

Borough asks for \$125,000 to study Nikiski beach public access issues



Photo By M. Scott Moon

A roadblock and guard shack blocks the end of Nikishka Beach Road in Kenai. The Kenai Peninsula Borough is looking into alternative access to the beach.

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By Hal Spence | Peninsula Clarion

Access to the beach around Nikiski is limited, and was made further so recently when homeland security issues compelled closure of the Nikishka Beach Road to the general public.

Now the Kenai Peninsula Borough wants to spend \$125,000 out of the \$8.4 million it got for roadwork in the state capital budget to study the feasibility of creating a new access to Nikiski beach across borough-owned land and rights of way.

The money would be appropriated to the Nikiski Beach Access Engineering Feasibility and Design project through Ordinance 2008-19-02, a measure set for introduction at the Tuesday assembly meeting.

In a memo to the assembly, Roads Director Gary Davis said the administration had identified borough parcels that may be suitable for public beach access, and wants a review of the locations by an engineering consultant.

"This project is intended to address concerns of several Nikiski residents, as well as Rep. Mike Chenault, that were raised in response to recent closures of existing beach locations," Davis said.

Access difficulties were compounded late last year when Offshore Systems Kenai (OSK), which operates the Nikishka Dock facility, established a security checkpoint on company property beyond the platted end of Nikishka Beach Road and began restricting access to those with identification and a good reason to be there. The move was meant to bring OSK into compliance with provisions of the Marine Transportation Security Act of 2002.

Area residents, many of them commercial fishers, have used Nikishka Road to reach the beach for generations. Most of that use occurs in the summer fishing months, and OSK, state and borough officials attempted to reach an agreement that would reopen the road by summer. Those negotiations were not successful.

Last week, picketers peacefully protested at the OSK gate, demonstrating public dissatisfaction with the current state of affairs. Commercial setnetters are being permitted to reach their sites, but the road remains closed to the general public.

The dispute is between OSK, which is attempting to meet federal security rules, and the state Department of Transportation and Public Facilities. Any settlement will have to be worked out between those two entities and the Department of Homeland Security and the U.S. Coast Guard.

The state has filed suit and the matter is now in the courts. The borough has no jurisdiction in matter but is very interested in an outcome that would allow public access along Nikishka Beach Road.

Gordon Keith, Central Region director for DOT, said papers were filed in Kenai Superior Court, and that OSK had responded.

"They denied Alaska owns the right of way," he said. "That sets up what is going to be, no doubt, a fairly lengthy discovery process before it goes to court. That's the next thing. No date has been set for court hearing."

Meanwhile, the \$125,000 proposed in the ordinance is thought to be sufficient for identifying the most suitable and cost-effective new site, designing access, and administering any potential construction contract, Davis said.

The Road Service Area Board is expected to weigh in on the proposed ordinance at its July 15 meeting. A public hearing before the assembly is tentatively scheduled for Aug. 5.

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### READER COMMENTS

Posted by: [redrunner](#) at Jul. 5, 2008 at 6:24:52 am

+ 1 Rating

Just how does one get a job as an engineering consultant to study something like this? \$125000 to do what exactly? To

look at the steep bluff areas that constantly erode, to look at the "few" natural drainage draws and determine that they would have water problems? Prior to 1776 Thomas Paine wrote a booklet titled "Common Sense". Perhaps some current elected officials should read it. There might be an insight or two on why the Nikishka Beach Road was put where it is. Maybe a statement of support for States Rights as in the 10th amendment to the Constitution, that would only cost say \$50,000. Then again, perhaps waiting until the the 9th circuit kangaroo court in California decides the issue as even if the Kenai court decides in favor of the State of Alaska, the mighty Homeland Security bureaucracy will fight it. Personally this sounds a bit like lip service to the local residents. Spend the money on the roads and find a sourdough with a dozer and common sense!

Posted by: [patmelissa](#) at Jul. 5, 2008 at 2:56:56 pm