

**Kenai River Special Management
Area Advisory Board**

Thursday, March 9, 2006

5:30 p.m.

Kenai River Center

I. CALL TO ORDER

A. Roll Call

Members Presents: Joe Connors, Ted Wellman, Brenda Trefon, Ted Forsi, Richard Dykema, Ken Lancaster, Jeff King, Keith Kornelis, Deb Cooper, Tom Vania, Jack Sinclair, Tim Stevens and Rick Wood.

Members Absent: Floyd Heimbuch, Richard Hahn, Pete Sprague and Robin West.

B. Approval of 01/12/05 minutes

A correction on the board comments was change from Ted Forsi to Ted Wellman on page 5.

The minutes were approved as corrected.

C. Agenda Changes and Approval

Approved as Presented

II. PUBLIC COMMENT

Herman Fandel, a Kenai River guide read a letter in favor of raising the horsepower from 35 to 50 on the Kenai River. He personally believes that a 20 foot boat with a 35 hp plows through the water; it does not get completely on step with a full load of 4 people on board, fuel, fish and himself. This causes a big wake that is disturbing to the bank, other boats and people along the shore. Herman highly recommends that we give the 50hp a try even if it is for a little while. He believes that larger boats should be able to run 50 horsepower but the smaller boats are only allowed to run 35 hp.

Dave Richard, a Kenai River guide is in favor of raising the horsepower from 35 to 50 on the Kenai River. In order for us to have an adequate boat for all of our stuff, safety gear and for our clients to be comfortable and I would really like to run a 50hp on the Kenai River this year.

Joe Hanes, a Kenai River guide for 25 plus years. I am in favor of the horsepower change. A couple points I think part of the problem we have been battling this problem since the 80's when the coast guard recommended the 50 horsepower. Bix Spawning was at the board of fish and that how the 35 went through, Bix had 35 on his boat. When you have a situation that has been going on for 20 years and this much keeps coming up and up and up. We spend a quarter of a million dollars on a study, it clearly shows that the energy of a boat wake could be cut in half on the Kenai River. I don't understand if boat wakes are good or bad or if a horsepower increase is good and bad. Raise the hp power but put a size limit on the boats, make them no more then 21 feet. It a very simple deal and it is obvious that we need to change the hp. I feel that Kenai River ranger in 2005 really stepped up and could do more then checking boat motors everyday. Enforcement has more important things to do. Of all the wrecks I have seen on the Kenai River is someone coming out of the hole and running over another boat. This is because you are unable to see. This increase is long over due and it is not a guide issue, I think it a river issue and if we concentrate on what is the best thing to do on the Kenai River and spend that much money on a study, we should change the horsepower.

Paul Shadura has been keep very close track of what has been happening with the mixing zones. Paul brought the attention to the board that we have a MOU that was last amended on January 26, 2006. Paul commented that the second to last paragraph on page 7 is contradictory and needs some explanation.

Mel Erickson, a Kenai River guide for 18 years supports the increase of horsepower to 50. It long overdue and it seems like the best data available points to the raising of the 50 and they will operate better and when we went to 35 we had no data and it was a shot in the dark. It pretty obvious that in the last few years there has been quit a few tickets written for guides and public for having the wrong engine. If people are cheating like that it is for only one reason it because their boats are under powered for the type of boat they are running. Enforcement cannot tell if you are illegal or not without pulling the cowling. Boats are not able to get on step and cannot see over the front of the boat with a 35, causing accidents. I would like to see the increase as soon as possible, this year would be great.

Ron is in favor of raising the horsepower to 50 on the Kenai River with the exception of not limiting smaller boats to 35. This is simply because of the fact of enforcing that. I think it is a safety issue, all manufacture build a 50 horsepower and no one builds a 35, which bring up the question of legality and the EPA detuning, which I believe we are breaking federal law to meet local law by detuning. A 50 horsepower creates a safer environment, because accidents I have seen is cause by the bow being in the air, you're not able to see over the bow. Enforcing 35 horsepower, obviously those resources could be use better use then pulling cowling off especially with all the methods of detuning outboards.

Ricky Geese first talk representing as the director of the Kenai Sport Fishing Association. The organization would like to see it that it is standardize at 50 horsepower on the Kenai River, it believe that for the manufacturing it is the right spot to go to. From the information that we have seen so for from the studies it does show that if you do allow the boats that are common on the river to get up on step it is helpful in reducing the energy of the boat wakes. We have also heard concerns of safety issues that have been mentioned before. The organization has assisted in getting a law enforcement ranger on the Kenai River and in a certain sense what do we want the law enforcement to do. Are we concerned about the engines being checked or is the main concern in enforcement is that people are following the fishing regulations. The more this issue drags on I don't think we are focusing on what are law enforcement should be doing out on the Kenai river.

On a personal note keep your regulations simple, and just put it at 50 and put a cap on the weight or length is something you should explore.

Dwight Kramer is in favor of raising the horsepower limit to 50 on The Kenai River but does not agree that boats below 21 feet will be regulated to run only 35 horsepower. The length of your boat should not restrict the horsepower of the motor.

Mike Crawford, I am not a guide and I have a 21.5 foot boat. It performs better with a 50 than a 35, it create a smaller wake. There is only a 3 to 4 mph difference between a 35 and a 50. Make the motor a manufacture 50 and include 50 in the serial number. Enforcement then could focus on fishing regulation and safety matters. If a boat length of 21 is put into regulation and you already own a boat larger than 21ft it should be grandfathered in until 2010.

Greg Brush a Kenai River Guide for 17 years. Make 2 short points, I run a 20.5ft predator like many others out on the river, to be honest with you my boat motor would pass inspection it was checked last year. It is one of the faster boats on the river. I have installed a custom prop and use synthetic motor oil plus added an 800 dollar transom lift on the back. My point is that I have gone through all this trouble and spent all this money to get more performance so that my bow will sit down so I can get on plane. This is a safety issue. The difference between 27 mph and 25 mph or what ever the numbers are is minimal. It is about getting up on plane, getting you bow down and being able to see so you don't have a collision during the busy time of your. The second point I would like to make is I contacted some friends of mine in the community and they were unable to make this meeting. I would like the board to know that the guides are not the only ones that want the increase. As for boat length, I feel we need a cap on the limit. Most boats are 20.5 and then they go to 23.

Jerry Strieby has been a Kenai River Guide for 13 years. A 20.5ft boat length is the break off for Fishrites. I run a 50 detuned to a 35 and it takes some effort to get it on step. When thinking back on the 13 years on the Kenai River I know of 3 guides and a few private citizens that have boats over 21ft. length. Enforcement problems would decrease if we go to the straight 50 horsepower. I know when my motor is running perfect, my prop is working we get on step it still takes a lot of effort with a 35. When the bow goes up you are unable to see if front of you. I encourage you as a board to really look at this, it is a no brainier.

III. NEW BUSINESS

A. Guide Academy Developments-Bill Berkhahn

Was we may all know the state adopted a majority of the regulation that were recommended by the Kenai River working group. One of those was the Kenai River Guide Academy. I am happy to announce that we are on track, if not ahead of schedule on getting this academy on its way. It is require of all Kenai River guides starting in 2007. A final draft of the curriculum has been completed. Two classes are being offered this spring, one starting March 20 and the second one on April 24th. The classes will start at 8 a.m. Monday and run through Friday when the final exam will be

given. We have instructors from the college, Fish and Game, Parks and master guides covering an array of subjects. We all on the board all feel it is a fine package. This course will provide the necessary information that the working group wanted of our new guide. Classes in 2007 will be offered February, March and April. Information for the class is available through college, the guide association or parks. The cost of the course is \$206.00 and it is for 3 continuing education credits.

B. ADF & G Log Books- Tom Vania

Updates on logbook. The commissioner of Fish and Game change the reporting procedure for catch in logbooks. In both the salt water and fresh water logbooks the operators will have to log the fishing license number of each angler on board the vessel. The catch of each client will also be place in the book. This is to be able to do follow up surveys with each of the client to compare what the operator is reporting. Enforcement of the logbook will be increased. Logbook needs to be filled out prior to releasing fish to the client at the dock and reports need to be mailed in every 2 weeks. You are subject to violation for being late. Fresh water logbooks are not expected to be ready until late April.

IV. OLD BUSINESS

A. Boat Wake Study Report-Jack Sinclair

The boat wake study report has been delayed and there is no confirm date of when the report may be completed.

B. Horsepower Discussion and clarification-Joe Connors

Start the by relating to the major effort that has gone on for the last couple of years relative to determining current information about 50 horsepower motors and all the data out there. Keep in mind that we have a working group here just a couple of months ago, many of the local dealers who sell motors came in a talk to us about meeting EPA standards and terms of which motors are the most efficient and how well they perform. We have had an official list of talking points out that have been before us for a few months, everyone has been ask to provide input to that, there has been input and the list has been modified. There has been quit the exchange of e-mails recently with members of KRSMA board, we have tried to incorporate those into the

discussion. The commercial user committee which is a committee of the KRSMA board has over the past year on many occasions has extension studies and taken a position on the 50 horsepower situation. I have a proposal to bring before this board at this time that comes from the commercial users committee that has been unanimously been endorsed as of today. I would like to make the proposal as a motion if this is appropriate. Then we can go from there, since we met Ted Wellman as brought 1 or 2 additions that we might want to include should the body decide this is the direction we would like to go.

Ken stated that this would only be a recommendation to forward. Joe said yes.

The Motion reads:

It is recommended that the Department of Natural Resources amend their regulations to set the horsepower limitation for the Kenai River to 50 horsepower. This amended regulation is to effect in the year 2007. (This is due to the public process required to make the change). The following additional points should be included in this amended regulation:

1. 50 horsepower motors will have the numerical 50 incorporated in the model and serial number. This is the current practice of all outboard motors. Thus no detuning is allows.
2. Boat length will be limited to 21 feet.
3. Current boats of longer length will be grandfather in. This provision will sunset in 2010.
4. All motors must meet 2006 EPA compliance.
5. Education will be provided on boating behavior for all users.

Ted added that all boats utilizing the Kenai River must be registered with Kenai Parks.

Joe made the motion and Ted Wellman seconds it.

The motion is now open for discussion;
Ted I think it is a responsible thing to do. The big concerns I have had all along is the fact that we have a lot of people out on the river with detuned motors that are really not detuned. We don't want to spawn the ideal opportunity to have a

bunch of bigger boats running out there. Ted moves to amend is the fact if everyone remembers the boat wake study there were several factors that were key at the amount of boat wake the generated, horsepower was one that improve it, weight was another and the hull design was final. The Kofler 20 footer carrying the same load as the Willy Predator but puts out much less wake because it had a flat bottom. Ted proposal would be to grandfather in anyone that has a Willy Predator on the river now, but all new boats being registered would have a flat bottom not semi v.

It was Joe assumption that we would proceed with the motion on the first 5 points and then the 6 point we would discuss and try and amend the motion and then also with the 7th.

Ted proposal would be new boats that have not been registered before would require to be flat bottom.

Tom Vania asked if that was regardless of horsepower. Ted said they rated the boats at the 50 and 30 and it was pretty much the same in each added a more dramatic increase with the 50 horsepower but the flat bottom boat was much less wake then the semi-v. This was proven with both the 35 and 50 horsepower the flat bottom put out fewer wakes.

Ken asked if that was an amendment .

Joe suggested we should deal with the original motion and then have a discussion on each of these points, point-by-point.

So Joe stated that what is before us is the motion that has been made and seconded.

Ted Forsi asked if the last would be all boats used on the Kenai River need to be registered with parks.

Joe said no the first 5 given came from the commercial user committee. We have 2 more proposals that could be added as amendments after the discussion of the motion is completed.

Rick said in the motion you mentioned 21 foot but you do not mention anything about the width? Joe said that is

correct. Rick wonder if that would eventually discussed or does that mean you could run a 9 foot beam, 21 ft long in the river? Joe, said certainly in our discussion in committee we have handle this. We have discussed this for several months now and we found that there are some proposals we could not figure out how to make it work in regulation. Basically the width of the boat was not an issue.

Ted Forsi asked if weight was discussed in these meetings. Joe said yes, this is all in the boat wake and in all the data before us. Ted asked if the weight was discussed today and Joe said no. Ted said that is a big factor. Joe commented, absolutely, but the concern is if you are considering disenfranchises that you can't have a Willy boat, you are going to go into a whole different area where you are going to get sued and your whole effort will get defeated. We tried to take something and make it as simple as possible, so it would not have these obstructions as we moved down the way. This is with a lot of guidance from different agency telling us to keep it simple and don't have to much out there that you can't put your finger on and make the discussion constantly comes up with the same answer.

Tom stated that the more complex the regulation gets the more you get back to the enforcement of it. When you add more factors that need to be met then law enforcement will need to be checking for. I think we are just looking for the biggest bang for you buck that can do the most for the river and be very simple. The question I have for Joe is that in 2007 all motors have to be 2006 compliant. It seems to me that you're public are going to be hit be pretty hard with that regulation. Tom suggested that maybe for that you would want to give them more time to be in compliant.

Brenda agreed that this will be a hardship on the public and there is the option using the motor buy back program to upgrade their motors.

Jack clarified that he thought the motion only covered only any 50 horsepower motor being but on the river needs to be 2006 compliant. That did not mean all motors being put on the river. This also covered public as well as guides.

Ken asked about the education part. You commented all users? How is that going to work. This comes about

because the Ted felt we needed to start looking at other users. Ken feels it is appropriate I just don't know how it is going to work.

Tim asked for clarification on the raising from 35 to 50 horsepower and the amount of fuel being used. With larger engines using more fuel would raise the water standard emission. That in order for DEC to be on board with this recommendation the 2006 compliant component along with the 50 horsepower.

So Joe then went through each component to discuss.

Ted said in my view that if we are going to go to 50 horsepower there are a few other things that need to come with it. Boat limitation, size and those kinds of things, I don't now how we go through this procedurally, may be just discussed each item. But the ideal of the training does not belong in here because it is too hard to implement.

Deb Cooper was wondering that with the interest of time can we note that we have some consensus on the first point with respect with other points will go through in the future. Somehow move this along. We have some concession assuming that go along with other points. I don't feel we will be able to vote on each point separately.

Brenda added that if we are going to talk about some consensus, to keep with the understanding that when the results of the second boat wake study come out that if something comes up that was unexpected or unforeseen that we will have to revisit it in discussions.

Keith stated that there is still a perception out there that the public has that if you increase this to 50 you will increase the wakes and increase the problems. I suggested a few meetings back that we have a fact sheet and the fact sheet should have all the pros as to why we should go up to the 50 horsepower. I represent the city of Kenai and our council and would like to have the time to go back to the council either a resolution or a fact sheet before voting. Joe commented there is a fact sheet available. Keith would like to have the time to see a fact sheet and a resolution and study this a little longer before voting.

Joe commented that this is just a recommendation before this will proceed into regulation.

Ken said procedurally because no one has seen you motion and we have 2 more meeting and this won't occur until 2007. It was suggested that we postpone this motion until the next meeting, so that everyone on the board may be able to do more research.

Jeff feels we will not get anymore science we will be able to get.

Tom felt that some of the problems were cause by 2 stroke engines and the hydro-carbons in the water. The motor buy-back will help to address this issue.

Keith felt that the procedure of how this recommendation was being handled was not appropriate.

Ted was wondering if there was a reason why they could not wait until next meeting. This is not going to happen until next year anyway.

Joe said the only down side I see is that we have so many people here today. This is a major turn-out, not only with the public but with the board, we failed to make a quorum recently. This is a great opportunity.

Ted Forsi agreed that we need to proceed forward and get the process started.

Keith wanted to make a motion to table this until next meeting.

A role call vote was taken and it was 7 no and 2 yes.
So the motion carried.

Keith wanted to here the motion again

Joe stated:

It is recommended that the Department of Natural Resources amend their regulations to set the horsepower limitation for the Kenai River to 50 horsepower. This amended regulation is to effect in the year 2007. (This is due to the public process required to make the change). The

following additional points should be included in this amended regulation:

1. 50 horsepower motors will have the numerical 50 incorporated in the model and serial number. This is the current practice of all outboard motors. Thus no detuning is allowed.
2. Boat length will be limited to 21 feet.
3. Current boats of longer length will be grandfathered in. This provision will sunset in 2010.
4. All 50 horsepower motors must meet 2006 compliant.
5. Encourage parks to develop an educational program for all boaters

Ted would move to change 5 to say make it advisory to encourage parks to develop an education program for all boaters.

Joe accepted the friendly amendment.

Ted would like to make an amendment that all existing semi v boats be grandfathered in, but all new boats be flat bottom boats..

No second

Amendment failed.

Joe called the question on the recommendation:

After roll call there was

7 yes and 2 abstained.

The motion carried.

It was requested a copy of the motion for the board.

C. Guide Advisory Committee Formation-Joe Connors

Yes again this is another matter that the commercial user committee has been dealing with. The formation was presented to the board 2 meetings ago asking for input. A mission statement is being developed and other information in regards to the committee is on a sheet that was given to you tonight. The vision for the committee is we are a sub-committee of the KRSMA board and we will report back to the board, but on occasion when we are dealing with a personal matter, that recommendation will have to have

confidential, We will make a recommendation to parks and then parks will have ultimately responsible party. The document before you explains the make up of the board, terms and how the process of obtaining members will occur. The vision is to start this process this summer for board members, so that the people that are coming in community will know that the position are available. The process of an application will be through parks , which will then rank them passed the recommendation on to commercial user committee and then brought to the KRSMA board for a final decision.

D. Regulation Update-Jack Sinclair

Jack passed out a copy of the regulation package that has been signed by the Lieutenant Governor and will become in effect on March 14, 2006. Some of the highlighted changes are increase in fees, must be 18 years of age, non-power boat operators need to provide a negative test before receiving there permit, attend an approve guide academy course presented by the college and no felony or misdemeanor in the last 5 years will not be permitted.

E. Buy Back Updates-Brenda Trefon

Brenda had a brochure that was passed around to members of the board outlining the buy-back program. It was a fact sheet about the program and was about to go to print. Some of the guideline list that there are 200 vouchers available at 500 dollars each. Some dealer or manufacture may offer added incentives as to matching voucher. The brochure lists the guidelines for turning in old motors and the purchase of new motors. Please review the brochure and if you have any suggestion please get them to Brenda as soon as possible. Brenda right now has a list of 30 people interested in the program.

F. Mixing Zone Regulations-Tim Steven

I don't have a lot to say I know it was passed and signed and it is in effect as of March 9, 2006. There are no new mixing zones for the Kenai River. This is the DEC packet that went forth, lessening the requirements. Joe stated he disapproved of this packet that was signed.

V. PUBLIC COMMENT

Mel Erickson asked if there was consideration for guides that may have an emergency and hire someone in mid-season and they are unable to take the college course. Joe said that it has not been addresses. Jack stated that there is the possibility that this may be offered in other areas of the state or even possible by video.

Dwight Kramer stated that information on propose regulation changes should be available for the board members and the public to view before the meeting. This would give time for all interested parties a chance to respond.

Paul Shadura noted that the mixing zone package that has been approved is reviewed on a yearly basis. If you would like to see changes to the document they should be submitted through the MOU process.

VI. ADJOURNMENT

A. Board Comments

Jeff thank Brenda for the work on the motor but back committee.

Keith commented that Copper River seafood would be running the city dock again for the 2006 season. Also 2 new ramps will be installed in time for the 2006 dip net season. The new Kenai City Manager is Rick Kook.

Jack talked about the Kasilof river boat launch restoration meeting will be held on March 14 at the CIA from 7 to 9 PM.

B. Date/Agenda of Next Meeting **April 13, 2006**