

**Kenai River Special Management  
Area Advisory Board Minutes**

Thursday, January 10, 2008

5:30 p.m.

Kenai River Center

**I. CALL TO ORDER**

**A. Roll Call**

**Members Present:** Joe Connors, Ted Wellman, Brenda Trefon, Curt Shuey, Richard Dykema, George Heim, Richard Hahn, Jim Czarnezki, Bruce King, Gary Knopp, David Carey, Jack LaShot, Bobbie Jo Skibo, Tom Vania, Jack Sinclair, Tim Stevens.

**Members Absent:** Robin West.

**B. Minutes Approved of December 13, 2007.** The minutes were approved as written.

**C. Agenda Changes and Approval:** Ted Wellman added item E to old business. Jim Czarnezki moved item A from Action Items to item F under old business.

**II. PUBLIC COMMENT**

Ken Tarbox expressed interest in volunteering for the habitat committee.

Dwight Kramer spoke on behalf of the Kenai Area Fisherman's Coalition regarding the regulation proposals for the board of fish. The first was the 2-stroke use in the personal use fisheries. The Fisherman's Coalition supports the department's proposal with amended language to read "Beginning in 2008 only vessels powered by 4-stroke or 2-stroke DFI motors may participate in the Kenai River motorized personal use dip net fishery." The Kenai Area Fisherman's Coalition believes this will mesh with the July prohibition with 2-stroke motors in the KRSMA waters and provide the best opportunity to relieve the river from the category 5 impaired water status. The Kenai Area Fisherman's Coalition is opposed to the regulation proposal for a mandated boater safety-training course. A letter has been submitted to the KRSMA board. The letter encourages voluntary boater safety, but does not support a mandated boater safety course for the Kenai River; it is a statewide issue. Dwight suggested that no action be taken on limited entry regulation proposal.

**III. OLD BUSINESS**

## **A. Committee Reports**

Joe stated the guide advisory board met today and some actions would be brought to the board within a month or two.

Jim C. stated the permitting committee met today. The problems discussed were issues coming up between scheduled monthly meetings and meeting during summer months. The bylaws say either the chairman or five members of the board can call a special meeting by phone or email.

## **B. Kenai River Center Report – Russell**

Pam presented the new red and white Kenai River Sportfish Guide decal, which is now to be placed on top of the Fish & Game decal in the upper right hand corner. The decal is specific only to the Kenai River Special Management Area.

## **C. Board Development Training March 1- Sinclair**

Jack S. stated the date was still set for training with Lynne Curry. Lynne will be contacting everyone for the training.

Joe asked if there would be an opportunity to provide input to the person leading the training.

Jack S. said Lynne would be contacting everyone to determine what the individual needs are.

## **D. Regulation status – Sinclair/ King**

Parks Director James King stated the regulation packet was presented to and signed off by the commissioner. It was given to the Lieutenant Governor in late November 2007 and there is anticipation the Lieutenant Governor will sign the regulation.

Dick Hahn asked if this has been sitting on the Lieutenant Governor's desk since November, how do we know if it will be signed anytime soon?

James stated there were some concerns, which have been resolved in the briefing with the Lieutenant Governor. The Commissioner of DEC and staff from DEC were there, as well as the DNR Commissioner and staff and spent a lot of time with him. The Lieutenant Governor's concerns were resolved after meeting with him. There is no indication the regulation will not be signed.

Joe asked if there was anything the board could do to help this process along.

James King stated if the board wanted to they could send a letter to the Governor or the Lieutenant Governor sharing their support.

Jim C. asked if any items in the regulation packet had been changed.

James King stated nothing had been changed.

Dick H. commented that if a resolution was to be considered to support the regulation there might be a different outcome than the one that was sent months ago.

No action was taken.

### **E. Board of Fish Proposals**

Ted Wellman asked for motion to bring each proposal to the floor one at a time.

Dave Carey submitted a motion to have the board go in support on Proposition 221.

Jim C. seconded the motion.

Bruce King questioned why the board would go on record supporting something that is within the purview of the Board of Fish and asked why we are spending time on these.

Joe commented the hydrocarbon emissions are exceeded below the Warren Ames Bridge and they come in on the incoming tide.

Bruce King stated there are 2 other proposals that deal with this issue. Why did we pick #221 and why do we want to amend it and get the board involved?

Joe stated it would be very similar to the KRSMA position.

Dick Hahn stated Bruce was asking does the Board of Fish have the authority to adopt this proposal. Whether or not they have the authority to adopt the proposal per se, they have a responsibility to the fishery and to the habitat of the fishery. If the board of fish wants healthy fisheries, then they will adopt those things that protect the habitat of the fishery.

Tom Vania stated he wrote proposal 221 and stated the 50-hp -2 stroke restriction regulation packet wasn't completed then; therefore it was

uncertain when proposal 221 would be implemented. The proposal 221 was to be implemented in 2010, which was thought to be when the 50-hp – 2 stroke restrictions regulation packet would go in effect. Proposal 221 was intended to match the park regulation.

Bruce King expressed concern on why these three proposals were picked for the board and why we were getting involved in Board of Fish business.

Ted Wellman stated there were differences in opinions in what the authority of this board is and how to deal with fishery issues. Originally, when the board was reconstituted by then Governor Knowles the only prohibition was don't get involved in allocation issues. These proposals were picked because they were consistent with what the board would support and because they were important. It is important for us an advisory board to give our opinions; we are only making suggestions consistent with what we agreed on previously.

Joe echoed the three proposals stating they correspond with views voiced and positions we've taken as a body in the past. The limited entry was dealt with the working group, which was a product of this board.

Gary K. referred to proposal 221 stating below the Warren Ames Bridge the City of Kenai lobbied to keep this portion out of state parks jurisdiction.

Jack S. stated state parks jurisdiction goes a mile below the Warren Ames Bridge.

Gary K. said the board is just advising state parks in support of the proposal.

David Carey stated proposal 221 was brought before the Soldotna City Council, which advised to support this proposal. The Soldotna Chamber sent out proposal 221 to all their members seeking input. They received 34 responses, of which 24 were positive and 7 were opposed. Out of the 24 positive, 6 said they would like to see the regulation right now. Hopefully we will go on record in support of this proposal.

James King suggested a letter of support from the KRSMA board go to the board of fish. The KRSMA board represents individuals from different agencies with different concerns for the river.

Dick stated that DNR consults ADF&G and the board of fish; would it hurt if parks also told the board of fish and ADF&G to say we think this a good idea as well.

James King stated the more support the better chance it has.

Ted Wellman asked if proposal 221 had intended to be modified.

Tom Vania stated it is due April 9<sup>th</sup>, 2008 and that any proposal can be modified.

Tim Stevens stated DEC drafted a letter of support for the proposal that was sent before the Board of Fish. Hope to have comments to the board by the 18<sup>th</sup>.

Joe Connors said this could easily be accomplished in the committee process.

Bruce King stated we are in the business of providing a philosophical approach to dealing with problems on the river. The specifics of how to do that may or may not be within our purview.

Jim C. asked if there were any other proposals that address the hydrocarbons issue in the lower five miles of the river.

Tim said there were three proposals, which addressed the hydrocarbons to some extent.

Ted Wellman suggested writing a letter in support for proposal 221 to be amended to be consistent with the regulation package that has been created by DNR.

A vote was taken for those in support of proposal 221.

The motion passed.

Joe C. submitted a motion that proposal 300 be brought to the table for discussion.

George Heim seconded the motion.

Joe asked for clarification as to who has authority to provide boater safety to the Kenai River.

Jack S. stated they could not take on all powerboat users; if they aren't anglers they have no authority.

Joe asked if anyone has that authority.

Jack S. DNR has that authority. If you want to address anglers that is a whole different story and is not what proposal 300 addresses.

Gary Knopp stated he would not support proposal 300.

David Carey opposed this as well. Stating that to identify one river as inherently less safe than other rivers in the state is being discriminatory.

Motion failed unanimously.

Joe C. submitted a motion that proposal 302 be brought to the table for discussion.

Brenda seconded the motion.

Dick H. stated there were too many powerboats on the river, not necessarily to many guides.

Brenda expressed that an effort to put limitations on the river would possibly help the river as far as guides, especially out of state.

Joe stated the previous governor basically told them on several committees that could accomplish this if there was something in it for the entire State of Alaska. In other words, you could limit guides if there was something in it for all areas of the state.

Gary K. stated the river is overused. Guides might not be the problem, because even if the number of guides were reduced there would be more use by the public. The use on the river stays the same; this might be a starting point.

David Carey stated he would oppose the proposal. The largest concern is for young people that end up with a system that does not allow them to live their life here with this opportunity. Would like to know specifically what the state would do.

Dick Hahn added the demand on river is tremendous. Guides are needed in terms of the economy. If there are too many guides, a way to limit guides is complete the court-mandated study and impose a moratorium on new guides.

Ted commented the comprehensive plan is a way of numerically limiting guides. There are a whole series of reports and carrying capacity studies, which unanimously agree, and the guides are in that group. The comprehensive plan was the result of extensive public testimony, which suggested the need to reduce the number of guides. For that reason, Ted said he proposed and endorsed this proposal; the facts state publicly we need to support that.

Joe Connors stated his concern on the need for limited entry. Limiting guides would be the first step, but unless you have a way to limit all other users, the results will be the same as the upper river where there are only 20

guides and they have had over a 300% increase in use. Limiting the guides would be a step towards reducing number of users. It's not a guide only problem; however it is probably the beginning point because you've got control over that.

Bruce King agreed and asked why they wanted the Board of Fish involved.

Ted Wellman commented we need all the support we can get. The Department Fish and Game is looking at limited entry program statewide. It's our general support for the concept. Out of all the Board of Fish proposals, two-thirds of them will not be adopted as written; they will be modified, edited, or changed. The idea is we are looking for a mechanism where all user groups take a little less of the resource to preserve it. We need all the public support we can get.

Jack S. stated this was the reason why the guide academy was created to do something proactive in lieu of some other measure the Board of Fish may entertain. Gary Turner will be doing a presentation to the Board of Fish and we also may be reporting on the guide academy as well. Gary Turner reported all the classes were full until the end of May. There are 19 people on the waiting list. There are three previous guides that will not be able to guide this summer. The Board of Fish will be hearing this in their report.

George agreed the number of users needs to be reduced and this needs to be addressed. If the guides are limited, then the rental boat numbers will go up.

Brenda stated there is a lot of competition on the river. Since the river is a limited resource, then there needs to be some limitation on the users.

Dick stated if the state were successful in limiting guides, then one way or another there will need to be a limit on the number of powerboats. We are close with 700 boats on the lower river.

Ted asked for a vote on proposal 302.

Proposal 302 failed.

**F. Letter to Borough on 50' Ordinance moved from New Business –  
Czarnezki**

Jim stated at the last meeting we voted to send a letter to the borough. We have a good draft of that, which is addressed to the mayor and it addresses our concerns about that ordinance. We are requesting information about how effective it has been, the ordinance is supposed to be reviewed every 2 years, it went into effect in 1996. It was reviewed in 2000, and they added

more streams to the list and not sure if it's been reviewed in the context of how effective it is.

Dick asked who had the drafted letter.

Jim C. stated he drafted the letter and sent a copy to Jack Sinclair and Ted Wellman.

Ted commented the 50 ft habitat protection area is not working. The first thing we should do is find out what the facts are and work with the borough volunteering to help make it more effective.

Jim C. stated one of the issues that came up when talking to the people who review the permits is the way it is written. Typically in an ordinance you have uses that are defined as appropriate or allowable in this 50 ft zone. Then there are conditional uses where you would need a permit for and then you have uses that are not allowed at all. That is not the case in this ordinance; none of these ordinances are written out, but what it does say is the conditional use permit shall not result in significant erosion destruction of wetlands, or riparian habitat or result increase ground water. Another condition is the owner will be deprived a reasonable use of the property without a conditional use permit. The first sentence in the conditional use section in the ordinance says an owner may apply for a conditional use permit to allow activities, which are prohibited, within the habitat protection area. It's contradictory. The conditions stating you do not destroy riparian habitat are being overlooked.

Jim C. added that we should set a deadline for comments.

Curt stated the drafted letter should be emailed out and to see who would respond to it.

Ted stated the deadline for all comments on the drafted letter would be January 17<sup>th</sup>, 2008 and to get those to Jack Sinclair.

#### **IV. NEW BUSINESS**

##### **A. Board Officer Elections**

Curt discussed the procedures for making nominations for board officer elections. The first step would be writing a name on the ballot for president nomination, with all voting members eligible. These names would be placed on the white board and at that point we would allow anyone on the list to remove their name. A re-vote on the remaining names would be done. The top voted would be president as long as they received the majority of the votes, meaning 7 or more votes. If that was not achieved, remove any names with single votes and vote again and repeat that process until a majority is

achieved. The same process could be done to with the remaining names for vice president. People could give themselves the option to remove their names before any voting was taken.

Ted asked if anyone wanted to opt out before the voting process began.

Votes were taken by ballot.

Nominees for President/Vice President were Jim Czarnezki, Gary Knopp, Curt Shuey, Dave Carey, Ted Wellman, Bruce King, and Dick Hahn.

Curt Shuey, Bruce King, and Dick Hahn opted out.

Dave Carey was voted President and Ted Wellman was voted Vice President.

Ted Wellman then turned the meeting over to Dave Carey.

### **B. Reaffirming the Board's Mission – Dick Hahn**

Dick gave a handout to members of the board titled Peninsula River Priorities and Rationale. The letter to the Board of Fish does not lobby for the two proposals; it lobbies for priorities in our watershed. There is one mistake in priority 2, where it reads “Conversely about 95% of peninsula’s rivers”, it should say the words “peninsula salmon rivers”. If we had a broader voice in the community, it should focus on what sustains the community’s economy. The reason habitat is priority one, is because healthy habitats provide healthy fisheries. Priority two speaks to the river fisheries. Priority three is all the rivers users and uses.

Dave C. asked if Dick was moving toward a motion.

Dick stated yes. The motion is can we adopt this formally in this group?

Dave Carey asked if there was a motion to pass the Peninsula River Priorities and Rationale items.

There was no motion.

Brenda asked if this could be brought to the table next meeting.

Dave C. stated that it could be brought up.

## **V. ACTION ITEMS**

No action items.

## **VI. PUBLIC COMMENT**

Adam Reimer stated he would attend all KRSMA meetings this winter and liked the idea of limiting numbers on the river. Suggested that maybe the use part of the river needs to be addressed first.

## **VII. ADJOURNMENT**

### **A. Board Comments**

Tim Stevens commented the department is still working on its water body recovery plan and it will probably be incorporated in the integrated report that will go out to public comment later this month.

Joe Connors stated he was asked by Steve McClure to be put on committee number 5.

George Heim asked about committees, appointing committee chairman and meeting times.

Dave C. stated he was not prepared to make a decision on the committees at this time.

Jack S. asked Tim Stevens about DEC budget for water quality studies for the next coming budget year and how it is looking for funding.

Tim S. said they were looking at approximately \$300,000.

Jack S. asked if that amount was sufficient for what they need to do.

Tim S. stated he thought it would be sufficient and they would be looking at two issues: hydrocarbons and turbidity.

Jack S. said he hoped the board would look into supporting DEC's budget and help let the legislature and governor know we support that.

Jack S. mentioned in reference to Dick Hahn's statement, in the plan book Enabling Legislation, which states the rivers fisheries and wildlife are its most important resources. The highest priority uses of the river and its adjacent lands derived from its fishery and wildlife resources which must be protected and preserved to ensure their renew ability and continued usefulness.

Ted Wellman thanked James King for attending the meeting. In respect to the committee assignments, he requested the president consider we may need to reach out further and involve the public.

Bruce King added to what Adam Reimer and Dick Hahn said because it seemed like they were talking about the vision. What do we want this river to look like 10 to 20 years down the road? When we met to look at the comprehensive plan, we agreed the plan was still good. Maybe what the plan needs is a section on the vision, something to guide us when we are discussing these issues. Maybe the public might need to be involved, how we set our vision for the next 20 years. We need a vision as a group.

Jim C. stated the meeting for KWF presentation was scheduled for 8:00-11:30 am.

Curt thanked the group for being willing to entertain new ways of doing things with the election.

Gary K. congratulated Dave Carey and Ted Wellman. Expressed concern about Castaway Cove and its development. Stated there were two conditional use permits written for Castaway Cove and the covenants state there should be no water, no sewer and no permanent structures other than boathouses and docks.

Dave Carey stated the committees would be the major workhorse of the board. Committees are of the board; the board can decide if there will be non-board members on committees. The primary work should be done through committees; those committees then report to the board. It is the hope to have the tentative agenda a week before the KRSMA meeting.

**B. Date/Agenda of Next Meeting February 14, 2008 5:30 p.m.**