is bailable. Ms. Engebretsen also questioned how many tickets are issued for fires on the beach.

Commissioner Brann commented that establishing metal fire rings at public access areas would be worth trying. He further added that using the tops of pilings that have been placed/left at Karen Hornaday Park would be perfect. They are heavy and could not easily be removed or floated away. Placement can be at the base of each access such as Crittenden and Bishops Beach. He realizes that three will not be enough; more like 15 would be needed. He pointed out the lots that were city owned.

Commissioner MacCampbell commented on placement of fire rings on beaches and the additional maintenance and retention of those rings. He would also like to see something on burning of beach logs.

Commissioner Archibald added that the materials proposed for the fire pits weigh approximately 600 pounds.

Chair Steffy commented on the recommendations for placement of fire pits and questioned the penalties in general would be \$300 per offense. Ms. Engebretsen stated that this could be clarified by Chief Robl. He asked for additional comments from the commission.

- What is the authority of the City on private property in regards to fire?
- What is the city policy in a high fire season? Are they closed down?

Commissioner MacCampbell responded that during a high risk season all fires are banned even on beaches. The Fire Marshall issues the ban according to the input from various organizations.

- Could city personnel issue citations for offenses within the parks and beaches such as illegal fires?
Chair Steffy responded that there is a liability factor to the city and a requirement to change the job description of the parks personnel.
- Trespass is a management tool that could be used
- Agreement with private property owners regarding enforcement and jurisdiction of rules/laws
Ms. Engebretsen stated that this was discussed before and can be asked again - What can be done to make the Police Department's work easier
- Remove "Voice Control" and Change to On Leash, Establish "Off Leash" Area
- Recommend the area to the East No Dogs or On Leash only, enforce cleaning up after your dogs

Ms. Engebretsen will take and draft a more formal recommendation regarding dog use areas for the March meetings.

NEW BUSINESS

A. Legal Access and Land Ownership

Chair Steffy read the title into the record.

Ms. Engebretsen stated that she wanted it to be perfectly clear that this is a very complicated issue. Most get resolved in court but that is not the direction the city wants to go.

Ms. Engebretsen read a portion of the letter from Mr. Roger Imhoff into the record regarding a plat note on a property in regards to the public may have some rights to access area of the property and that they did not investigate but it may be there. She then referenced the memorandum from the city attorney that basically stated the city theoretically owns from mean high tide out. Ms. Engebretsen then brought up the issue if Historical Use, could the beach be considered an RS 2477 Right of Way. This means have they been using it since 1976 for transportation and over time there may be some historical rights there. It may involve a court case if the city wants to do that. The City has closed other areas where there was historical use and there were no lawsuits. That is in essence saying they were okay with the closing of the beach to vehicles and certain uses.

Ms. Engebretsen fielded questions from the commission regarding closure of certain areas and waiting to see if they were challenged by a user group.

Chair Steffy stepped to the map and pointed out the city owned lots and noted that most of the vehicular traffic is crossing private property so how could they regulate the traffic to the west. The area to the east is different though. Ms. Engebretsen stated that the area to the east is owned by Fish & Wildlife and collectively would be accepted to be closed to vehicles due to the habitat issues.

Discussion continued on the historical use of the beach, the old railroad line, and closing of the park would not affect the historical use access to the beach. The access is not a legal access according to documents.

Some additional comments from the commission were made on the following:

- Placement of markers for Mean High Tide
- Visuals for the High Tide and Low Tide
- Unclear on the Use of RS 2477
- More Palatable to the Public for Closure to the Left
- Define the Area of Bishop's Beach for discussion purposes
 - Keep to the Zones as Outlined in the Beach Policy
 - Area 7 is Bishops Beach park to the Slough
 - Area 6 is Beluga Slough to Mariner and is managed separately
- Clarification on what are the issues on private property is the commission hoping to resolve
 - Trespass
 - Vehicles
 - Fires

Ms. Engebretsen stated that the commission should consider the following when looking at private property:

- the right of access through a property
- permitted uses for fires
- trespass and how to address this issue

Discussion focused on the right of the city to close vehicular access to the beach to alleviate the issues to habitat to the east and offer respite to the property owners to the west from trespass.

Commissioner Lillibridge still advocated for putting in a gate and prohibiting all vehicular traffic from the beach. Since those people will not listen and follow the rules then they need to cut off the use for all.

Response from the audience was not favorable for this solution since this action punishes those residents and users that do follow the rules.

Chair Steffy also noted that there are two options one close the area to the east and restrict vehicular traffic to the west and closing it off period. He believed that the first one will be accepted much easier from the public. He acknowledged that shutting it down period seems to be the easiest but they really need to be careful in what they actually do.

Commissioner MacCampbell warned caution and was not too sure that they could shut it down and cited the additional property owners down the beach towards Anchor Point, but further advocated that they need to start somewhere. Enforcement and education will change behaviors.

Additional discussion continued on the public will access the beach one way or another; marking the private and city property lines; break down the closing of the beach to vehicular traffic into three areas.

The pending motion from January 22, 2015 meeting was brought to the table.

ARCHIBALD/LILLIBRIDGE - MOVED TO ELIMINATE VEHICULAR TRAFFIC EAST OF BISHOP'S BEACH INCLUDING ALL OF AREA FOUR AS SHOWN IN THE BEACH POLICY.

STEFFY/MACCAMPBELL - MOVED TO AMEND THE MOTION TO READ MOVED TO RECOMMEND VEHICULAR RESTRICTIONS FOR BISHOP'S BEACH TO RESTRICTIONS IN ZONE 7, RESTRICTIONS IN ZONES 7 & 6 OR RESTRICTIONS IN ZONES 7, 6 & 4 AND THESE THREE OPTIONS WILL BE OPEN FOR PUBLIC COMMENT THROUGHOUT THE PROCESS.

There was no discussion.

VOTE. (AMEND) YES. LILLIBRIDGE, BRANN, ROEDL, ARCHIBALD, STEFFY, MACCAMPBELL

Motion carried.

Chair Steffy noted that the commission will still entertain comments on this motion from the Public.

Commissioner MacCampbell asked if they could entertain discussion on how the recommendation would be implemented whether natural berm and signage.

Chair Steffy agreed that there would be a preference for a natural barrier and signage. Commissioner MacCampbell agreed that large boulders or large drift logs chained together will really put home that they do not want traffic past this point. Commissioner Brann responded that there will also be natural barriers and whatever the end recommendation is will be easily defined. Commissioner Roedl preferred actual barriers placed at Zone 7 in order to protect the slough. Additional discussion ensued on strong signage that states the new rules for those visitors that come down specifically to participate in those activities that will not be allowed.

Commissioner Brann would like to hear further comment from the public regarding subsistence fisheries and a permitting system if access is restricted. He mentioned that Fish & Game may have that information on the fisheries.

Chair Steffy asked if there were any additional questions or concerns.

Commissioner Brann asked if Marianne Aplin with Fish & Game would be providing a point of view on Beluga Slough, being that they are a major Landowner, regarding vehicular access.

Ms. Engebretsen responded that she is scheduled for the meetings in March to speak on dogs, habitat and wildlife but as they progress and make recommendations she is sure that they will be offering comments in response. She also noted that there was a representative present from Fish & Wildlife. Chair Steffy invited him to come forward and introduce himself for the record. Mr. Mark Webber, Deputy Manager, of the Maritime refuge based out of Islands and Ocean Visitor Center. He is in attendance since Ms. Aplin was unable to attend this evening. Commissioner MacCampbell asked if Ms. Aplin could provide any opportunity of funding sources for signage when she speaks to the commission. Mr. Webber responded that the signage previously mentioned should not be a problem but there would need to be discussion regarding barriers. Commissioner Archibald inquired if Fish & Wildlife will have a statement on the vehicular traffic on the vegetation and berms in regards to the slough. Mr. Webber felt confident that they will comment on issues protecting the habitat.

Chair Steffy explained that they would appreciate a formal request from the Refuge in regards to working cooperatively on these issues regarding the beaches. He thanked Mark for being their impromptu visitor.

Chair Steffy left the options to revisit this issue at a later meeting if needed.

B. Next Meeting Deliverables and Discussion Topics

Chair Steffy read the title into the record. Deputy City Clerk Krause explained that she has found this item very helpful to staff in providing the information for the next meeting. Chair Steffy noted that the next meeting is February 19th and Chief Robl is the scheduled visitor. Ms. Engebretsen restated the questions so far and asked for anything additional the commission would like to have answered or clarified:

- Animal Control - Do they get called regarding dogs on the beach?
- How many people have been cited on the beach? Recent?
- Proprietary or Concurrent Enforcement - Mr. Webber was able to respond that it was Proprietary
- Do 4 wheelers have to be licensed and/or registered?
- More Speed Limit Rules, Enforcement
- Under Chapter 19 cutting the trees on the beach
- Are Fines Bailable?
- Enforcement regarding Trespass Issues - What can be done to make it easier for enforcement?
- Personal Use Fisheries Information - Ms. Engebretsen will try to locate information on this
- Do Holiday Weekends require additional enforcement efforts?
- What is his authority and opinion enforcement on the beach regarding ATV's, reckless driving
- Opinion on Officers or Beach Patrol
- Chief Robl opinion on how well he will or is able to enforce existing rules and anything new that will be proposed.
- Speak about the Beach Patrol/Parking Patrol and what is was and what it could be
- Input on the Park Host Program
 - Support for the idea but need to have a program and training in place not just a retired couple placed in the park having a "good ole time"
- Additional comments or response on jurisdiction of reports of incidents conducted on private property
- Possible repercussions from implementing new restrictions to other areas

Chair Steffy asked if Chief Robl could provide his perspective in general and historical aspect regarding the issues that they are trying to address. He further noted that there are probably questions that they are not thinking about right now.

Commissioner Lowney has requested that a discussion on hosting a Trail Symposium for the next meeting be on the agenda.

Commission Attendance at Council Meetings

INFORMATIONAL MATERIALS

There were no informational materials.

COMMENTS OF THE AUDIENCE

Tom Zitzman, city resident, not sure how this issue of Bishop's Beach got on the Commission's plate but he appreciated their efforts and actually listening and paying attention. He believed that there were very thoughtful and helpful responses from the city. He added the location of where he lives and it is really tricky knowing who is responsible and how policy needs to be established not only for the city but for the property owners. The city has allowed access to their property through this easement which is creating problems for their property and he is sure that the Commissioners were not speaking about his intellect, but he just had Seabright Surveying conduct a survey and they were thoughtful enough to provide a picture of mean high tide in relation to his property and so he now has a document that outlines his property. He has no issues with people driving the beach coaling but the partying, drug use and the burning of driftwood, every night until 2 or 3:00 a.m. which wafts up into his house and aggravates his asthma. Some quick solutions is public education with signage on public and private property, enforce the no burning of driftwood, establishing fire rings would provide some control of use of the beach. He provided a brief experience to Camino Island and all the driftwood and the very specific language on the signage. What can you do to prevent burning on private property he is not sure what more can be done but he hates to have to call the police for this problem and he knows that there are more ugly problems that they deal with and his neighbors are afraid to complain due to possible reprisal. He really thanks the commission for the thoughtful dialogue that was conducted tonight. In a short time the problem will be back. Thank you, you guys are doing a great job.

Mr. Bill Ostwald, city resident, commented that he has a pretty good view on the problems and some the things are pretty tough to watch. He has been here in 1980 and you used to be able to pull dinner from the tidepools and now the halibut fishery is taking a bend and what he is trying to say is we are the stewards of the land and the water and if they don't take some steps in either direction and put in some restrictions we are going to lose everything. Quite frankly it needs to stop. There is a saying that "That's the way Alaskans Do it" but he would like to say that as Alaskans we know how to preserve our environment. This may cause a few people to bend their nose but we need to make some changes.

Scott Adams, he commented on a sign showing pedestrians and an arrow but a parked vehicle you can't see the sign, it does not work, you guys are beating a dead horse. You need to make traffic go to the right. He collects coal and follows the rules. He wants his children and grandchildren experience the same experiences he has had the opportunity. Alaska is the last frontier and things are changing, but this is a resource. You guys want fire rings then they should be used in all areas on down the spit. Collecting coal is something that has been done for years and hopes that they can continue doing it.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen pointed out that they have not gone through the Beach Policy and decided what has worked; change does happen and it has been positive change and the community has the capacity to continue.

Ms. Krause had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner MacCampbell thanked the input from Jack Wiles and that group and the thoughtful public comments. He appreciates the staff efforts and extra work. He then recited a personal experience from growing up and he suggested that they should establish a off road, mud bogging area where these activities are encouraged.

Commissioner Archibald was sorry to see the public leave but he does not want to see this turn into a destination 4 wheel side by side terrorize zone.

Commissioner Brann thanked Julie for providing the map and he would appreciate having it at all future meetings, he thanked Peter for pointing out the calendar and staff as always for doing such a good job.

Commissioner Roedl appreciated hearing all the public input and attending the meetings. He appreciates the points of view even if they conflict.

Commissioner Lillibridge appreciated the public comment and that she is here to serve them and she still remembers someone saying that they are afraid to go to the beach with their young child and agrees that they should find them their own area to use. She told the story of putting up the Atlantic Wall (circa WWII) and that they just need to find a solution to these problems.

COMMENTS OF THE CHAIR

Chair Steffy thanked staff for the all that they do and the extra meetings and additional workload. He believes that the differing opinions and comments is good for discussion and that everyone has a vested interest whether a public servant or property owner and people are paying attention. The more public input the better the decisions will be for the community.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:27 p.m. The next **REGULAR MEETING IS SCHEDULED FOR THURSDAY, FEBRUARY 19, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: Feb 12, 2015
Subject: Recap of February 2nd Meeting

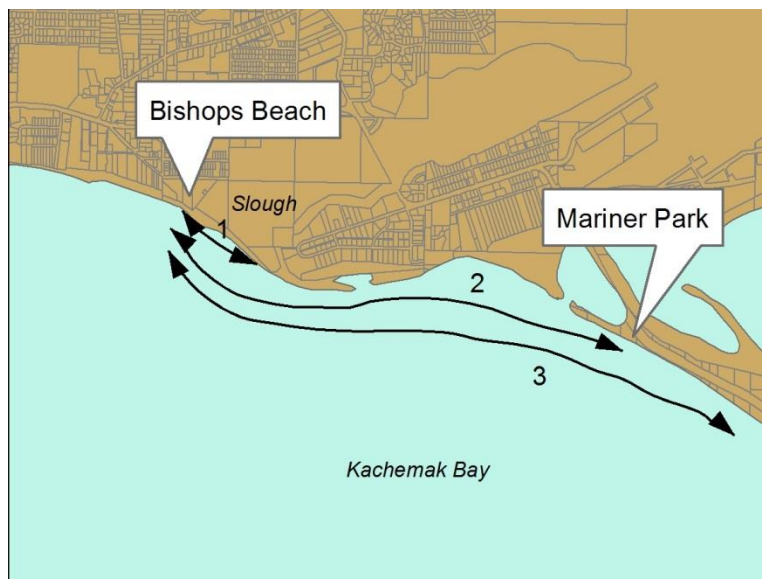
I'd like to spend a little time at each meeting reviewing the ideas for the previous meeting, and keeping a rolling list of recommendations

Motions made:

~ **Install fire pits** at these three locations: Bishop's Beach Park, City parcel near the end of Main Street/Ohlson Lane, and at the End of Crittenden.

~ **Consider 3 options for closing the beach to vehicles:**

1. No vehicles east from Bishop's Beach to the slough
2. No vehicles between Bishop's Beach and Mariner Park.
3. No vehicles east of Bishop's Beach, all the way to the end of the Spit.



Other Solutions:

- Increase dog waste education
- Trash cans at Main/Ohlson and Crittenden. (Make it easier to toss trash and doggie baggies)
- Educate locals on beach rules. Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: February 12, 2015

Subject: Beach Policy

At this meeting, George Matz will be speaking about birds. Dr. Dot Sherwood, Homer veterinarian, may also be speaking but that has not been confirmed as of the date of this staff report.

Staff has an idea to address dog waste: Provide dog waste dispensers and spare bags. The City could order 100-200 of these, to distribute at events like Strut Your Mutt, in local businesses such as the vet clinic, Homer Hounds, and at public locations like the Animal Shelter, and campground office. Dog waste is a problem at the beach but also in our local parks. If Homer is going to be successful changing this behavior, we need a widespread solution beyond just one park. Signage has a cost, and is only so effective. Perhaps by providing a bunch of these containers and bags, people would change their behavior. We could pick a design where the refill bags are cheap, and could eventually be stocked and sold by local businesses. Ideally in the long run people would buy both the dispenser and bags at local businesses, but to start, the city could provide doggie waste containers and bags. Additionally, I think the City should have waste dispensers at each park and at some public buildings, and trails. And perhaps we can partner with other organizations such as Islands and Ocean to provide the same.



2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Special Meeting February 5, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	√	
2.	Scott Adams	Box 2292	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Jack Wiles		<input type="checkbox"/>	<input type="checkbox"/>
4.	Tom Zitzmann		<input type="checkbox"/>	<input type="checkbox"/>
5.	Bill Ostlund		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.			<input type="checkbox"/>	<input type="checkbox"/>
7.			<input type="checkbox"/>	<input type="checkbox"/>
8.			<input type="checkbox"/>	<input type="checkbox"/>
9.			<input type="checkbox"/>	<input type="checkbox"/>
10.			<input type="checkbox"/>	<input type="checkbox"/>
11.			<input type="checkbox"/>	<input type="checkbox"/>
12.			<input type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 5, 2015
SUBJECT: SUPPLEMENTAL PACKET

PUBLIC COMMENTS RECEIVED

Email from Tom and Catie Bursch dated January 29, 2015 re: Bishops Beach Policy feedback
Page 1

Letter from Roger Imhoff dated January 29, 2015 re: Bishops Beach Policy Review
Page 3

Email from Jack Wiles dated February 2, 2015 re: Details Beach Policy
Page 5

Memorandum from Cortney H Kitchen, City Attorney's Office re: Legal Access, Closure,
Vehicular Traffic on Beaches, Easements
Page 27

Plat Attachment **Page 32**

Fact Sheet Right of Ways **Page 34**

Renee Krause

From: Tom and Catie <tcbursch@gmail.com>
Sent: Thursday, January 29, 2015 10:55 AM
To: Renee Krause
Subject: Bishops Beach Policy feedback

Hi,
I have some feedback to share about Bishops Beach use;
I work in the Islands and Ocean Building and am lucky enough to have a window that looks over Bishops Beach and so I take note of the goings on down there on a daily basis, at least the part I can see.

I also work as a naturalist and have led walks and helped design signs for the slough and parking lot areas.

Here are my thoughts:

-I have lived in Homer for 20 years and would have a hard time remembering what signs are down there and what they say. I don't think locals even see the existing signs. This should be taken into consideration if new signs are on the docket. Maybe take a bunch down and make one very concise, visual, (very little text) sign just before the access rd to the beach.

-I think citations and fees will be affective to get the word out to locals that the policies are being taken seriously by the community. Word of mouth is one of Homers best communication methods.

-I also think the "campground Host " Idea is good because face to face communication is very memorable, this will be most effective long term if it targets locals, this could be done by targeting certain times of the year or day. (lunch hours and after work) We really don't need to spend a lot of time with someone from Florida who will never return.

-I think you have to identify your audiences before you make a sign or come up with a plan.

-I recommended to Matt Steffy to print out areial shots of Bishops Beach over time. You will learn a lot by looking at very visible changes over time. One thing you will see is that the beach berm to the left has totally come back and re-grown beautifully since the first policy has been in place not to drive to the left. It used to be almost all gravel with no grass and wood. Now you can distinctly see trails through the vegetation. This can be used as a positive message that peoples actions do affect the area and that changes in those actions can be super successful! Its always hard to believe that our individual actions matter in the end but they really do when your talking about the kind of numbers that use Bishops Beach. People like to get on board with things that are already working....use this example to get them to WANT to comply and continue to improve the area. Then give tickets to the other people.

-coming up with a number of how many folks use the beach can also be a powerful tool. None of us want a bunch of signs and regulations, its ALASKA for heavens sake! but if we are given an estimate of how much traffic the area got, it will be much more understandable that some parameters are needed.

Good luck and keep up the good work! Catie Bursch 235-5111

Roger W. Imhoff, RLS
PO Box 2588 * Homer Ak 99603
(907) 399-6295
rogerwimhoff@gmail.com

RECEIVED

JAN 29 2015

CITY OF HOMER
PLANNING/ZONING

01-29-2015

Julie Engebretsen
COH Planning Dept

Re: Bishops Beach Policy Review

Hello Julie,

I have been following with interest the saga of Bishops Beach Access and Use. My family and I have enjoyed using the beach for many years: hiking, ATV use, simply enjoying the scene.

And occasionally, I need to access the beach front portions of uplands properties with a vehicle for work related purposes.

Having attended many of the prior "task force" meetings and testified in a couple, I really think that the existing policy has many merits and doesn't really need to be "fixed."

But obviously, just signage has not been effective in keeping the peace.

It seems to me that the primary problem is one of user education and policy enforcement. The City has chosen to have a near zero "official" presence on the beach. Yep, education and enforcement does cost money but the alternative of simply banning vehicle travel just doesn't seem right. The public, be they City Residents or not, has a long history of beach use. We know that.

Perhaps some sort of permit is appropriate. I don't know...it's a tough call no matter what. There really is no guaranteed solution without putting something in the budget to have someone be onsite to at least "inform" people of the rules.

My other concern is that most people do not realize that the uplands owners, at least in most cases, own property out to the 1917 Mean High Water Line (MHWL). The Current Task Force should be informed about this.

According to the USGS, the 1964 earthquake sunk land (subsidence) from Millers Landing to Mud Bay, all along the Homer Spit, and on up the Inlet to the mouth of the Kenai River.

The Alaska Attorney general issued his opinion (No 6) that due to the subsidence, the pre-existing MHWL (1917 line in most cases) is the title boundary of the uplands properties. In practice, the last surveyed MHWL prior to the earthquake is held to be the title boundary.

There has been at least 200 ft of erosion along the Bishops Beach area, and the legal boundaries now extend far beyond the current MHWL. In fact, those boundaries coincide for the most part with Alaska Tidelands Survey 612. (Incidentally, those rows of rotted piling along the Inlet side of the Spit are what's left of the Corps effort to halt erosion by constructing Groins.)

The Attorney Generals Opinion has never been challenged in court and is respected as the "rule" by the DNR Survey Section. On occasion, I have read in the paper that some City employee has stated that the City "owns" tidelands up to the Current Mean High Water Line, but that statement is incorrect.

Page 2 of 2 Bishops Beach

So what to do...what to do?? I don't a good answer but I just think we need to realize that people have a history here and there are good and valid reasons that people need to access the beach with motor vehicles, including the uplands owners.

Please consider those users before restricting them.

Sincerely,

A handwritten signature in cursive script that reads "Roger". The letters are fluid and connected, with a prominent loop on the 'R' and a long tail on the 'g'.

Renee Krause

From: Jack Wiles <wilesmichaud@msn.com>
Sent: Monday, February 02, 2015 9:30 AM
To: Julie Engebretsen; Renee Krause
Cc: Lani Raymond; Nina Faust; Rika Mouw; Louise Ashmun; George Matz; Michelle Michaud; Carol G. Harding; Jack Wiles
Subject: Details to the Beach Policy
Attachments: Managing.Vehicles.onHomer Beach Areas.docx; Dogs.Off.Leash.Beach.Policy.docx; Fires.onthe.Beach.docx; Enforcement.Beach.Policy.docx; Map.Dog.Off.Leash.Areas.docx

February 2, 2015

Good Day Julie and Renee, & Parks and Recreation Advisory Commission,
Attached are four position papers on suggested amendments or additions to the city code relating to the Beach Policy implementation.

Any revisions to the Beach Policy can only be enacted by actual ordinances so we have worked to find equitable solutions to issues, provide feasible management options, minimize the need for punitive enforcement, and fill in gaps in the city ordinances.

We believe the Parks and Recreation Advisory Commission is taking a good approach by addressing key topics affecting the review and update of the City of Homer Beach Policy. The approach provides an understanding of existing limitations and gaps in city ordinances.

The Parks and Recreation Advisory Commission can make recommendations regarding vehicles, dogs, fires, barriers, signage, etc. but the city must enact those recommendations into ordinances or we simply keep the status quo - trespass, indiscriminate fires, destruction of beach resources, disturbance to wildlife, unmanaged dogs, and an ever increasing number of vehicles on the beach.

Enforcement:

There are really no actions that cannot be enforced - it is a matter of community will, but the lack of a concerned citizen filing a complaint is not a reason to say there is no problem - like saying the lack of complaints about speeding means the police would therefore not enforce the speed law. The basic truism is that the City cannot enforce or effectively manage an activity when there is no code in place.

We are advocating that effective enforcement can be passive, e.g., barriers on the beach like what is working at Mud Bay, Louie's Lagoon, and Green Timbers parking areas.

The position paper on enforcement deals with allowing the option to exclude a person from the beach as a useful management tool when fines are ignored or not pursued by the City.

There are undoubtedly other enforcement needs but we can wait and hear what the Chief of Police has to say.

Managing Vehicles on the Beach & Recreational Uses of the Beach:

The position paper proposes amendments to the current city code that actually restricts vehicles on the beach and adds provisions for rules for recreational uses of the beach.

Since the beach is not a park then park rules do not apply. Including recreational beach uses as part of the beach use ordinance that deals with vehicles, it may be possible to incorporate recreational beach use rules into the code without having to go through the process of establishing a park. This option incorporates recreational beach use rules for all beaches not just those that might get declared park land.

It may be desirable to declare selected beaches as park land and if so then the park rule code under Title 19 can be amended to address beach uses.

We believe it is a good compromise to close the east side of Bishop's Beach to vehicles in clarifying the Beach Policy and the Official Beach Map. That is the only beach area we propose for a change in the existing Beach Policy - a small concession to miles of beach remaining open to vehicle use.

Managing Dogs on the Beach:

The focus of the position paper is the benefits of a establishing by ordinance dog off leash areas as a viable option for managing dogs on the beach. The focus is on the beach but the proposed ordinance would also provide the means to allow the establishment of a fenced or unfenced off leash area(s) within the City.

Any beach area not designated as an off leash area would require a dog to be on a leash unless the area is closed as a sensitive habitat and wildlife area.

The current city code of 'Animal at Large' should not be interpreted to mean a dog can be off leash anywhere in the city if under 'competent' voice control. We propose a substitute definition for 'Animal at Large.'

Finally, we propose some

Managing Fires on the Beach:

The existing fire code does not allow 'open burning' without a permit. It is unclear whether a recreational beach fire is considered open burning.

We propose to clarify that recreational beach fires are allowed without a permit when located in a designated fire pit. The fire pit(s) can be located and constructed to withstand the tide. There is plenty of evidence of existing beach fire sites.

The position paper allows for fire in a designated area - leaving it up to the P&R Comm./City to decide on what beaches and where. The proposed amended code provides for additional safeguards in the use of beach fires that do not currently exist with the indiscriminate beach fires that now occur. Surely the City and the Fire Chief are concerned about fire liability and safety?

For large fires or fires in non-designated areas, the proposed code addresses the need for a permit - much like the existing open burning permit but clarifies a beach use. The code provision accommodates large groups, special events, and social, community needs.

Map:

Attached is a map illustrating the two major dog off leash areas - over 8 miles of linear beach to roam!

Thank you for your continued good work.

We haven't addressed a key point - resource values and the whole reason to have protective measures. We look forward to the discussion and analysis of the importance of habitats and wildlife, particularly birds, plays in shaping the Beach Policy.

Signed,

Jack Wiles
Michelle Michaud
Lani Raymond
Nina Faust
Rika Mouw
Louise Ashmun
George Matz

Managing Vehicles on City of Homer Beach Areas

Proposed Amendments to Title 19: underlined words are additions.

19.16.010 General.

It is the intent of this chapter to preserve and protect certain beach areas of the Homer Spit, Beluga Slough and Bishop's Beach from the uncontrolled and ever increasing use of such areas by persons driving wheeled, motorized vehicles thereon. [Code 1967 § 12-600.1].

19.16.020 Definitions.

For the purposes of this chapter, "beach area" shall include the tidal influenced zone and the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

"Berm" means a natural, linear mound or series of mounds of sand or gravel, or both, and may include vegetation, driftwood and accumulated woody debris, generally paralleling the water at or landward of the line of ordinary high tide. An emerging or secondary berm shall be considered a 'berm' when it is a beach feature comprising an emerging habitat with the development of vegetative material and/or the collection of stabilizing material in which if left undisturbed a berm would become established creating a viable habitat.

"Storm berm" means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach may have more than one storm berm. [Ord. 02-14(A) § 2, 2002. Code 1967 § 12-600.2].

19.16.030 Use of vehicles prohibited.

- a. No person shall operate a recreational vehicle, motorcycle, motor bike, or motor scooter within or upon that beach area as defined in HCC 19.16.020 located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishing' Hole to the tip of the Spit.
- b. For the purpose of this section, recreational vehicle is defined as a self-propelled vehicle having wheels, tracks or rollers that may be operated on land areas located off the public roads. Use of vehicles engaged in an authorized use or authorized commercial activity, as opposed to recreational, is exempted from this prohibition. Authorization may be by City of Homer permit or lease or as designated by signage or other means of communication established by the City of Homer.
- c. No person shall operate any motorized recreational vehicle upon a storm berm on any beach within the City limits of Homer except in designated areas as may be signed at an approved beach access.
- d. No person shall operate any motorized vehicle upon the following beach or tidal areas, or berm, storm berm, or as depicted and described on the City of Homer aerial photo and made part of the official 'City of Homer Beach Policy Map' and as may be signed and/or delineated by physical barriers on the beach by the City of Homer:

1. Mud Bay; area east of the Spit Road and Kachemak Drive and south to Louie's Lagoon; the east boundary ending at the Airport Beach Access as defined by signage and/or physical barriers.
2. Louie's Lagoon; area north to Mud Bay and south to the City of Homer Campground at the Nick Dudiak Fishing Hole.
3. Mariner Park Lagoon; area including the berm and storm berm and tidal pools and that area including all of Mariner Lagoon south of Mariner Park and west of the Homer Spit Road.
4. Bishop's Beach and Beluga Slough; area east of Bishop's Beach entrance to the west end of the seawall. Area includes Beluga Slough outlet, tidal ponds, and wetlands.

e. The official "Beach Policy Map of the City of Homer" is enacted by reference and declared to be part of this chapter in its exact form as it exists on the date that the ordinance codified in this chapter is adopted or as amended by the City Council. [Ord. 02-14(A) § 2, 2002; Ord. 01-39, 2001; Ord. 78-16 § 1, 1978. Code 1967 § 12-600.4].

19.16.040 Violation – Penalty.

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].

19.16.xxx Recreational Use of City of Homer Beaches.

A. The City of Homer may exercise its authority to manage recreational use of city-owned beach and tidal lands.

(a) Authority to protect and maintain beach areas, easements, and rights of access in a manner that will contribute to the general welfare of the public and protect the natural and cultural resources; and

(b) Authority to adopt regulations and management provisions as it deems necessary for the use and administration of beach areas.

(c) Authority to enter into a written agreement with a federal or state entity or borough, to cooperatively exercise jurisdiction and authority over the beach and tidal areas for the purposes of enforcing applicable city code or borough code or state or federal laws and regulations.

B. General Park Rules as adopted under 19.20.020 shall be incorporated within this section to apply to the City of Homer beaches or otherwise as signed and posted at the beach or specified as follows;

(a) Overnight camping is prohibited on any City of Homer beach, berm or tidal area unless designated by sign. Camping includes occupying a shelter or an open-air use for any duration, to include, but not limited to, overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers or automobiles.

(b) An enforcement officer may require a person to vacate the beach for trespass, excessive noise, minors in possession, activity beyond a curfew, camping, or a violation of a city ordinance or state law. An enforcement officer may exclude a person under city ordinance.

(c) Fire on the beach shall fall under the provisions of Title 5 of the City of Homer code.

(d) Dogs and other animals on the beach shall fall under the provisions of Title 20 of the City of Homer code.

(e) A person operating a motorized recreational vehicle on the beach or tidal area where allowed shall:

(i) Observe all posted signs, including signs that prohibit the operation of motorized vehicles or devices;

(ii) Have a valid driver's license and operate a motor vehicle that is registered to operate on public highways and roads. All provisions of motor vehicle laws of the State of Alaska are applicable and enforceable. A person may use an ATV or OHV provided that a person under 16 years of age is equipped with a helmet.

(iii) Restrict speed and manner of operation to reasonable and prudent practice, considering the terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety and protection of all other beach area users, natural resources, and wildlife.

(iv) Not disturb or harass wildlife or other natural resources, or

(v) Block access, use, or the safe and uninterrupted passage of others on the beach.

(vi) The City of Homer may have a motorized vehicle or device towed at the owner's expense if left unattended for more than eight hours or one tidal change or towed immediately when it poses harm to the beach environment or creates a hazard to humans or wildlife, or is a nuisance or may become a navigational hazard if washed out to sea. An enforcement officer may authorize the removal of a vehicle upon refusal of an operator to obey an enforcement officer, or due to impairment of the operator or operating with a revoked driver's license.

(vii) The use of a power-driven mobility device by an individual with mobility disabilities is not considered a motorized recreational vehicle and does not include an ATV, OHV, golf cart, or type of automobile. Use of such a device shall meet the criteria under the Americans with Disabilities Act.

Designated Dog Off-Leash Areas on City of Homer Beaches

Taking a dog to the beach is a joyful experience for a dog and its two-legged companion. The City of Homer Beach Policy reinforces the desire of the community to allow dogs to run on the beach and enjoy the pleasure of being outside a confined area. With that freedom comes responsibility. And, dogs don't read..... Thus, the responsibility for 'dog ethics' is placed on the human companion in sharing the beach. Establishing dog off leash beach areas can provide many benefits.

The benefits of designating dog off-leash beach areas include:

- Promotes good canine health and socialization, reducing nuisance behaviors and making dogs better canine citizens with healthy, fun places for dogs to play – fetch and return balls, etc.
- dogs accustomed to playing with other dogs and people other than their owners are more likely to be well-socialized and react well toward strangers.
- Dog off leash areas prevent off leash animals from infringing on the rights of other community residents and park users in those areas requiring dogs to be on a leash and benefiting people such as joggers, small children, and those who may be fearful of dogs.
- Exercising a dog encourages people to walk, engage in healthy outdoor pursuits and facilitates and stimulates social interaction with other people.
- People find it easier to approach and talk to other people with dogs, breaking down social barriers, helps build a community - not a group of strangers, and facilitates a goal of a community committed to parks, community involvement and the environment.
- Companion animals are very beneficial for the elderly, many of whom are unable to properly exercise or cannot always physically walk their dogs' on-leash.
- Dogs help provide family outdoor enjoyment – the whole family, including its four-legged members, experience active and healthier lives enjoying the outdoors and the beauty of Homer's beaches. Family beach activities including dogs encourage children to assume responsible pet supervision.
- Off-leash areas provide viable options and make it easier to enforce leash laws.
- When a dog off leash option is provided it encourages compliance with leash laws and engages a pet owner with their dog reducing the number of dogs abandoned to shelters.

Some Precautions in Managing a Dog Off Leash Area Need to be Communicated to Users;

- An off-leash area does not mean a dog is not under control. If a dog is locked up in a small dog run or fenced area or restrained during the week and is not trained to respond to voice commands then to unleash a dog in an off-leash area is often an invitation, to go wild, creating issues.
- Allowing a dog with an illness or unvaccinated dogs to run alongside healthy dogs is a threat to the health of other dogs and people.
- Dogs that are shy or aggressive must be protected and can learn to interact safely with other dogs if their owners take the time to learn about dog behavior and apply training.
- Physical and mental exercise for dogs is an important goal but an owner must temper their dog's enthusiasm or aggression. A non-intrusive dog can zoom around an off-leash area to its heart's content, investigate new smells, wrestle with her dog buddies and fetch toys until it happily collapses. The beach is stimulating to dogs and a dog may be mentally and physically exhausted from enjoying their day at the beach that they snooze for hours afterwards.
- An off-leash area is an opportunity to develop and maintain social skills. Dogs are highly social animals, and enjoy spending time with other dogs. A pet owner must understand a variety of other dogs' body language and how to introduce their dog to meeting unfamiliar dogs in a non-aggressive or fearful manner.
- There are health risks - vaccinated dogs are at lower risk of becoming ill as a result of greeting and mingling with other dogs. A dog could get injured in a fight or during overly rambunctious play. Small dogs often act aggressive out of fright and could be injured or even killed if not managed.
- For some dogs, especially those who are naturally shy or easily over-whelmed, a visit to an off-leash area can be stressful. Introducing a dog to unpleasant experiences with other dogs—if they bully or fight, intimidate, or just play too roughly—a dog in such a situation might start growling, barking, snarling, snapping and lunging to drive other dogs away, and even biting if they approach. A pet owner intervening may also become injured.
- There are people problems - everyone has a different perspective, and some people have strong opinions about dog behavior or interventions with their dog. Pet owners do not always agree about what is normal dog behavior, what is acceptable during play, what kind of behavior is truly aggressive, which dog behaviors are obnoxious, whether or not one dog is bullying another or who is at fault in an altercation. People might argue about how to respond when problems between dogs arise. Disagreements can get heated and result in human behavior problems or enforcement actions! Dog bites are a liability concern.
- Dog skills are necessary - teaching a dog a few key skills helps keep it safe and contributes to a more enjoyable experience for all beach users. Essential skills include a

reliable response to a 'come' command. Sit, down, stay, drop it, leave it, are also very basic required skills.

- People skills are essential - it really is all about training people. A person is responsible for their pet and learning about training techniques, canine behavior, dog body language and how to communicate with a dog will help prevent conflict.

Educational outreach efforts help introduce and reinforce people behavior with their dog. Educational outreach may include:

- Signage is required to establish an off leash beach and also notifies all visitors that they enter the area at their own risk. Of course, dogs should never bother other beach users. Training a dog in responsible pet behavior is required with such basic commands as sit, stay, come, not letting your dog approach people you do not know, jump on people, or act in an aggressive manner.
- The Beach Policy encourages compliance with leash and scoop laws through education, and enforcement. By providing off leash areas greater compliance to the leash law is expected in leash only areas.
- Dogs must be properly licensed and vaccinated and tagged.
- Dogs must wear a collar and be leashed prior to entering, and upon leaving, an off leash area, and must stay within the boundaries. Owners must carry a leash in an off leash area and always be in control of their dogs. Owners must control their dog's aggressive behavior or excessive barking; owners are liable for damage or injury inflicted by their dog.
- Dog waste must be collected and disposed. Dog waste is unpleasant and unwelcome; it is also the perfect breeding ground for bacteria (*Campylobacter* and *Salmonella*) and other forms of infection that may pose serious health risks to human beings, particularly children.
- Providing doggy waste bags and dispensers with educational signage and providing sanitary disposal containers is an important tool in managing dog waste.
- One of the goals for establishing an off leash area is to allow dogs off leash in areas that minimize disturbance to important habitats and wildlife. Dogs must never be allowed to disturb, chase or harm wildlife.
- Educational outreach may include special events, such as, Walk Your Mutt, Pet Health Fair, Dogs for the Environment, and partnerships such as utilizing local dog training resources – Dogs and People for Parks
- Enforcement is enhanced with the use of creative messages including symbols, well-positioned beach signs, kiosk information; distribution of pamphlet/flyers and utilizing other communication means to increase awareness and understanding of leash/scoop laws. Enforcement and education help establish the benefits of off leash areas.
- With education comes an awareness of enforcement actions, which use warnings and citations to increase leash/scoop law compliance
- Reporting problems or conflicts helps keep all beaches and off leash areas safe, healthy and fun. The City of Homer must establish a means to allow the public to communicate a general comment or question, maintenance concern, and report altercations or leash and scoop law violations, or an emergency situation.
- The City must protect its liability and provide information on how to report an injury to a person or to report an aggressive dog after an incident has occurred.

The Establishment of Dog Off Leash Beach Areas Requires Amendments to the City of Homer Code.

The Following Additions to the Code – Title 20 - are Recommended:

- A. Considering the review and recommendation of the City of Homer Parks and Recreation Advisory Commission and the City Manager, the City Council of Homer may establish and sign a fenced or unfenced dog off-leash area for selected City-owned beaches or other city property in order to provide options for persons to socialize, play, exercise, train, and interact with their dog while the dog is off-leash but under voice control.
- B. The following dog off-leash areas are established and shall be signed and regulated as dog off leash areas within the City of Homer:
 - 1) End of the Homer Spit to Mariner Park. The sandy/rocky beach and tidal area at the end of the Homer Spit between the ferry dock to the tip of the Spit and then on to Mariner Memorial Park, then along the entire west side of the Homer Spit to Mariner Park, as signed.
 - 2) Mariner Park. The sandy/rocky beach and tidal area, excluding all tide pools, seaward of Mariner Park going east and ending at the west end of the sea wall and going south from Mariner Park to the End of the Homer Spit, as signed.
 - 3) West Bishop's Beach. The sandy/rocky beach and tidal area, excluding all tide pools, west from the entrance to Bishop's Beach to the City boundary near Diamond Creek.
 - 4) Airport Road at Kachemak Drive – base of the hill and east of Mud Bay. East of the rock barrier as signed.
- C. In order to protect sensitive habitats and wildlife, the following areas shall be closed at all hours, year-round, to the use, passage, training, or occupation of a dog at large or with its handler:
 - 1) Mud Bay and its land spit – area east of the Spit Road to the Airport Road Beach Access rock barriers, as signed.
 - 2) Louie's Lagoon – area south to the tidal inlet and north to Mud Bay.
- D. Within the City of Homer, including city-owned tidelands and beaches, a dog must be on a leash not more than eight feet long or confined within a physically controlled area of private property, unless occupying an area designated and signed as an off-leash area in section B of this ordinance.
- E. In a designated off leash area a handler shall;
 - (a) keep their dog under direct control at all times such that it is within the unobstructed sight of the handler, does not run away but remains responsive to voice commands, or other methods of control.
 - (b) carry a leash or restraining device at all times while in a designated off leash area and must promptly leash animals prior to entering or exiting an off leash area and at the request or order of an enforcement officer.
- F. In a designated off leash area or when required to be on a leash a handler shall;
 - (a) prevent their dog from harassing or intimidating people, wildlife, and other domestic animals;
 - (b) pick up and properly dispose of their domestic animal's waste;

G. Enforcement

(c) An enforcement officer may take any measure deemed necessary (including the removal of the animal from City property) to protect resources or to prevent interference by the animal with the safety, comfort, or well-being of any person.

(d) An enforcement officer may seize any domestic animal running at large in the City of Homer and release it to an animal pound or animal control officer or shelter.

H. Duties Of Dog Owners.

a) The owner of a dog is ultimately responsible for the behavior of their dog regardless of whether the owner or another member of the owner's household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

b) The owner of a dog shall either confine their dog or keep it under physical control by a restraint or device or, within a fenced area, or on a leash at all times, unless within a designated dog off leash area.

c) An owner with knowledge of a dog with a transmittable disease is required to quarantine or remove the dog from a public area.

I. Animal Wastes.

a) It is the duty of any person in physical possession or control of an dog off the premises of the animal's owner or keeper's property to immediately and properly remove excrement or other solid waste deposited by the dog in any public area.

Definitions:

Dangerous Dog:

- A dog that menaces, chases, or displays threatening or aggressive behavior, to another dog or which threatens or endangers the safety of any person or bites a person;
- An dog that causes physical injury to any domestic animal;
- A dog with evidence of a transmittable disease and endangering another dog or person.

Dog Owner:

A dog owner includes the person a dog is registered to and includes any member of the owner's household or a household visitor that is handling the owner's dog with or without permission.

Enforcement Officer:

A person, agency, or entity authorized and trained by the City of Homer to enforce provisions of ordinances regulating animals.

Animal "At Large":

Amend the definition of an animal "At Large" to clarify that an 'at large' animal is one has escaped the physical confines of its owner's property or is running loose within the City and not physically under control or is absent its handler.

Existing Code:

20.04.020 "At large" means an animal is at large when it is off the premises of the owner or keeper and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided,

however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained.

Substitute Code:

ANIMAL AT LARGE. Any domestic animal, that is not physically or electronically restrained on the owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, not to exceed eight feet in length, or other physical control device and under the physical control of a capable person. A dog may be permitted to be off leash in a designated off leash area established by the City of Homer if the dog is under effective voice control and is not a dangerous animal or has been excluded.

Consider Options to how a Fine is Assessed and Paid and an Avenue for Appeal of a First Offense.

Paying or Appealing A Citation for Failure to Comply with Dog Off Leash Rules or Allowing a Dog to be in an Area not Designated as an Off Leash Area:

1. **Pay The Citation** according to the fee schedule established and subject to the provisions of City Code 20.32.
2. **Appeal A First Offense Citation.** A person may only appeal a citation that is a first offense. An appeal must be submitted in writing to the City Manager within 30 days of the infraction and include a written explanation of why a person is appealing the citation and a copy of the citation. The City Manager may develop criteria to affirm the fine, or reduce, or otherwise adjust a fine, or apply community service options for a first offense involving a dog in violation of an off leash ordinance. A citation involving a dangerous dog or an animal at large citation may only be appealed to the City Council.
3. **Request Financial Hardship Consideration for a First Violation.** A person may only appeal a citation that is a first offense. The appeal due to financial hardship shall be submitted in writing to the City Manager within 30 days of the infraction to request financial hardship consideration. A fine for a first offense of an animal running at large or violating a dog off leash or on leash rule may be waived in lieu of community service at the City animal shelter or as prescribed by the City Manager or Police Chief. A citation involving a dangerous dog or an animal at large citation may only be appealed to the City Council.
4. **First Offense.** A first offense shall be considered any violation of the dog off leash ordinance. Any subsequent violation of a different section or subsection of the ordinance shall not constitute a first offense.

Managing Fire on City of Homer Beaches

Gathering around a fire on a cool evening at the beach is an iconic, romantic image and a special social experience. Fire and beaches seem to go together – hard to imagine not having a bonfire on the beach with friends gathered around. What is not romantic is the potential danger of a fire that threatens a home, spreads to beach grass, involves hazardous materials or accelerants. Mix in behavior associated with the added danger of alcohol or drug use associated and a fire on the beach can go badly wrong. Safety precautions are needed.

The Beach Policy recognizes the traditional norm of having a bonfire on the beach and the desire to have a safe and enjoyable experience. Current City Code is restrictive in allowing fires on the beach, interpreted to mean open burning:

5.20.020 Open burning – Permit requirement.

- a. Except as provided in subsection (c) of this section and in HCC [5.20.030](#), no person shall burn any combustible material in the open without a permit from the City. Burning permits shall be available at the Fire Department and shall be issued only upon approval of the Fire Chief or other official with written delegation of authority from the Fire Chief. Any person burning combustibles, whether under the authority of a permit or not, is solely responsible for any damage caused by the fire.
- b. If the Fire Chief determines that weather or other conditions create a situation where open burning may create a hazard to public health or safety, or property, the Fire Chief may refuse to issue burning permits, restrict the number of permits issued, impose additional restrictions on new permits, modify, suspend, or revoke existing permits, prohibit campfires, and take other measures necessary to protect health, safety, life, and property for as long as the hazardous conditions exist.
- c. A person may use a barbecue and burn a campfire in a developed fire pit or ring without a burning permit.
- d. The Fire Chief shall have authority to impose conditions on burning permits and to suspend or modify burning permits as necessary to protect public health and safety, life and property. The Fire Chief shall have authority to revoke a burning permit for violation of the terms of the permit.
- e. The intentional use of coal as a fuel in any open burning, barbecues or campfires is prohibited; however, the use of charcoal is exempt.

It would be cumbersome and restrictive to obtain a permit for an recreational beach fire treated as an open burning fire on the beach (if a recreational fire on the beach can be so classified). A fire permit is a good tool for a special event attracting a large group of people and involving a large fire.

Recreational fires on the beach do not currently fall under any park rule – the beach is not park land. There is no provision in the City of Homer code to allow a recreational fire in a designated beach area or fire pit.

Establishing designated beach recreational bonfire areas with protective measures as a code provision may be a solution. Such areas can be sited and constructed to take into account tides and private land.

Recreational Beach Fire - Amended Code Provisions

- A. A person may have a recreational beach fire without a permit when the fire is located in a designated location established by the City of Homer and within a developed fire pit/ring when conditions under subsection (a) are met.
- B. An individual or group must apply for a fire site located outside a designated and developed fire pit site approved by the City and such approval may be granted when a site is considered safe and when conditions under subsection (a) are met.

(a) A fire on the beach in a designated location or a fire on the beach that may be allowed by permit must follow the posted signage and permit conditions and must adhere to the following rules and any additional measures required by the City of Homer:

(i) Fires shall be no larger than three feet by three feet by three feet in dimension at any time unless otherwise permitted. A person must apply to the City of Homer for a special use permit for larger fires.

(ii) A fire site shall be located on the sand, and downwind of any shoreline vegetation.

(iii) A fire site shall be a minimum of 25 feet away from any private property, beach access point, vehicle, and shoreline vegetation, log accumulations or other combustible material.

(iv) Fires must not threaten or cause damage to facilities or natural resources or result in personal injury, the permittee is responsible for any fire suppression costs and damages and personal liability;

(v) Fires may not be covered with sand and left to smolder but must be extinguished completely with water and broken apart before its users leave the area.

(vi) No person may use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire. No person shall cause, build, maintain, or accelerate a fire on the beach with gasoline, diesel, fuel oil, motor oil, propane, or other petroleum based product, other than charcoal lighting fluid.

(vii) Fire material shall not contain driftwood, or dune accumulated wood debris or beach log accumulations; and shall not contain hazardous materials, toxic materials, plastics, rubber tires or other rubber products, coal, glass, aerosols, gun powder or explosives, treated wood or any other materials as designated by the City of Homer. Pallets or wood containing nails may only be used if the wood is untreated and all nails are raked and removed from the beach for proper disposal.

(viii) The City of Homer may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, or public safety, and all persons shall observe such restrictions.

Education/Outreach and Enforcement of the City of Homer Beach Policy

The City of Homer Beach Policy sets standards of conduct for persons using the beaches to protect the resource, ensure the health and safety of beach users, and provide for the management of the beaches.

The first priority of adhering to the beach policy is obtaining compliance with the management strategies put in place to include, educational and interpretive signage, seeking an understanding of how to avoid impacts to beach resources, instilling standards of conduct, and following cautions related to beach activities. Active, on-site enforcement is not always necessary when such management tools as barriers are used.

There are times when obtaining compliance through a warning or educational message may fail and enforcement is necessary through regulatory signage, ordinances, and penalties. When violations result in willful neglect and destruction of resources, reckless endangerment of beach users, or disregard of a warning then there must be a management tool of enforcement with penalties.

A penalty may involve a fine or infraction under applicable city code or a violation applicable under state or federal law. The current City of Homer Code provides a fine for driving on a closed beach 19.16.040 and the City Police may cite a person for an infraction under local ordinances and state law.

While the fines are severe there needs to be a management tool to allow the City of Homer Police, Beach Patrol, or other authorized enforcement personnel to exclude a person from the beach for a specified period of time for a flagrant violation of an ordinance.

Amending the city code Title 19 to allow for exclusion would provide an added management tool and option to a fine. The purpose of an exclusion would be to remove an unwarranted behavior rather than just hit a person with a fine.

Amend City Code 19 - Vehicles on the Beach: Amend existing Code to include the underlined additions shown below:

19.16.040 Violation – Penalty.

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].

d. A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and the direction given from an enforcement officer.

e. An enforcement officer may order a person who violates one or more beach rules to leave a beach and exclude a person who violates a beach closure rule from that beach property or multiple beach properties for a specified period of time.

f. An enforcement officer will seek compliance from the public and apply an exclusion when compliance is not obtained, or under such circumstance as when an infraction occurs, when there is reckless endangerment of the public, or when there is willful destruction of a beach berm, tide pool, wetland, estuary, or other habitat.

g. An exclusion does not limit an enforcement officer from citing a person for an infraction, applying a fine, or otherwise applying an enforcement action.

h. A person excluded from a park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the City Manager or designee.

i. A person who fails to comply with an exclusion and reenters a beach may be cited for trespass and subject to a fine or infraction.

Definitions:

An Enforcement Officer shall be any person trained and authorized by the City of Homer to enforce the City of Homer Beach Policy.

Education/Outreach and Enforcement of the City of Homer Beach Policy

The City of Homer Beach Policy sets standards of conduct for persons using the beaches to protect the resource, ensure the health and safety of beach users, and provide for the management of the beaches.

The first priority of adhering to the beach policy is obtaining compliance with the management strategies put in place to include, educational and interpretive signage, seeking an understanding of how to avoid impacts to beach resources, instilling standards of conduct, and following cautions related to beach activities. Active, on-site enforcement is not always necessary when such management tools as barriers are used.

There are times when obtaining compliance through a warning or educational message may fail and enforcement is necessary through regulatory signage, ordinances, and penalties. When violations result in willful neglect and destruction of resources, reckless endangerment of beach users, or disregard of a warning then there must be a management tool of enforcement with penalties.

A penalty may involve a fine or infraction under applicable city code or a violation applicable under state or federal law. The current City of Homer Code provides a fine for driving on a closed beach 19.16.040 and the City Police may cite a person for an infraction under local ordinances and state law.

While the fines are severe there needs to be a management tool to allow the City of Homer Police, Beach Patrol, or other authorized enforcement personnel to exclude a person from the beach for a specified period of time for a flagrant violation of an ordinance.

Amending the city code Title 19 to allow for exclusion would provide an added management tool and option to a fine. The purpose of an exclusion would be to remove an unwarranted behavior rather than just hit a person with a fine.

Amend City Code 19 - Vehicles on the Beach: Amend existing Code to include the underlined additions shown below:

19.16.040 Violation – Penalty.

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].
- d. A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and the direction given from an enforcement officer.

e. An enforcement officer may order a person who violates one or more beach rules to leave a beach and exclude a person who violates a beach closure rule from that beach property or multiple beach properties for a specified period of time.

f. An enforcement officer will seek compliance from the public and apply an exclusion when compliance is not obtained, or under such circumstance as when an infraction occurs, when there is reckless endangerment of the public, or when there is willful destruction of a beach berm, tide pool, wetland, estuary, or other habitat.

g. An exclusion does not limit an enforcement officer from citing a person for an infraction, applying a fine, or otherwise applying an enforcement action.

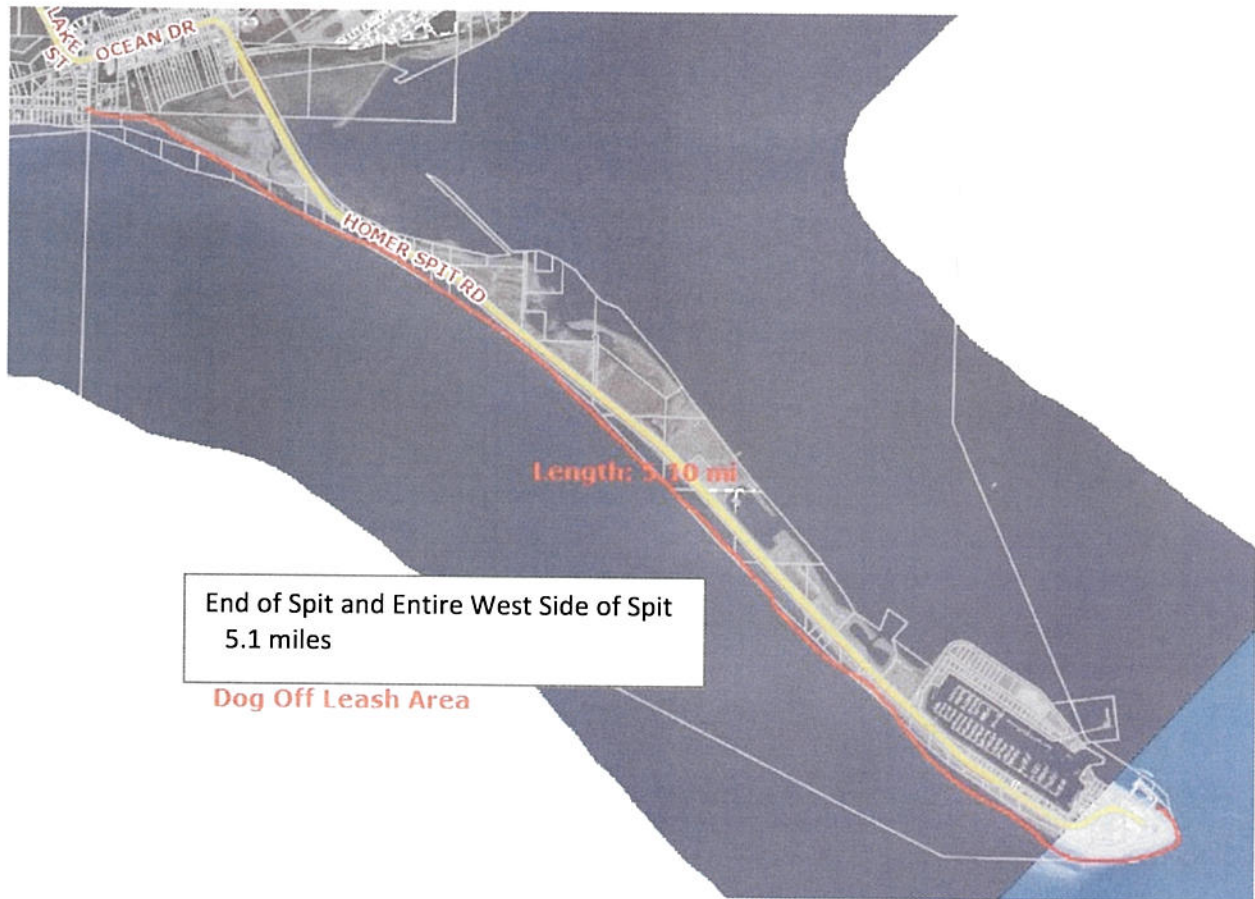
h. A person excluded from a park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the City Manager or designee.

i. A person who fails to comply with an exclusion and reenters a beach may be cited for trespass and subject to a fine or infraction.

Definitions:

An Enforcement Officer shall be any person trained and authorized by the City of Homer to enforce the City of Homer Beach Policy.

Dog Off Leash Areas



MEMORANDUM

TO: JULIE ENGBRETSSEN

**FROM: CORTNEY H. KITCHEN
BHBC**

RE: BEACH POLICY REVIEW

CLIENT: CITY OF HOMER

FILE NO.: 506742.1003

DATE: FEBRUARY 5, 2015

This memorandum is in response to the City's request for advice regarding Homer City Code (HCC), public access rights, and land ownership matters implicated in the Homer beach policy review. Specifically the City inquired (1) whether the City can close a park at night, blocking access to the beach; (2) whether a beach can be claimed as a RS 2477 right-of-way; (3) if a beach is a RS 2477 right-of-way, whether the City can prohibit vehicle access or narrowly define the right-of-way; and (4) how to define the boundary between tidelands and uplands landowners.

In short, HCC grants the City broad authority to regulate City parks and beaches, including closing both at night. If, however, a RS 2477 right-of-way exists on a City beach, or a portion of a City beach, the City likely cannot interfere with the public's use of the right-of-way. The general facts presented, particularly that the beach in Homer was continually used as a travel route until the highway was constructed, suggests that a RS 2477 grant may exist on beaches within the City. The scope of a RS 2477 right-of-way would be based on the uses and width established by 1976. Nonetheless until the State of Alaska finds a valid RS 2477 exists or may exist, the City has broad authority under HCC 19.20.060 to regulate its parks and beaches. Finally, mean high tide marks the boundary between tidelands and uplands.

1. HCC permits the City to close a park at night.

HCC 19.20.060 permits the City Manager to promulgate regulations regulating park use. HCC 19.20.030 specifically grants the City Manager authority to "designate times during which a park is closed to the public." Beaches owned or managed by the

City are considered parks.¹ Signs at the park's entrances must notify the public of times when the park is closed.²

While HCC 19.16.030 allows the City to close a park at night or impose other regulations, the existence of a RS 2477 on city beaches may limit the regulations the City can impose, if those regulations interfere with the public's right under the RS 2477 grant.

2. The beach could potentially be claimed as a RS 2477 right-of-way.

Under RS 2477, which is part of the Mining Law of 1866, the federal government granted self-executing rights-of-way to the public "if a public highway was established across public land in accordance with the law of Alaska."³ While the federal government repealed RS 2477 in 1976, valid existing rights under RS 2477 were protected.⁴

To establish a valid RS 2477 right-of-way three elements must be satisfied, the land must have: (1) been public land, (2) not reserved for public uses or otherwise withdrawn, and (3) used in a manner to create a "highway." The character of the land and nature of the use dictate the "extent of public use necessary to establish acceptance of the RS 2477 grant."⁵ For instance the Alaska Supreme Court has held that the right-of-way does not "need to be significantly developed to qualify as a 'highway' for RS 2477 purposes; even a rudimentary trail can qualify."⁶

RS 2477 determinations are fact based and typically evolve as quiet title actions. Facts reviewed to determine whether a valid RS 2477 grant exists include, the title conveyance documents; date of conveyance; historic use of the "highway"; scope and manner of use; and who used the highway. The State of Alaska makes the initial determination about whether a valid RS 2477 grant exists.

Based on the information the City has provided — that the beach has been continually used as a travel route, by all transportation modes, since the area was settled until the highway was constructed — a RS 2477 may exist on the beach. To determine if a public right-of-way exists under a RS 2477 grant, and the scope of such

¹ HCC 19.20.010.

² HCC 19.20.030. Kenai Peninsula Borough Code permits the borough to delegate planning regulation to a requesting city, to the extent state statute grants those powers to the borough. KPB 21.01.020.A.; see AS 29.40.040(a)(3) (granting authority to "adopt or amend provisions governing the use and occupancy of land" by ordinances, including "measures to further the goals and objectives of the comprehensive plan").

³ *Price v. Eastham*, 75 P.3d 1051, 1055 (Alaska 2003).

⁴ *Id.* (citing *Fitzgerald v. Puddicombe*, 918 P.2d 1017, 1019 (Alaska 1996)). The 1969 land freeze on all unreserved public land in Alaska served to withdraw much land from RS 2477 applicability.

⁵ *Fitzgerald*, 918 P.2d at 1020.

⁶ *Id.*

grant, more information must be collected and provided to the State of Alaska, Department of Natural Resources.

I recently spoke with Jim Walker, at the Alaska Department of Natural Resources, Public Access Assertion and Defense Unit, regarding RS 2477 rights-of-way generally, without revealing any location or other information. He confirmed RS 2477 grants have been established on beaches in the State. While I declined to provide further information, he requested information about the potential RS 2477 grant I was interested in to determine if the State had a file concerning the potential grant. The following is Jim Walker's contact information: 550 W. 7th Ave, Suite 1420, Anchorage, AK 99501, (907) 269-4755. By contacting DNR and inquiring about potential RS 2477 grants in Homer, the City puts the onus on the State to determine if any grant rights exist.

Until the State determines whether a RS 2477 grant exists, the City can regulate the beaches and parks according to its code, which grants the City Manager broad power to regulate park use.⁷

3. If vehicles were an established use of an RS 2477 grant by 1976, the City cannot prohibit vehicles from using the RS 2477 grant.

The established use of a RS 2477 grant in 1976 defines the right-of-way's scope and permissible uses.⁸ Federal courts have also opined that the scope of a RS 2477 is to be measured by the state law in effect in 1976.⁹ Although a grant's scope is defined by the 1976 uses, federal courts have confirmed that improvements to RS 2477 grants are permitted, "as necessary to meet the exigencies of increased travel, so long as . . . done in the light of traditional uses to which the right-of-way was put."¹⁰ Thus the methods of use and width of a RS 2477 in 1976 define the current scope of a RS 2477 grant. In the matter at hand, the facts provided suggest that vehicles were used on the potential RS 2477 grant and part of the established uses in 1976.

If vehicles were an established use of the potential RS 2477 grant by 1976, the City could not prohibit their use, and it is uncertain whether the City could prohibit off-road vehicle use. Generally when addressing easements (which are similar to rights-of-way), the Alaska Supreme Court has held that changes to an easement's scope "cannot substantially increase the burden on the servient estate or change the nature and character of the easement's original use."¹¹ The Court, however, has also held that "[t]he manner, frequency, and intensity of [an easement's] use may change over time to

⁷ HCC 19.20.060.

⁸ *S. Utah Wilderness Alliance v. Bureau of Land Mgmt.*, 425 F.3d 735, 746 (10th Cir. 2005) (holding that the scope of a RS 2477 right-of-way "is limited by the established usage of the route as of the date of repeal of the statute").

⁹ 2 Pub. Nat. Resources L. § 15:19 (2nd ed.) (citing Tenth Circuit Court of Appeal case).

¹⁰ *Id.*

¹¹ *Price v. Eastham*, 75 P.3d 1051, 1058 (Alaska 2003) (addressing prescriptive easement).

take advantage of developments in technology”¹² If a RS 2477 grant exists on a City beach, and vehicles were a used on the grant by 1976, meritorious arguments support both arguments that off-road vehicles are outside and within the scope of the original RS 2477 grant.

If a RS 2477 grant exists on City beaches, its scope — the permitted uses and width — will be governed by examining the uses present on that grant in 1976.

4. The City owns the tidelands surrounding the municipality.

In 1974 the Commissioner of Natural Resources (“Commissioner”) approved the City’s application for conveyance of the tidelands under AS 38.05.825 and subject to tideland Patent No. 271. This patent awarded the City “all right, title and interest of the State of Alaska in tide and submerged lands lying seaward of the City, including lands, improvements, reclaimed lands, or natural resources in all lands up to the original GLO meander line and seaward of the corporate city limits of Homer, Alaska.”¹³

Under Alaska law, “tideland” means “land that is periodically covered by tidal water between the elevation of mean high water and mean low water.”¹⁴ “Submerged land” means “land covered by tidal water between the line of mean low water and seaward to a distance of three geographical miles or further as may...be properly claimed by the state.”¹⁵ Therefore, the City owns the land covered by tidal water between the line of mean low water and seaward to at least three miles, as well as the land between mean high and mean low water. The upland property owner, therefore, owns from mean high water upland.

It is noteworthy that the mean high water mark can change, impacting land ownership. The Alaska Supreme Court has recognized that when land bordering navigable water is lost quickly by acts such as avulsion,¹⁶ the land boundary remains unchanged from its original, mean high water mark.¹⁷ But when land is lost by a more gradual process such as erosion or accretion, the land boundary changes to reflect the

¹² *Price v. Eastham*, 254 P.3d 1121, 1128-29 (Alaska 2011) (addressing prescriptive easement).

¹³ HCC 18.28.060.

¹⁴ AS 38.05.965(23).

¹⁵ AS 38.05.965(22).

¹⁶ Avulsion occurs where there is a “loss of lands, such as those bordering on the seashore, by a sudden or violent action of the elements, perceptible while in progress.” “Shore and Sea Boundaries: Volume Two”, prepared by The U.S. Dept. of Commerce Coast and Geodetic Survey.

¹⁷ *City of Saint Paul v. Dept. of Natural Resources*, 137 P.3d 261, 263 (Alaska 2006) (“[A]n uplands owner is only entitled to benefit from a boundary change occurring by accretion—that is, a gradual, naturally occurring change in the mean high water line”); *see also Hossinger v. State*, 642 P.2d 1352, 1353 (Alaska 1982) (“The benefits of accretion inure to the shoreline owner, while avulsion does not change the legal boundary.”).

eroded or accreted property, a new mean high water mark designates the boundary.¹⁸ “In a case where the title and rights of the litigants depend upon whether a change in riparian land has occurred by reason of erosion or avulsion, it will be presumed, in the absence of clear evidence to the contrary, that the process was by erosion rather than avulsion.”¹⁹

5. Conclusion

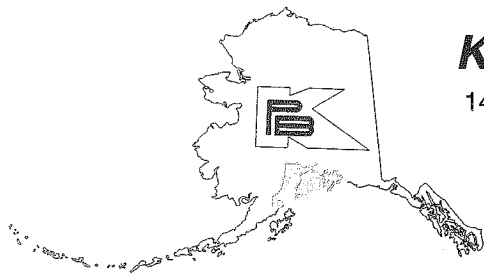
While a RS 2477 grant may exist on certain beaches within the City, until the State finds such a property right exists, the City can regulate its beaches according to city code, which grants broad regulatory power to the City. Until a RS 2477 grant is recognized, the City has the authority to regulate its parks and beaches to promote the public’s best interest.

CHK/DSG

¹⁸ *Schafer v. Schnabel*, 494 P.2d 802, 806–07 (Alaska 1972) (noting that “[t]he general rule applied to accretion is that it benefits the riparian owner”).

¹⁹ 78 Am. Jur. 2d Waters § 329 (2008).

Homer 2011-36



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**DAVID R. CAREY
BOROUGH MAYOR**

CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that, as of the date of this certificate, all real property taxes levied by the Kenai Peninsula Borough have been paid for the area(s) described as:

Subdivision: Golden Crowned Subdivision

Parcel # 17936009

T 6S R 13W SEC 22 Seward Meridian HM GOVT LOT 16 S OF KACHEMAK DR

Parcel # 17936010

T 6S R 13W SEC 22 Seward Meridian HM GOVT LOT 18

Parcel # 17936011

T 6S R 13W SEC 22 Seward Meridian HM GOVT LOT 15 S OF KACHEMAK DR

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: \$3,022.02.

Witness my hand and seal this 30th day of August, 2011.

Rhonda K. Krohn
Property Tax and Collections Supervisor

Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Imhoff
 Roger W. Imhoff LS 5790 Date 8-28-2011



Cor of Sects 14, 15, 22, 23
 Found GLO BC MON 1917
 Flush with road surface

See Note 1
 BASIS OF BEARING
 GPS OBSERVATION
 S07°05'E 1319.82' (M)
 S03°02'E 1320.0' (BLM T65, R13W, S4)
 Dependent Reserve and Subdivision
 of Sections Accepted July 29, 1954)

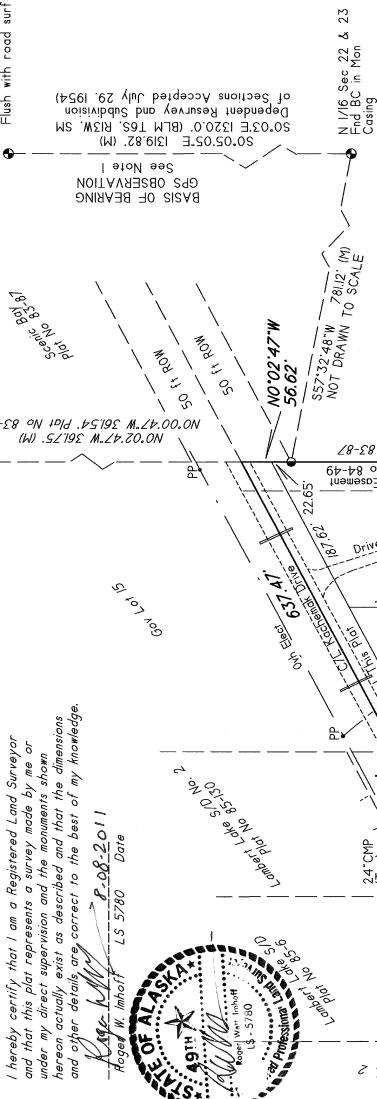
DATE

Amy Bollenbach
 Amy Bollenbach aka Amy K. Bollenbach aka Amy R. Bollenbach
 PO Box 3468
 Homer AK 99603

Notary's Acknowledgement
 Subscribed and sworn to before me this 9th day
 of August, 2011

for Amy Bollenbach

Camie Lawler
 Notary Public for Alaska
 My Commission Expires 10/13/14

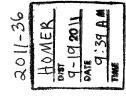
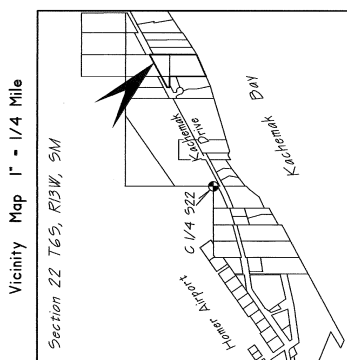


- Legend**
- Found survey or 2" ACap 3686-S
 - Found 3/4" Iron Pipe 3686-S
 - ⊙ Set Blue PVC Cap on 5/8" rebar for PDL or WCHC this survey

LOT 1 contains 0.07 Acres below the 2011 MHWL
 LOT 2 contains 0.25 Acres below the 2011 MHWL
 This date of Survey

Notes

1. Basis of Bearing is on a true basis determined from a GPS observation.
2. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
3. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
4. All lots within this subdivision are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions.
5. Set a Blue PVC Cap on 5/8" x 33" steel rebar at all lot corners and ROW points of curvature for this survey, unless shown otherwise.
6. The 15 ft Fracing the rights-of-way is an underground utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
7. These lots may or may not contain wetlands. The Owner should contact the Corps of Engineers for wetlands information prior to any ditching or filling of these lots.
8. The area between the current MHWL and the 1917 MHWL may be subject to private riparian rights based on the location of the 1917 MHWL. The 1917 member line was used for area computation.
9. A portion of this subdivision is within the FEMA Mapped VE Floodplain, elevation 20 feet.
10. Kachemak Drive may be subject to a highway reservation, 50 ft either side of centerline. Per Public Land Orders (P.L.O.s) 601, 757, 663 and Dept Order 2665 issued by the Secretary of the Interior, USA.
11. At its meeting on June 13, 2011, the KPB Planning Commission approved an exception to KPB 20-20-180 (31) Depth - With Rental for Lots 1 and 2.



Golden Crowned Subdivision

Being a subdivision of that portion of Gov. Lot 15 lying south of Kachemak Drive AND that portion of Gov. Lot 16 lying south of Kachemak Drive AND all of Gov. Lot 18

Located within
 NE 1/4 Sec. 22, T65, R13W, S4M
 in the City of Homer - Kenai Peninsula Borough
 Homer, Recording District
 Third Judicial District, Alaska

Contains 5.506 Acres, more or less

Client: Amy Bollenbach PO Box 3468 Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Drawn: RWI	Date: April 7, 2011
Scale 1" = 100 ft	File Bollenbach2011vcd
	KPB File No. 2011-069

Wastewater Disposal

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

Roger W. Imhoff
 Roger W. Imhoff LS 5790 Date 8-28-2011
 Engineer C.E. 0814

KENAI PENINSULA BOROUGH
 By: *Roger W. Imhoff*
 License No. 5790
 Authorized Official

Fact Sheet

Title: R.S. 2477 Rights-of-Way

This fact sheet explains the origin of a century-old mining law that has broad implications for Alaska's future. It is intended to illustrate the potential this law has in helping preserve Alaska's public access options for the future.

What is R.S. 2477?

Revised Statute 2477 is found in section 8 of the Mining Law of 1866. It granted states and territories rights-of-way over federal lands that had no existing reservations or private entries. The law remained in effect until Congress repealed it in 1976. In Alaska, the opportunity to establish new R.S. 2477 rights-of-way generally ended January 17, 1969, when the federal government issued PLO 4582 – the “land freeze” – to prepare for settlement of Alaska Native land claims. Though no new rights-of-way could be established after federal land was reserved or appropriated, or after the law was repealed in 1976, these actions did not extinguish pre-existing rights.

Revised Statute 2477 states: “The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”

What did Congress mean by “highways”?

It's important to distinguish the historical meaning of “highways” from the modern. The word “highway” was historically used to refer to foot trails, pack trails, sled dog trails, crudely built wagon roads, and other corridors for transportation. R.S. 2477 was included in the first comprehensive mining law and was used initially by miners and homesteaders on federal land. The broad wording of the law does not limit the type of right-of-way to which it applies.

Alaska Statute 19.45.001(9) defines a highway to include “a highway (whether included in primary or secondary systems), road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility, and right-of-way thereof...”

What does this mean for Alaskans?

R.S. 2477 rights-of-way could be established in Alaska from 1884 (the Organic Act, which extended general land laws to the new territory), to 1969 (PLO 4582). From its territorial origins to today, Alaska has consisted mainly of federally owned land. During its 84 years of application in this state, many rural mail routes, mining trails, and other

transportation routes became R.S. 2477's through use or acceptance. The State of Alaska, Department of Natural Resources has documented hundreds of historic routes that qualify as R.S. 2477 rights-of-way. Surface transportation between Alaska's rural communities and other resource destinations still relies heavily on our cross-country trails, used by snowmachines, dogsled teams, and four wheel all-terrain vehicles.

What are examples of R.S. 2477's?

Some examples include DeBarr Road in Anchorage and Farmer's Loop Road in Fairbanks. Other routes that the State believes to qualify as R.S. 2477's include the Stampede Trail in Denali National Park and Preserve, the Nabesna-Chisana Trail in Wrangell-St. Elias National Park, the Dalton Trail in the vicinity of Haines, the Eureka-Rampart Trail in the Interior, and the Chilkoot Trail near Skagway.

How many R.S. 2477 rights-of-way have been confirmed?

While thousands of R.S. 2477's exist within the western states, only a handful of routes have been acknowledged in Alaska by the Bureau of Land Management. During 1993-1995, the Department of Natural Resources' R.S. 2477 Project researched more than one thousand trails. The project found that some 600 of these qualified as R.S. 2477 rights-of-way under state standards. In 1998 the Legislature listed these trails in AS 19.30.400, stating that they had been accepted as R.S. 2477 rights-of-way. Many additional trails have been reported to the Legislature since then.

What if land has been conveyed without specifying that there is a valid R.S. 2477 right-of-way across it?

In Alaska, millions of acres once controlled by the federal government have been transferred to Native corporations or into other private ownership. Land conveyances are always subject to “valid existing rights”. Courts have ruled that where an R.S. 2477 right-of-way exists, the new landowner's title is subject to the right-of-way, which must still be honored. There are many Alaskan land owners

who want the assurance that their rights and interests will not be adversely affected in the process of R.S. 2477 identification and platting. The Alaska Legislature instructed in its 1998 law that, while providing for the public's right to use these historic access easements, "every effort" should be made to minimize the effect on the private property owners."

What is some of the R.S. 2477 case law?

One of the most frequently quoted cases affecting R.S. 2477 is Hamerly v Denton, decided in 1961. The court clearly explained that R.S. 2477 was one-half of a grant – an offer to dedicate an easement across unreserved, unappropriated federal land. That offer of a right-of-way grant could be accepted by either of two methods:

a) By "some positive act on the part of the appropriate public authorities of the state, clearly manifesting an intention" to accept it; or

b) By "public user for such a period of time and under such conditions as to prove that the grant has been accepted.

Additionally, Girves v. Kenai Peninsula Borough, 1975 established that some section-line easements are R.S. 2477's. Schultz v. Army, 1993, concerning a right-of-way claim across Fort Wainwright, established the public right-of-way between the origin and termini of the route need not be absolutely fixed, and upheld the broad definition of a highway found in State law. On rehearing, the 9th Circuit Court of Appeals reversed its original ruling in the Shultz case. However, the legal reasoning that produced that original decision has been cited favorably by other state and federal courts.

What are the rules for using R.S. 2477 rights-of-ways?

Some rights-of-way will likely be improved for access to valuable State resources, communities, and land. Others will be used as they have been in the past. Some might not be used at all, or might be developed only as foot trails. If you are not sure whether a trail you want to use is an R.S. 2477 right-of-way, check public land records and consult with each land owner or managing agency before crossing the property. Typically, R.S. 2477 rights-of-way are available for public use under DNR's regulations. DNR's management rules can be found in the DNR's recently revised chapter of public easement regulations, 11 AAC 51. However, the Department of Transportation and Public Facilities' regulations apply to R.S. 2477 rights-of-

way that are part of the Alaska Highway System or that DNR has otherwise transferred to that agency. In some cases, the State might transfer management of an R.S. 2477 right-of-way to a city or borough, but without giving it the right to "vacate" or officially erase the right-of-way. That is because municipalities are prohibited by law from vacating R.S. 2477 rights-of-way.

Where can I get more information?

For additional information on R.S. 2477 and to search case files, visit the web site located at: http://dnr.alaska.gov/mlw/trails/rs2477/rst_srch.cfm.

Additional information on trails is also available on the DNR's Alaska Mapper program at: <http://dnr.alaska.gov/Mapper/>.

You can also call or visit one the following DNR Public Information Offices:

550 W 7th Ave., Suite 1260
Anchorage, AK 99501
907-269-8400

3700 Airport Way
Fairbanks, AK 99709
907-451-2705

400 Willoughby Ave., Suite 400
Juneau, AK 99801



**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer **Page 3**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Special Meeting on January 22, 2015 **Page 5**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Staff Report re Recap of the January 22, 2015 Meeting **Page 13**
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
 - A. Review and Discussion on Existing Regulations for the City of Homer **Page 15**
 1. Chapter 5.20 Fire Prevention
 2. Chapter 1.16 General Penalties
- 8. NEW BUSINESS**
 - A. Legal Access and Land Ownership
 - B. Next Meeting Deliverables and Discussion Topics **Page 20**
- 9. INFORMATIONAL MATERIALS**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A REGULAR MEETING WILL BE HELD ON THURSDAY FEBRUARY 19, 2015. THE NEXT SPECIAL MEETING IS SCHEDULED FOR MONDAY, MARCH 2, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

Renee Krause

From: Tom and Catie <tcbursch@gmail.com>
Sent: Thursday, January 29, 2015 10:55 AM
To: Renee Krause
Subject: Bishops Beach Policy feedback

Hi,
I have some feedback to share about Bishops Beach use;
I work in the Islands and Ocean Building and am lucky enough to have a window that looks over Bishops Beach and so I take note of the goings on down there on a daily basis, at least the part I can see.

I also work as a naturalist and have led walks and helped design signs for the slough and parking lot areas.

Here are my thoughts:

-I have lived in Homer for 20 years and would have a hard time remembering what signs are down there and what they say. I don't think locals even see the existing signs. This should be taken into consideration if new signs are on the docket. Maybe take a bunch down and make one very concise, visual, (very little text) sign just before the access rd to the beach.

-I think citations and fees will be affective to get the word out to locals that the policies are being taken seriously by the community. Word of mouth is one of Homers best communication methods.

-I also think the "campground Host " Idea is good because face to face communication is very memorable, this will be most effective long term if it targets locals, this could be done by targeting certain times of the year or day. (lunch hours and after work) We really don't need to spend a lot of time with someone from Florida who will never return.

-I think you have to identify your audiences before you make a sign or come up with a plan.

-I recommended to Matt Steffy to print out areial shots of Bishops Beach over time. You will learn a lot by looking at very visible changes over time. One thing you will see is that the beach berm to the left has totally come back and re-grown beautifully since the first policy has been in place not to drive to the left. It used to be almost all gravel with no grass and wood. Now you can distinctly see trails through the vegetation. This can be used as a positive message that peoples actions do affect the area and that changes in those actions can be super successful! Its always hard to believe that our individual actions matter in the end but they really do when your talking about the kind of numbers that use Bishops Beach. People like to get on board with things that are already working....use this example to get them to WANT to comply and continue to improve the area. Then give tickets to the other people.

-coming up with a number of how many folks use the beach can also be a powerful tool. None of us want a bunch of signs and regulations, its ALASKA for heavens sake! but if we are given an estimate of how much traffic the area got, it will be much more understandable that some parameters are needed.

Good luck and keep up the good work! Catie Bursch 235-5111

-

Roger W. Imhoff, RLS
PO Box 2588 * Homer Ak 99603
(907) 399-6295
rogerwimhoff@gmail.com

RECEIVED

JAN 29 2015

CITY OF HOMER
PLANNING/ZONING

01-29-2015

Julie Engebretsen
COH Planning Dept

Re: Bishops Beach Policy Review

Hello Julie,

I have been following with interest the saga of Bishops Beach Access and Use. My family and I have enjoyed using the beach for many years: hiking, ATV use, simply enjoying the scene.

And occasionally, I need to access the beach front portions of uplands properties with a vehicle for work related purposes.

Having attended many of the prior "task force" meetings and testified in a couple, I really think that the existing policy has many merits and doesn't really need to be "fixed."

But obviously, just signage has not been effective in keeping the peace.

It seems to me that the primary problem is one of user education and policy enforcement. The City has chosen to have a near zero "official" presence on the beach. Yep, education and enforcement does cost money but the alternative of simply banning vehicle travel just doesn't seem right. The public, be they City Residents or not, has a long history of beach use. We know that.

Perhaps some sort of permit is appropriate. I don't know...it's a tough call no matter what. There really is no guaranteed solution without putting something in the budget to have someone be onsite to at least "inform" people of the rules.

My other concern is that most people do not realize that the uplands owners, at least in most cases, own property out to the 1917 Mean High Water Line (MHWL). The Current Task Force should be informed about this.

According to the USGS, the 1964 earthquake sunk land (subsidence) from Millers Landing to Mud Bay, all along the Homer Spit, and on up the Inlet to the mouth of the Kenai River.

The Alaska Attorney general issued his opinion (No 6) that due to the subsidence, the pre-existing MHWL (1917 line in most cases) is the title boundary of the uplands properties. In practice, the last surveyed MHWL prior to the earthquake is held to be the title boundary.

There has been at least 200 ft of erosion along the Bishops Beach area, and the legal boundaries now extend far beyond the current MHWL. In fact, those boundaries coincide for the most part with Alaska Tidelands Survey 612. (Incidentally, those rows of rotted piling along the Inlet side of the Spit are what's left of the Corps effort to halt erosion by constructing Groins.)

The Attorney Generals Opinion has never been challenged in court and is respected as the "rule" by the DNR Survey Section. On occasion, I have read in the paper that some City employee has stated that the City "owns" tidelands up to the Current Mean High Water Line, but that statement is incorrect.

Page 2 of 2 Blshops Beach

So what to do...what to do?? I don't a good answer but I just think we need to realize that people have a history here and there are good and valid reasons that people need to access the beach with motor vehicles, including the uplands owners.

Please consider those users befoe restricting them.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan". The letters are cursive and fluid, with a long tail on the final letter.

Session 15-01 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on January 22, 2015 at 5:30 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
ANGIE OTTESON, PARKS MANAGER & MAINTENANCE
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Chair Matt Steffy provided a brief summary on the process that will be conducted over the next several meetings while the commission focuses on review of the beach policy. He outlined the three ring binder that was provided and the contents of the book and how the Commission will be receiving future packets and handout materials. The Commission was requested to return the notebooks after conclusion of the Beach Policy Review.

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda as presented.

MACCAMPBELL/LOWNEY - MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Deputy City Planner Engbretsen provided a brief overview of the public comment process that will be employed at the next several meetings of the commission and that all members of the public will be encouraged to write their comments on the message board provided before each meeting. She will then read or summarize those comments received after packet distribution to aid in getting everyone's comment on record. She announced the members of the public who submitted comments were included in the Supplemental Packet distributed and noted that no comments were written on the Board by the public present tonight.

Roberta Highland, city resident, reiterated previous comment on the reckless and wild behavior mixing with the more tranquil users of the beach, increased drug use, recommended changing it to non-motorized, initiating a permitting system, designate spaces for pedestrians, and designated areas for dogs off leash, requiring dogs on leashes to the east; and advocating for protection of the tide pools.

VISITORS

Angie Otteson, City Parks Manager and Maintenance, reported what information is contained or posted on the kiosks and the existing signage in place at Mariner Park and Bishop's Beach. She then provided information on what services her department and staff provide for the beaches and parks.

Ms. Otteson elaborated that they do stop people who are seen traveling in non-vehicle areas and remarked that most areas of greatest concern are the US Fish & Wildlife property and feels that the lot lines should be surveyed and marked clearly.

Ms. Otteson acknowledged that some areas are marked. In response to a question regarding enforcement she responded that due to a lack of personnel i.e. funding it is hard to enforce the rules already in place. She agreed that enforcement may deter the unwanted behavior but is not aware of

anyone being cited for violations or have seen someone cited. Staff advised that this issue can be addressed by Chief Robl.

Ms. Otteson agreed with the commission and public regarding the area to the east being a major concern. She noted that until this summer they had no problems with camping on the beach.

Some items discussed, questioned or commented on were:

- Gun fire and fire arms
- Removal of driftwood
- Parking concerns with respect to the parking on the lower level (beach) that appears to encourage driving on the beach, defined by the lack of parking and high use of the park and beach
- Drug paraphernalia and drug use occurs in the restrooms
- Local police are aware of the behavior
- Day Use Camping was allowed
- Installation of fire rings would be unusable after one good storm
- Illegal camping to the west and on private property

Ms. Engebretsen explained that the problem started by a private property owner authorizing campers on their property and the public seeing this did it too without permission.

- Delineating travel ways for vehicles
- Additional trash receptacles placed along the beach
- Enforcement to the East
- sales of firewood
- Camping on city property
- Delineating property lines
- Difficult to determine solutions to use - signage, barriers in certain areas
- Updating maps to indicate private property

Ms. Engebretsen stated that historical access will be discussed at the next meeting; enforcement issues are separate, but for people that are receptive, knowing the regulations, may appreciate the signage. The criminal element will not be solved by signage.

There was no further discussion.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the special meeting of December 16, 2014

Chair Steffy requested a motion for adoption of the consent agenda.

ARCHIBALD/LILLIBRIDGE - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Provided Information - Maps and Kachemak Bay Shorebird Monitoring Project

Chair Steffy provided a brief synopsis of the materials contained in the binder. He asked if Julie would like to elaborate.

Ms. Engebretsen provided more detailed description of the organization for the binder and how the packet will be created and distributed.

Ms. Engebretsen commented on one map was the official adopted map and that this map is displayed on the kiosks and the other user friendly map that is distributed to the public by Homer Police Department and city personnel.

Ms. Engebretsen provided a description of each section of the binder and commented on the last section was provided for notes. She mentioned a process that Ms. Krause does for the Public Safety Building Review Committee that works very well and recommends using the same process for the Beach Policy Review meetings. Ms. Krause provides a memorandum stating the next meeting date and requests deliverables from the commission. This will aid in staff providing the information to the commission in a more measureable format. Ms. Engebretsen further noted that Ms. Krause provided lined paper for the commissioner's to write down their notes and questions, etc. She requested the commissioners to either write down their questions and submit them at the meeting or email them to her since she was pretty sure it would be difficult to answer them at the meeting.

The commission was in consensus to add the Next Meeting Deliverables to the Agenda under New Business at the Request of Staff.

B. Policy Review Processes and Format

Ms. Engebretsen stated that ideally the commission will make motions at each meeting and move on at each meeting with the next topic. The commission will be able to revisit each decision prior to the Public Hearings if they are not quite comfortable with the decisions made.

Commissioner MacCampbell questioned whether the federal land was exclusive jurisdiction where the city would have no authority. He would like to know if the authority is proprietary or concurrent. He elaborated on some of the reasoning behind his question.

Ms. Engebretsen stated her problem by providing an example of someone's dog on private property or federal property and is that a City problem then.

Commissioner Archibald questioned if there was a dedicated easement for vehicles.

Ms. Engebretsen responded that people have been accessing the beach from Bishop's Beach for a very long time so by prescriptive use there is an easement.

Commissioner Lowney requested clarification on the access so they know the restrictions that would place on them.

Ms. Engebretsen stated that they will address those issues at the February 5th meeting.

Commissioner MacCampbell remarked that it would involve title search to see if a prescriptive easement was in place. Ms. Engebretsen stated that some people have filed a lawsuit so she does hope to have more information from the attorney for the next meeting.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Review and Discussion on Existing Management Strategies of Bishop's Beach and Similar Areas Within the City Limits

Chair Steffy read the title into the record. He stated that everyone should have reviewed the materials since the last meeting. Commissioner Brann was involved with the original Beach Policy Task Force and Ms. Engebretsen was involved in the last amended Policy.

Commissioner Brann related the issues behind creating the policy and some of the positive results from implementing the beach policy. He cited the historical use of Bishop's Beach to access and the preference to use "gentler" language on what was allowed and what was not.

Ms. Engebretsen could not recall the reason other than the task of the commission was to review the policy and they removed a lot of things that were accomplished. She read through the policy and noted some things that could be removed such as removing the barge on the west side of the spit which it has been. She did note that they did not have the problems then that they do now regarding vehicles on the beach.

Commissioner Archibald recalled more problems with motorcycles and 4 wheelers on the beaches than that were causing problems.

Chair Steffy reminded the commissioners to keep in mind that the behaviors may be increasing but also the awareness of those behaviors is increasing also and having that historical information helps quite a bit in making their decisions.

Further discussion centered on the increase in behaviors and the lack of the public reporting the behavior whether to the police or park personnel.

Chair Steffy asked if the commission had any changes, questions or clarification on.

Commissioner Brann inquired about discussing how it is done in other cities and provided an example of a recent visit to Anchor Point and the signage being bright, simple, easy to read and direct.

Commissioner MacCampbell supported education and that it is employed in the parks but it will do nothing unless there is someone there that can enforce the rules because they will then tell 10 friends and those 10 friends will tell 10 friends. He related the experience he himself prefers to know what he can and cannot do when he goes somewhere. He believes that the commission does not need to focus on the number of police but to make the recommendation to Council and it is up to them to hire the needed manpower.

Chair Steffy appreciated that sentiment and he stated that in Fairbanks his rangers were not law enforcement and he referred to them as Karma Rangers, he spoke on verbal signage and visual signage, and further opined in favor of installing a park host and believed that it would be a great deterrent. There are different echelons of camp hosts.

Commissioner Lillibridge recommended closing hours for the park and beach. She noted that anywhere you go there is closing hours. The worst stuff happens at night. Chair Steffy believed that this may be a solution to the problem.

Commissioner Lowney commented on knowing the rules and regulations and that who they are dealing with is the locals. She further noted that what they are doing is not working. They are still dealing with the issues that they did back then. She believed that they need the enforcement or they should shut it down at a certain time.

Ms. Engebretsen stated she will ask the City Attorney regarding closing the beach and park down at night and closing access and the issues that go along with those changes.

Commissioner MacCampbell stated he would support a management tool such as access issue but cautions that they need to make sure they have the prescriptive right to do so. They need to address what is not working and fix it.

Commissioner Roedl commented on comments he has received regarding users taking out the gate and addressing the possibility and probability of someone getting locked in then you have the management issues of making sure everyone is off the beach.

Chair Steffy pointed out that if they do close off the beach and someone wants to go on Bishop's Beach they could get there from Mariner Park if they wanted. He further commented on targeting the actual user group causing the issues.

Discussion was held on the following by the commission:

- issues of education of the rules for all user groups;
- giving the rules teeth;
- providing examples of the result of actions;
- prohibiting certain actions on the beach period;
- placing facilities that encourage good behaviors such as providing convenient trash receptacles and dog poo baggies;
- is there a noise level ordinance; making the city owned tidelands a park as implied in the policy and code;
- zoning is not a solution to the problems; licensed vehicles versus off road vehicles allowed on the beaches;
- all-terrain vehicles are allowed on public easements; applying for additional funding through the Coastal Impact Grant Program for possible avenue to fund a beach patrol;
- use of HART Funds for increased parking; speed limit is not enforced on the beaches;
- the effects of vehicular traffic regarding erosion to the beach and property in general;
- there are minimal laws related to these items; rights of property owners;
- vehicular traffic at mean high tide and impact on habitat.

B. Review and Discussion on Existing Regulations - City, State and Federal Re: Vehicular Traffic on Beaches, Uses, Closures, Pets, Etc.

The following was noted by the commissioners:

- vehicular traffic is limited from Mariner Park to across from the Fishing Lagoon
- no vehicular traffic is allowed from that area south on the west side of the spit and from Mud Bay south on the east side of the Spit
- residents were agreed with these limitations and they did not become a liability

ARCHIBALD/LILLIBRIDGE - MOVED TO ELIMINATE VEHICULAR TRAFFIC EAST OF BISHOP'S BEACH INCLUDING ALL OF AREA FOUR AS SHOWN IN THE BEACH POLICY.

Discussion included providing access to persons of need such as limited income, a government entity or enforcement personnel, and scientific purposes. Establishing a permitting system and policy would be preferable to closing it totally. Staff recommended asking the Chief of Police and noted that the City Manager would not want to be involved with every permit issued. It was also noted that artists use beach rocks and that they should not be removing materials since it is already prohibited. Commissioner MacCampbell pointed out that most agencies are exempted from their regulation and provided examples. Concern was expressed that they would be moving the problem to another location. Further concern was expressed regarding the increased use of the ATV and UTV's and the increased size and power of these machines.

Commissioner Lillibridge suggested inviting the people who are doing the damage to let them know the results of their actions.

Further concern was expressed on the increased use from visitors to the Spit who bring multiple machines for use on the spit.

Staff reminded the commission that they are early in this project and know that there are people who will want to comment on it.

LOWNEY/MACCAMPBELL - MOVED TO POSTPONE UNTIL FURTHER INFORMATION IS RECEIVED, ALLOW THE COMMISSION TO REVIEW FROM A MANAGEMENT PERSPECTIVE AND BRING IT BACK LATER IN THEIR PROCESS.

It was noted that this will be in the paper and maybe encourage that segment of the public to attend a meeting or submit comment since there is no specific user group. Discussion also included allowing time to reach out to the public and notify various outlets to allow those user groups to provide feedback.

The following was requested for clarification:

- Use of electric vehicles on/in city parks and beaches
- Use of all-terrain wheelchairs
- Use of All Terrain Segways
- Campfires on the beach
- Speed limits on the beach or in park
- Public Access/Historical Access in regards to Closing (Staff has this question before the city Attorney)
- Dog Feces - to be discussed at the March 2, 19th meetings

Chair Steffy requested Chapter 1.16 regarding fees/fines. He then asked if the limit was established to limit it to a misdemeanor instead of a felony.

Commissioner MacCampbell inquired if the offense under Chapter 19 is bailable. He provided an example for the commission and staff for better understanding.

Chair Steffy inquired what hours that Ms. Otteson and her staff work during the season and off season. It was believed

Chair Steffy stated it would be nice to have a sheet for cross reference of the fees if the rules are broken. Ms. Engebretsen stated if they could do that they will provide it for the next meeting.

A brief discussion occurred regarding the meeting schedule and changing it at this late date. Staff informed the commission that attendance was allowed telephonically as long as there was a quorum present.

Animal Control will be invited to attend one of those March meetings. The March 19th meeting will be directed at Dogs and Sanitation issues and Commissioner Lowney will invite Dr. Sherwood to be a visitor at that meeting.

Chair Steffy inquired if there were any issues or agenda items the commissioners would like to discuss at the next meeting. The following was requested:

- Right of Way Issues regarding Bishop's Beach
- Legal Access Issues
- Defined Parking Areas

Commissioner Lowney asked for clarification on what they are trying to do for the owners of private property. Ms. Engebretsen explained that there are issues with access prohibiting even the private property owners from refusing or blocking access across their property and that is the question what is exactly they are trying to manage on private property.

Commissioner Lowney also questioned if the commission should consider the issues with the "lower" parking lot that is really well defined and if it is an issue that they want to address since she feels that parking there encourages traveling out onto the beach. It may help them define the parking area with rocks and blocking access to the east so that the only way to go is west.

Chair Steffy said it would be something to discuss when they start working on solutions in the later meetings.

Commissioner Archibald if the private property owners have had their property lines surveyed? Ms. Engebretsen stated that she would like to address that issue at the next meeting.

Commissioner Lillibridge asked if they could start the meeting at Bishop's Beach. In her opinion it would bring forward several ideas that they haven't thought of before.

Chair Steffy thought that visiting the beach was a good idea and advocated for each commissioner to visit the area and consider the concerns and issues citing that they could plan to meet down there before one of the meetings and may not see anything except one guy down there reading his twilight novel who did not want to be seen reading that book. People who visit that area causing problems do so at different times so he feels individual efforts may be more productive to see what happens at the beach. He believes a worksession prior to one of the later meetings in the year would be better overall.

NEW BUSINESS

There were no new business items on the agenda.

INFORMATIONAL MATERIALS

There were no informational materials.

COMMENTS OF THE AUDIENCE

George Matz, commended the commission for the work they are doing, believed they are making progress he is encouraged that they are looking at a physical barrier so vehicles cannot go past. This solution works at Louie's Lagoon area so he believes it will work at Bishop's Beach.

Roberta Highland, city resident, such a great start. She is also president of the Kachemak Bay Conservation Society they have a motto that when in doubt conservation comes first and for the future generations they like to see stewardship and education. She commented on the value to the citizenry of having laws in place with more "teeth" and that those laws can allow for enforcement by residents. Zoning beaches as parks would provide clarification, grants are an idea but they need to be creative in regards to funding enforcement.

Louise Ashmun, city resident, new to Homer, originally from Moscow, Idaho, and currently working in section 8 of the beach for a research group, encourage working in complement with U.S. Fish & Wildlife in the Beluga Slough area and should consider working in cooperation to protect the habitat; also supported strong clear delineation of where vehicles are allowed and agreed that areas should be designated where there are allowed.

Lani Raymond, city resident, suggested that the beach patrol would be more cost effective and augment the police efforts.

Chair Steffy thanked the audience for sticking until the end.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen remarked on the bad behaviors experienced by Anchor Point community on Memorial Day Weekend and what the residents did to change it around for the better to make it attractive for families with hot dogs roasts, big family weekend activities, and entertainment which changed the dynamic of the weekend. Homer can accomplish the same thing with these issues. She reminded the commission about the MAPP and HACA event to be held at Homer Council on the Arts on Tuesday, January 27th at 5:30 p.m. Thank you for your work.

Ms. Krause had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge thanked staff for putting together the wonderful notebook for their use. She ends up putting her notes everywhere and loses them so this should keep them all pretty organized.

Commissioner Roedl thanked everyone for a great meeting and the efforts for putting the notebook together.

Commissioner Brann agreed they were off to a good start and lots of public participation and thanked the staff for all they do. He looks forward to working the problems out.

Commissioner Archibald thanked the public for coming out and commented that good social interaction in a conversation will bring out contention and bring up new ideas which can be assimilated and come up with a good decision so he is looking forward to this.

Roger MacCampbell, really appreciates the public input, Anchor Point Memorial Day was driven by the Chamber, Troopers and parks but the key component was community participation. He has a lot of experience on dealing with Hosts and cautioned just putting a Host at Bishop's Beach. A really good training program needs to be available. Hosts can get themselves in trouble really quick. It will be an interesting question for the City Manager and Chief Robl regarding liability. He believes they got a great start.

Commissioner Lowney stated that she will be leaving again however she should be able to attend the meeting of February 19th. Her greatest concern with this whole process is the public issues and addressing those concerns and issues of the public. That they get some teeth into this that can be enforced.

COMMENTS OF THE CHAIR

Chair Steffy commented also in favor of the actions conducted by Anchor Point and spoke on territorial issues regarding the adverse behaviors driving people out of the area and that goes both ways and there are ways to not make that the best place to go for the late night parties for example.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:27 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR THURSDAY, FEBRUARY 5, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: January 29, 2015
Subject: Recap of January 22nd Meeting

I'd like to spend a little time at each meeting reviewing the ideas for the previous meeting. A lot of ideas came up, and I'd like to do some ranking. (There were more ideas at the meeting, but many have related questions that will be answered by upcoming speakers.)

Solutions:

- Increase dog waste education
- Trash cans at Main/Ohlson and Crittenden. (Make it easier to toss trash and doggie baggies)
- Educate locals on beach rules
- Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Delineate driving area
- No 4 wheelers on beach
- Do not allow vehicles on the beach between Bishops Beach and Mariner Park
- Do not allow vehicles east of Bishop's Beach, all the way out the Spit. Vehicle access would be allowed east of the Airport Access Road, and west of Bishop's Beach
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach

I also have some answers to questions, see below.

Beach fires: what are the rules?

- Cooking or warming fires are allowed without a burn permit. (Preferably in a developed fire pit or ring.)
- Burning coal and pulling wood out of the berms is not allowed.
- The biggest problem for the fire department is people leaving a fire unattended or not putting it out completely. The wind can come up and rekindle the fire, creating smoke and prompting someone to call the Fire Dept. They respond to make sure the fire is out, and won't spread.
- Fire rings may help, but the area with the most problems is beyond the park, down the beach where people go to party.
- Not much enforcement of any of these items: with the summer season comes an increase in population and emergency calls. City doesn't have staff to patrol the beaches to regulate camp fires.

Is there a right of way through Bishop's Beach Park?

- Still waiting for attorney response, but its not dedicated by plat, and I don't think it qualifies as a historical access (RS2477). From city records, it looks like the city purchased and developed the Bishop's beach access 1983, and likely developed it on 1984. I await the attorney response to learn if there are other factors that would prevent closure.
- A little back history: in the early 80's there was a rough access road off the end of Main Street down to the beach. It has since eroded away, as have other beach access points such as Miller's Landing.

Chapter 1.16 GENERAL PENALTY¹

Sections:

- [1.16.010](#) General penalty.
- [1.16.020](#) Civil remedies.
- [1.16.030](#) Surcharge.
- [1.16.040](#) Disposition of scheduled offenses – Fine schedule.

1.16.010 General penalty.

Every act in violation of this code is declared unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$300.00. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. [Ord. [90-1](#) § 1, 1990; Ord. [88-14](#) § 4, 1988; Ord. 78-1 §§ 1, 2, 1978. Code 1967 § 1-100.7].

1.16.020 Civil remedies.

The City may institute a civil action against a person who violates any provision of this code or any rule or regulation adopted or issued in pursuance thereof. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the Superior Court shall grant the injunction. Each day that a violation continues constitutes a separate violation. [Ord. [90-1](#) § 2, 1990].

1.16.030 Surcharge.

In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS [12.55.039](#). The surcharge shall be collected as provided in AS [12.55.039](#) and [29.25.075](#). The failure to pay the surcharge is punishable as contempt of court as provided in AS [12.55.039](#). [Ord. [98-22](#), 1998].

1.16.040 Disposition of scheduled offenses – Fine schedule.

- a. A person cited for an offense for which a fine is established in subsection (c) of this section may mail or personally deliver to the Finance Director the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS [29.25.074](#), together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. A citation for a scheduled offense may be mailed or personally delivered within 15 days after the date of the citation. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.
- b. If a person cited for an offense for which a fine amount is established in subsection (c) of this section appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS [29.25.074](#).
- c. The following violations of this code are amenable to disposition without court appearance upon payment of a

fine in the amount listed below:

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

[Ord. [13-17\(S\)](#) § 1, 2013; Ord. [12-24\(A\)](#) § 1, 2012].

¹For statutory provisions authorizing municipalities to prescribe penalties for violation of ordinances, see AS [29.35.010\(7\)](#); for provisions limiting maximum penalties, see AS [29.25.070](#).

The Homer City Code is current through Ordinance 14-50, passed October 27, 2014.
 Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 5.20 FIRE PREVENTION

Sections:

- [5.20.010](#) Adoption of State law by reference.
- [5.20.020](#) Open burning – Permit requirement.
- [5.20.030](#) Trash burning – Approved container.
- [5.20.040](#) Fire Department inspection of buildings and installations.
- [5.20.050](#) Explosives.

5.20.010 Adoption of State law by reference.

All laws of the State of Alaska, and any rule or regulation adopted by any duly authorized agency of the State of Alaska, pertaining to fire, fire hazards, fire prevention or fire waste, and explosives are hereby incorporated into this chapter and made a part hereof by reference; and the violation of any such law, rule or regulation shall constitute an offense under this chapter. [Code 1967 § 8-100.1].

5.20.020 Open burning – Permit requirement.

- a. Except as provided in subsection (c) of this section and in HCC [5.20.030](#), no person shall burn any combustible material in the open without a permit from the City. Burning permits shall be available at the Fire Department and shall be issued only upon approval of the Fire Chief or other official with written delegation of authority from the Fire Chief. Any person burning combustibles, whether under the authority of a permit or not, is solely responsible for any damage caused by the fire.
- b. If the Fire Chief determines that weather or other conditions create a situation where open burning may create a hazard to public health or safety, or property, the Fire Chief may refuse to issue burning permits, restrict the number of permits issued, impose additional restrictions on new permits, modify, suspend, or revoke existing permits, prohibit campfires, and take other measures necessary to protect health, safety, life, and property for as long as the hazardous conditions exist.
- c. A person may use a barbecue and burn a campfire in a developed fire pit or ring without a burning permit.
- d. The Fire Chief shall have authority to impose conditions on burning permits and to suspend or modify burning permits as necessary to protect public health and safety, life and property. The Fire Chief shall have authority to revoke a burning permit for violation of the terms of the permit.
- e. The intentional use of coal as a fuel in any open burning, barbecues or campfires is prohibited; however, the use of charcoal is exempt.
- f. The violation of any provision contained in this chapter shall be punished under the general penalty provision of HCC [1.16.010](#). The City may also invoke civil penalties and remedies under HCC [1.16.020](#). [Ord. [01-40\(A\)](#), 2001; Ord. [98-5](#) § 1, 1998; Ord. [79-15](#) § 1, 1979. Code 1967 § 8-100.2].

5.20.030 Trash burning – Approved container.

No person shall burn trash without a permit, except in a screen-covered container, or other trash burner approved by the Fire Chief. All open burning of household waste or other materials is prohibited, except brush, grass, wood and paper products that are uncontaminated under applicable DEC regulations. [Ord. [03-65\(A\)](#),

2003; Ord. [98-5](#) § 2, 1998. Code 1967 § 8-100.3].

5.20.040 Fire Department inspection of buildings and installations.

All public buildings, or installations, may be inspected by the Homer Volunteer Fire Department, or other persons designated by the City Council, and the owner or owners may be caused to remove or otherwise correct any extreme necessary fire hazard not conforming to any code adopted by the City Council, or as designated in the Alaska State Fire Code in terms of a fire code adoption. [Code 1967 § 8-100.4].

5.20.050 Explosives.

Any persons handling or storing explosives or nitrate derivatives must notify the Homer Volunteer Fire Department and conform to United States Coast Guard regulations and Alaska State Fire Code, and be subject to inspection and approval of the Homer Volunteer Fire Department. [Code 1967 § 8-100.5].

**The Homer City Code is current through Ordinance 14-50,
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

2015 PUBLIC SIGN IN SHEET

Parks & Recreation Advisory Commission Special Meeting January 22, 2015.

Check one of the following:

Please Print

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY RESIDENT</u>	<u>NON RESIDENT</u>
1.	BETH WYTHE	491 E. PIONEER AVENUE	✓	
2.	Robertta [Signature]		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	George Matz		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Lani Raymond		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Louise Ashmun		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.			<input type="checkbox"/>	<input type="checkbox"/>
7.			<input type="checkbox"/>	<input type="checkbox"/>
8.			<input type="checkbox"/>	<input type="checkbox"/>
9.			<input type="checkbox"/>	<input type="checkbox"/>
10.			<input type="checkbox"/>	<input type="checkbox"/>
11.			<input type="checkbox"/>	<input type="checkbox"/>
12.			<input type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>
15.			<input type="checkbox"/>	<input type="checkbox"/>
16.			<input type="checkbox"/>	<input type="checkbox"/>
17.			<input type="checkbox"/>	<input type="checkbox"/>
18.			<input type="checkbox"/>	<input type="checkbox"/>
19.			<input type="checkbox"/>	<input type="checkbox"/>
20.			<input type="checkbox"/>	<input type="checkbox"/>



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: JANUARY 22, 2015
SUBJECT: SUPPLEMENTAL PACKET/PUBLIC COMMENTS

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Recommendation:

No Action Requested. Informational Only.

TO: Parks and Rec. Commission
Homer, AK

FROM: Lani Raymond
41640 Gladys Ct
Homer, AK

DATE: 1-16-15

I am very glad that you are going to look into the problems at Bishop's Beach in the coming months, and I am hoping that you will find effective solutions.

The existing plan, ordinances, enforcement level, and signage are not working. Many problems have developed since the past plan was put into effect, and it is obvious that this situation is getting worse each year. Something must be done.

The solution needs to include adequate ordinances and enforcement, in other words, a plan "with teeth" so the plan will work. Education on this issue is important, good signage is important, but without major changes and some of those "teeth", the problem will not be solved and will continue to worsen.

Something must be done.

Renee Krause

From: Jo Johnson
Sent: Tuesday, January 20, 2015 9:13 AM
To: Renee Krause
Subject: FW: Please send this one--I forgot the comment in the P.S.

Renee, please forward this too.

Jo Johnson

-----Original Message-----

From: Nina Faust [<mailto:aknina51@gmail.com>]
Sent: Tuesday, January 20, 2015 8:37 AM
To: Department Clerk
Subject: Please send this one--I forgot the comment in the P.S.

P.O. Box 2994
Homer AK 99603

Parks and Recreation Commission
City of Homer

Dear Commission Members:

I have reviewed the response to the questions posed in the letter sent by Jack Wiles and the current regulations and Beach Policy. The issue is complex but the need for change is clear to me. The current approach is not satisfactorily working. Status quo is not going to solve the level of problems occurring on Bishops Beach.

Education and outreach are still needed. Signs may need redesign and perhaps a slightly different location. Barriers can be very effective, if for no other reason than that they are a much clearer message to the public that a certain area is off limits. Tasteful signs posted within the barrier at either end of the zone, one facing east and one west could declare pedestrian zone or wildlife zone, or whatever is decided as the most effective message.

Enforcement will be helpful. But there must be a regulation with a penalty to bring the message to the offender. Most people do not cause problems, so enacting a regulation to place consequences on violating closures, littering or whatever is decided is needed, will not be a problem for the majority of beach users. It will provide a means to drive the message home to beach abusers that we do care about this area.

There are many ways to solve the problems, so I hope we can look at a variety of solutions to make Bishops Beach a safe, clean recreation area but also safeguard the berm habitat, wetlands, and nesting habitat. This is a very rich area that is a huge asset for the community. The wildlife viewing, particularly of birds in the wetlands, is a big draw during Shorebird Festival and throughout the year. Offshore there are frequently birds or marine mammals. I hope the City, USFWS, the Chamber, local non-profits, and interested citizens will craft a plan that not only solves the people management issues, but also looks toward planning how best to use this area for science education and recreation.

Thanks for your time,
Nina Faust

P.S. I forgot one comment--I think it is important to protect the tide pools. They should be off limits to vehicles. Consider adopting guidelines for public use as recommended by the Center for Alaskan Coastal Studies.

Renee Krause

From: Jo Johnson
Sent: Tuesday, January 20, 2015 8:12 AM
To: Renee Krause
Subject: FW: Homer Parks and Recreation Commission

Renee,
Please send this to the commission.

Jo Johnson

-----Original Message-----

From: Nina Faust [<mailto:aknina51@gmail.com>]
Sent: Tuesday, January 20, 2015 7:07 AM
To: Department Clerk
Cc: Nina Faust
Subject: Homer Parks and Recreation Commission

P.O. Box 2994
Homer AK 99603

Parks and Recreation Commission
City of Homer

Dear Commission Members:

I have reviewed the response to the questions posed in the letter sent by Jack Wiles and the current regulations and Beach Policy. The issue is complex but the need for change is clear to me. The current approach is not satisfactorily working. Status quo is not going to solve the level of problems occurring on Bishops Beach.

Education and outreach are still needed. Signs may need redesign and perhaps a slightly different location. Barriers can be very effective, if for no other reason than that they are a much clearer message to the public that a certain area is off limits. Tasteful signs posted within the barrier at either end of the zone, one facing east and one west could declare pedestrian zone or wildlife zone, or whatever is decided as the most effective message.

Enforcement will be helpful. But there must be a regulation with a penalty to bring the message to the offender. Most people do not cause problems, so enacting a regulation to place consequences on violating closures, littering or whatever is decided is needed, will not be a problem for the majority of beach users. It will provide a means to drive the message home to beach abusers that we do care about this area.

There are many ways to solve the problems, so I hope we can look at a variety of solutions to make Bishops Beach a safe, clean recreation area but also safeguard the berm habitat, wetlands, and nesting habitat. This is a very rich area that is a huge asset for the community. The wildlife viewing, particularly of birds in the wetlands, is a big draw during Shorebird Festival and throughout the year. Offshore there are frequently birds or marine mammals. I hope the City, USFWS, the Chamber, local non-profits, and interested citizens will craft a plan that not only solves the people management issues, but also looks toward planning how best to use this area for science education and recreation.

Thanks for your time,
Nina Faust

Renee Krause

From: Jack Wiles <wilesmichaud@msn.com>
Sent: Thursday, January 22, 2015 7:56 AM
To: Julie Engebretsen
Cc: Jack Wiles; Michelle Michaud; Lani Raymond; Rika Mouw; Louise Ashmun; George Matz; Nina Faust; Renee Krause
Subject: City of Homer Beach Policy Review
Attachments: Response.to.BeachPolicyQuestions.docx

Julie,
Thanks for your good review of the questions we posed. Questions we feel help shape the analysis of the beach policy.

The interpretation of existing ordinances that apply to the beach policy is a good starting point for the first meeting of the Parks and Recreation Advisory Commission.

Attached is our review of your initial analysis of the questions we posed.

Thanks.
Jack

City of Homer – Beach Policy Review

Understanding existing conditions, existing ordinances, and limitations of management options is important in crafting a review of the current Beach Policy.

Our take-away understanding of the response to questions posed:

City Code:

1. Title 19.20 'could' apply - however the tideland and beach are not designated as park land therefore Title 19.20 does not apply unless the City designates the tideland and beach as a park?
2. Tidelands are not zoned - so the Open Space Recreation designation does not apply?
3. Enforcement codes used by City of Homer Police Department – unknown for now.
4. Existing Zoning – if zoned Open Space Recreation then can Title 19.20 apply?
Apparently not.
Zoning defines development but also use – e.g. management options for beach/tideland use.
5. Comp Plan - the comp plan calls for a Conservation designation – that identifies resource values and therefore protection of those values.

Management Implications of City Code: If the beach/tidelands are not designated as park land then the decision for their inclusion for park management and application of Title 19.20 is relevant or seek to define use of the beach/tidelands under Title 19.16.

Partnership with USFWS:

1. Co-op Agreement – Dogs off-leash along the boardwalk and within Beluga Slough to the Bay is a major concern for disturbance to migrating and nesting birds and survival of flightless chicks. Destruction of habitat is also a significant concern. A coop agreement would allow the City to enforce any USFWS rule.
2. City code and zoning apply to USFWS land? - You say yes but federal lands are not generally subject to local jurisdictions, thus the benefit of a co-op agreement.
3. USFWS regulatory authority – our understanding is the the USFWS can establish their own regulations that may be more restrictive than the City ordinance. It is important to know how the City of Homer Police can enforce either city ordinances or federal rules on federal land.
4. USFWS boundaries – an important point as to the application of any USFWS regulation and subsequent signage.

Management Implications of a Partnership with the USFWS: USFWS may enact regulations to address concerns affecting wildlife. If the City and USFWS can enter into a cooperative agreement for rule enforcement on federal land then that would be beneficial to the protection of the resource.

Private Lands:

1. Private land boundaries – the burden is on the private landowner to establish/mark their boundaries but how will a boundary be challenged or verified? The City has an important role in challenging beach closures or blockages.
2. Private land and restrictions to public use – legal question, dependent on the tideland boundary and any survey. Question becomes if the City can exercise any jurisdiction for public use?

3. Accretion and Erosion – complicated but may influence what the City can lay claim to.

Management Implications of Private Landownership: The City must protect public access to the beach against encroachment, blockage, or liability. The City has an important role to play in securing new access and Identifying, marking and making existing public access – whether pedestrian or vehicle. Managing public access by time and space allocation (open and closed areas) or necessary ordinances is in the public interest.

Public Access:

1. Public Access Easements – Of those easements identified, how are they defined for type of public access – e.g., pedestrian only?
2. Public Access Defined – Our point is that any management of vehicle use does not mean public access is restricted.

Management Implications: Public access to Homer beaches must be tempered by resource protection and health and safety needs.

Enforcement & Safety:

1. Questions to be addressed by Chief of Police – will be useful to know what City ordinances are available, limitations, needed additions or clarifications, management actions, and whether the State Uniform Vehicle Code can be applied to the beach.
2. “ “
3. “ “
4. Safety – We encourage you to make observations of pedestrian safety particularly at the entrance to Bishop’s Beach and along the beach.
5. Non-resident Dog Owner – not requiring registration of a non-resident makes sense but it does not relieve a person from being required to have their dog vaccinated and tagged.
Title 20.08.010 requires: ‘Any impounded dog not wearing a City license shall not be released from the area animal shelter unless evidence of a valid license is provided or, if the animal is unlicensed, upon payment of licensing fee..’ ‘In addition, either proof of rabies vaccination or payment of rabies vaccination fees to the shelter (in exchange for a 30-day rabies vaccination voucher valid at any licensed veterinarian in the City) shall be required prior to release from impoundment...’
6. Off-Leash Law – Title 20.04 requires ‘Voice Control’ and the definition says, ‘competent voice control’ - an interesting concept when it comes to controlling the behavior of dogs...

We believe that ‘At Large’ means dogs running loose absent an owner and may not apply to dogs off-leash on the beach in the presence of its handler.

‘Code 20.04.020 At Large’ definition seems to imply that a dog may be off leash only ‘when engaged in an organized activity.’ There is no mention of establishing fenced or unfenced off-leash designated areas.

“At large” means an animal is at large when it is off the premises of the owner or keeper and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained.

7. Exclusion – 20.32 allows for fees, fines, and civil penalties but no apparent means to exclude a person or animal from the beach for a flagrant infraction or health and safety.

Management Implications of Enforcement and Safety: Establishing dog off-leash and on-leash areas is an important management tool and provides options for beach users.

Habitat:

1. Berm - We believe there is a difference between what you may call a 'general berm' and the development of a 'secondary berm.' We believe that you should consider defining a secondary berm as a beach feature comprising an emerging habitat with the development of vegetative material and the collection of stabilizing material in which if left undisturbed a berm would be become established creating a viable habitat.
2. Tide Pools – not currently protected. Need to consider in the Beach Policy review.
3. Critical Habitat – The Critical Habitat designation is an indication of just that 'critical habitat' with an increased awareness of protection.
4. Wildlife Disturbance – Especially of concern is the metabolic stress and other risk factors to birds from disturbance. This topic will be discussed in more detail at your March 2 meeting.
5. Necessity of Vehicles on the Beach – We understand there are those who collect driftwood and coal on an opportunistic basis when it is exposed. Driving for enjoyment (often reckless) and parking for aesthetic reasons can become uncontrollable.
6. Fire on the Beach – We are unsure how the existing City code is applied to bonfires on the beach? The following ordinance seems to apply?

5.20.020 Open burning – Permit requirement.

a. Except as provided in subsection (c) of this section and in HCC [5.20.030](#), no person shall burn any combustible material in the open without a permit from the City. Burning permits shall be available at the Fire Department and shall be issued only upon approval of the Fire Chief or other official with written delegation of authority from the Fire Chief. Any person burning combustibles, whether under the authority of a permit or not, is solely responsible for any damage caused by the fire.

b. If the Fire Chief determines that weather or other conditions create a situation where open burning may create a hazard to public health or safety, or property, the Fire Chief may refuse to issue burning permits, restrict the number of permits issued, impose additional restrictions on new permits, modify, suspend, or revoke existing permits, prohibit campfires, and take other measures necessary to protect health, safety, life, and property for as long as the hazardous conditions exist.

c. A person may use a barbecue and burn a campfire in a developed fire pit or ring without a burning permit.

7. Definitions from Title 19.16.020 - See discussion regarding secondary berms in the "Habitat" question above.

There is a definition for 'beach' but no definition for 'tidal area.'

In the 'Private Land' section above you mention the 17.4 high tide area as a 'rule of thumb.' When the State of Alaska conveyed the state-owned tidelands to the City of Homer how were the tidelands defined, surveyed, and marked?

Title 19.16.030(d) closes Beluga Slough (which we assume is Area 7 of the Beach Policy Map and includes Bishop's Beach?) to motorized vehicles upon the beach or tidal

areas. However, the area east of the entrance to Bishop's Beach to the mouth of Beluga Slough is currently open to motorized vehicles with 'pedestrian priority.'

We do not see where you get your interpretation that 'the tidal area of Beluga Slough is closed.'

In the ordinance, there is no comma after beach in the phrase 'beach or tidal areas' so under construction of law one would interpret it to mean all-inclusive – both the beach and the tidal area (17.4 tideline?) are included? And, in reference to the Beach Policy Map it includes Area 7.

Otherwise, it becomes subjective as to whether the beach or tidal area are considered separately (which one?) or together. And, without a definition of tidal area in the ordinance then how is it applied?

8. Beach Policy Map – Thanks – somewhat hard to interpret the map as to closures – the maps you provided that are posted on the kiosk are helpful but are not part of the Beach Policy document.

Management Implications of Habitat Protection: Undoubtedly the prime concern – resource protection. Closing the east side of Bishop's Beach from the entrance to the east end of the seawall will protect important wildlife habitat and tide pools.

Education / Outreach:

1. Education with Behavioral Controls – Our point is that education alone has not worked without some behavioral controls such as the rock barriers you mention.
2. Effectiveness of Signage – We support signage that explains why a behavioral control is necessary.
3. Enforceability of Signage - Advisory signage is not enforceable.

Management Implications of Education/Outreach: We believe that the majority of people want to protect the resource and 'do the right thing.' Good signage, interpretive kiosk materials, and engagement of users provide a greater understanding of the management tools being applied.

Unfortunately, for some, advisory signage does not work and protection of the resource and protection of the public health and safety and enjoyment of beach users requires behavioral control such as barriers to established closed areas.

Summary of Existing/Desired Conditions at Bishop's Beach

- Tidelands are not zoned
- City Comprehensive Plan is only a guide
- Need to define how the USFWS and the City of Homer will cooperate
- Burden is on the Private Landowner to research their title and land boundary
- City of Homer is obligated to ensure public access to and along the beach across private land when an easement exists and to seek out new easements as needed.
- A dog 'At Large' is not the same as off-leash and under voice control. There is a need to define and establish an off-leash beach area(s).
- Penalties for an infraction include fines but not the power to exclude a person for a period of time. Enforcement capabilities need to be better understood and limitations known.
- Wildlife disturbance, particularly to birds, at Beluga Slough, Mud Bay, and other areas is a significant threat.
- Fires on the beach need to be better defined as to hazardous materials, fire danger, and location
- Clarify that the beach and tideland area from the entrance to Bishop's Beach east to the east end of the seawall should be closed to motorized vehicles and closed to dogs or dogs off-leash.
- Review the need to establish the beach area west from the entrance to Bishop's Beach for designated bonfire area(s), motorized vehicle use, and dogs off-leash. Close the tide pools to dogs and vehicles.
- The 'spit' formation at Mud Bay is a critical bird area and should be closed entirely to dogs.

**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
 - A. Public Comments Received via Email January 8, 2015 **Page 11**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. Angie Otteson, City of Homer Parks Manager & Maintenance
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the Special Meeting on December 16, 2014 **Page 5**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
 - A. Staff Response to Public Questions/Comment received January 8, 2015 **Page 17**
 - Maps Used for Information Kiosks and Enforcement
 - Excerpt from the Kachmak Bay Shorebird Monitoring
 - B. Policy Review Processes and Format
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
 - A. Review and Discussion on Existing Management Strategies of Bishops Beach and Similar Areas Within the City Limits
 - B. Review and Discussion on Existing Regulations City, State and Federal Re: Vehicular Traffic on Beaches, Uses, Closures, Pets, etc.
- 8. NEW BUSINESS**
- 9. INFORMATIONAL MATERIALS**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A SPECIAL MEETING WILL BE HELD ON THURSDAY FEBRUARY 5, 2015. THE NEXT REGULAR MEETING IS SCHEDULED FOR FEBRUARY 19, 2015** at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska

Session 14-13 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on December 16, 2014 at 5:30 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

STUDENT REP: PEDRO OCHOA

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda as presented.

BRANN/ARCHIBALD - MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

George Matz, city resident, commented on lighting for the parking lot would only result in a big CIP project and positive signage for Bishops Beach listing what can be done in the area east of the parking lot.

Marianne Aplin, thanked the commission reported that her manager has asked her to make herself available to assist the commission as a speaker, visitor or member of the committee.

Commissioner Brann clarified that Council did not create a committee and remanded it back to the commission to address.

VISITORS

There were no visitors scheduled.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the special meeting of November 6, 2014

Chair Steffy requested a motion for adoption of the consent agenda.

ARCHIBALD/MACCAMPBELL - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

Chair Steffy asked if Ms. Engebretsen had anything to report to the commission. Ms. Engebretsen provided information that the City Manager has agreed to allow the services of the City Attorney for the legal issues. She also noted that there will be a webpage established for this project and all documents and minutes will be posted to that webpage along with a meeting schedule.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

There was no pending business on the agenda.

NEW BUSINESS

A. Memorandum from Deputy City Planner Re: Organizational Meeting for Beach Discussion

The commission discussed and established the first Thursday of the month at 5:30 p.m. with the exception of January there will only be a meeting on the 4th Thursday, and March and May will be the first Mondays due to scheduling conflicts.

Commissioner MacCampbell recommended that everyone review and familiarize themselves with the Beach Policy from now until the January 22nd meeting which they will also review and discuss the current management strategies, Title 19.16 & Parks Regulations

February 5th Thursday - Legal Access Issues and Land Ownership

March 2nd, Monday - Birds, Habitat and Dogs - Visitor to be scheduled - George Matz and Marianne Aplin
March 19th, Thursday - Continuation

April 2nd - Thursday

April 16th - Thursday -

May 4th - Monday - Public Hearing (Tentative) -

May 21st - Thursday - Public Hearing (Tentative) Finalize recommendations and any Budget Requests to Council

Commissioner Lillibridge commented on the myriad of problems and the recommendation to review other established laws, she also noted the extensive problems with dogs ranging from behavior to feces.

Ms. Engebretsen responded that reviewing other states case law only is relative to those situations it would not apply to Alaska. The commission will be able to avail the city attorney's expertise so it would be a waste of staff time.

The commission offered comments on the following:

- listing problems & solutions
- using the expertise of the city attorney
- being site specific, Alaska specific
- The commissioners will be allowed to teleconference as long as a quorum is physically present

Staff will be creating and distributing a 3 ring notebook for each commissioner that will include the existing State and City codes and laws, Beach Policy and any additional information that is received and may be pertinent to the planned discussion.

This binder should be brought to every meeting; all materials distributed can then be kept accessible for the commissioner's use throughout this process.

The commission then performed an exercise listing topics that were to be discussed or solutions that can be recommended to Council.

Problems or Areas of Concern		Solutions or Remedial Actions	
Vehicle Access	Habitat Destruction - Tide pools, Berms, Water	Limiting Beach Access - Hours of Operation	Trash Cans
Alcohol Use	Driftwood, Coal Collecting	Lighting	Additional Restroom Facilities
Land Ownership & Legal Accesses	Camping	Permitting - Beach Access & Usage, Camping, Fires	More parking
Beach Fires	Trespass - camping and fires	Remote Video Monitoring of Parking Areas	Reinstating Beach Patrol During High Peak Usage
Habitat - Birds, Wildlife (stranded)	Parking at Bishop's Beach (Additional areas)	Campground Host	Public Education
Hazardous/Reckless Driving - Vehicles/ATVs	Driving - Where, How Fast, inappropriate	Neighborhood Watch	Co-op Partnership between City/Business/Land Owners (Private, Federal, State)
ATV Use at Mariner Park	Property Line Signage	Designate/Establish Fire Pits - Campfire Rings	Allow Firewood Concession
Beach Access from Main Street	Identifying City Limits on Beaches	Seasonal Allowances of Certain Specific Behaviors	Berm Education - New Berms
Dogs - Habitat - Feces - Leash	Accessing or climbing the bluffs	Signage - Universal with Pictures - Positive Signage (What can you do)	

It was determined that Birds Habitat and Dogs would be appropriately scheduled for the first meeting in March and then can carry over to the second meeting if required.

The Draft Schedule of Topics below was discussed briefly:

Meeting Date	Topics	Possible Speakers/Visitors
January 22, 2015	Review of existing management strategies, current beach policy, existing State, Federal and City laws	Angie Otteson, City of Homer Parks Manager
February 5, 2015	Legal Access and Land Ownership	Julie Engebretsen with Information from the City Attorney
February 19, 2015	Safety Issues and Enforcement	Chief Robl/HVFD Staff or Chief Painter
March 2, 2015	Birds, Habitat, Dogs, Wildlife	George Matz, Marianne Aplin
March 19, 2015	Birds, Habitat and Dogs cont	
April 2, 2015	Review of Recommendation, Draft Document Possible Public Hearing	

April 16, 2015	Review, Public Hearing	
May 4, 2015	TBD	
May 21, 2015	Final Review and Forward to City Council for May 26, 2015 Meeting	

Staff will coordinate the topics with the visitor schedule; Ms. Engebretsen will do this after the first of the year. The above is a draft representation of the proposed schedule.

The commission noted the following and entertained brief discussion on:

- That funding the recommendations such as the Beach Patrol is up to Council
- That they do not want to establish regulations that cannot be enforced
- Encourage citizens to report unlawful activities to the police
- Preventing damage and unwanted behaviors before they happen
- Allowing public comment for the established time of 3 minutes only is recommended but encouraging written comments. Allowing all public present to speak and encourage those who want to comment on the same issue to appoint one spokesperson, remind the audience to be mindful of the time.
- Establishing tables with subject matter for the next meeting and allowing audience to write down comments and using those for the following meeting and reading into the record
- Chair will prepare a statement prior to every meeting regarding public comment efficiency
- Establish a statement on the website regarding written comments being preferred on issues to be discussed at the scheduled meeting and submitted prior to packet distribution
- Storm berms, formation of new berms, and the importance of maintaining the integrity of these berms
- A discussion will have to be had on other areas because what they decide to do for one area will have an effect on other areas with similar activities.

INFORMATIONAL MATERIALS

A. Commissioner Lowney's comments on Beaches and Bishop's Beach

The commission referenced and acknowledged Commissioner Lowney's comments during the meeting.

COMMENTS OF THE AUDIENCE

There were no additional comments from the public.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen had no additional comments.

Ms. Krause thanked the commission for their expedience.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Student Commissioner Ochoa stated that this was his last meeting. He was going to Georgia until June 2015. He wished everyone a Merry Christmas.

Commissioner MacCampbell wished everyone a Merry Christmas.

Commissioner Archibald thanked Renee and Julie and Merry Christmas everyone.

Commissioner Brann stated that being on the first Beach Policy committee he is looking forward to doing this again and offered to put a few pictures together of various beaches and signage from his visits around the country.

Commissioner Roedl thanked staff for providing the binders and getting those less organized more organized. He is looking forward to getting his.

Commissioner Lillibridge commented that this topic seems daunting but doable; this is the shortest meeting she has attended; Commissioner Lillibridge would like to just put a gate up and be done but if this is the process that they have to do then she appreciates the organization efforts from staff. Merry Christmas everyone.

COMMENTS OF THE CHAIR

Chair Steffy commented that he appreciates everyone coming in and attending an additional meeting and for the members of the public for their comments. He thanked staff for their efforts and wished everyone a Merry Christmas.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 6:48 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR THURSDAY, JANUARY 22, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____

Renee Krause

From: Julie Engebretsen
Sent: Friday, January 09, 2015 12:23 PM
To: 'Jack Wiles'; Renee Krause
Cc: Michelle Michaud; Lani Raymond; Nina Faust; Rika Mouw; Louise Ashmun
Subject: RE: Beach Policy Update

Thank all so much for submitting your questions early in the process! Some of them I can answer, some are a little more complicated, and some are policy questions. Here is a link to the project webpage and timeline. We will add more information and public comments over time. <http://www.cityofhomer-ak.gov/recreation/beach-policy-review-2015> I will try to answer some of the questions, or state who will be able to (like the police chief) and I'll share the questions with the guest speakers so they can be prepared to answer them.

- Your collective first question was: Will all the meetings run until 8 pm and be largely dedicated to beach policy comments / collaboration from the public?

As far as the meeting schedule, at this point the special meetings we hope to have run for about an hour and a half, although there is no set timeframe. We will see how that goes. Some of the meetings are special meetings and this will be the only topic, and the other meetings are regular commission meetings that do run to 8 pm but also have other agenda items. As you know, Commissioners are volunteers, many with jobs and busy schedules. So for this process, we are trying to have more efficient and productive meetings. With that goal in mind, I plan to have the public comments we receive posted in the room, and as people enter the chambers, they can read and add to them, poster style. (comments will be in the packet as well) I will read the comments aloud (paraphrasing if it's a long letter) at the start of the meeting, so all the commissioners and the public have a chance to hear all the comments and ideas. The Commission will take additional public comment, 3 minutes, as they always do. Beyond that, a special meeting is a formal meeting with minutes, motions are required etc. We plan to heavily use the city website to share the public comments, and actions of the Commission.

Ideally, each topic will be dealt with at a specific meeting, and the Commission will make motions and decisions. At the end of the process, we'll go back and see how the final policy ended up, and modify as needed. (did we treat areas equally, or will bad behavior move from one spot to another, etc).

Again, thank you for sending your questions in early! I will start working through them, and will likely make them part of my staff report for the first meeting in January. I'll email when I have something for you.

Thanks!

Julie

From: Jack Wiles [<mailto:wilesmichaud@msn.com>]
Sent: Thursday, January 08, 2015 12:43 PM
To: Julie Engebretsen; Renee Krause
Cc: Michelle Michaud; Lani Raymond; Nina Faust; Rika Mouw; Louise Ashmun; Jack Wiles
Subject: Beach Policy Update

January 8, 2015

Dear Julie; Renee, & Park and Recreation Advisory Commission,

We are encouraged that the City, with the lead of the Homer Parks and Recreation Advisory Commission, is involving the public in updating the City of Homer Beach Policy and related regulations and ordinances.

We will be weighing in on the issue analysis with specific concerns and options but felt that as a prelude to the discussion of issues the City and the Parks and Recreation Advisory Commission should analyze existing conditions and limitations. To that end, we have formulated a series of topical questions that we hope will help guide the review of the current City of Homer Beach Policy, and related regulations and ordinances.

Please find attached questions that could be developed into fact sheets by the City, the Commission and different entities.

We look forward to participating in the development of the updated Beach Policy.

Thank You.

Signed;

Jack Wiles
Michelle Michaud
Lani Raymond
Nina Faust
Rika Mouw
Louise Ashmun

Attachment: Beach Policy Update - Questions for Analysis

BEACH POLICY CONSIDERATIONS LEADING TO MANAGEMENT OPTIONS

Some questions that will help shape management options: focus is on Bishop's Beach

Meeting Schedule

- Will all the meetings run until 8 pm and be largely dedicated to beach policy comments / collaboration from the public?

City Code

- You reference Title 19. Assume that is Title 19.16? Does Title 19.20 also apply to the city owned tidelands?
- Are the Bishop's Beach tidelands currently dedicated as park land?
- What enforcement codes are used by the Police Department to enforce ordinances pertaining to activities at Bishop's Beach?
- The existing zoning for Bishop's Beach is Open Space Rec. How does this zoning affect beach usage? What activities, if any, are restricted (outright) under this zoning designation? What activities can be restricted under this zoning designation?
- How does the City Comprehensive Plan affect decisions on future use of Bishop's Beach area?

Partnership with USFWS

- Can the City enter into a cooperative agreement with the USFWS to allow for City enforcement of city regulations on USFWS land?
- Does City code and zoning apply to USFWS land?
- What regulatory authority does the USFWS have on their lands to prevent motor vehicle use, dogs off-leash, camping, and bonfires?
- Are the USFWS lands surveyed and boundaries known/marked?

Private Lands

- Does the City have any maps depicting private property boundaries, in particular, showing which private lands are defined by a survey boundary (private land may extend onto the beach) versus private land boundary ends at the high tide?
- What rights does a private landowner have in restricting public access along the beachfront that falls within their private land?
- The last beach policy report included an Attorney General Opinion regarding accretion and erosion. What properties are affected by this Opinion?

Public Access

- Are there dedicated public access easements to the tidelands? If so, where are they located? How do these public access easements affect private lands, vehicle access, or potential closures or barriers to access?
- If there is legal public access to the beach, how is it defined and can it be managed by time and space regulations. e.g., pedestrian access is allowed and areas defined for vehicle closure, or seasonal restrictions, or permits, or curfews, or night-time gate, etc.

Enforcement & Safety

- At one time the City had a 'Beach Patrol' program. What enforcement powers, if any, did that person have and what code were they enforcing?
- What limits enforcement by City Police? What, if any, additions, clarification, or changes may be needed to existing ordinances?
- What enforcement actions have the City Police taken and the effectiveness of those actions? What does a review of the current enforcement record and trends show?
- One of the upcoming meeting topics is 'Enforcement' but equally important is the concern for 'Safety' and the City's liability of uncontrolled and reckless driving, children in the pathway of vehicles, dogs off leash and not under control, and overall safety of a rich environment of birds and other wildlife. How will these issues be addressed?
- Is a dog-owner who lives outside the City required to have their dog registered and vaccinated if they bring their dog onto the City beaches?
- Can the City Manager authorize a dog off-leash area with restrictions such as voice command, training, behavioral control, etc., or must any off-leash area be designated by code? If an off-leash area can be authorized by the City Manager are any restrictions enforceable by the City Police?
- The penalty for a violation of Title 19.16 is a fine. Can the City Manager/Police also exclude a person for a flagrant violation? What type of violation would be covered as a misdemeanor or felony, and subject to court action?

Habitat

- The existing Beach Policy defines a 'Storm Berm' and a 'Berm.' If there is evidence of the creation of a 'secondary berm' of beach development, e.g. - habitat formation, driftwood, beach grass development, etc. does that fall under existing beach berm definition and protection?
- How are tide pools protected from disturbance under the current Beach Policy?
- How does the State Critical Habitat designation apply to Bishop's Beach?
- How is disturbance by dogs to migratory and nesting birds and other wildlife addressed by City code, and as it relates to state and federal law?
- What is the necessity of driving/parking on the beach and under what conditions?
- What is the existing City code for bonfires on the beach?

- **19.16.020 Definitions.**

For the purposes of this chapter, "beach area" shall include the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

The existing Title 19.16.030(d) closes Beluga Slough and the ordinance states:

d. No person shall operate any motorized vehicle upon the following beach or tidal areas:

1. Mud Bay;
2. Louie's Lagoon;
3. Mariner Park Lagoon;
4. Beluga Slough.

Is the ordinance interpreted to mean that the beach and tidal area at Bishop's Beach is closed to vehicles and disturbance to wildlife and therefore existing vehicle usage is not allowed?

- Please provide an electronic copy and hard copy (at the meeting) of the 'Beach Policy Map' referred to in Title 19.16.030(e)

Education / Outreach

- When education/outreach is promoted can it also be coupled with behavioral controls, such as installation of barriers?
- The effectiveness of existing signage comes into question - what's the next step or options?
- When considering restricting beach access to vehicles how is advisory signage that only 'educates' enforceable?



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: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: January 14, 2015
Subject: Beach Policy Review

Staff and the Commission have received a set of questions about this project from: **Jack Wiles, Michelle Michaud, Lani Raymond, Nina Faust, Rika Mouw and Louise Ashmun.** Below are my responses, **to the best of my knowledge.** I am happy to further research items at the Commission's request, or correct any errors to my interpretations. Some questions will be answered by our scheduled speakers, and some are policy questions to think about! I have numbered the questions.

BEACH POLICY CONSIDERATIONS LEADING TO MANAGEMENT OPTIONS

Some questions that will help shape management options: focus is on Bishop's Beach

City Code

1. You reference Title 19. Assume that is Title 19.16? Does Title 19.20 also apply to the city owned tidelands? **JE answer:** it could – this section defines Park: "Park" means an area designated as a park, reservation, playground, beach, or recreation area, owned or managed by the City and devoted to active or passive recreation.
2. Are the Bishop's Beach tidelands currently dedicated as park land? **JE Answer:** No. The tidelands are general not zoned, nor has the City passed a resolution through the land allocation plan process. See zoning map.
3. What enforcement codes are used by the Police Department to enforce ordinances pertaining to activities at Bishop's Beach? **JE Answer:** this is a question for Chief Robl which he will answer at the February 26th meeting.
4. The existing zoning for Bishop's Beach is Open Space Rec. How does this zoning affect beach usage? What activities, if any, are restricted (outright) under this zoning designation? What activities can be restricted under this zoning designation? **JE Answer:** I'm not sure that zoning is the regulatory tool to use when addressing beach issues. Zoning regulates land use, such as can a building be constructed and what can the land or building be used for. See 21.32.030. Lots of things are restricted – you can't build a hotel, or gas station etc. You can generally have parks, campgrounds, RV parks, parking lots, fishing areas, wildlife sanctuary... see the code for a full list. Other examples of OSR zoning include Hornaday Park, and the fishing hole, and some of the Spit campgrounds.

5. How does the City Comprehensive Plan affect decisions on future use of Bishop's Beach area?

JE Answer: the Comp Plan broadly supports the beach policy, and updating it as needed. It also supports maintaining and enhancing public access – this is for all beaches not just Bishop's Beach. It also supports maintaining and enhancing city parks. The beach policy is the policy driver; the Comp plan simply supports this mechanism.

Partnership with USFWS

1. Can the City enter into a cooperative agreement with the USFWS to allow for City enforcement of city regulations on USFWS land? **JE Answer:** Chief Robl can better answer this. Are there specific rules that you are asking about?
2. Does City code and zoning apply to USFWS land? **YES**
3. What regulatory authority does the USFWS have on their lands to prevent motor vehicle use, dogs off-leash, camping, and bonfires? **JE Answer:** As a land owner they can make their own decisions about how people can use their land. They may have their own property management policies and regulations that dictate what they can and can't do. They have the same rights as a private land owner: call the police with trespass issues. I know it is not necessarily that simple, but their right to have public laws enforced isn't different because it is federal land rather than a private land owner. With a city park next door, I do think it is important for the city as a land owner and USFW to work together on mutual issues.
4. Are the USFWS lands surveyed and boundaries known/marked? **JE:** I don't know, but probably not. See wall map for reference.

Private Lands

1. Does the City have any maps depicting private property boundaries, in particular, showing which private lands are defined by a survey boundary (private land may extend onto the beach) versus private land boundary ends at the high tide? **JE:** No... the Kenai Peninsula Borough has parcel maps based on taxation. This question gets in to land ownership along tidelands which is more complicated to answer. A reasonable working assumption is the 17.4 high tide line (which is not very high up the beach) is the seaward property boundary. This won't always be the case, but it's a reasonable rule of thumb. Since the City owns the tidelands along most of Homer, the City owns the land below this line.
2. What rights does a private landowner have in restricting public access along the beachfront that falls within their private land? **JE:** We will have input from the City Attorney on this issue.
3. The last beach policy report included an Attorney General Opinion regarding accretion and erosion. What properties are affected by this Opinion? **JE:** Well, every waterfront lot has the potential to be affected by any case law or this opinion.

Public Access

1. Are there dedicated public access easements to the tidelands? If so, where are they located? How do these public access easements affect private lands, vehicle access, or potential closures or barriers to access? **JE:** yes there are public access easements, and they can be found in the beach policy appendices. They are not physically marked in the field. Effect on private lands: a land owner can't build in a dedicated easement, or otherwise prevent the public from crossing the land within the easement. It's the right of the public to access as in travel across the land. Vehicle

access and closures: I don't know. Many of the dedicated access points are on bluffs too high for vehicles.

2. If there is legal public access to the beach, how is it defined and can it be managed by time and space regulations. e.g., pedestrian access is allowed and areas defined for vehicle closure, or seasonal restrictions, or permits, or curfews, or night-time gate, etc. **JE:** This is a question for our attorney's but I have some thoughts. Legal access can be defined by a recorded document describing the easement – plat, easement document, etc. If the access is a historical use (prescriptive use) access, that can be more complicated to answer. It is a source of potential law suits and has been for the Snowmads access to Caribou Hills.

Enforcement & Safety – JE most of this will be addressed by Chief Robl.

1. At one time the City had a 'Beach Patrol' program. What enforcement powers, if any, did that person have and what code were they enforcing?
2. What limits enforcement by City Police? What, if any, additions, clarification, or changes may be needed to existing ordinances?
3. What enforcement actions have the City Police taken and the effectiveness of those actions? What does a review of the current enforcement record and trends show?
4. One of the upcoming meeting topics is 'Enforcement' but equally important is the concern for 'Safety' and the City's liability of uncontrolled and reckless driving, children in the pathway of vehicles, dogs off leash and not under control, and overall safety of a rich environment of birds and other wildlife. How will these issues be addressed?
5. Is a dog-owner who lives outside the City required to have their dog registered and vaccinated if they bring their dog onto the City beaches? **JE:** See Title 20.12 licensing of animals. Paraphrasing: All dogs kept, harbored or maintained in the City....shall be licensed. Since I don't live in City limits, I would take this to mean I don't need a Homer dog tag. Just like a visitor from Florida doesn't need to get tags for every community they visit.
6. Can the City Manager authorize a dog off-leash area with restrictions such as voice command, training, behavioral control, etc., or must any off-leash area be designated by code? If an off-leash area can be authorized by the City Manager are any restrictions enforceable by the City Police? **JE:** Homer's 'leash law' already includes allowing dogs to be off leash as long as they are under owner voice control. See 20.04 "At Large" definition.
7. The penalty for a violation of Title 19.16 is a fine. Can the City Manager/Police also exclude a person for a flagrant violation? What type of violation would be covered as a misdemeanor or felony, and subject to court action?

Habitat

1. The existing Beach Policy defines a 'Storm Berm' and a 'Berm.' If there is evidence of the creation of a 'secondary berm' of beach development, e.g. - habitat formation, driftwood, beach grass development, etc. does that fall under existing beach berm definition and protection? **JE:** good question. I recommend this revision of the beach policy include some better pictures and examples of storm berm vs a general beach berm. And maybe more discussion of where people can drive on the beach (berm vs not berm, etc). Since the original beach policy and resulting rules were adopted, the beach has changed a lot, as have people's understanding (positive) and driving behavior (negative?).
2. How are tide pools protected from disturbance under the current Beach Policy? **JE:** they are not.
3. How does the State Critical Habitat designation apply to Bishop's Beach? **JE:** There is probably more to this question and answer... but the CHA applies just like it does everywhere else: areas below the 17.4 high tide line are within the CHA.

4. How is disturbance by dogs to migratory and nesting birds and other wildlife addressed by City code, and as it relates to state and federal law? **JE:** will ask Chief Robl. Generally speaking in the city, for wildlife issues we call Fish and Game, or Fish and Wildlife, and enforcement lies with those agencies. (like bear nuisances, bald eagle nests, etc, although the city does have some codes on bears specifically)
5. What is the necessity of driving/parking on the beach and under what conditions? **JE:** that's a question for the public!
6. What is the existing City code for bonfires on the beach? **JE:** will discuss with Chief Painter

7. 19.16.020 Definitions.

For the purposes of this chapter, "beach area" shall include the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

The existing Title 19.16.030(d) closes Beluga Slough and the ordinance states:

- d. No person shall operate any motorized vehicle upon the following beach or tidal areas:
1. Mud Bay;
 2. Louie's Lagoon;
 3. Mariner Park Lagoon;
 4. Beluga Slough.

Is the ordinance interpreted to mean that the beach and tidal area at Bishop's Beach is closed to vehicles and disturbance to wildlife and therefore existing vehicle usage is not allowed? **JE Comment:** I would not agree with that statement. The ordinance names Beluga Slough and it says beach or tidal areas. One interpretation is the tidal area of Beluga Slough is closed.

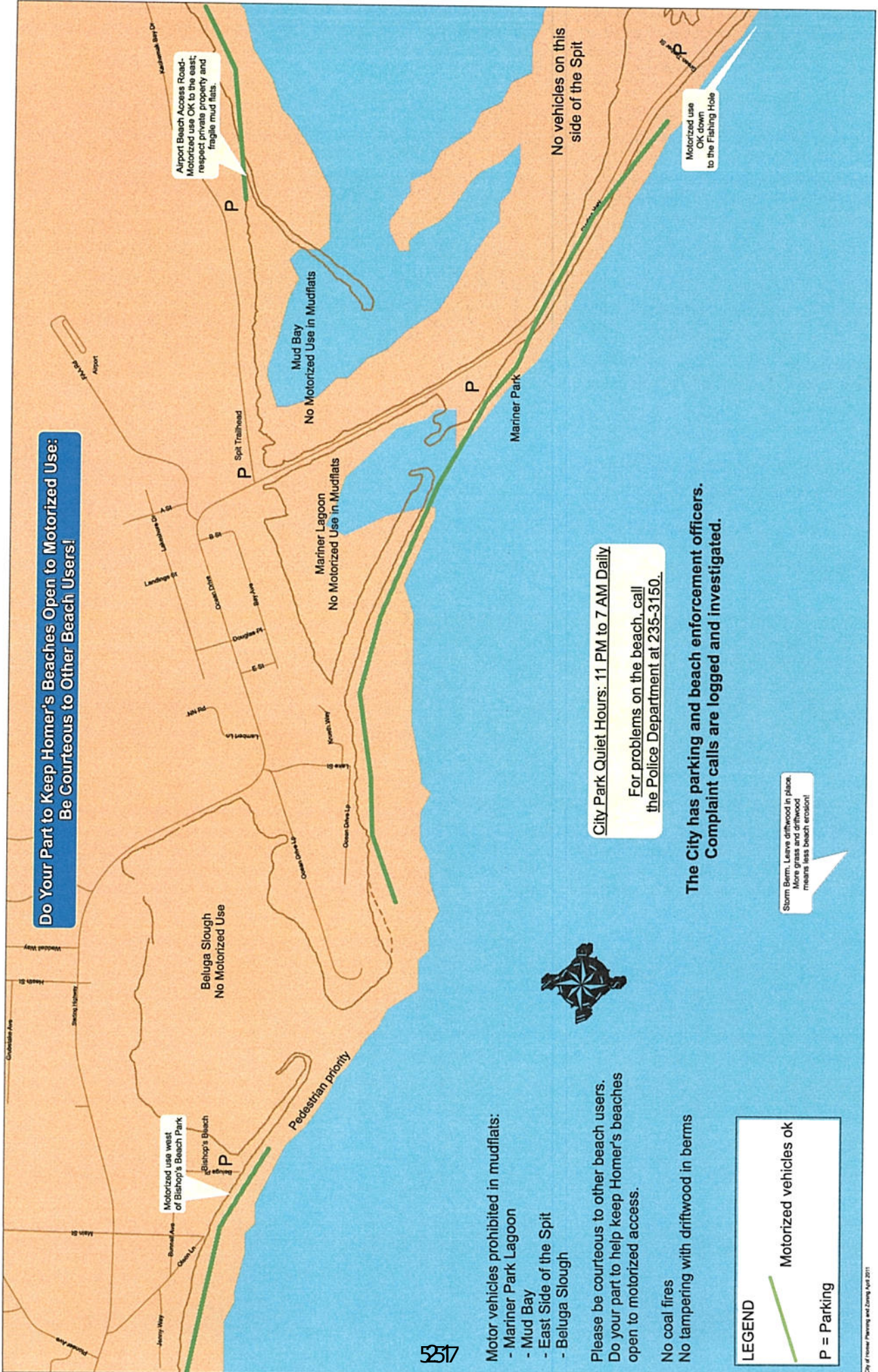
- Please provide an electronic copy and hard copy (at the meeting) of the 'Beach Policy Map' referred to in Title 19.16.030(e) **JE:** Its in the beach policy on/near page 10.

Education / Outreach

1. When education/outreach is promoted can it also be coupled with behavioral controls, such as installation of barriers? **JE:** There are signs at the beach, maps in the campground office and at the Mariner Park Kiosk, in the summer. There were barriers installed at the bottom of the airport beach access road. They may not have 100% solved the problems but there are a lot fewer people driving into Coal Bay than before the barriers were installed (early 2000's?).
2. The effectiveness of existing signage comes into question - what's the next step or options? **JE:** Hopefully this Commission and public review process will recommend some next steps.
3. When considering restricting beach access to vehicles how is advisory signage that only 'educates' enforceable? **JE:** Signage does not create a rule: an ordinance does. The first beach policy recommended closing parts of the beaches. Council then passed an ordinance that codified these closures so that they were enforceable. Title 19.16 are the regulations that can be enforced. Everything else is voluntary such as 'pedestrian priority.'



Where Can I Ride? Areas for Pedestrians and Vehicles



Kiosk Version reduced size

Do Your Part to Keep Homer's Beaches Open to Motorized Use: Be Courteous to Other Beach Users!

Where Can I Ride? Areas for Pedestrians and Vehicles

Bishop's Beach Park:
Motorized users go west

Pedestrian priority
in front of the sea wall,
and west to the Bishop's Beach
parking lot.
Vehicles OK.

No Motorized Use
in the mudflats
(Mariner Lagoon)

Airport Beach Access Road
Motorized use OK to the East;
respect private property and
fragile mud flats

No riding on this
side of the spit at all


Motorized use OK down
to the Fishin Hole


- Motor Vehicles Prohibited:
- Mariner Park Lagoon
 - Mud Bay
 - East Side of the Spit
 - Beluga Slough

Please be courteous to other beach users.
Do your part to help keep motorized access
open on Homer's beaches.

No Coal Fires
No tampering with driftwood in berms

Legend

 Motorized vehicles ok.

 P = Parking

Police + Campground version

Excerpts from :

**Kachemak Bay Shorebird Monitoring Project:
2014 Report**



By

George Matz
PO Box 15182
Homer, Alaska
geomatz@alaska.net

With much support from Kachemak Bay Birders
<http://kachemakbaybirders.org>

October, 2014

Visit  for full report

Table of Contents

I. Executive Summary.....	3
II. Introduction.....	5
A. Overview of Kachemak Bay.....	5
B. Overview of Anchor River.....	7
C. Overview of Kasilof River.....	8
D. History of Kachemak Bay Shorebird Monitoring Project.....	9
III. 2014 Monitoring Protocol.....	14
A. ISS Modified Protocol.....	14
B. Kachemak Bay Monitoring Sites.....	14
C. Monitoring Dates and Times.....	15
D. Volunteer Schedule.....	17
E. Recording Observations.....	18
IV. 2014 Monitoring Results.....	20
A. Homer Spit Area	19
B. Homer Spit Supplemental Monitoring.....	23
C. Anchor River.....	25
D. Kasilof River.....	26
E. Weather Effects.....	27
D. Disturbance.....	28
V. Trends.....	29
A. Comparing 2014 to Previous Years	29
B. Comparing Anchor and Kasilof Rivers Data	30
C. Volunteer Participation.....	31
D. Comparing Recent Data to West’s Data.....	33
VI. Other Activities.....	36
A. Outreach.....	36
B. Presentations.....	36
C. Publications.....	36
VII. Future Efforts.....	36
VIII. Acknowledgements.....	36
IX. Literature Cited.....	37
X. Appendices.....	37
Appendix A: Birds of Kachemak Bay, Alaska: Shorebird Checklist.....	38
Appendix B: Kachemak Bay Shorebird Project Monitoring Report Form.....	39
Appendix C: Observation Data for Each Site.....	40
Appendix D: Session Reports Sent to Birding Lists.....	47

List of Tables

Table 1. Homer Spit and Anchor River monitoring times and tides	16
Table 2. 2014 Kasilof River monitoring times and tides.....	16
Table 3. Shorebird monitoring project volunteers.....	17
Table 4. Number of shorebirds seen by species for all 2014 survey dates.....	19

water temperatures in the Bay range between a high of 12.8°C (55°F) in the summer, and a low of -2°C (28°F) in the winter. Most of the 0.7 m (25 in.) of annual precipitation occurs in late summer and fall. The majority of snow falls from November to March.

The head of Kachemak Bay is characterized by extensive tidal flats, braided drainages, and marshlands. The northern shore consists of cliffs composed mostly of sand and clay leading down to shallow mud flats. The southern shoreline consists of hard rock cliffs and deep embayments. Many islands are also found along the southern shore. Several major glacial streams discharge into inner Kachemak Bay: Fox, Martin, Wosnesenski, and Bradley rivers; and Sheep, Battle, Halibut, Portlock and Grewingk Creeks. In addition, several minor nonglacial streams discharge into Kachemak Bay along the southern shore. The northern coast is drier, and only eight small nonglacial streams of limited drainage enter the inner Bay from that side.

Kachemak Bay and the adjacent Cook Inlet are known for their amazing tidal ranges. Kachemak Bay has an 8.7 m (28.5 ft.) tidal range that results from the complex geomorphology of the Gulf of Alaska and adjacent Cook Inlet. Tides in Kachemak Bay and Lower Cook Inlet are semi-diurnal with a significant inequality between successive low waters. This means there are two high tides within a lunar (24 hour 50 minute) day, one of which will generally exceed the other by several feet. The mean diurnal range in Kachemak Bay is 4.7 m (15.4 ft.) at Seldovia. Highest tides exceed 6.9 m (22.5 ft.) and the lowest tides are about -1.8 m (-6.0 ft.).

The Homer Spit is a striking geologic feature of Kachemak Bay, and it also has a dramatic impact on the Bay's circulation. The Spit bisects the Bay into inner and outer zones. These zones differ in freshwater influence and in wave action. The outer Bay is a mixing basin for the cold, saline, nutrient-rich Alaska Coastal Current (ACC) which enters from the southeast via Cook Inlet, and the fresh glacial water that drains from the Bay's tributaries.




Figure 2. Aerial view of Homer Spit

It is an environment typified by high wave energy that receives the full force of swells from across the Inlet. The inner Bay has a lower salinity because the influence of freshwater tributaries is stronger in the semi-contained water found behind the Homer Spit. The inner Bay also remains calmer because the Homer Spit blocks the swells from the Inlet. Water masses from the inner and outer zones of the Bay meet at the end of the Spit during the daily tidal cycle.



From 1500-m (5,000 ft.) high alpine peaks to 176-m (576 ft.) deep sea trenches, Kachemak Bay is home to a diversity of flora and fauna. In Kachemak Bay and its watershed, the following species have been documented: 11 species of marine mammals, 36 species of terrestrial mammals, 244 species of birds, 1 species of amphibian, 120 species of fish, 404 species of marine invertebrates, 125 species of marine algae, and 663 species of vascular plants. There are undoubtedly additional species that have yet to be documented, especially fish, invertebrates, marine algae and plants. Kachemak Bay's varied coastline, numerous freshwater sources, and diverse geomorphology create a microcosm of Southcentral Alaskan habitat types.



Rocky habitats support the most diverse aquatic communities. Invertebrates are most abundant and diverse where currents are high, and least abundant and diverse in slow currents. Jakolof Bay supports the most robust subtidal macroinvertebrate communities known in Southcentral Alaska. Most of the macroinvertebrates are sedentary filter feeders, such as clams. Grazers, such as chitons and sea urchins, are abundant. Abundant predatory macroinvertebrates are primarily sea stars, snails, and hermit crabs.

Invertebrate abundance in sand and mud substrates is strongly influenced by seasonal conditions, and dominance patterns are influenced by tidal exposure. Most invertebrates in sand and mud substrates are deposit or suspension feeders. Many species are more abundant at lower tidal levels; however, species composition does not appear to be affected by tide stage. Mud flats have greater species richness, biomass, and diversity of perennial species than sand beaches and, consequently, attract the highest numbers of shorebirds and ducks.

Kachemak Bay has several populations of clams, including Pacific littlenecks, butter clams, surf clams, various cockles, razor clams, and several *Macoma* (Baltic, stained, chalky, oblique, and bent-nosed). Hard-shelled clams can be found in the lower intertidal region on protected gravel-sand-mud beaches. Soft-shelled clams are usually found in areas of mixed sand and mud, or mud and gravel.

Two hundred forty-four species of birds have been identified on and around Kachemak Bay. Kachemak Bay is the most important marine bird habitat in Lower Cook Inlet, with no comparable areas in Upper Cook Inlet. During winter months over 90% of the marine birds in Lower Cook Inlet are found in Kachemak Bay. Kachemak Bay is also important for avian feeding, nesting, rearing, and migratory staging throughout the year.

In 1996, Kachemak Bay was dedicated as an international site of the Western Hemisphere Shorebird Reserve Network. An international site designation indicates that the site hosts greater than 100,000 shorebirds or 10% of a flyway population.

B. Overview of Anchor River

The Anchor River flows into Cook Inlet about a mile north of Anchor Point, the most northern extent of Kachemak Bay. This area is popular for sport fishing and beach walks. Beach walks provide excellent opportunity to observe a diversity of waterbirds, especially shorebirds. The

III. 2014 Monitoring Protocol

A. ISS Modified Protocol

As in previous years, our shorebird monitoring protocol for 2014 used a modified version of the ISS protocol (www.shorebirdworld.org/). Differences were:

1. Rather than collect data individually from one site, our protocol used a team effort to simultaneously cover five sites on or near Homer Spit. Four sites are actually on Homer Spit and one site (Beluga Slough) was nearby. In addition we obtained observations the same day from a charter boat captain (Karl Stoltzfus) who volunteered to monitor the other side (south) of the Bay during scheduled trips. This site is called Islands and Islets.
2. Based on ISS protocol, monitoring frequency should be once every 10 days. However, migrating shorebirds tend to spend less time at Alaska stopover sites than in the Lower-48. Studies of radio-tagged migrating shorebirds that stage in the Cooper River Delta found these birds stayed only 2 to 4 days (Warnock et al 2005). Other studies of radio-tagged shorebirds migrating through the Yakutat Forelands found that the stopover duration was just one day for 14 out 15 (93.3%) radio-tagged Western Sandpipers and two days for one (6.7%) bird (Andres et al 1998). Considering both the need to monitor more frequently than once every 10 days and to avoid double-counting by monitoring too often, we settled on monitoring once every five days. This also agreed with the level of effort that volunteers were willing to commit; always an important factor with citizen science projects.
3. Monitoring at the mouth of the Anchor River continued for the second year using the same protocol as used on Homer Spit. Monitoring at the same time avoids double-counting.
4. Volunteers who monitored the mouth of the Kasilof River decided that the optimal viewing time to begin monitoring there was at mid-tide on a rising tide. Their monitoring dates this year were the same as used on Homer Spit.
5. The project coordinator, in addition to writing a combined report for each session, gathered the individual site reports and entered each in the ISS portal for eBird.

B. Kachemak Bay Monitoring Sites

Monitoring sites and how the count was conducted (stationary, walking, or by boat) are listed below with a brief description of the primary type of habitat. Our 2009 report on Kachemak Bay Birders web site has aerial photos of each monitoring site.

- Homer Spit
 - ✓ Mud Bay – stationary. Shallow, intertidal area with extensive mudflats protected by the Spit from storm surges.
 - ✓ Mariner's Park Lagoon – stationary. An upper intertidal area that floods only at higher than average tides.
 - ✓ Mid-spit area including Green Timbers and Louie's Lagoon – walking. Mostly a grassy upper intertidal area that floods only at high tides.

- ✓ Boat harbor and Lands' End – walking. The rock armor protecting the harbor creates an environment favored by birds such as Surfbirds.
- Beluga Slough – walking. An estuary with a stream that originates from artificially created Beluga Lake.
- Islands and Islets on south side of Kachemak Bay – boat. All these areas are essentially rock outcroppings with little or no beach.
 - ✓ Gull Island
 - ✓ Sixty-foot Rock
 - ✓ Cohen Island
 - ✓ Lancashire Rocks near Neptune Bay

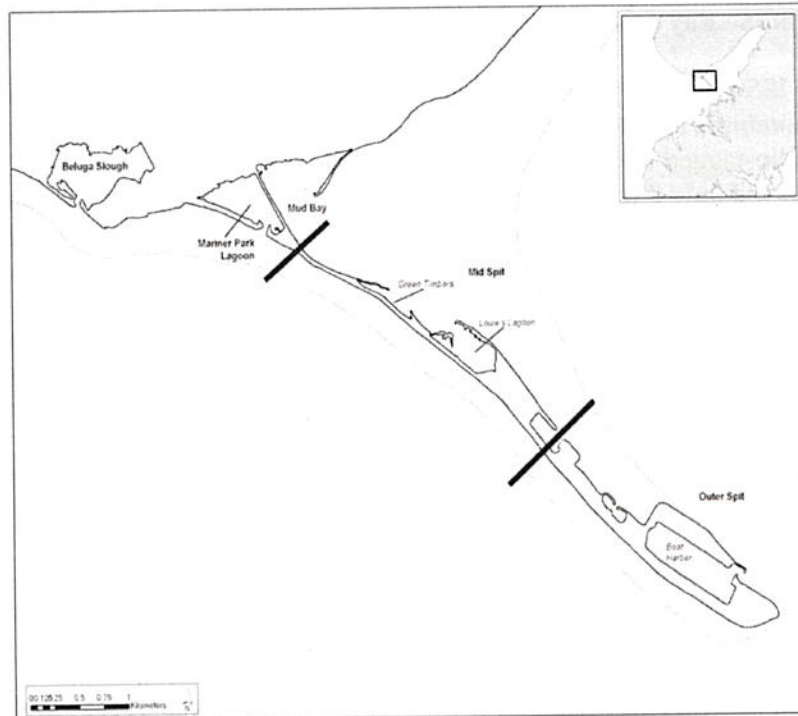


Figure 5. Illustration of Homer Spit shorebird monitoring sites for 2013.

The Anchor River and Kasilof River monitoring sites were described in the Introduction.

C. Monitoring Dates and Times

The most important factor in establishing survey times is the tide. Monitoring is not conducted during higher than average high tides since shorebirds often leave the intertidal area at this time. Conversely, low tides put shorebirds way out of viewing range (more than a mile). Based on our previous experience, the best time to begin monitoring in Kachemak Bay is when the outgoing tide approaches 15.0 feet, or at high tide in cases when high tide doesn't reach this level. Not only do these conditions provide good viewing opportunity but also coincide with shorebird foraging activity. The times used to begin monitoring are based on the quarter hour.

IV. 2014 Monitoring Results

A. Homer Spit Area

The 2014 Kachemak Bay Shorebird Monitoring Project observed 25 species of shorebirds and counted a total of approximately 13,139 individual bird's at all six sites in Homer Spit area. Table 4 presents a breakdown of this count by species for the four monitoring sites on Homer Spit, Beluga Slough, and Islands and Islets as well as the total for all six sites. This breakdown allows a more direct comparison with West's data (discussed later).

Table 4. Number of shorebirds seen by species for all 2014 survey dates, Sorted by abundance for All Sites.

SPECIES	Homer Spit Sites	Beluga Slough	Islands & Islets	All Sites
Western Sandpiper	3,836	164		4,000
Red-necked Phalarope	5	1	3,000	3,006
Surfbird	2,414		230	2,644
Dunlin	1,490	40		1,530
LESA/WESA/SESA	987			987
Semipalmated Plover	246	5		251
Least Sandpiper	112	83		195
Black-bellied Plover	111	3		114
Pectoral Sandpiper	90	8		98
Black Turnstone	49			56
Dowitcher sp.	43	6		49
Wandering Tattler	38		1	39
Long-billed Dowitcher		36		36
Whimbrel	19	7		26
Greater Yellowlegs	7	17		24
Pacific Golden Plover	15	2		17
Short-billed Dowitcher	5	10		15
Semipalmated Sandpiper	12	1		13
Black Oystercatcher			8	8
Marbled Godwit	4	4		8
Rock Sandpiper	6			6
Red Phalarope	1		4	5
Lesser Yellowlegs	4			4
Hudsonian Godwit		3		3
Ruddy Turnstone	2		7	2
Sanderling	2			2
Red Knot	1			1
Total	9,499	390	3,250	13,139

Note: LESA/WESA/SESA lumps Least Sandpipers, Western Sandpipers, and Semipalmated Sandpipers when the observer couldn't identify by species. It likely includes Dunlin as well.

Table 5 provides a breakdown by species and date for all Homer Spit area sites monitored. Cells with red tabs have further Information (e.g. weather, tides, and observers) when viewed in Excel. An Excel file of this data is available through the Kachemak Bay Birders web site. Other birds observed were noted in the report that was sent after each session to the Kachemak Bay Birders and AK Birding list serves and included in the eBird report. Copies of all nine reports are in Appendix E of this report.

Table 5. Shorebirds counted by species and date for all six sites during 2014 monitoring.

SPECIES	April		May							Total
	17	22	27	2	7	12	17	22	27	
Semipalmated Plover	-	-	3	10	45	64	52	34	43	251
Killdeer	-	-	-	-	-	-	-	-	-	-
American Golden-Plover	-	-	-	-	-	-	-	-	-	-
Pacific Golden Plover	-	-	13	4	-	-	-	-	-	17
Black-bellied Plover	-	4	39	22	38	9	2	-	-	114
Black Oystercatcher	-	1	-	-	2	-	2	1	2	8
Greater Yellowlegs	-	3	2	6	-	4	-	7	2	24
Lesser Yellowlegs	-	-	-	-	-	-	4	-	-	4
Yellowlegs sp.	-	-	-	-	-	-	-	-	-	-
Spotted Sandpiper	-	-	-	-	-	-	-	-	-	-
Whimbrel	-	-	-	2	12	1	1	10	-	26
Bristle-thighed Curlew	-	-	-	-	-	-	-	-	-	-
Bar-tailed Godwit	-	-	-	-	-	-	-	-	-	-
Hudsonian Godwit	-	-	-	3	-	-	-	-	-	3
Marbled Godwit	-	-	-	4	4	-	-	-	-	8
Wandering Tattler	-	-	-	-	-	15	20	1	3	39
Surfbird	-	4	6	160	878	798	276	482	40	2,644
Ruddy Turnstone	-	-	-	-	1	1	-	-	-	2
Black Turnstone	-	-	1	4	15	34	1	-	1	56
Western Sandpiper	-	-	61	281	2,109	1,174	353	20	2	4,000
Least Sandpiper	-	-	-	20	79	12	23	61	-	195
Semipalmated Sandpiper	-	-	-	1	-	-	11	1	-	13
LESA/WESA/SESA	-	-	8	103	765	61	50	-	-	987
Sanderling	-	-	-	-	-	-	-	2	-	2
Pectoral Sandpiper	-	-	-	-	-	-	1	97	-	98
Dunlin	3	1	46	300	946	111	108	9	6	1,530
Rock Sandpiper	-	-	-	1	-	1	3	1	-	6
Baird's Sandpiper	-	-	-	-	-	-	-	-	-	-
Red Knot	-	-	-	-	-	-	1	-	-	1
Short-billed Dowitcher	-	-	1	9	-	1	2	-	2	15
Long-billed Dowitcher	-	-	-	-	2	20	14	-	-	36
Dowitcher sp.	-	-	-	36	7	6	-	-	-	49
Wilson's Snipe	-	-	-	-	-	-	-	-	-	-
Red Phalarope	-	-	-	4	-	-	-	-	1	5
Red-necked Phalarope	-	-	-	-	3,001	-	-	1	4	3,006
Total	3	13	180	970	7,904	2,312	924	727	106	13,139

Note: Combined total is less than total for all six sites (13,669) because double counting between sites was eliminated

A new species this year for our project was a small flock of Red Phalarope mixed in with the thousands of Red-necked Phalarope that stage on the water at the mouth of the Bay. Also, we saw a Red Knot this year. This is only the second year we have seen this late migrant during our monitoring. No Wilson's Snipe were seen this year during monitoring, but this shorebird is common in freshwater wetlands in the area. The number of Surfbirds seen this year was about twice our average. A flock of 1,500 was observed on the Spit, but not during one of our

monitoring sessions. During our monitoring sessions we counted hundreds during five different sessions.

As mentioned in the Introduction, Kachemak Bay has a variety of habitats ranging from rocky islets to mud flats, which in turn attracts a variety of shorebird species. Each of the six sites attracts different species and numbers. Figure 8 and Table 6 provide an overview as to the number of shorebirds counted at each site for each monitoring session. Appendix C provides spreadsheets for each site that lists for each monitoring session the shorebird species seen and count as well as who the monitors were and if they saw any disturbances. This information, plus birds seen other than shorebirds, has been entered in eBird.

Figure 8. Number of shorebirds counted during 2014 by date and site.

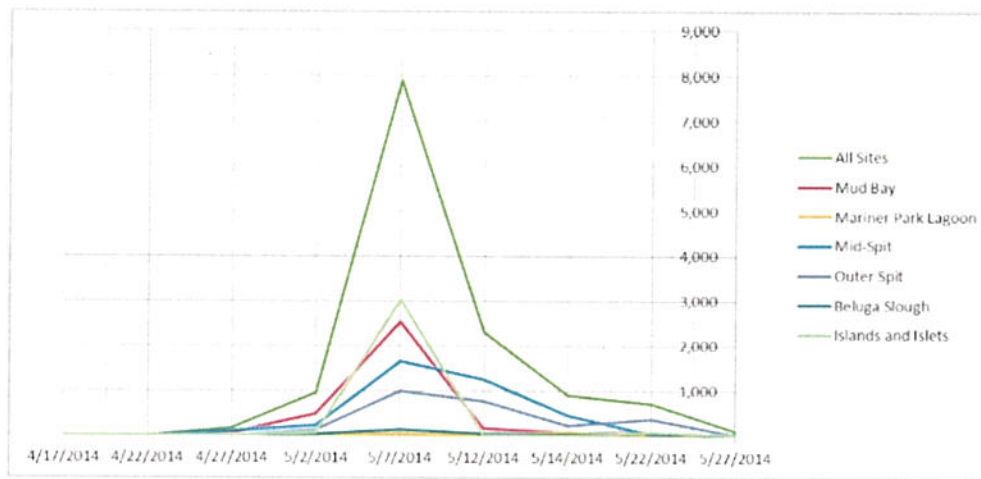


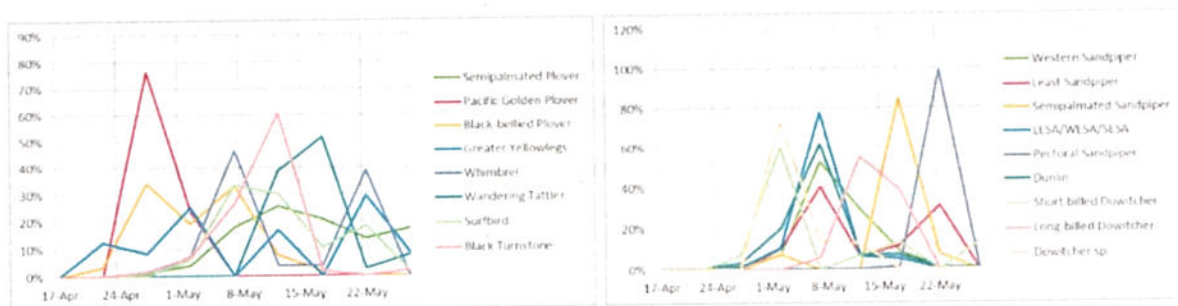
Table 6. Number of shorebirds counted during 2014 by date and site

2014 Shorebird Monitoring Project										
	4/17/2014	4/22/2014	4/27/2014	5/2/2014	5/7/2014	5/12/2014	5/14/2014	5/22/2014	5/27/2014	Total
All Sites	3	13	180	970	7,904	2,312	924	727	106	13,139
Mud Bay	-	3	64	478	2,524	169	85	91	10	3,424
Mariner Park Lagoon	-	-	1	6	57	11	102	23	3	203
Mid-Spit	-	2	103	236	1,678	1,275	469	50	45	3,858
Outer Spit	3	-	6	126	998	773	226	381	31	2,544
Beluga Slough	-	3	6	50	143	66	40	81	1	390
Islands and Islets	-	5	-	78	3,030	18	2	101	16	3,250

As expected, each species tends to arrive at a different time. Typically, yellowlegs and plovers are the first wave followed by sandpipers, and then tattlers, etc. However, the first shorebird usually present in Kachemak Bay is the Rock Sandpiper which overwinter here and leave about the time that yellowlegs first arrive. But the last two winters, which have been mild, the presence of Rock Sandpipers has been sporadic and not as abundant as in previous winters.

Figures 9 and 10 illustrate arrival and departure dates for taxa that had a count greater than 10. This data is based on the number of birds seen by species for a monitoring date divided by the total number of birds of that species counted this year. Using this percentage rather than the actual number of birds allows comparisons on a scale that fits the chart.

Figure 9 & 10. Percentage of shorebird arrivals and departures by species for 2014.



B. Homer Spit Supplemental Monitoring

In our first year of monitoring (2009) it appeared as if large flocks of shorebirds (particularly Western Sandpipers and Dunlin) arrived at the Homer Spit after a scheduled monitoring date but left before the next monitoring date, thus not being included in the count. To get a better handle on turn-over rates, in 2010 we monitored Mud Bay daily for shorebirds during the two weeks of peak migration. From this effort we verified that there were substantial day-to-day variances in shorebird presence.

Since then, every year one or two volunteers have monitored the Spit nearly every day during the peak of migration. These are essentially spot checks which attempt to get a snapshot of the overall count of shorebirds in the Mud Bay and mid-Spit area (which accounts for most of the Western Sandpipers, Dunlin, and other sandpipers). But since this data doesn't follow our protocol it can't be added to our monitoring data. Nevertheless, it does assist us in making reasonable estimates as to what we missed. This was demonstrated in 2012 when we had three distinct pulses of shorebirds pass through the area and all three, based on reviewing the supplemental data, were on scheduled monitoring dates. The result was record high counts. But knowing that the peak of these pulses coincided with scheduled monitoring dates, and that this didn't happen in previous years, we were able to deduce that the increase in count from previous years was not as significant as it might appear (Matz, 2012).

This year's report includes not only the spot checks, but eBird reports from May 1-14 for Homer Spit hotspots (there are several for the Homer Spit). During this time, especially during the Kachemak Bay Shorebird Festival weekend, a number of lists are submitted daily. The count used in this eBird data set includes only the highest count that day for each species.

Table 7 below illustrates the spot check count done by George Matz on dates not scheduled for monitoring.

Table 7. Daily shorebird count for Homer Spit

George														
Location(s): Homer Spit - Mud Bay														
Species Name	1-May	2-May	3-May	4-May	5-May	6-May	7-May	8-May	9-May	10-May	11-May	12-May	13-May	14-May
Black-bellied Plover	--	--	6	--	2	12	--	--	5	--	--	--	--	--
Semipalmated Plover	--	--	--	2	4	1	--	--	--	--	--	--	--	--
Whimbrel	--	--	--	40	--	--	--	--	--	--	--	--	--	--
Marbled Godwit	--	--	--	--	--	1	--	--	--	--	--	--	--	--
Black Turnstone	--	--	--	--	--	1	--	--	--	--	--	--	--	--
Dunlin	--	--	440	100	200	1,700	--	400	3	200	210	--	--	--
Least Sandpiper	--	--	--	15	--	7	--	--	--	--	--	--	--	--
Western Sandpiper	--	--	40	1,000	400	900	--	7,500	80	3,600	210	--	--	--
peep sp.	--	--	--	900	--	--	--	--	--	--	--	--	--	--
Short-billed Dowitcher	--	--	--	--	--	9	--	--	--	--	--	--	--	--
Long-billed Dowitcher	--	--	14	--	--	--	--	--	--	--	--	--	--	--
Short-billed/Long-billed Dowitb	--	--	--	4	5	--	--	--	--	4	--	--	--	--
Total Count	-	-	500	2,061	611	2,631	-	7,900	88	3,804	420	-	-	-
Location(s): Homer Spit--Mid-Spit (Green Timbers & Louie's Lagoon)														
Species Name	1-May	2-May	3-May	4-May	5-May	6-May	7-May	8-May	9-May	10-May	11-May	12-May	13-May	14-May
Semipalmated Plover	--	--	2	--	--	--	--	--	1	--	3	--	--	--
Whimbrel	--	--	--	--	--	--	--	1	--	--	--	--	--	--
Dunlin	--	--	--	--	--	--	--	1	70	--	3	--	--	--
Least Sandpiper	--	--	--	--	--	--	--	--	--	--	3	--	--	--
Western Sandpiper	--	--	--	--	--	--	--	100	800	--	100	--	--	--
peep sp.	--	--	2	--	--	--	--	--	--	--	--	--	--	--
Total Count	-	-	4	-	-	-	-	102	871	-	109	-	-	-
Both Locations Count	-	-	504	2,061	611	2,631	-	8,002	959	3,804	529	-	-	-

Table 8 gives the highest daily count by shorebird species as reported via eBird. These counts are only for entries made under “hotspots.” Due to some technical difficulty, this data does not include that in Table 7, even though it was entered on eBird, or data submitted via the ISS portal.

Table 8. Shorebird count from eBird lists.

Location(s): Homer Spit; Boat Harbor; Boat Harbor entrance; Fishing Hole; Freight Dock Rd; Lands End; Mariner Park Campground; Mariner Park Lagoon; Mid-Spit; Mud Bay														
Species Name	1-May	2-May	3-May	4-May	5-May	6-May	7-May	8-May	9-May	10-May	11-May	12-May	13-May	14-May
Black-bellied Plover	--	--	--	--	5	X	--	15	9	4	--	4	3	2
Pacific Golden-Plover	--	--	--	--	--	X	--	3	2	1	--	--	--	--
Semipalmated Plover	--	--	2	--	--	--	--	6	3	2	3	8	--	--
Solitary Sandpiper	--	--	--	--	--	--	--	--	--	--	1	--	--	--
Wandering Tattler	--	--	--	--	--	--	--	--	1	--	2	--	--	--
Greater Yellowlegs	--	--	--	--	--	--	--	--	2	1	--	--	--	--
Whimbrel	--	--	--	--	--	--	--	2	--	3	2	2	1	--
Marbled Godwit	--	--	--	--	--	--	--	1	--	--	--	--	--	--
Hudsonian Godwit	--	--	--	--	--	1	--	--	--	--	--	--	--	--
godwit sp.	--	--	--	--	--	--	--	--	--	1	--	--	--	--
Ruddy Turnstone	--	--	--	--	--	--	--	--	--	1	1	--	--	--
Black Turnstone	--	--	--	--	--	--	--	1	12	42	22	20	3	--
Surfbird	--	--	--	--	--	--	--	1,500	1,300	700	600	480	375	--
Dunlin	--	--	--	--	75	60	--	250	100	100	392	47	150	10
Rock Sandpiper	--	--	--	--	--	--	--	1	6	6	3	5	--	--
Least Sandpiper	--	--	--	--	--	--	--	15	300	200	3	11	--	100
Pectoral Sandpiper	--	--	--	--	--	--	--	--	1	--	1	--	--	--
Semipalmated Sandpiper	--	--	--	--	--	1	--	--	--	1	--	--	--	--
Western Sandpiper	--	--	--	--	150	1,000	--	500	8,000	2,500	275	76	--	2,000
peep sp.	--	--	2	--	--	--	--	--	20	--	--	--	300	--
Short-billed Dowitcher	--	--	--	--	29	X	--	4	1	57	14	8	--	--
Long-billed Dowitcher	--	--	--	--	--	X	--	X	4	--	--	10	--	--
Short/Long-billed Dowitcher	--	--	--	--	--	--	--	--	--	--	--	--	--	X
Wilson's Snipe	--	--	--	--	--	--	--	--	2	1	2	--	--	--
Red-necked Phalarope	--	--	--	--	--	--	--	--	1,000	615	5	2,000	200	--
Total Count	-	-	4	-	259	1,062	-	2,298	10,762	4,236	1,324	2,673	1,032	2,112

Table 9 compares the spot checks done by George Matz with eBird data as well as protocol shorebird monitoring data. The last row of this table lists the highest daily count for each of these three monitoring sources. This represents a ball park estimate of the total number of shorebirds that may have stopped over at the Homer Spit during the peak of this springs migration. Given that not many shorebirds seemed to stay for more than a tide or two, the

amount of double-counting is probably negligible. While only a ball park estimate, it is probably about as good of an overall population count as we can expect given all the variables. This table illustrates that the peak of this year's pulse occurred on May 9th which is in-between scheduled shorebird monitoring dates. While monitoring on May 7th was on the shoulder of the peak, it is obvious that shorebirds were missed.

Table 9. Comparing three sources of count data during peak migration.

Combined Total Counts	1-May	2-May	3-May	4-May	5-May	6-May	7-May	8-May	9-May	10-May	11-May	12-May	13-May	14-May	Totals
George's Count	-	-	504	2,061	611	2,631	-	8,002	959	3,804	529	-	-	-	19,101
eBird Hotspot Counts	-	-	4	-	259	1,062	-	2,298	10,762	4,236	1,324	2,673	1,032	2,112	25,762
Shorebird Monitoring Program	-	970	-	-	-	-	7,904	-	-	-	-	2,312	-	-	11,186
Highest Daily Count	-	970	504	2,061	611	2,631	7,904	8,002	10,762	4,236	1,324	2,673	1,032	2,112	44,822

Comparing totals, it appears as if the shorebird monitoring count may have missed about one-quarter of the shorebirds that stopped-over at the Homer Spit this year. Knowing this correction factor allows better year-to-year comparisons.

Effort was made to obtain similar data for the Anchor River and Kasilof River, but there were too few eBird submissions to come up with anything useful.

C. Anchor River

This is our second year of monitoring the Anchor River. The Anchor River tends to have a high energy beach with limited mud flats that doesn't attract large flocks of sandpipers like those that that stopover at Mud Bay on Homer Spit. But it does have a lot of diversity and provides a more complete picture of the Kenai Peninsula spring shorebird migration. A total of 19 shorebird species were observed this year.

The count this year for the Anchor River amounted 5,476. However, this includes a flock of 5,000 Red-necked Phalarope that were seen offshore on May 12th. Although this large flock of Red-necked Phalarope are seen every year on the south side of Kachemak Bay, this was the first time they have been observed at the Anchor River. Apparently the flock was previously at the mouth of Kachemak Bay and beginning to move north. Subtracting out Red-necked Phalaropes, the Anchor River count was 476.

Table 12. Comparison on spring 2014 Homer weather with average weather.

Homer	April 2014	April Normal	May 2014	May Normal
Average high temperature	47.9°F	44°F	59.7°F	52°F
Average low temperature	32.0°F	30°F	40.2°F	37°F
Average temperature	39.95°F	37°F	49.95°F	44°F
Total Precipitation	0.27 inch	1.06 inch	1.07 inch	0.83 inch

Source: www.usclimatedata.com

Figure 8 above illustrates that the arrival and departure of migrating shorebirds this year, unlike most years, was essentially one pulse. Favorable weather with no reason for shorebirds to wait out stormy conditions probably contributes to a fairly smooth curve for arrivals and departures.



F. Disturbance

Our observations include noting any disturbances to shorebirds from raptors, people with dogs, aircraft, etc. Aircraft is a particular issue since the Homer Airport was built in a wetland near the base of the Spit. But not that many planes (no large jets) actually use the airport, so there doesn't seem to be that much disturbance to birds from planes. Also, planes have a predictable flight pattern. But this year there was more helicopter traffic leaving from the airport and going down the Spit. During one session I noted a helicopter flying over Mariner Park Lagoon at a low elevation which flushed several crows. A few minutes later a DE Havilland two engine plane came over and there didn't seem to any reaction from the crows. On another occasion, a small plane flew over the lagoon while landing at the airport and didn't seem to disturb a pair of Sandhill Cranes foraging in the grass. But a helicopter that soon followed put them on alert. Based on this and other observations, it appears that the whoop-whoop noise of a helicopter and less predictable flight pattern has a more disturbing effect on birds than planes.

Another disturbance that often occurs in the Homer area is flushing of birds by dogs that are not on a leash. Kachemak Bay Birders makes an effort every spring to inform the public that unlike the gulls resting on the beach, shorebirds may have just completed a several hundred mile flight and need rest. In addition, the Alaska Maritime NWR posts signs on its property at Beluga Slough stating that during migration, dogs need to be on a leash. For the most part, the public seems cooperative.

Raptors also disturb shorebirds. Bald Eagles often cruise up and down the beach, but shorebirds seem to realize their inability to do anything other than fly in a straight line and are not much of a threat. Merlin's are another matter. When large flocks of sandpipers are present, there is often a Merlin or two in the area which definitely gets the attention of shorebirds, often causing them to flush. After being flushed, the flocks generally return to feeding in the intertidal area.

End of Staff Highlights JR

City of Homer

Beach Policy

2007



Table of contents

1. Purpose and Intent
2. Definitions
3. General Policy Recommendations
4. Specific Area Recommendations
5. Beach Policy History

Beach Area Map

Section Line Easement Diagram

State Attorney General Opinion

Appendix A: Beach Access Notes

Appendix B: Mainland public access points to Kachemak Bay

1. Purpose and Intent

This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25th 2001. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

Goals

Education

Educate beach users by providing signage and beach information at convenient locations.

Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches – i.e. keep motorized vehicles out of lagoon areas.

Enforcement

Ensure adequate staffing on holiday weekends.

2. Definitions

a. Berm means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water, at or landward of, the line of ordinary high tide.

b. Storm berm means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach may have more than one storm berm.

Example: Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses grow there most of the time, and only at the highest tides and largest storms are logs thrown up on the beach.



3. General Recommendations for all Homer Beaches

1. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we will diffuse the impacts and provide a more enjoyable experience to all.

A. Improve Access via: Crittenden Dr., Ocean Dr., Spit, Kachemak Dr.

B. Provide signage at all public access points.

1. Specifically, signage shall be maintained at Bishop's beach park, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Road, and Kachemak Drive.

C. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

2. Signage should be positive and informative.

A. Sign examples for the Mud Flats, Berms & Driftwood

1) Help build our beach berms and protect our critical habitat areas.

2) Please do not drive on or remove any material from the storm berms. The grasses growing here provide habitat and are an important part of berm stabilization. Driftwood plays an important role in building and protecting our berms.

3) The Mud Flats are fragile and important habitat for wildlife. They are hazardous and off-limits to vehicles and foot traffic.

4) Encouraging courtesy to other users.

B. Examples for private property:

1) Please be aware that private property extends 100' or more toward the water from the high tide line.

3. Ask for City Attorney opinion on location of seaward property lines. Although many people believe property lines stop at a water boundary, it has become apparent this is not the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. (See attached opinion by State Attorney General)

4. Encourage better enforcement of applicable existing state and local laws. Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 19.16 Vehicles on Homer Spit Beach, HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

A) More evening enforcement in City campgrounds, and encourage/post quiet hours.

B) More enforcement of city driving laws on city beaches.

5. Develop and distribute brochures with a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. We need everyone's help.

A. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public service announcement on local radio stations. Budget at least \$500 annually for this advertising.

B. Budget at least \$500 a year for sign replacement.

C. Provide beach maps and brochures on beach etiquette at city campground facilities.

6. Perform an annual assessment of beach health and developing impacts.

A. City staff & Parks and Recreation Commission representatives prepare an assessment with reports to City Manager, City Council, & City Commissions. The report should be prepared in a timely manner so that items requiring maintenance or ongoing funding may be considered

during the budget process. Include an assessment of the condition of the storm berm at Mariner Park, specifically including pedestrian impacts.

B. Add each annual assessment to the original BPTF report with updated photos to create a continuous record.

7. Driftwood from berm areas should not be removed. Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

A. Direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds.

8. Find ways of supporting beach cleanup.

A. Support the efforts of spring clean up day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.

B. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach clean up activities.

9. Increase Parking on the Spit

A. We need more parking and areas for people to access the beach. These parking areas distribute the impact of beach users, provide safe off-highway parking for vehicles.

B. Situate the parking close to Spit Road for aesthetic purposes.

C. Better parking further down the spit will allow pedestrians to enjoy to the beach where vehicles are not present.

4. Recommendations by Area (Following the beach line, East to West)

1. Area 1 - Miller's Landing to Airport Access Road.

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road Signage (with diagram of berm-slope-flats).

- No camping
- Please keep vehicles between the storm berm and the mud flats.
- All of the areas above high tide (and much below) are private property and there are no designated camping areas. Voluntary limits to the areas used by vehicles will help protect sensitive areas.

2. Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.

A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.

B. Signage - identifying access and informing the public as to where vehicles are prohibited.

C. Vehicles should be prohibited in this entire area - outside of access driveways and parking.

D. Conservation zoning is suggested for all public lands in this area. Much of Area 2 already has a conservation easement.

E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.

F. Long term goal: Reconfigure the section line easement. The current section line easement goes across the mud flat in the bird sanctuary. A reconfiguration would provide better access to the beach, and protection for the sanctuary. As designated on attached map.

G. Preserve subsistence fishing access for vehicles, and public access to that part of the Spit. This has traditionally included an access across the northern portion of the English Bay property

I. Budget for rock placement at the Airport Beach Access to discourage travel to the west into Mud Bay. Contract the work out.

3. Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to City Campground across from Fishing Hole

A. Long range goal: Removal of beached barge on English Bay Corporation property.

B. Encourage the elimination of unsightly waste on properties near the beach by working with owners. Several highly visible properties have allowed the accumulation of waste and

industrial junk. The City has also allowed this to occur on City land, and should lead the way in the cleanup effort.

4. Area 4 - From City Fishing Hole Campground to the Outlet of Mariner Park Lagoon

A. At campground building across from the Fishing Hole, make beach use maps available, as well as information and signage that is interpretive about the berm building process, encourages courtesy to pedestrians, and states where vehicles are permitted.

B. Install signage at a controlled exit from the City Fishing Hole campground to the beach to direct vehicles to the base of the spit, and away from the no recreational vehicle area.

C. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon. Similar to Parks & Recreation Advisory Commission Draft Master Plan for Mariner park campground, which extends a revetment to protect berms, grasses and tidal mud, with no additional incursion into the lagoon.

D. Create a cost estimate for placing boulders at Mariner Park to better define the park and places where motorized vehicles are prohibited. Include the project in the annual budget in the near future, and contract the work out.

E. Budget for a new kiosk at Mariner Park. Include a large interpretive map with beach access and user information. Include the project in the annual budget and contract the work out.

5. Area 5 - Mariner Park Lagoon including the storm berm

A. Install and maintain signage stating vehicles are prohibited in the Lagoon and above the high-tide line near the berm. This is a fragile berm.

B. Signage should also indicate the high potential of vehicles getting stuck in this area.

C. Finish transfer of ownership of parcels to City of Homer. Two large parcels in Mariner Park Lagoon were obtained by the City from DNR, but the transfer paperwork was not completed.

D. Enact Conservation Zoning and continue work on the conservation easement. Zoning changes may begin at any time. The land ownership transfer must be complete prior to the conservation easement completion.

6. Area 6 - Mariner Park Lagoon outlet (below the berm) to Beluga Slough outlet.

A. Provide signage discouraging motor vehicle usage and encouraging courtesy to pedestrians. Vehicle prohibition is not necessary, but use of vehicles in this area often leads to driving or parking on the storm berm.

B. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough access.

7. Area 7 - Beluga Slough Outlet to Bishops Beach Park access. This is a heavily used area, and has the greatest potential for conflicts between user groups. We do not wish to prohibit vehicle use, but would rather encourage a separation to enhance user experiences.

A. Support Fish & Wildlife efforts to protect berm and promote rye grass and driftwood buildup.

B. Support Fish & Wildlife work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.

C. Increase parking at Bishop's Beach Park.

D. Signage at Bishop's Beach access:

1. "Pedestrian Zone, please limit vehicle use East to outlet of Beluga Slough."

2. "Unauthorized vehicles are prohibited on the storm berm and in the Beluga Slough area."

8. Area 8 - West from Bishops Beach Park Access to City Limits

A. Construct a kiosk with interpretive signage (Visitor information, berms, driftwood, private property, compass rose), encourages courtesy to pedestrians, and that vehicles are permitted to the west towards Anchor Point.

B. Provide and maintain signage requesting;

- Please do not remove driftwood from storm berms and private property

C. Develop Charles Way as a footpath for better pedestrian flow. Do not develop for vehicle access as the bluff is eroding and it is not worth the expense to the public to build a road that will have near future erosion problems. Improve erosion control and access at Crittenden Drive and at Main Street.

D. Improve access at Main Street. Construct a stairwell to the beach. Use the right of way at the end of Main Street for an erosion control project, using seeding, native grasses and other low impact techniques. Develop a stairway so people may access the beach without treading on the eroding bluff face.

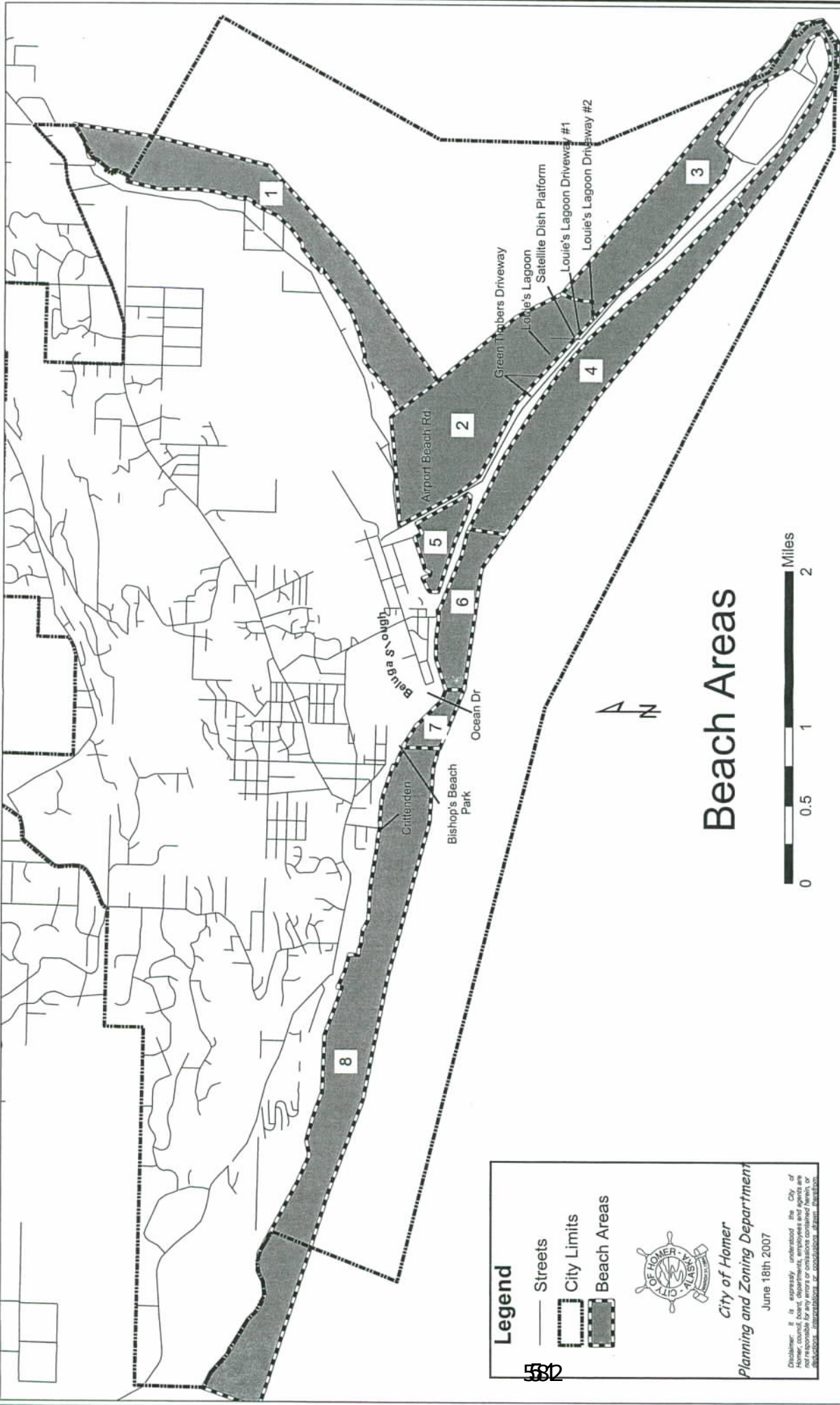
E. Correct the drainage ditch from Crittenden Drive so that the water is not eroding neighboring private property. Extending the culvert system down to the beach may be a solution. Work with adjacent landowners to secure public access easements to the beach, using a route that is sustainable.

F. Work with property owners and interested volunteers to remove the junk cars from the beach near the bottom of West Hill.

5. History


The original Beach Policy Task Force was established in 2000 and completed the beach policy in 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded their work. In 2007, the City Council added advising on public beaches to the duties of Parks and Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.



Legend

- Streets
- ▭ City Limits
- ▨ Beach Areas



City of Homer
 Planning and Zoning Department
 June 18th 2007

Disclaimer: It is expressly understood the City of Homer, council, board, departments, employees and agents are not liable for any errors or omissions in this document. UNCORRECTED FOR PRINTING.



Beach Areas



Existing 50 ft Section Line Easement

City

City

Proposed re-route

Cousin's
Devilfish
Lagoon

Homer Spit Road

Hockey Rink



TOWNSHIP RANGE
MERIDIAN
SEC SECTION

BIRD
SANCTUARY

612 Meander Line

EASEMENT
PROPOSED

Lot 6-B
Louie's Lagoon

ABANDON THIS
SECTION OF
EASEMENT

Section Line Easement

Lot 1-
Louie's

Lot 6-A
Louie's Lagoon

STAR
OFFER

Note: Section line controls
location of R/W Jcg.

N 88°50'20" W
5.023

Section Line Easement

S 88°50'20" E

STAR
OFFER

Entry Date 4/2/23
Govt. Lot

S 51°28'54" E 132.797

00 996.405 2+900

3+000

3+100

3+200

15.240

Govt. Lot 1

STAR
OFFL

P.C. STA. 3+206

ine

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL / BOX 2170 - JUNEAU

1964 Opinions of the
Attorney General No. 6

September 14, 1964

F. L. L.

F. L. L.

RECEIVED

SEP 22 1964

The Honorable Phil R. Holdsworth
Commissioner
Department of Natural Resources
Juneau, Alaska

Re: Effect of Earthquake on Tideland Boundaries

Dear Commissioner Holdsworth:

You have requested our opinion on the ownership of shoreline property enlarged or reduced, gradually or suddenly, the earthquake of March 27, 1964, and its after-effects.

Accretion is the increase of riparian land through the gradual deposit of various materials which create dry land out of that formerly covered by water.^{1/} Erosion is the gradual washing away of land bordering on a body of water by the action of that water.^{2/} Reliction is the uncovering, whether gradual or sudden, of land by the withdrawal of waters previously covering it.^{3/} Avulsion is a sudden and perceptible addition or loss to land by the action of water or otherwise.^{4/}

1/ St. Louis, I. M. and S. R. Co. v. Ramsey, 53 Ark. 314, 13 S.W. 931, 933 (1890)

2/ Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

3/ Jefferis v. East Omaha Land Co., 134 U.S. 178, 10 S.Ct. 518, 33 L.ed. 872, 875-6 (1890)

4/ Nebraska v. Iowa, 143 U.S. 359, 12 S.Ct. 396, 36 L.ed. 186, 187 (1892); Barakis v. American Cyanamid Co., 161 F.Supp. 25, 29 (1958)

The Honorable Phil R. Holdsworth
Juneau, Alaska

September 14, 1964

-2-

The means by which the change in shoreline occurs has significant legal consequences. If the location of the boundary of a tract of land at the mean high tide line is gradually and imperceptibly changed by accretion, erosion, or prolonged reliction, the margin of a tract at mean high tide, as so changed, remains the boundary. "Where . . . a boundary bank is changed by these processes, [accretion and erosion] the boundary, whether public or private, follows the change."^{5/} Lands eroded from a tract which, as a result, are below mean high tide are thereby re-vested in the State.^{6/}

On the contrary, if a tract undergoes sudden or violent change by reliction or avulsion, its boundaries remain the same and no change in ownership occurs.

"When land bordering a body of water is increased by accretion, . . . the new land thus formed belongs to the owner of the upland to which it attaches. . . . [Where] land [is] . . . lost by erosion, [it] returns to the ownership of the State. This is not the rule where the loss of the land occurs by avulsion, . . . the effect or extent of which is perceptible while it is in progress. In such cases, the boundaries do not change."^{7/}

In land precipitously lowered by the earthquake, the upland owner would have title out to the old high-water mark, regardless of the fact that the tract may now be partially submerged; if the owner previously owned the tidelands, he would still own the land out to his old low-water mark boundary. The character of the body of water as tidal, non-tidal, navigable or non-navigable is immaterial as respects the application of

^{5/} Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

^{6/} AS 44.03.020

^{7/} Arkansas v. Tennessee, 246 U.S. 158, 38 S.Ct. 301, 62 L.ed. 638, 647 (1918); In re City of Buffalo, 206 N.Y. 319, 99 N.E. 850, 852 (1912)

September 14, 1964

-3-

The Honorable Phil R. Holdsworth
Juneau, Alaska

the rules relating to sudden reliction and avulsion. The rules governing changes of boundaries of tidelands and uplands are equally applicable to the State and to private persons.^{8/}

When land shifts occur by earthquake-generated avulsion, then, the element of suddenness creates a situation where no change occurs in the limits of State boundaries or private tracts; the old State and private boundaries, submerged or otherwise, survive.^{9/}

Briefly, then, these are the answers to your specific questions:

(a) Boundaries follow accretion and erosion because the change is gradual; boundaries do not change where land displacement occurs suddenly, as through avulsion or some kinds of reliction.

(b) State ownership of tidelands is measured by the old boundaries where sudden earthquake displacement has occurred.^{10/}

(c) Yes, the boundaries of tidelands set by pre-earthquake survey are fixed. See (a) and (b).

(d) Where old tideland boundaries were surveyed and known, they must be followed. Presumably, unsurveyed tideland

8/ Waynor v. Dibcuff, 9 Alaska 230, 232 (1937). See also footnote 5, supra.

9/ Louisiana v. Mississippi, 282 U.S. 458, 465, 51 S.Ct. 197 (1931)

10/ However, boundaries may be changed by State action and Congressional assent. Then, of course, the new mean high tide mark could be used to ascertain the extent of tidelands ownership. U. S. v. Louisiana, 363 U.S. 1, 8-9 (1960). c.f.: 43 U.S.C.A. 1311. Ownership of submerged lands.

Opinion No. 6

The Honorable Phil R. Holdsworth
Nauyas, Alaska

September 14, 1964

-4-

boundaries may now be surveyed and specified according to presently existing land contours, as there are no previously established boundaries to recognize.

We trust this information will be of help to you.

Yours very truly,


WARREN C. COLVER
ATTORNEY GENERAL

WCC/grg

cc: William A. Egan
Governor

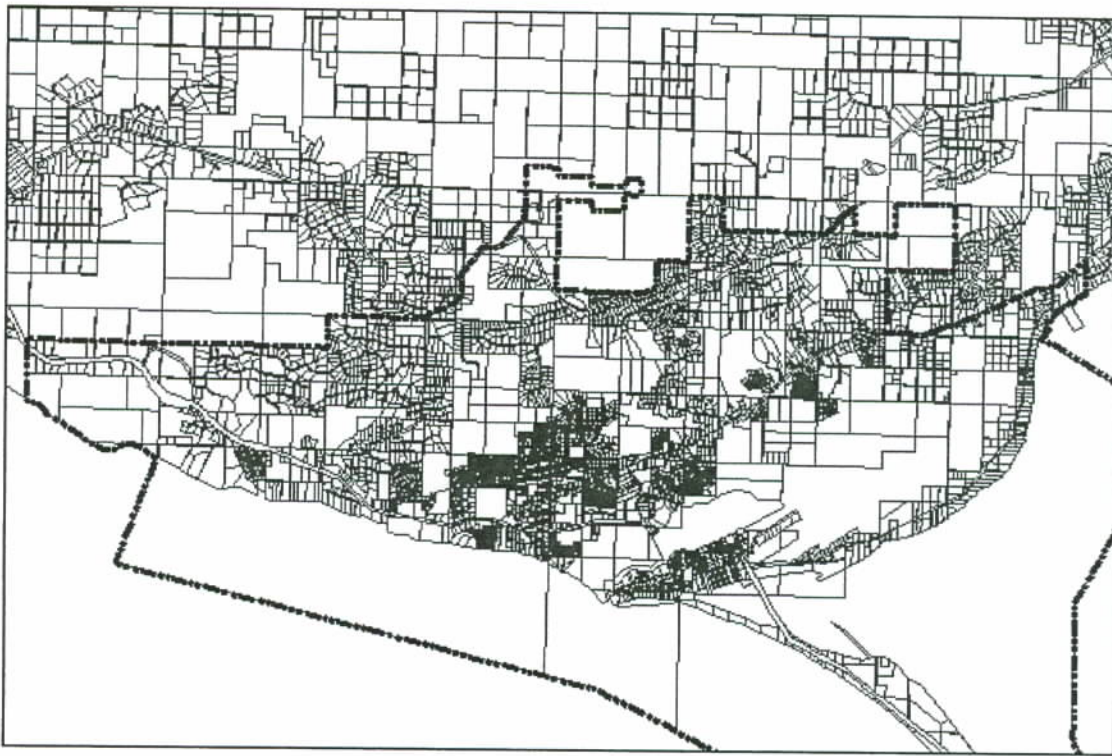
Floyd L. Guertin, Commissioner
Department of Administration

Appendix A: Beach Access Notes

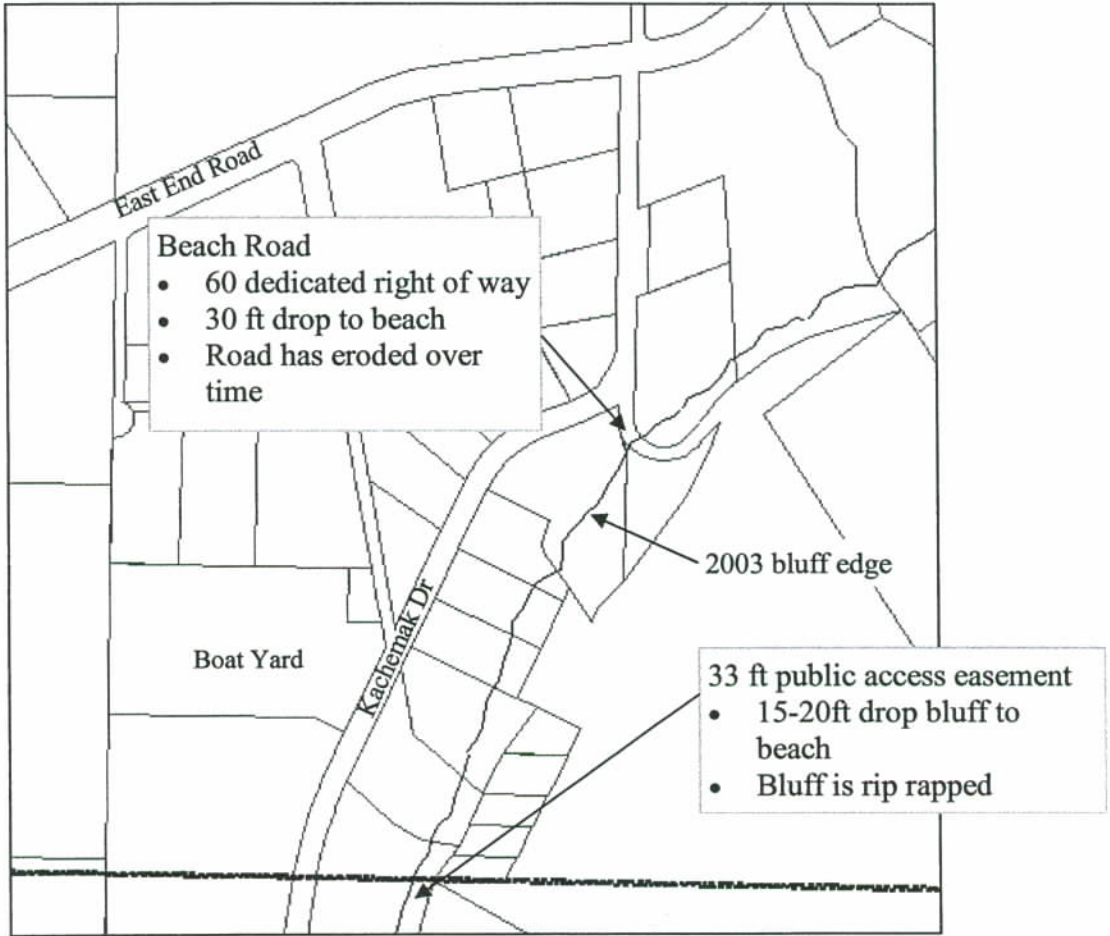
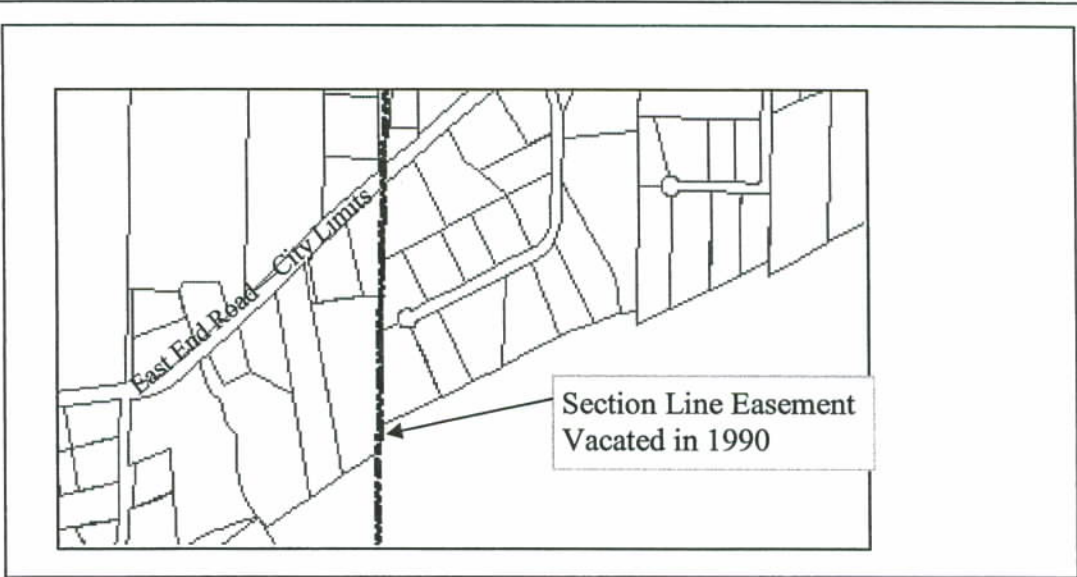
Public access points

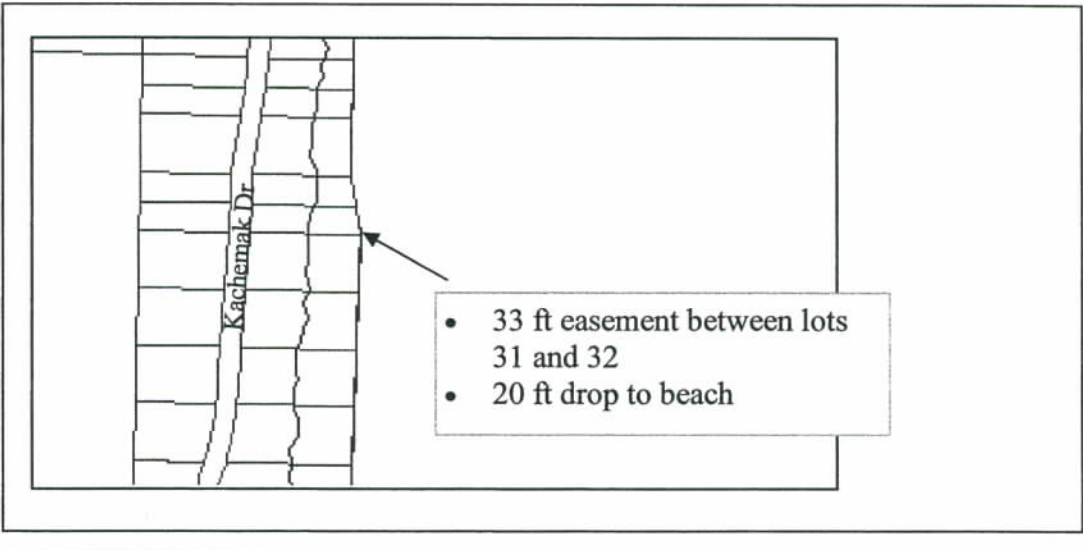
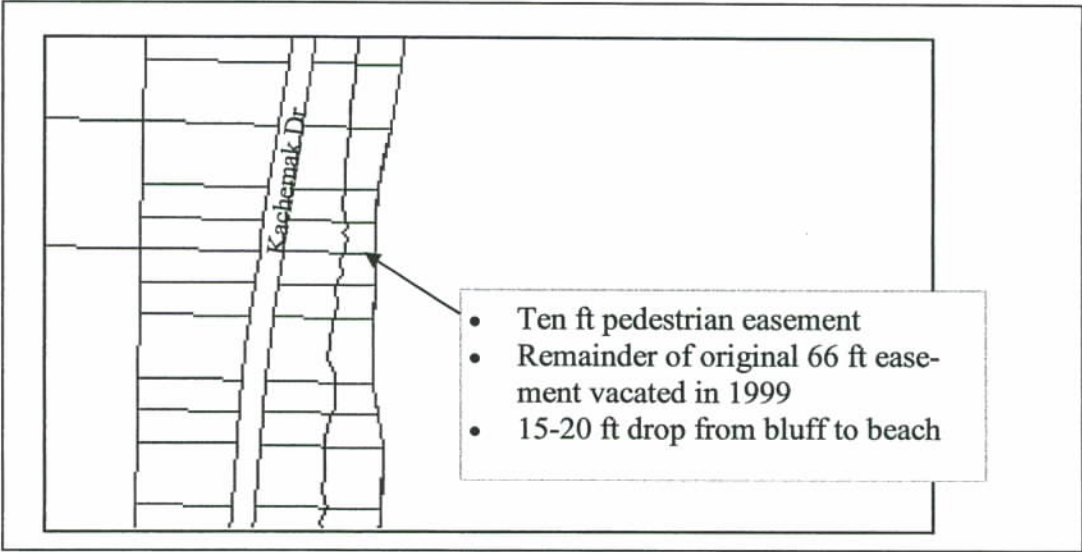
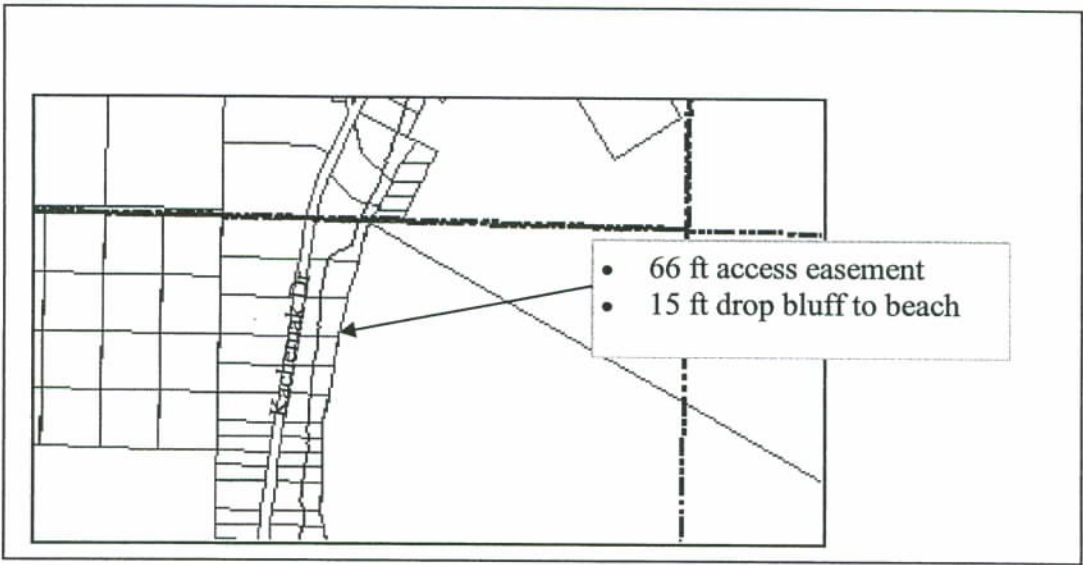
	Pros	Cons	Comments
Miller's Landing beach Road	Nice picnic spot Difficult trek down to the beach	No defined parking area	
Airport Access Road			
Spit			
Mariner Park	Large parking area for campers and day users	Occasionally motor vehicles drive around in the lagoon. There are user conflicts between pedestrians, vehicles and horses	Need more enforcement here Need more education here/kiosk
Lake Street			
Oscar Munson/Bell			Neighborhood Access Point
Bishop's beach	Flat beach access, public parking	High user conflicts	
Main Street	Section line easement access	Highly erosive, very steep trail	
Crittenden	Right of way access	Actual trail is on private property	Landowner allows neighborhood use of his trail to the beach.

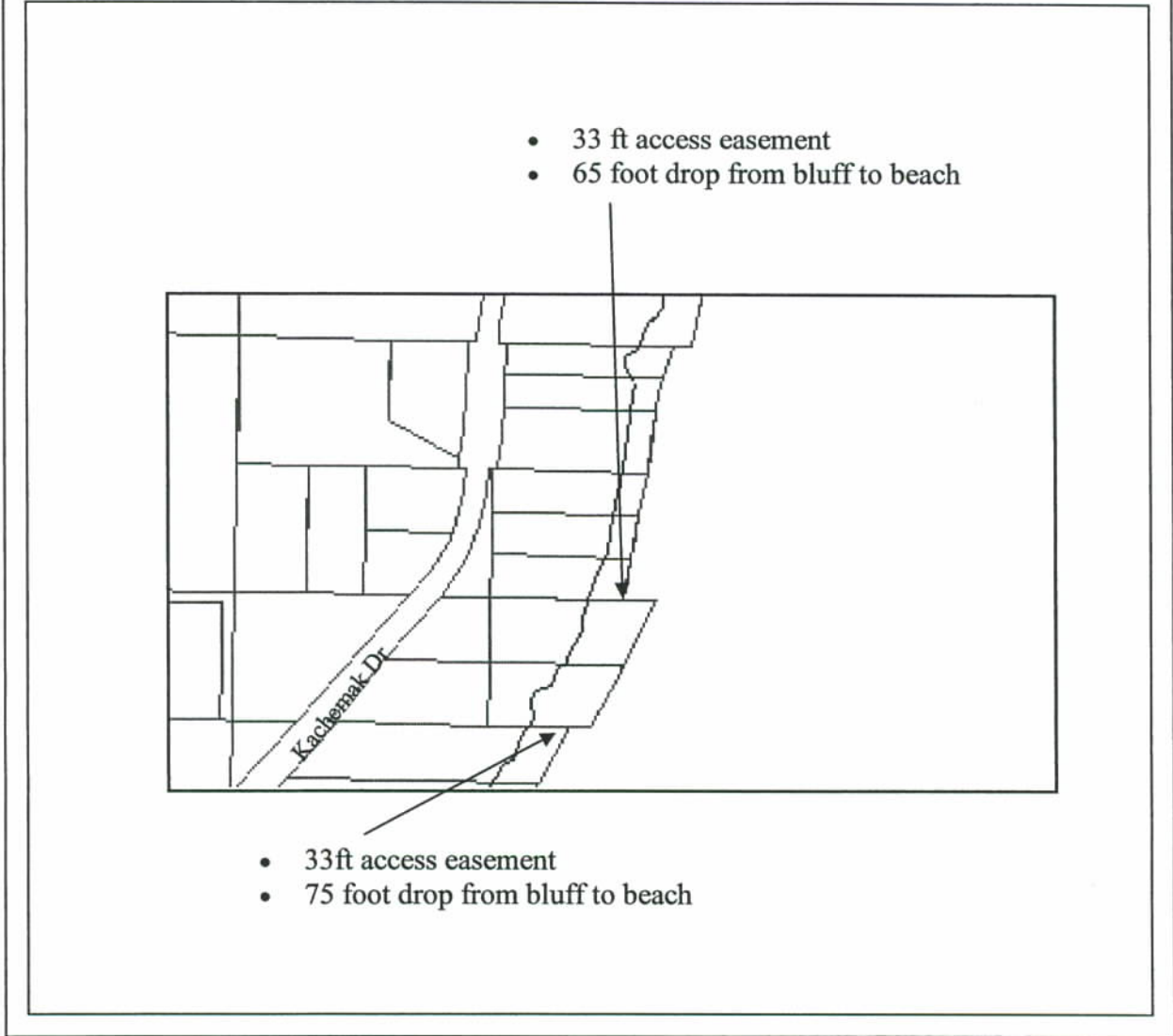
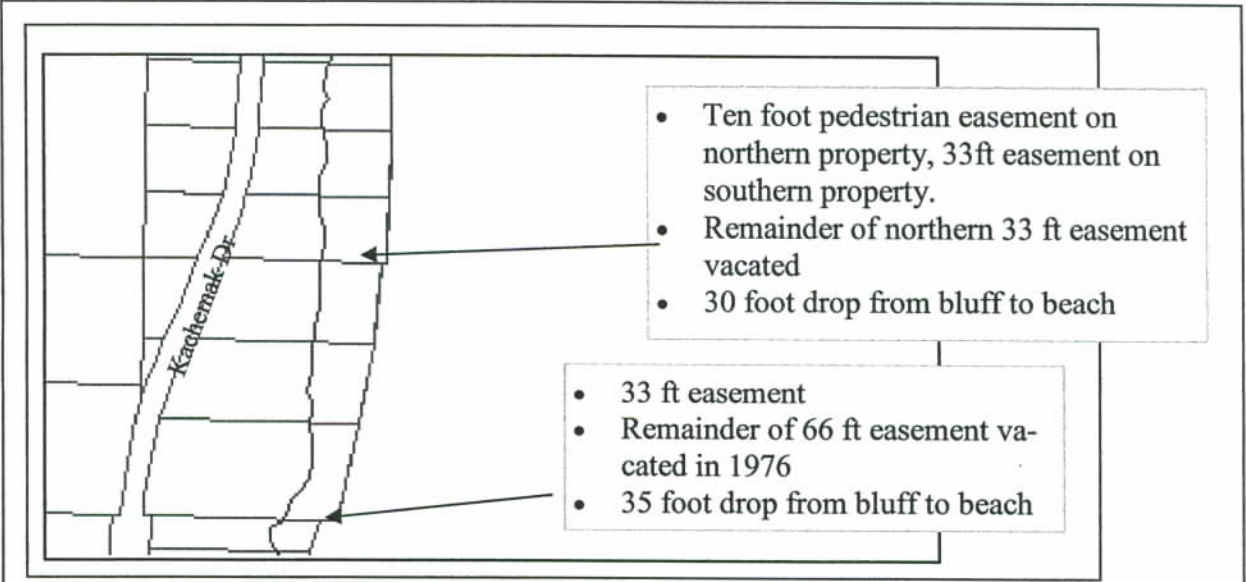
Beach Policy Appendix: B
Mainland Public Access Points to Kachemak Bay
Spring 2007

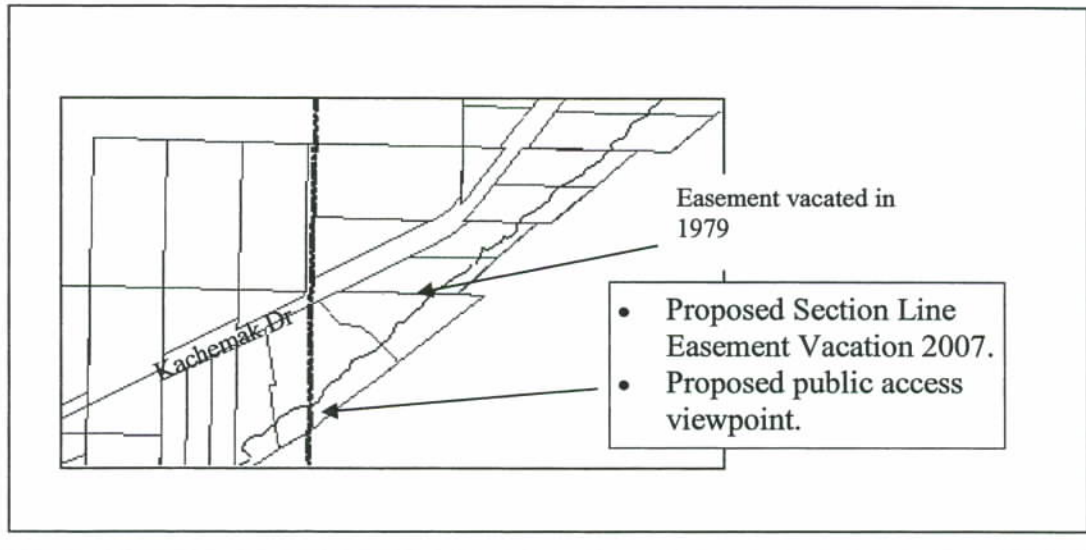
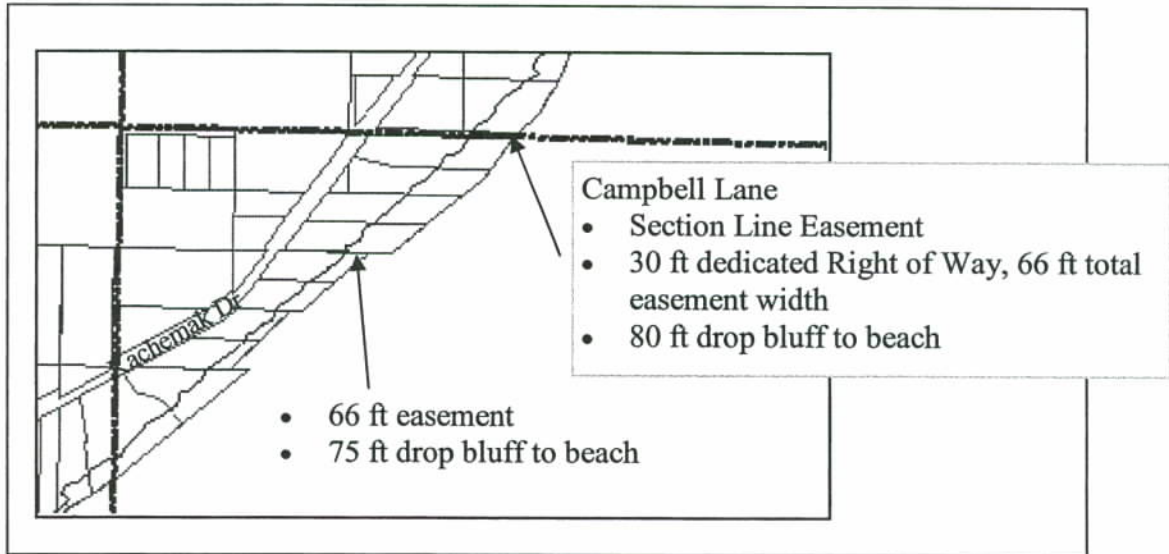
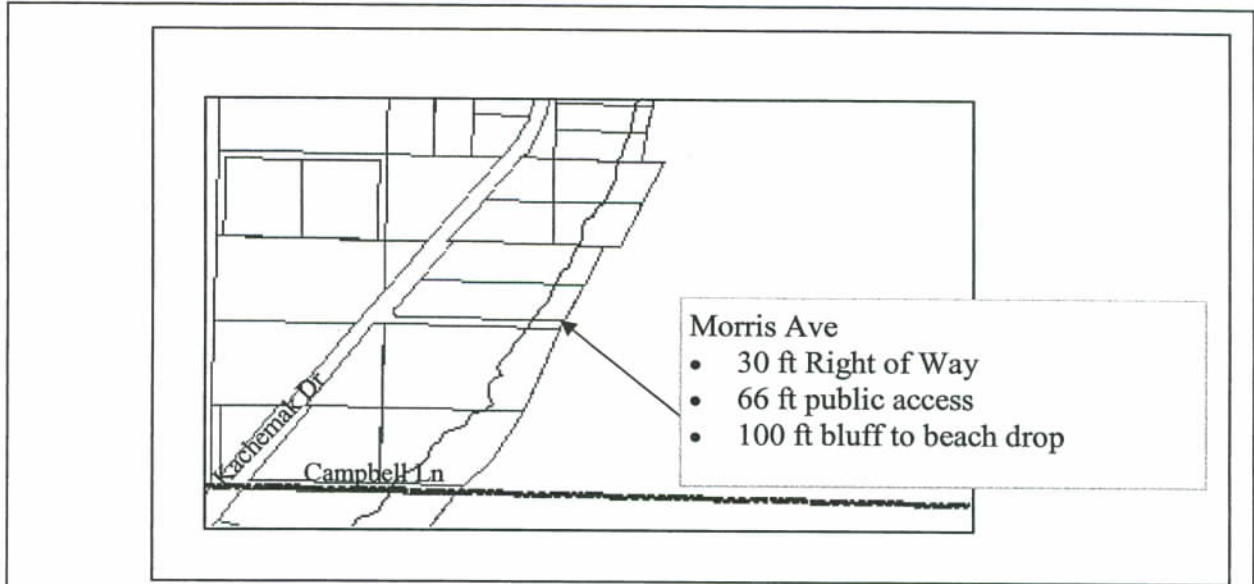


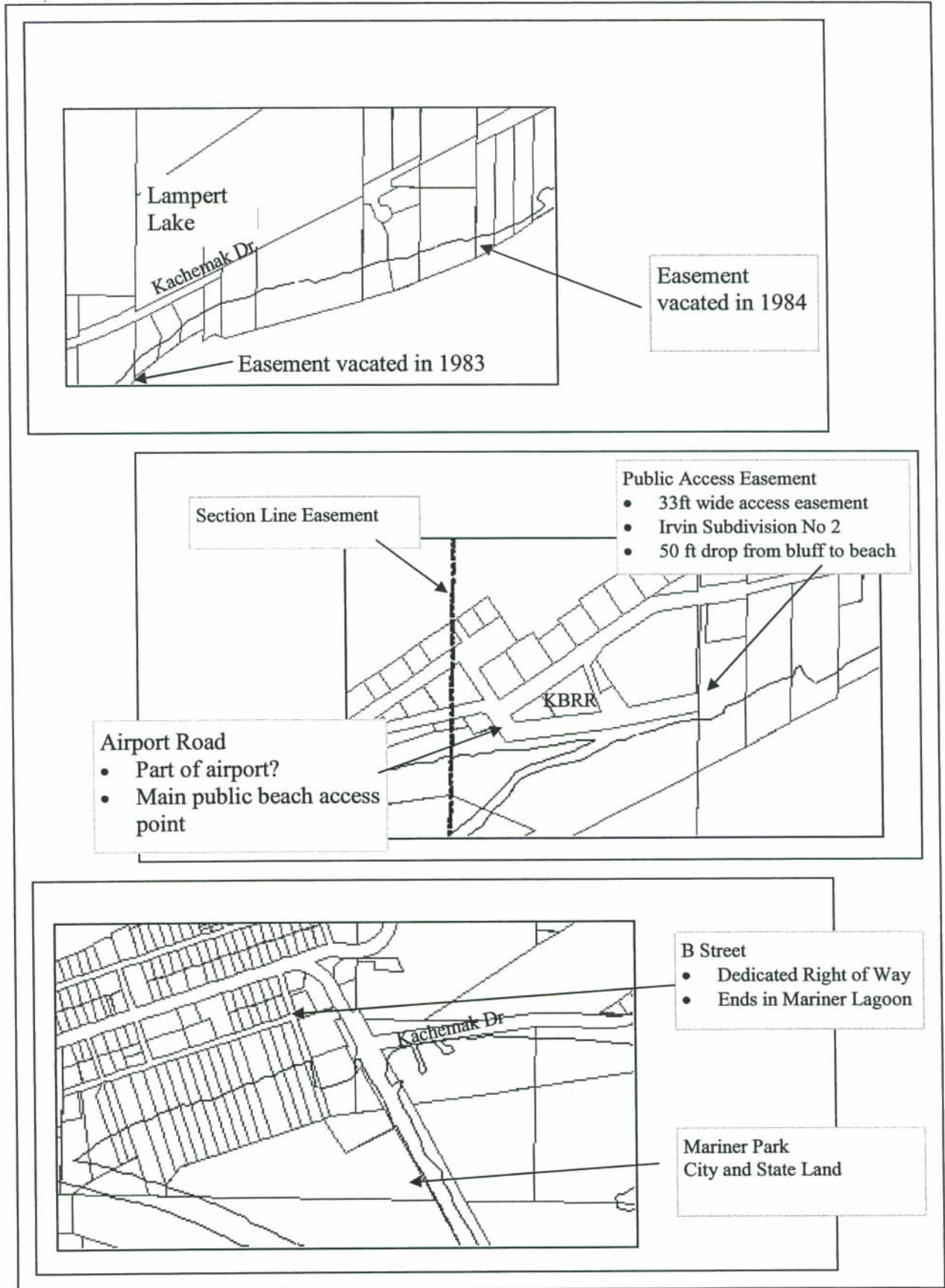
Prepared by the City of Homer Planning and Zoning Office.
Erosion data from KBRR 2004 coastal erosion study. Easement
data from plat research, and from 1982 Homer and Vicinity
orthotopographic map by Walker and Associates.













Lake Street

- Dedicated 60 ft Right of Way
- Sea wall cross the Right of Way

Section Line Easement

- 66 ft wide
- 30 ft drop from bluff to beach

Oscar Munson Subdivision

Victoria Place

- 50 foot Right of Way
- Not constructed

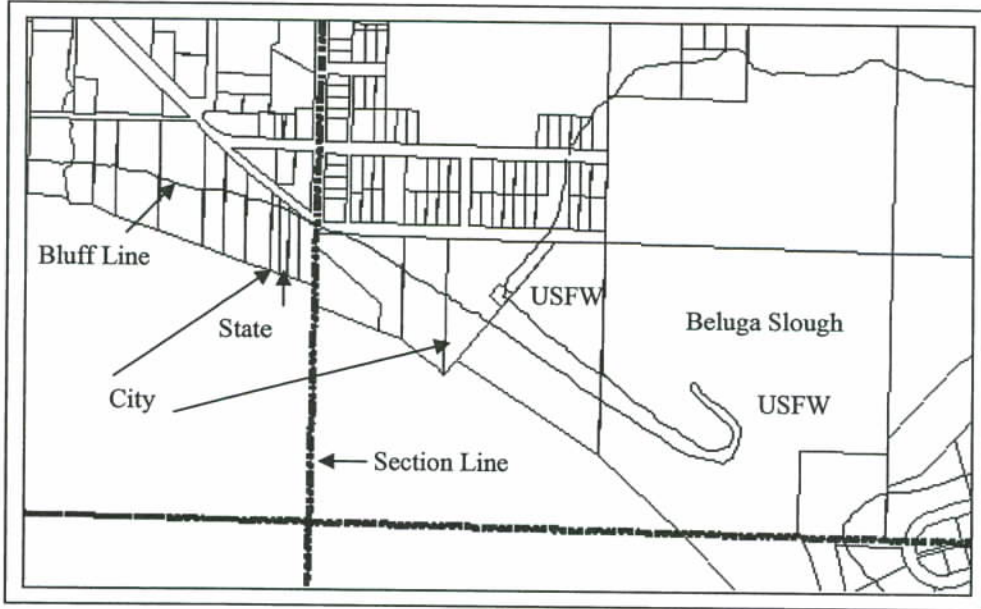
Section Line Easement/Right of Way

- 30 ft Right of Way, 33 ft section line
- Exact width of possible public access not know, but probably about 60 ft



Parson Lane

- 30 ft Right of Way
- About a 30 ft drop from street level to the beach
- Seawall runs along the bluff



- Ohlson Lane Property**
- 15-20 ft drop from street level to the beach
 - City of Homer owns one lot; the state owns another

- Section Line Easement**
- Main Street is on a section line easement
 - 15-20 ft drop from street level to the beach

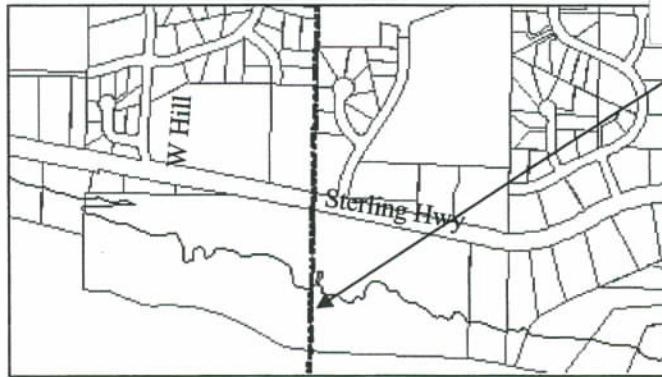
- Bishops Beach**
- One of the few easy access point to the beach

This is an area of moderate long term erosion, averaging about 2 and a half feet per year.

Crittenden Dr



- 60 ft Right of Way
- Existing trail is mostly on private property
- Drainage ditch from the street has an outfall in the ROW and is eroding the bluff
- 60 ft drop from Hidden Way to the beach



- Section Line Easement
- 120 ft drop from bluff to beach

- Section Line Easement
- 230 ft+ drop from bluff to beach

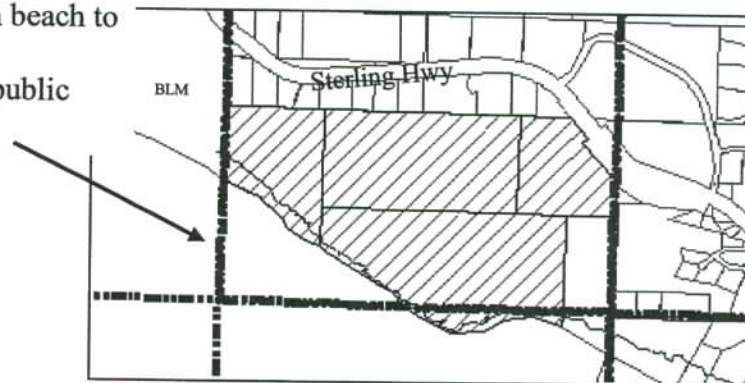


Leber Street

- 30 Right of Way Leber St
- Section Line Easement
- 25 foot drop from upland to beach.



- Section Line Easement, north-south along city limit boundary
- 60 foot bluff from beach to upland plateau
- EVOS and other public lands shown



Chapter 5.38 BIRD FEEDING NUISANCE

Sections:

- 5.38.010 Feeding or baiting certain birds prohibited.
- 5.38.020 Definitions.
- 5.38.030 Nuisance abatement.
- 5.38.040 Regulations.
- 5.38.050 Enforcement.
- 5.38.060 *Repealed.*

5.38.010 Feeding or baiting certain birds prohibited.

- a. No person shall intentionally feed or bait wild bald eagles, crows, ravens or gulls anywhere within the Homer City limits.
- b. No owner or person in control of property shall cause or allow the intentional feeding or baiting of wild bald eagles, crows, ravens or gulls on that property or the right-of-way abutting that property.
- c. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. [Ord. 06-01(A), 2006].

5.38.020 Definitions.

As used in this chapter, the following words and phrases shall be construed as defined below, unless the context clearly indicates a different meaning is intended:

“Crow” means any species of crow.

“Feed” or “bait” means to provide, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wild bald eagles, crows, ravens or gulls.

“Gull” means any species of gull or kittiwake.

Intentionally. A person acts “intentionally” with respect to a result described by a provision of law defining an offense when the person’s conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person’s only objective.

“Person in control” means a tenant or an agent, manager, superintendent, or other owner’s representative.

“Property” means real property, developed or undeveloped, including without limitation any real property with a house, apartment building, mobile home, mobile home park, other multifamily development, any commercial or industrial structure or use, any public or private institution or organization, and vacant land.

“Raven” means any species of raven. [Ord. 06-01(A), 2006].

5.38.030 Nuisance abatement.

- a. The conduct prohibited by HCC 5.38.010 is a public nuisance. When the City Manager determines such a public nuisance exists, the City Manager may order the abatement of the public nuisance in any lawful manner for the abatement of a public nuisance.

b. Any expenses incurred by the City in the abatement of the nuisance shall be the joint and several obligation of the person(s) causing the public nuisance and the owner(s) and person(s) in control of the property where the public nuisance exists. The City may bring an action to recover such costs. [Ord. 06-01(A), 2006].

5.38.040 Regulations.

The City Manager may adopt regulations pursuant to implement the provisions of this chapter, which shall become effective upon approval by resolution of the City Council after conducting a public hearing. [Ord. 06-01(A), 2006].

5.38.050 Enforcement.

a. Police officers and Animal Control Officers are authorized to issue citations for violations of this chapter.

b. Any person found to be in violation of this chapter shall be ordered to cease the feeding or baiting immediately. [Ord. 06-01(A), 2006].

5.38.060 Violations and penalties.

Repealed by Ord. 13-17(S). [Ord. 06-01(A), 2006].

**The Homer City Code is current through Ordinance 14-50,
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

19.12.090 Driftwood removal prohibited.

No person shall tamper with, burn or remove driftwood from a storm berm. [Ord. 02-14(A) § 1, 2002].

Chapter 19.16 VEHICLES ON HOMER SPIT BEACH¹

Sections:

- 19.16.010 General.
- 19.16.020 Definitions.
- 19.16.030 Use of vehicles prohibited.
- 19.16.040 Violation – Penalty.

Prior legislation: Ord. 77-10.

19.16.010 General.

It is the intent of this chapter to preserve and protect certain beach areas of the Homer Spit from the uncontrolled and ever increasing use of such areas by persons driving wheeled, motorized vehicles thereon. [Code 1967 § 12-600.1].

19.16.020 Definitions.

For the purposes of this chapter, “beach area” shall include the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water at or landward of the line of ordinary high tide.

“Storm berm” means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach may have more than one storm berm. [Ord. 02-14(A) § 2, 2002. Code 1967 § 12-600.2].

19.16.030 Use of vehicles prohibited.

a. No person shall operate a recreational vehicle, motorcycle, motor bike, or motor scooter within or upon that beach area as defined in HCC 19.16.020 located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishin’ Hole to the tip of the Spit.

b. For the purpose of this section, recreational vehicle is defined as a self-propelled vehicle having wheels, tracks or rollers that may be operated on land areas located off the public roads. Use of vehicles engaged in commercial activity, as opposed to recreational, is exempted from this prohibition.

c. No person shall operate any motorized vehicle upon a storm berm on any beach within the City limits of Homer except in designated areas.

d. No person shall operate any motorized vehicle upon the following beach or tidal areas:

1. Mud Bay;
2. Louie’s Lagoon;
3. Mariner Park Lagoon;

4. Beluga Slough.

e. The official "Beach Policy Map of the City of Homer" is enacted by reference and declared to be part of this chapter in its exact form as it exists on the date that the ordinance codified in this chapter is adopted by the City Council. [Ord. 02-14(A) § 2, 2002; Ord. 01-39, 2001; Ord. 78-16 § 1, 1978. Code 1967 § 12-600.4].

19.16.040 Violation – Penalty.

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].

¹For provisions regarding the impounding of vehicles on Homer Spit Beach, see Chapter 7.08 HCC.

**The Homer City Code is current through Ordinance 14-50,
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 19.20 PARKS AND RECREATIONAL FACILITIES

Sections:

- 19.20.010 Definitions.
- 19.20.020 General rules.
- 19.20.030 Park closure.
- 19.20.040 Park use agreements.
- 19.20.050 Campground host program.
- 19.20.060 Regulations.
- 19.20.070 Remedies and penalties.

19.20.010 Definitions.

In this chapter:

“Camp” means using an outdoor area or motor vehicle for sleeping or temporary living quarters, including without limitation erecting a tent or other temporary shelter.

“Park” means an area designated as a park, reservation, playground, beach, or recreation area, owned or managed by the City and devoted to active or passive recreation. [Ord. 12-24(A) § 2, 2012].

19.20.020 General rules.

The following general rules govern the public use of parks:

- a. No person may deface, disfigure, damage, tamper with, or displace or remove any building, structure, table, bench, fireplace, sign, notice, vegetation, or placard in a park.
- b. No person may cut, pick or damage trees, flowers or other vegetation in a park.
- c. No person may camp in a park except in an area and at a time designated for that purpose by the City Manager.
- d. No person may light, build, use or maintain an open fire or portable camp stove in a park except in a receptacle or area designated for that use. No person may leave an open fire or operating portable camp stove unattended. No person may use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire.
- e. No person may operate, or stop, stand or park, a motorized vehicle in a park except:
 1. In an area designed for the use, and in a manner permitted by the designation; or
 2. Construction, enforcement, maintenance or emergency vehicles operated by the State, the Kenai Peninsula Borough, the City or their respective contractors.
- f. Where the operation of motor vehicles is permitted in a park, motor vehicles shall be operated in accordance with posted speed limits, in a prudent and safe manner, and at a speed not exceeding 10 miles per hour in parking areas.
- g. A person having control or supervision of an animal that excretes feces in a park shall immediately collect and

properly dispose of the feces.

h. No person may dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash, or water, sewage or effluent from sinks, portable toilets or other plumbing fixtures, directly upon the surface of land or water in a park.

i. Dumpsters provided at park facilities are intended for park use only. [Ord. 12-24(A) § 2, 2012].

19.20.030 Park closure.

a. The City Manager may designate times during which a park is closed to the public.

b. The City Manager shall notify the public of times during which a park is closed to the public by the placement of signs at entrances to the park or within the closed area. No person may enter or remain in a park during the hours of closure designated on such a sign. [Ord. 12-24(A) § 2, 2012].

19.20.040 Park use agreements.

The Council by resolution may authorize an agreement between the City and an organization providing for the organization's use, operation and maintenance of facilities within a park. The agreement will address such issues as scheduling, litter, sanitary facilities, damage, crowd control, traffic control, noise, insurance and public notice. [Ord. 12-24(A) § 2, 2012].

19.20.050 Campground host program.

The Council by resolution may authorize the City Manager to establish a campground host program for designated City parks, under which volunteers will provide campground host services to park users. [Ord. 12-24(A) § 2, 2012].

19.20.060 Regulations.

The City Manager is authorized to promulgate regulations, in addition to the rules stated in this chapter, to regulate the use of park and recreational facilities. [Ord. 12-24(A) § 2, 2012].

19.20.070 Remedies and penalties.

Remedies and penalties for violations of this chapter are as provided in Chapter 1.16 HCC. [Ord. 12-24(A) § 2, 2012].

**The Homer City Code is current through Ordinance 14-50,
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

20.04.020 Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Animal” means all domestic or domesticated members of the animal kingdom.

“At large” means an animal is at large when it is off the premises of the owner or keeper and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained.

Chapter 20.12 LICENSING OF ANIMALS

Sections:

- 20.12.010 License required – Issuance.
- 20.12.020 License tag to be worn and displayed.
- 20.12.030 Counterfeit tags prohibited.

20.12.010 License required – Issuance.

No owner or harbinger of any dog shall fail or neglect or refuse to obtain a license for such dog, as provided in this chapter:

a. All dogs kept, harbored, or maintained in the City shall be licensed and registered if over four months of age. Dog licenses shall be issued by the City Clerk on payment of a license tax for each dog. The owner shall state, at the time application is made for such license, his name and address and the name, breed, color and sex of each dog owned or kept by him. Dog licenses shall be issued for a period of two years and shall run from January 1st of each even-numbered year to December 31st of each succeeding uneven-numbered year. For dogs requiring licensing later in the license year, the license fee shall be the same as for a full two years, prior to January 1st of the succeeding odd-numbered year; and thereafter for the remainder of the license period, the license tag shall be one-half of the full license fee. Penalty: Class A infraction. [Ord. 88-1, 1988].

20.12.020 License tag to be worn and displayed.

Upon payment of the license fee therefor, there shall be issued to the owner of a dog a receipt for payment of the license and the tag for each dog so licensed. The tag shall have thereon the years for which it was issued and a corresponding number on the receipt. Every owner shall provide each dog with a collar or harness to which the license tag shall be affixed and shall see that the collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed another will be issued upon payment of a replacement fee. Dog tags are not transferable from one dog to another. Penalty: Class A infraction. [Ord. 88-1, 1988].

20.12.030 Counterfeit tags prohibited.

It is unlawful for a person to counterfeit or attempt to counterfeit a dog tag receipt of payment for the license or certificate of vaccination, or to take from a dog a tag legally placed upon it or place a dog tag upon a dog unless the tag was specifically issued to that particular dog. [Ord. 88-1, 1988].

**The Homer City Code is current through Ordinance 14-50,
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.