

**Kenai River Special Management Area
Advisory Board Meeting Minutes
Cook Inlet Aquaculture Center
Thursday, March 10, 2011, 5:30 p.m.**

I. Call to Order

- A. Members Present:** Joe Connors, Brenda Trefon, Carol Padgett, George Heim, Grant Watts, James Czarnezki, Bruce King, Terri Carter, David Carey, Kevin Lyon, Janet Schmidt, Andy Loranger, Bobbie Jo Skibo, Robert Begich, Jack Sinclair, and Tim Stevens.
- B. The Minutes** for February 10, 2011 were approved as written.
- C. Agenda Changes and Approval:** Jim Czarnezki added item A to new business.

II. Public Comments/Presentations

Cynthia Smith from Kasilof commented regarding the appropriation of funding for the Kasilof boat haul out. Would like to keep up with any meetings involving the potential takeout; they live in the Trujillo neighborhood, which is one of the targeted areas. We are hoping that there will be more serious considerations on the Coho side because of all the commercial traffic, dip netters, and fish processing traffic. We were given two other potential sites, one on Ledoux and St. Elias, we were wondering how seriously those sites were being considered. Our community is going to be going vastly against the Trujillo side.

Jack Sinclair stated the capital request still has not been approved by the legislature and signed by the governor, so until those funds are released the process won't take off on its own yet. We are going to let a contractor help us develop the criteria based on the study from 2008, where we learned 2 things distinctly. First, that there was a lot of concern for the subdivisions and that the area needed to be far enough down incase there was any kind of conflict with traffic. Those will be formalized through a request for proposal process and through selection of an engineering firm to help us do that study.

Ben Ellis, Director of State Parks, commented that we are committed to working with communities; we are looking for a difference between the 2008 study and what we are looking at now is a drift boat retrieval site. We are looking at general fund proposal that would focus again strictly on a drift boat haul out. The process for the studies would be that we will set criteria for what we are looking for and then property owners that are interested would be contacted; we are not going out and seeking property owners. There are property owners interested that may be interested and some have contacted us already. Based on the criteria the study would create, we would start weeding out the various properties. One strong criteria is how it affects the community and where it is in relationship to the population base. We will make sure that the public is involved in the process.

John Mohorcich, Kenai Peninsula Borough, gave an update on 21.18 Kenai Peninsula Borough Habitat Ordinance Process. John provided a handout with the accomplishments for the Phase I and Phase II of 21.18 Review.

Phase I straightforward accomplishments were as follows:

Findings; expanded our code to provide both staff and the Planning Commission guidance in developing sound findings for Conditional Use Permits and Variances.

Revised application language that would allow staff access to enter the applicants property. It appears that our legal council is going to include this in our compliance section and we are also going to include it in our permit.

Periodic Review 21.18.030: revised so that a "report" of activity is given annually and that a "comprehensive review" is conducted every 5 years. Defined what the review should consist of.

Removed 21.18.035; Watershed District section.

Removed 21.18.050 Floodplain Restrictions; made fuel tanks a prohibited use with the HPA.

Revised 21.18.070: height requirement & light requirements to allow construction methods in the field.

Revised 21.18.070: defined size requirements and other standards for fish cleaning stations.

Added a section to allow variance applications.

Phase I more complex accomplishments were as follows:

21.18.010 Purpose Statement was revised.

Refined and defined the list of prohibited, allowed, conditional and variance uses.

Re-titled 21.18.070: activities requiring a permit.

Re-visited 21.18.070(B)(3)- in this section, the borough abdicates its ability to regulate activities that the state and feds regulate.

Re-visited 21.18.072: limited commercial section.

Revised 21.18.135: emergency exemption section.

Added to & revised 21.18.140 definition section.

Phase I complex accomplishments were as follows:

Revision of 21.18.080: conditional use permits

Phase I items not accomplished were as follows:

Revise 21.18.040: 60 degree cut bank requirement was moved to Phase II process.

Add to 21.18.110: require a reporting schedule for violations was moved to compliance section.

Revision of 21.18.090: prior existing activities, we are still working on this.

New sections to consider; back lot access to rivers; mitigation; estuaries, density, lighting; storm water management.

Phase II objectives are to review/revise 50 foot protection width, enforcement of violations, expansion of 21.18 to additional rivers, revising subdivision, floodplain, and road code.

Items revised on March 4, 2011 were:

Prior-existing/grandfather code

Enforcement code revisions – support legal dept in their efforts

Braided/alluvial streams

Setbacks associated with steep slopes

Size of the buffer area

Adding minimum lot size, minimum frontage requirements, etc. to the subdivision code – support planning department efforts

III. Reports

A. Agency and Government Reports

- a. **State Parks–Director, Ben Ellis**, stated the commissioner will be attending one of the KRSMA meetings. This is the only board in state parks that the commissioner makes the appointments. We have one board in Southeast Alaska, the Chilkat Bald Eagle Preserve, which the Governor makes the appointments. He has previously served on the KRSMA board in the mid 1990's and had the opportunity to chair the board for a couple of years. The commissioner, Dan Sullivan wants his directors to get out and meet with the public, whether they are advisory boards or interest groups, to listen, to work collaboratively and cooperatively with neighborhood associations and homeowner associations. We have 60 million dollars of deferred maintenance for state parks to decide how to use.

Jack Sinclair, the Bings Landing proposal is moving through the legislature. One of the new developments is that we are going to be revising the Kenai River brochure. There will be a new state park wide brochure coming out in the next month. We will be asking the board for their input on the new Kenai River brochure. We have some new staff, not specific to the Kenai River; we have a new maintenance person, his name is Levi Superman. We also have hired a new Valdez ranger, Travis Russell, originally from Fairbanks; he has worked at Kodiak, on Shuyak Island as a technician for state parks.

- b. **DEC, Tim Stevens**, DEC received two grants during the Alaska Clean Water Action grant solicitation that applied to the Kenai River. The selection committee is meeting this week to select of the 24 grants as many as we can under the funding we have. We don't know if the 2 applications have received funding at this time. We have received grants to continue the Kenai River beach sampling from the City of Kenai for the bacteria issues that were found last year. We also received a grant application to continue the hydrocarbon testing that has been on going, the twice annual monitoring of the watershed. We will know more next meeting as to whether those two grants received funding or not. Regarding the turbidity study, the state and the contractor are still going through the data, trying to cue away the data, there was a lot of data to start with, over 100,000 data points; a lot of data to crunch and do quality assurance on. Once that is done, we will be looking at it and evaluating the data against the water quality standards.
- c. **ADF&G, Robert Begich**, we just finished our Upper Cook Inlet Board of Fish meeting on Saturday evening. Quickly summarized the 4 regulation changes for the Kenai River drainage for the freshwater sport fishery. The first regulation change was Coho salmon 16 inches or longer in total length that is removed from the water, must be retained and become part of the bag limit. The area up at the Russian River ferry, from the ferry crossing cable down to the power lines was a bag limit and possession of 2 Coho salmon and when you got above the ferry crossing into the remaining Russian River to the top end of the sanctuary it was a bag limit of 1 Coho salmon. The regulation for the whole sanctuary now is 1 Coho Salmon per day and in possession from the top of the sanctuary to the power lines. The third regulation change was on drift boat Mondays during May, June and July, the definition of a drift boat or motorized vessel was changed downstream of the Soldotna Bridge you are now allowed to have one single motor on board that is less than 10 horsepower and that may only be used when fishing has ceased for the day and can only be used downstream of Cunningham Park to exit the fishery. The last regulation change was near Eagle Rock, where fishing from a vessel is prohibited while back trolling.
- d. **USF&WS, Janet Schmidt**, busy hiring campground hosts which will be here in May. People have discovered that we have public use cabins, use is definitely rising. Starting on December 1st we will be on the national reservation system, so we will be on recreation.gov. We are getting very involved in the Kenai Bird Festival. The economics of birding are significant and the Kenai Bird Festival happens May 19-22nd this year.
- e. **USFS/Chugach, Bobbi Jo Kolodziejski**, the interagency public process will be on April 18 and is a very collaborative meeting; we want people to actively participate in the meeting and talk about some of the things they are noticing up there and also some of the management strategies or ideas they might have. The interagency coordination group will be hosting public meetings as part of the public process for planning how to manage and reduce potential for negative human bear interactions at the Russian River area. Those meetings will be held the week of April 18th, 2011; The first one will be in Cooper Landing on Monday, April 18th, 2011 in the evening, then Soldotna on Tuesday, Wasilla on Wednesday, and Anchorage on Thursday. Topics like fish waste management are at the top of the list, night time closures, area closures, regulations, hazing, if you have a topic related to human/bear conflicts that you want to have highlighted and discussed that is where you want to bring it. Jan Caulfield is going to be the facilitator for that process. She is going to be putting individual emails on a distribution list to be able to

let folks know about project mile stones and up coming meetings. We are going to have fall meetings as well after the season. Over the last year, with stream watch and the expansion of our volunteerism, we submitted a grant with the Kenai Watershed Forum for \$89,000 and some change last year and we received it. Thanked everyone that sent a letter in support of this. Beyond the Russian River, we are going to be looking at State Park Lands, City of Kenai, City of Soldotna, and Refuge lands. March 30th, we are having a meeting as a planning group to start talking about implementing that 2011 season. We will be talking about a long term strategy on how to fund a river wide stream watch program probably designed like the MOU in the baseline water quality monitoring potentially.

- f. **City of Kenai, Kevin Lyon**, getting ready for new personal use fishery this year. The material is arriving for all the new permanent outhouses located on the beach. We are working with U.S. Fish and Wildlife for some additional funding for getting the Meeks trail bridge replaced, hopefully we will still get this done while there is still snow on the ground. An item that came from the river study; the harbor commission recommended to city council on a cooperative agreement to try to get a lower river drift-boat pull out. I know we have resolved a little bit of the issue by getting the motors on there so we can get to that area. We have a couple of sites and we will be looking at it. That is to go to council; Brian Gabriel sits on the harbor commission and has this as a discussion item for the March 16th meeting.
- g. **City of Soldotna, Peter Micciche**, was not present.
- h. **Kenai Peninsula Borough, David Carey**, attended first Board of Fish meeting; the reports that were provided by staff were excellent. Pleased we had our second meeting with US Forest Service regarding funds for a safe school; we went through the projects and still had money left. As a result of this, we are going to have a second round of requests for projects. So we need more projects, Bobbie Jo is the contact person for more ideas. The assembly did approve a grant fund for the turbidity study II, which was a direct pass through to the Kenai Watershed Forum.

B. Committee Reports

- a. **President's Report**, happy to see that we full contingent of members. Encouraged newest board member to participate in committees.
- b. **Guide Advisory, Joe Connors**, had great attendance and full agenda. We are trying to work out some concerns about enforcement objectives on the Kenai River and trying to work out concerns about interagency dealings and starting conversions with some issues in the middle river. So we are making progress. We did have the new director met with the committee and make a presentation and hear some concerns by members of the board.
- c. **Habitat, Bruce King**, encouraged other committees if there are habitat increments to items they are working on, please let them know so they can be part of the discussion.
- d. **River Use, Carol Padgett**, met today and talked some areas on their area focus list. The three areas they talked about were Bing's Landing Parking, camping and human waste removal, and crowding/perceived crowding. On the Bing's Landing parking, we are evaluating some suggestions on parking changes because of the parking issues. It seems to be that the minimal parking spaces are in that mid-August/September timeframe and trying to allow more boats and trailers to have access to the park. We had some suggestions about limiting that main parking area and Jack Sinclair is going to review some of those with his organization and come back and let us know what issues we might be missing. So our goal is to try to have some plan back to this group in the next meeting or so. So we could have this approved by May and have it implemented this year. Talked a bit about camping, enforcement, restrictions possibly and human waste removal. We are just going to have a work session on this in the next month or so. Crowding and Perceived crowding, this is definitely a long term issue.
- e. **Permits**, did not meet. Jim Czarnezki gave an update on the Conditional Use Permit the KRSMA board commented on at the last meeting. The planning commission approved the permit for 20 ft of elevated light penetrating walkway.
- f. **Legislative/Government Activities**, nothing to report.
- g. **Board Development**, nothing to report.
- h. **Agenda/Board Structure/Housekeeping**, nothing to report.

IV. Old Business

V. New Business

- A. Letter to Planning Commission** – Sent out an email with a draft for 21.18 proposed ordinance on prior existing uses to the planning commission.

James Czarnecki made the motion to write a letter to the planning commission in supporting the staff's recommendation and specifically point out that we want the language in section C1 included, so that it will point out it has to be a natural cause event that allows them to rebuild.

Dave Carey seconded.

Kevin Lyon asked that the word "Primary" be added under section C page #2 to read "Primary Structures".

David Carey moved unanimous consent.

Bruce King objected.

Vote was taken to accept as written with the one change being to add the word "Primary" under C page #2.

8 in favor
1 opposed
1 abstained

VI. Correspondence - none

VII. Public Comment

VIII. Adjournment

A. Board Comments

Jack Sinclair stated State Parks will have a booth at the Kenai River Festival this year.

B. Date/Agenda of Next Meeting April 14, 2011 at 5:30 p.m.